

HOUSE No. 1305

By Mr. Quinn of Boston, petition of John J. Connelly, Robert H. Quinn, Alfred R. Voke and another relative to citing for contempt parents or guardians who fail to carry out orders of payment for support of certain children, establishing the liability of parents or guardians for injuries caused by children and penalizing said parents or guardians for contributing to the delinquency of a child. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Eight.

AN ACT PROVIDING THAT A PARENT OR GUARDIAN FAILING TO CARRY OUT A COURT ORDER FOR PAYMENT FOR THE SUPPORT OF CERTAIN CHILDREN COMMITTED TO THE DEPARTMENT OF PUBLIC WELFARE AND CERTAIN CORRECTIONAL INSTITUTIONS MAY BE ADJUDGED IN CONTEMPT; PROVIDING FOR CIVIL LIABILITY OF CERTAIN PARENTS OR GUARDIANS FOR INJURIES CAUSED BY CHILDREN; AND INCREASING THE PENALTY WHICH MAY BE IMPOSED ON A PARENT OR GUARDIAN AIDING IN THE DELINQUENCY OF A CHILD.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 58 of chapter 119 of the General Laws,
2 as most recently amended by chapter 385 of the acts of 1948, is
3 hereby further amended by adding at the end thereof the follow-
4 ing sentence:— Where the parent, guardian or other person
5 fails to carry out the order of payment the court, on petition by
6 the person or agency agreed, after notice, may cite such parent,
7 guardian or other person for contempt of the court's order, and
8 after a hearing of the contempt citation may sentence the parent,
9 guardian or other person to imprisonment until the order is
10 complied with, but not for more than one year.

1 SECTION 2. Said chapter 119 is hereby further amended by
2 inserting after section 62 the following section:—

3 *Section 62A.* If, as provided for in section sixty-two, the
4 court determines that restitution or reparation should be made
5 to the injured party, and the court finds that the parents, guard-
6 ian or other person having a duty to care for said child have wil-
7 fully failed in their duty to provide the necessary and proper
8 physical, educational or moral care and discipline, then the
9 court may order that the parents, guardian or other responsible
10 person make restitution or reparation to the injured person to
11 such an extent and in such sums as the court may determine.
12 No order for the payment of money shall be entered until the
13 parents, guardian or other responsible person by whom pay-
14 ments are to be made shall have been summonsed before the
15 court and given an opportunity to be heard. If the payment is
16 not made at once, it shall be made through the probation officer
17 who shall give a receipt therefor, keep a record of payment, pay
18 the money to said injured person, and keep on file his receipt
19 therefor.

1 SECTION 3. Section 63 of said chapter 119, as appearing in
2 section 1 of chapter 95 of the acts of 1932, is hereby amended by
3 striking out, in lines 6 and 7, the words "fifty dollars or by im-
4 prisonment for not more than six months" and inserting in
5 place thereof the words: — five hundred dollars or by imprison-
6 ment of not more than one year or both.