

SENATE No. 1698

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to expanding the venue for filing 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
11 plaintiff who requests a temporary order of any justice of the superior, probate and family,
12 district, or Boston municipal court departments pursuant to this chapter shall not be denied relief
13 because of improper venue. Thereafter, if relief was granted without the filing of a complaint
14 pursuant to this chapter, the plaintiff shall appear in the court having venue over the plaintiff’s

15 residence or over a prior residence or household as provided in paragraph (a). Any hearings held
16 on the continuance of such temporary order or on granting other relief as requested by the
17 plaintiff shall be heard in the court having venue over the plaintiff's residence or over a prior
18 residence or household as provided in paragraph (a).