

By Mr. Creedon of Brockton, petition of James R. Lawton and Michael C. Creedon relative to requiring any orders for child support or alimony to remain in effect indefinitely unless modified or dismissed. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT REQUIRING ANY ORDERS FOR CHILD SUPPORT OR ALIMONY TO REMAIN IN EFFECT INDEFINITELY UNLESS MODIFIED OR DISMISSED.

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 209A of the General Laws is further amended by
2 striking Section 3 and inserting in place thereof the following new
3 section: —

4 Section 3. Remedies: Period of relief

5 A person suffering from abuse from an adult or minor family
6 or household member may file a complaint in the court requesting
7 protection from such abuse, including, but not limited to, the
8 following orders: —

9 (a) ordering the defendant to refrain from abusing the plaintiff
10 whether the defendant is an adult or minor;

11 (b) ordering the defendant to vacate forthwith the household.
12 Notwithstanding the provisions of section thirty-four B of chapter
13 two hundred and eight, an order to vacate shall be for a fixed
14 period of time, not to exceed one year, at the expiration of which
15 time the court may extend any such order upon motion of the
16 plaintiff for such additional times as it deems necessary to protect
17 the plaintiff from abuse;

18 (c) awarding the plaintiff, in the case of husband and wife,
19 temporary custody of a minor child;

20 (d) ordering the defendant to pay temporary support for the
21 plaintiff or any child in the plaintiff's custody or both, when the
22 defendant has a legal obligation to support such a person;

23 (e) ordering the defendant to pay to the person abused a

24 monetary compensation for losses suffered as a direct result of
25 such abuse. Compensatory losses shall include, but not be limited
26 to, loss of earnings or support, out-of-pocket losses for injuries
27 sustained, medical and moving expenses and reasonable
28 attorneys' fees;

29 (f) ordering the plaintiff's address to be impounded as provided
30 in section eight.

31 No filing fee shall be charged for the filing of the complaint.
32 The plaintiff shall not be charged for copies of orders entered by
33 the court.

34 Any relief granted by the court shall be for a fixed period of
35 time not to exceed one year, except orders of child support and
36 alimony which shall only be altered by modification or dismissal.
37 At the expiration of the one year period the court may extend
38 any order, upon motion of the plaintiff, for such additional time
39 as it deems necessary to protect the plaintiff from abuse. The court
40 may modify its order at any subsequent time upon motion by
41 either party.

42 No order under this chapter shall in any manner affect title to
43 real property.

44 Any action commenced under the provisions of this chapter
45 shall not preclude any other civil or criminal remedies. A party
46 filing a complaint under this chapter shall be required to disclose
47 any prior or pending actions for divorce under chapter two
48 hundred and eight, separate support under two hundred and nine,
49 an order issued in the district court or Boston municipal court
50 departments pursuant to this chapter shall be restricted to
51 ordering the defendant to refrain from abusing the plaintiff
52 whether the defendant is an adult or minor, or ordering the
53 defendant to vacate forthwith the household.

54 If the parties to a proceeding under this chapter are parties in
55 a subsequent proceeding for divorce under chapter two hundred
56 and eight or for separate support under chapter two hundred and
57 nine, any custody or support order or judgment issued in the
58 divorce or separate support proceeding shall supersede any prior
59 custody or support order under this chapter.