

Accompanying the first recommendation of the Department of Public Welfare (House, No. 188). The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT RELATIVE TO THE ATTACHMENT OF CERTAIN PROPERTY TO SATISFY 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. Section 47 of chapter 152 of the General Laws is
2 hereby further amended by section 2 of chapter 856 of the acts of
3 1977, by striking the period at the end of the sentence and adding
4 the following words: — and except to an obligee of support pay-
5 ments who is entitled to receive such payments pursuant to a
6 support order under chapters two hundred and eight, two hundred
7 and nine or two hundred and seventy-three.

1 SECTION 2. Section 19 of chapter 32 of the General Laws, as
2 most recently amended by section 1 of chapter 1128 of the acts of
3 1973, is hereby further amended by adding thereto the following
4 sentence: —

5 Nothing in this section shall prevent a member's annuity pension
6 or a retirement allowance from being attached, taken on execution,
7 assigned or subject to other process to satisfy a support order under
8 chapters two hundred and eight, two hundred and nine or two
9 hundred and seventy-three.

1 SECTION 3. Section 41 of chapter 32 of the General Laws, as
2 most recently amended by section 2 of chapter 555 of the acts of
3 1971, is hereby further amended by adding thereto the following
4 sentence: —

5 Nothing in this section shall prevent an employee's annuity,
6 pension or endowment from being attached, taken on execution.

7 assigned or subject to other process to satisfy a support order under
8 chapters two hundred and eight, two hundred and nine or two
9 hundred and seventy-three.

1 SECTION 4. Section 76 of chapter 168 of the General Laws, as
2 most recently amended by section 1 of chapter 432 of the acts of
3 1955, is hereby further amended by adding thereto the following
4 sentence: —

5 Nothing in this section shall prevent an employee's annuity or
6 pension from being attached, taken on execution, assigned or
7 subject to other process to satisfy a support order under chapters
8 two hundred and eight, two hundred and nine or two hundred and
9 seventy-three.

1 SECTION 5. Section 53 of chapter 170 of the General Laws, as
2 most recently amended by section 1 of chapter 371 of the acts of
3 1950, is hereby further amended by adding thereto the following
4 sentence: —

5 Nothing in this section shall prevent an employee's annuity or
6 pension from being attached, taken on execution, assigned or
7 subject to other process to satisfy a support order under chapters
8 two hundred and eight, two hundred and nine or two hundred and
9 seventy-three.

1 SECTION 6. Section 33 of chapter 171 of the General Laws, as
2 most recently amended by section 1 of chapter 509 of the acts of
3 1948, is hereby amended by adding thereto the following
4 sentence: —

5 Nothing in this section shall prevent an employee's annuity or
6 pension from being attached, taken on execution, assigned or
7 subject to other process to satisfy a support order under chapters
8 two hundred and eight, two hundred and nine or two hundred and
9 seventy-three.

1 SECTION 7. Section 132C of chapter 175 of the General Laws,
2 as appearing in section 1 of chapter 313 of the acts of 1945, is
3 hereby amended by adding thereto the following sentence: —

4 Nothing in this section shall prevent an annuitant's benefits from

5 being seized, taken, appropriated, assigned or applied by any legal
6 or equitable process or operation of law to satisfy a support order
7 under chapters two hundred and eight, two hundred and nine or
8 two hundred and seventy-three.

1 SECTION 8. Section 135 of chapter 175 of the General Laws is
2 hereby amended by adding thereto the following sentence:—

3 Nothing in this section shall prevent an employee's benefits from
4 being attached, seized, taken, appropriated, assigned or applied by
5 any legal or equitable process or operation of law to satisfy a
6 support order under chapters two hundred and eight, two hundred
7 and nine or two hundred and seventy-three.

1 SECTION 9. Section 28 of chapter 246 of the General Laws, as
2 most recently amended by section 1 of chapter 174 of the acts of
3 1972, is hereby further amended by adding thereto the following
4 sentence:—

5 The provisions of this section shall not apply in any proceeding
6 to attach wages or a pension to satisfy a support order under
7 chapters two hundred and eight, two hundred and nine or two
8 hundred and seventy-three.

The first part of the paper is devoted to a general discussion of the problem. It is shown that the problem is equivalent to the problem of finding a function which satisfies certain conditions. This is done by using the method of characteristics.

In the second part of the paper, the problem is solved for a special case. It is shown that the function which satisfies the conditions is unique. This is done by using the method of variation of parameters.

The third part of the paper is devoted to a generalization of the problem. It is shown that the problem is equivalent to the problem of finding a function which satisfies certain conditions. This is done by using the method of characteristics.

In the fourth part of the paper, the problem is solved for a special case. It is shown that the function which satisfies the conditions is unique. This is done by using the method of variation of parameters.

The fifth part of the paper is devoted to a generalization of the problem. It is shown that the problem is equivalent to the problem of finding a function which satisfies certain conditions. This is done by using the method of characteristics.

In the sixth part of the paper, the problem is solved for a special case. It is shown that the function which satisfies the conditions is unique. This is done by using the method of variation of parameters.