

HOUSE No. 3626

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Preventing Misuse of Chapter 209A Abuse Prevention Provisions..

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 10 of chapter 209A of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by adding the following four paragraphs:--

3 No remedy available pursuant to section 3 contained herein shall be available and
4 authorized except upon a showing, by clear and convincing evidence, of intentional conduct by
5 the defendant.

6 No remedy, restraining contact with a child, shall be authorized pursuant to this chapter
7 unless there is clear and convincing evidence of physical abuse of that child by the defendant.

8 Any party who knowingly files a false affidavit, complaint, police report or offers false
9 testimony concerning any matter contained in this chapter shall be held liable and reimburse the
10 accused for all legal fees, lost wages and miscellaneous costs associated with defending such
11 accusations. Upon a judicial determination that any remedy provided for in this chapter was
12 obtained based upon any false affidavit, complaint, testimony or police report, then and in that
13 event, any such remedy shall be immediately rescinded.

14 Any party who is found to have knowingly filed a false affidavit, complaint, police report
15 or offered testimony to obtain any remedy contained herein a second or subsequent time shall be
16 fined \$500 and prohibited from filing any affidavit, complaint, or police report herein, for a
17 period of 1 year, unless physical abuse has been committed upon the plaintiff by clear and
18 convincing evidence.