

**HOUSE . . . . . No. 1288**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***John V. Fernandes***

*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 establishing a parent child testimonial privilege.

PETITION OF:

| NAME:                      | DISTRICT/ADDRESS:       |
|----------------------------|-------------------------|
| <i>John V. Fernandes</i>   | <i>10th Worcester</i>   |
| <i>Jeffrey N. Roy</i>      | <i>10th Norfolk</i>     |
| <i>Carolyn C. Dykema</i>   | <i>8th Middlesex</i>    |
| <i>Chris Walsh</i>         | <i>6th Middlesex</i>    |
| <i>Michael O. Moore</i>    | <i>Second Worcester</i> |
| <i>Claire D. Cronin</i>    | <i>11th Plymouth</i>    |
| <i>Stephen L. DiNatale</i> | <i>3rd Worcester</i>    |
| <i>Alice Hanlon Peisch</i> | <i>14th Norfolk</i>     |

**HOUSE . . . . . No. 1288**

By Mr. Fernandes of Milford, a petition (accompanied by bill, House, No. 1288) of John V. Fernandes and others for legislation to establish a parent-child testimonial privilege. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1312 OF 2013-2014.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
\_\_\_\_\_

An Act establishing a parent child testimonial privilege.

*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 20 of Chapter 233 of the General Laws, as appearing in the 2008 Official Edition,  
2 is hereby amended by inserting after the fourth paragraph the following paragraph:-

3 Fifth, except in any proceeding where an unemancipated minor child is alleged to have  
4 committed a crime against a family member, a parent of such unemancipated child shall not be  
5 compelled to testify in any proceeding against the unemancipated minor child. A child, upon the  
6 showing that the parent possesses exculpatory evidence, may compel the parent to testify. For  
7 purposes of this clause, the term “parent” shall mean the natural or adoptive mother or father or  
8 stepparent of said unemancipated minor child, provided such relationship existed at the time of  
9 the event in question.