

HOUSE No. 3143

The Commonwealth of Massachusetts

PRESENTED BY:

John J. Binienda

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 adoption of the accompanying bill:

An Act Relative to videoconference hearings when one party is subject to a protective order or restraining order.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John J. Binienda</i>	<i>17th Worcester</i>	<i>1/21/2011</i>
<i>John P. Fresolo</i>	<i>16th Worcester</i>	<i>1/24/2011</i>

HOUSE No. 3143

By Mr. Binienda of Worcester, a petition (accompanied by bill, House, No. 3143) of John J. Binienda and John P. Fresolo for legislation to authorize the use of video-conferencing in certain court proceedings involving children and families. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4536 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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, as appearing in the 2008 Official
2 Edition, is hereby amended by adding the 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.