

By Mr. Hynes of Marshfield (by request), petition of Thomas M. Rettberg and others relative to appeals from restraining orders issued in domestic abuse cases. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT ALLOWING JURISDICTION FOR APPEALS OF DOMESTIC RESTRAINING ORDERS.

1 Whereas, the deferred operation of this act would tend to defeat
2 its purpose, which is to provide a specified convenient jurisdiction
3 and venue for appeal of 47, 765 domestic restraining orders issued
4 annually, therefore it is declared to be an emergency law, neces-
5 sary for the immediate preservation of the public convenience.

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 hereby amended by
2 inserting after Section 10 the following section: —

3 Section 11. Appeal of an order issued under this section may be
4 taken to the superior court department. If the order, however, is
5 issued by a superior court, appeal may be taken in a superior court
6 of a venue adjacent to the superior court that issued the order.

7 As provided in Section 3 of this chapter, filing an appeal shall
8 neither stay, nor have affect upon prior, pending, or superseding
9 custody and support orders of the district, Boston municipal, and
10 superior court, and the probate and family court department;
11 excepting further, that if such order has basis or grounds for its
12 issuance in an order adjudicated as unlawful on appeal, such cus-
13 tody and support orders may be vacated and remanded to a court
14 of competent jurisdiction.

15 No fee shall be authorized or required to file appeal of an order
16 issued under this chapter.

