

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Peter J. Durant, (BY REQUEST)

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 attachment and conveyance of real property in divorce.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Holly Gamache</i>	<i>231 South Street Southbridge, Ma. 01550</i>	<i>1/22/2014</i>

HOUSE No.

By Mr. Durant of Spencer (by request), a petition (subject to Joint Rule 12) of Holly Gamache relative to the disposition of real estate that serves as principal residence for a divorced party’s dependent child under 18 years of age. The Judiciary.

The Commonwealth of Massachusetts

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In the Year Two Thousand Fourteen
—————

An Act relative to attachment and conveyance of real property in divorce.

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 strikeout out section
2 12 and inserting in place thereof the following section:-

3 Section 12.

4 (a) For purposes of this section, “principal residence” means the home where a person
5 resides or intends to reside as the primary dwelling; provided, however, that no person shall hold
6 concurrent rights in more than 1 principal residence.

7 (b) Upon an action for divorce by either spouse for a cause accruing after marriage, the
8 real and personal property of the other spouse may be attached to secure suitable support and
9 maintenance to the plaintiff and to such children as may be committed to his care and custody;
10 provided, however, real property that serves as the principal residence for either spouse’s
11 dependent child under 18 years of age may not be attached.

12 SECTION 2. Said chapter 208 is hereby further amended by inserting after section 34A
13 the following section:-

14 Section 34A ½.

15 (a) For purposes of this section, “principal residence” means the home where a person
16 resides or intends to reside as the primary dwelling; provided, however, that no person shall hold
17 concurrent rights in more than 1 principal residence.

18 (b)Notwithstanding the provisions of any general or special law to the contrary, upon
19 divorce or upon a complaint in an action brought at any time after a divorce, whether such a
20 divorce has been adjudged in the commonwealth or another jurisdiction, a court of the
21 commonwealth, shall not order, adjudge or direct a party to sell, convey or release any real estate
22 that serves as the principal residence for a party's dependent child under 18 years of age.