

SENATE . . . . No. 705

---

---

**The Commonwealth of Massachusetts**

---

SENATE, March 31, 1954.

The committee on Legal Affairs, to whom was referred the petition (accompanied by bill, Senate, No. 325) of Henry J. Allen that provision be made for the enforcement of the support of dependents in the district and municipal courts; and so much of the twenty-ninth annual report of the Judicial Council (Pub. Doc. No. 144) as relates to the enforcement of laws relative to the support of dependents (pages 16-23), report the accompanying Bill (Senate, No. 705).

For the committee,

RICHARD H. LEE.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Four.

### AN ACT RELATIVE TO THE ENFORCEMENT OF THE SUPPORT OF DEPENDENTS.

*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. The General Laws are hereby  
2 amended by striking out chapter 273A and insert-  
3 ing in place thereof the following chapter: —

#### 4 CHAPTER 273A.

#### 5 UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT.

6 *Section 1.* In this chapter, unless otherwise ex-  
7 pressly provided or the context otherwise requires,  
8 the following words and phrases shall have the fol-  
9 lowing meanings: —

10 “Court”, a district court of this commonwealth,  
11 and, when the context requires, the court of any  
12 other state as defined in a reciprocal law substan-  
13 tially similar to this chapter.

14 “Duty of support”, any duty of support imposed  
15 by law, or by any court order, decree or judgment,  
16 whether interlocutory or final, whether incident to a  
17 proceeding for divorce, legal separation, separate  
18 support, or otherwise.

19 “Initiating state”, a state in which a proceeding  
20 pursuant to the provisions of this chapter or a recipro-  
21 cal law substantially similar to this chapter is com-  
22 menced.

23 “Obligee”, any person to whom a duty of sup-  
24 port is owed.

25 “Obligor”, any person owing a duty of support.

26 “Responding state”, a state in which a proceeding

27 pursuant to the proceeding in the initiating state is  
28 or may be commenced.

29 "State", includes any state, territory or possession  
30 of the United States and the District of Columbia in  
31 which this or a substantially similar reciprocal law  
32 has been enacted.

33 *Section 2.* The remedies provided in this chapter  
34 are in addition to and not in substitution for any  
35 other remedy.

36 *Section 3.* The duty of support imposed by the  
37 laws of the commonwealth or by the laws of the  
38 state where the obligee was present when the failure  
39 to support commenced as providing in section four,  
40 and the laws relative to the enforcement thereof,  
41 bind the obligor regardless of the presence or resi-  
42 dence of the obligee.

43 *Section 4.* Duties of support enforceable under  
44 this chapter are those imposed under the laws of any  
45 state in which the alleged obligor was present during  
46 the period for which support is sought or in which  
47 the obligee was present when the failure to support  
48 commenced.

49 *Section 5.* Whenever any state or a political divi-  
50 sion thereof has furnished support to an obligee it  
51 shall have the same right to commence proceedings  
52 under this chapter, in the name of the obligee, as the  
53 obligee to whom the support was furnished, so that  
54 it may secure reimbursement for expenditures so  
55 made, and to obtain continuing support.

56 *Section 6.* The duty of support shall be enforce-  
57 able by petition filed in a district court, irrespective  
58 of the relationship between the obligor and the  
59 obligee. Any proceeding hereunder shall be com-  
60 menced in a district court within whose jurisdiction  
61 the obligee is an inhabitant or a resident.

62 *Section 7.* The petition shall be verified and state  
63 the name and, so far as known to the petitioner, the  
64 address and circumstances of the respondent, and  
65 the dependents for whom the duty of support is

66 sought to be enforced, and all other pertinent in-  
67 formation.

68 *Section 8.* If the court finds that the petition sets  
69 forth facts from which it may be determined that the  
70 respondent owes a duty of support, and that a court  
71 of a responding state may obtain jurisdiction of the  
72 respondent or his property, it shall so certify, and  
73 shall cause certified copies of the petition, and the  
74 certificate, to be transmitted to the court of the  
75 responding state.

76 *Section 9.* When the district court receives from  
77 a court of an initiating state certified copies of the  
78 petition, or other pleadings containing the essential  
79 allegations of a petition under sections six and seven  
80 under whatever name it may be known, and the cer-  
81 tificate referred to in section eight, it shall docket  
82 the cause, and take appropriate steps to obtain juris-  
83 diction of the respondent by personal service, and  
84 schedule the matter for a speedy hearing. It may  
85 assign a probation officer to the case.

