

By Mr. Flaherty of Boston, petition of Michael F. Flaherty relative to the attachment of an absent parent's property to satisfy his/her support obligations. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT FOR THE ATTACHMENT OF AN ABSENT PARENT'S PROPERTY TO SATISFY HIS/HER SUPPORT OBLIGATIONS.

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. Chapter 208 of the General Laws is hereby
2 amended by inserting after section thirty-four C the following
3 section: —

4 *Section 34D.* When either party to a divorce proceeding is a
5 recipient of public assistance, the court, in making an assignment
6 of property to one party and support orders for the maintenance of
7 a spouse or child, may consider the interest of the department of
8 public welfare, pursuant to section 21 of chapter 18, in the financial
9 provisions of the divorce. Where the court finds that security is
10 required to protect the department's interest for amounts due or to
11 become due to the department of public welfare, the court may
12 place a lien on any interest in property, including a joint interest,
13 owned by the party ordered to pay support. The court may appoint
14 a special master to make a conveyance or sale of any property to
15 which such a lien has been applied, if the court finds that such a
16 sale or conveyance is appropriate; provided, however, that if a lien
17 is applied against the obligor's interest in the marital home and a
18 spouse, child, or other dependent continue to reside in such home,
19 no sale or conveyance shall be ordered as long as the spouse, child,
20 or other dependent continue to reside therein.

1 SECTION 2. Chapter 209 of the General Laws is hereby
2 amended by inserting after section thirty-two E the following
3 section: —

4 *Section 32F.* The provisions of section 34D of chapter 208 shall
5 apply to any action filed under section 32 of this chapter.