SENATE DOCKET, NO. 1644 FILED ON: 1/21/2011

SENATE . . . . . No. 59

The Commonwealth of Massachusetts

PRESENTED BY:

Richard T. Moore

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:

An Act protecting against frivolous claims .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Richard T. Moore	
	☐ *[District]*
	☐

SENATE DOCKET, NO. 1644 FILED ON: 1/21/2011

SENATE . . . . . No. 59

By Mr. Moore, a petition (accompanied by bill, Senate, No. 59) of Richard T. Moore for legislation to protect against frivolous claims . Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

An Act protecting against frivolous claims .

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 6 of chapter 119A of the general laws, as appearing in the 2008 Official Edition, is hereby amended by inserting at the end thereof the following new subsection"—

(d) (1) The IV-D agency shall not commence judicial or administrative action against an obligor for the failure to provide support until such time as the department has reasonably determined support is in arrears. Claims for lack of payment by an obligee shall be substantiated and recovery reasonably attempted before the department commences action against an obligor.

(2) In which case an action is commenced against an obligor and is determined by the respective court to be unsubstantiated, the department and obligee shall be jointly and severally liable for the legal fees of the obligor, in their entirety.