86 *Section 10.* When this commonwealth is a re-  
87 sponding state, and the court finds a duty of support,  
88 it may order the respondent to furnish support or  
89 reimbursement therefor in a reasonable amount, and  
90 subject the property of the respondent to such order.

91 *Section 11.* The court shall cause to be trans-  
92 mitted to the court of an initiating state a copy of  
93 all orders for support or for reimbursement therefor.

94 *Section 12.* In addition to the foregoing powers,  
95 the court, when the commonwealth is a responding  
96 state, may subject the respondent to such terms and  
97 conditions as it deems proper to assure compliance  
98 with its orders, and in particular —

99 (a) To require the respondent to make payments  
100 at specified intervals to a probation officer assigned  
101 by the court.

102 (b) To punish a respondent who shall violate any  
103 order of the court to the same extent as is provided  
104 by law for contempt in any other suit or proceeding.

105 *Section 13.* When, in proceedings under this  
106 chapter, the commonwealth is acting as a responding  
107 state, and the probation officer shall receive pay-  
108 ments from a respondent, pursuant to an order of the  
109 court or otherwise, he shall forthwith transmit the  
110 same to the court of the initiating state, less any  
111 amounts which the court may order withheld for  
112 counsel fees or expenses authorized under section  
113 seventeen or elsewhere, and upon request of said  
114 court shall furnish a certified statement of all pay-  
115 ments made by the respondent.

116 *Section 14.* The probation officer assigned by the  
117 court shall, in proceedings in which the common-  
118 wealth is an initiating state, receive and disburse  
119 forthwith to the petitioner all payments made by  
120 the respondent or transmitted by the court of the  
121 responding state. He may be authorized to com-  
122 mingle funds from two or more respondents in one  
123 account.

124 *Section 15.* If any part, section or subdivision of  
125 this chapter or the application thereof to any par-  
126 ticular person, persons or conditions is held invalid,  
127 unconstitutional or inoperative, the remainder hereof,  
128 or the application of any such part, section or sub-  
129 division to other persons and conditions, shall not be  
130 affected thereby.

131 *Section 16.* This chapter may be cited as the Uni-  
132 form Reciprocal Enforcement of Support Act, and  
133 shall be so construed and interpreted as to accom-  
134 plish its general purpose to make substantially uni-  
135 form the laws of states enacting like law.

136 *Section 17.* (A) When this commonwealth is the  
137 initiating state, the petitioner shall pay the entry  
138 fee required under section forty of chapter two hun-  
139 dred and sixty-two of the General Laws, plus such  
140 further sum as may be required under the laws of  
141 the responding state, this further sum being payable  
142 after entry of the petition upon verification of the  
143 amount in accordance with rules of court.

144 (B) When this commonwealth is the responding  
145 state, the petitioner shall in the first instance pay to  
146 the clerk the entry fee as provided in section forty of  
147 chapter two hundred and sixty-two of the General  
148 Laws, plus the further sum of two dollars for service  
149 of process upon the responding obligor. The court  
150 may, after hearing, order the respondent to reimburse  
151 the petitioner for costs or disbursements incurred  
152 under this chapter.

153 If the petitioner is without counsel, and it appears  
154 to the court that there is need for counsel to repre-  
155 sent the petitioner, the court may on its own motion  
156 appoint counsel to represent the petitioner, and may  
157 direct that a reasonable fee, fixed by the court, be  
158 paid to counsel out of the funds, if any, paid by re-  
159 spondent under court order.

160 Upon receipt of a petition under this chapter, the  
161 court may assign the same to a probation officer for  
162 supervision.

163 (C) When papers are sent to a district court of  
164 this commonwealth under this chapter, and the re-  
165 spondent is not found within the jurisdiction of that  
166 court, the said papers and moneys tendered on be-  
167 half of the petitioner shall be disposed of as follows: —

168 (1) If it appears from the record or otherwise that  
169 the respondent may be found in some other district  
170 of the commonwealth, the paper and moneys shall  
171 be transferred to said district, and the initiating  
172 court shall be so informed.

173 (2) If there is no indication that the respondent  
174 can be found in this commonwealth, the papers and  
175 moneys shall be returned to the initiating court.

