

SENATE No. 59

The Commonwealth of Massachusetts

PRESENTED BY:

Richard T. Moore

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 protecting against frivolous claims.

PETITION OF:

NAME:

Richard T. Moore

DISTRICT/ADDRESS:

Worcester and Norfolk

SENATE No. 59

By Mr. Richard T. Moore, a petition (accompanied by bill, Senate, No. 59) of Richard T. Moore for legislation realtive to child support and court proceedings. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 59 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act protecting against frivolous claims.

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. Section 6 of chapter 119A of the General Laws, as appearing in the 2010
2 Official Edition, is hereby amended by inserting at the end thereof the following new
3 subsection:-

4 (d) (1) The IV-D agency shall not commence judicial action against an obligor for the
5 failure to provide support until such time as the department has reasonably determined support is
6 in arrears. Claims for lack of payment by an obligee shall be substantiated and recovery
7 reasonably attempted before the department commences action against an obligor.

8 (2) In which case an action is commenced against an obligor and is determined by the
9 respective court to be unsubstantiated, the department and obligee shall be jointly and severally
10 liable for the legal fees of the obligor, in their entirety.