

**HOUSE . . . . . No. 4536**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Ten**  
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An Act Relative to Videoconference Hearings When One Party is Subject to a Protective Order or Restraining Order..

*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 208 of the General Laws is hereby amended by adding the  
2 following section:-

3           Section 34E. (a) In any court proceeding in a child and family relations matter,  
4 including, but not limited to chapters 209, 209A and 209B, the court may, within available  
5 resources, upon motion, order that the testimony of a party or a child who is a subject of the  
6 proceeding be taken outside the physical presence of any other party if a protective order,  
7 restraining order or standing criminal restraining order has been issued on behalf of the party or  
8 child, and the other party is subject to the protective order or restraining order. Such order may  
9 provide for the use of alternative means to obtain the testimony of any party or child, including,  
10 but not limited to, the use of a secure video connection for the purpose of conducting hearings by  
11 videoconference. Such testimony may be taken in a room other than the courtroom or at another  
12 location outside the courthouse or outside the state. The court shall provide for the

13 administration of an oath to such party or child prior to the taking of such testimony in  
14 accordance with the rules of the superior court.

15 (b) Nothing in this section shall be construed to limit any party's right to cross-examine a  
16 witness whose testimony is taken in a room other than the courtroom pursuant to an order under  
17 this section.

18 (c) An order under this section may remain in effect during the pendency of the  
19 proceedings in the child and family relations matter.