

HOUSE No. 1693

By Mr. Rice of Gardner, a petition (accompanied by bill, House, No. 1693) of Robert L. Rice, Jr., relative to emergency protective orders. The Judiciary.

The Commonwealth of Massachusetts

PRESENTED BY:

Robert L. Rice, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to emergency protective orders.

PETITION OF:

NAME:

Robert L. Rice, Jr.

DISTRICT/ADDRESS:

2nd Worcester

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO EMERGENCY PROTECTIVE ORDERS.

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 209A of the General Laws, as appearing in the 2004 Official
2 Edition, is hereby amended by striking out section 2 and inserting in place thereof the following
3 section:-

4 Section 2. (a) Proceedings under this chapter shall be filed, heard and determined in the
5 superior court department or the Boston municipal court department or respective divisions of
6 the probate and family or district court departments having venue over the plaintiff's residence.
7 If the plaintiff has left a residence or household to avoid abuse, such plaintiff shall have the
8 option of commencing an action in the court having venue over such prior residence or
9 household, or in the court having venue over the present residence or household.

10 (b) If a plaintiff demonstrates a substantial likelihood of immediate danger of abuse, a plaintiff
11 who requests a temporary order of any justice of the superior, probate and family, district, or
12 Boston municipal court departments pursuant to this chapter shall not be denied relief because of
13 improper venue. Thereafter, if relief was granted without the filing of a complaint pursuant to
14 this chapter, the plaintiff shall appear in the court having venue over the plaintiff's residence or
15 over a prior residence or household as provided in paragraph (a). Any hearings held on the
16 continuance of such temporary order or on granting other relief as requested by the plaintiff shall
17 be heard in the court having venue over the plaintiff's residence or over a prior residence or
18 household as provided in paragraph (a).