1 SECTION 2. Section 6 of chapter 215 of the Gen-  
2 eral Laws is hereby amended by striking out the  
3 next to the last sentence inserted by section 2 of  
4 chapter 657 of the acts of 1951.

1 SECTION 3. Section 19 of chapter 218 of the Gen-  
2 eral Laws, as amended by chapter 296 of the acts of

3 1943, is hereby further amended by adding at the  
4 end thereof the sentence: — District courts shall also  
5 have jurisdiction of civil proceedings under chapter  
6 two hundred and seventy-three A.

1 SECTION 4. Section 20 of chapter 233 of the Gen-  
2 eral Laws is hereby amended by striking out the  
3 second paragraph and inserting in place thereof the  
4 following paragraph: —

5 First, except in a proceeding under chapter two  
6 hundred and seventy-three A, and in a prosecution  
7 begun under sections one to ten, inclusive, of chap-  
8 ter two hundred and seventy-three, neither husband  
9 nor wife shall testify as to private conversation with  
10 the other.

1 SECTION 5. Section 40 of chapter 262 of the Gen-  
2 eral Laws is hereby amended by striking out the  
3 third paragraph, inserted by section 4 of chapter 657  
4 of the acts of 1951.

1 SECTION 6. Section 2 of said chapter 262, as  
2 amended by section 1 of chapter 119 of the acts of  
3 1950, is amended by inserting after the third para-  
4 graph thereof a new paragraph, as follows: —

5 For the entry of a petition under chapter two hun-  
6 dred and seventy-three A, three dollars.

1 SECTION 7. Section 8 of said chapter 262 is  
2 amended by adding at the end thereof: —

3 For service of an order of notice under chapter two  
4 hundred and seventy-three A, two dollars, without  
5 travel allowance.

1 SECTION 8. The administrative committee of the  
2 district courts may make rules applicable to all dis-  
3 trict courts except the municipal court of the city of  
4 Boston, and the justices of that court, or a majority  
5 of them, may make rules applicable to that court in  
6 regard to the accounting by probation officers of

7 moneys received and paid by them under this act,  
8 and in regard to any other matters not inconsistent  
9 with this act, to make the administration of this act  
10 more convenient and effective for its purpose.

11 The courts may provide for service upon the re-  
12 spondent by a police officer, a constable or a deputy  
13 sheriff, and may allocate the fee of two dollars pro-  
14 vided in section seventeen of chapter 273A of the  
15 General Laws, in lieu of the usual fee and travel  
16 allowance.

1 SECTION 9. *Transfer of Pending Cases.* — All  
2 petitions and matters incidental thereto in cases in  
3 which the commonwealth is the initiating state, pend-  
4 ing on the effective date of this act before a probate  
5 court, shall be transferred to the district court of the  
6 district of which the obligee is an inhabitant or a resi-  
7 dent for further disposition in accordance with the  
8 law, and all petitions and matters incidental thereto  
9 in cases in which the commonwealth is the responding  
10 state, pending on the effective date of this act before  
11 a probate court, shall be transferred to the district  
12 court of the district of which the obligor is, or is  
13 alleged in the petition, or has been found by the  
14 court, to be an inhabitant or a resident for further  
15 disposition in accordance with the law.

16 All petitions and matters incidental thereto which  
17 have been heard by, or argued before, a probate  
18 court, and upon which no decisions have been made  
19 before the effective date of this act, shall remain  
20 within the jurisdiction of said probate court for the  
21 purpose of and until such decision, and thereafter  
22 and upon such decision shall be transferred to the  
23 proper district court, as heretofore provided, for  
24 further proceedings in accordance with law.

1 SECTION 10. *Appellate Proceedings.* — Any party  
2 in a proceeding under this chapter aggrieved by any  
3 ruling on a matter of law in any case pending and

4 transferred hereunder or hereafter commenced, may  
5 as of right have the ruling reported for determination  
6 by the appellate division of the district court in which  
7 the proceeding is commenced, or to which it has been  
8 hereby transferred as provided for other cases, in  
9 district courts by sections one hundred and eight,  
10 one hundred and nine and one hundred and ten of  
11 chapter two hundred and thirty-one of the General  
12 Laws, as heretofore amended, and said sections and  
13 any appropriate rules made under this chapter shall  
14 govern such appellate proceedings.

1 SECTION 11. This act shall take effect on the  
2 first day of October, nineteen hundred and fifty-four.





