

HOUSE No. 3816

Substituted by the House, on motion of Mr. Pedone of Worcester, for a bill with the same title.
November 16, 2011.

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 Chapter 208 of the General Laws is hereby amended by inserting after section 34D the
2 following section:-

3 Section 34E. (a) In any court proceeding in a child and family relations matter, including,
4 but not limited to, chapters 208, 209, 209A, 209B and 209C, the court may, within available
5 resources, upon motion and after hearing, order that the testimony of a party or a child who is a
6 subject of the proceeding be taken outside the physical presence of any other party if a protective
7 order or restraining order has been issued on behalf of the party or child, and the other party is
8 subject to the protective order or restraining order. A certified copy of the protective order or
9 restraining order shall be filed with the motion. Such order may provide the use of alternative
10 means to obtain the testimony of any party or child, including, but not limited to, the use of a
11 secure video connection for the purpose of conducting hearings by videoconference. Such
12 testimony may be taken in a room other than the courtroom or at another location outside the
13 courthouse or outside the commonwealth. The court shall provide for the administration of an

14 oath to such party or child prior to the taking of such testimony in accordance with the rules of
15 the probate and family court.

16 (b) Nothing in this section shall be construed to limit any party's right to cross-examine a
17 witness whose testimony is taken by alternative means.