

HOUSE No. 5636

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 19, 1970.

The committee on the Judiciary, to whom was referred the petition (accompanied by bill, House, No. 2376) of Neil L. Chayet that judges of probate be authorized to order a husband or wife to vacate the marital home, report the accompanying bill (House, No. 5636).

For the committee,

ANDRE R. SIGOURNEY

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT PERMITTING A JUDGE OF PROBATE TO ORDER A HUSBAND
OR WIFE TO VACATE THE MARITAL HOME.

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

- 1 Chapter 208 of the General Laws is hereby amended by in-
- 2 serting after section 34A, the following section:—
- 3 *Section 34B.* Any court having jurisdiction of libels for divorce,
- 4 or for nullity of marriage or of separate support or maintenance,
- 5 may, upon filing of said libel or petition, and during the pendency
- 6 thereof, order the husband or wife to vacate forthwith the marital
- 7 home for a period not exceeding sixty days; provided, the court
- 8 finds, after a hearing, that the health, safety or welfare of the
- 9 petitioner or libellant and/or the minor children of the parties
- 10 would be endangered or substantially impaired by a failure to
- 11 enter such an order. Both said husband and wife shall be given
- 12 at least three days notice of said hearing and also shall have the
- 13 right to appear and be heard either in person or by their attorney.