SENATE DOCKET, NO. 665 FILED ON: 1/15/2019

SENATE . . . . . No. 860

The Commonwealth of Massachusetts

PRESENTED BY:

Harriette L. Chandler

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 obtaining relief from abuse and harassment.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Harriette L. Chandler	*First Worcester*	
Kay Khan	*11th Middlesex*	
David Paul Linsky	*5th Middlesex*	*1/24/2019*
Rebecca L. Rausch	*Norfolk, Bristol and Middlesex*	*1/24/2019*
James B. Eldridge	*Middlesex and Worcester*	*1/29/2019*
Denise Provost	*27th Middlesex*	*2/1/2019*
Tommy Vitolo	*15th Norfolk*	*2/1/2019*

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By Ms. Chandler, a petition (accompanied by bill, Senate, No. 860) of Harriette L. Chandler, Kay Khan, David Paul Linsky, Rebecca L. Rausch and other members of the General Court for legislation relative to obtaining relief from abuse and harassment. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relative to obtaining relief from abuse and harassment.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 231 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out section 85P and inserting in place thereof the following section:-

Section 85P. (a) Except as otherwise specifically provided by law, any person domiciled in the commonwealth who has reached the age of 18 shall for all purposes, and any other person who has reached the age of 18 shall with respect to any transaction governed by the law of the commonwealth, be deemed of full legal capacity unless legally incapacitated for some reason other than insufficient age.

(b) Notwithstanding subsection (a), a minor 13 years of age or older may appear in a court of competent jurisdiction without a parent, guardian, next friend, counsel, or guardian ad litem, for the purpose of requesting or opposing a request for any of the following:

(i) an order pursuant to chapter 209A;

(ii) an order pursuant to chapter 258E.

(c) If a minor at least 13 years of age seeks relief in a matter under subsection (b) and is not represented by an attorney, the minor shall be informed that the minor has a right to appointed counsel and the court shall appoint an attorney to represent the minor. Notwithstanding, the court may proceed with an emergency ex parte hearing. Appointment of counsel shall be made through the Committee for Public Counsel Services.

(d) Subsection (b) shall not prevent a parent, guardian, custodian, or other appropriate adult to file or oppose a request for relief in a matter under subsection (b) on behalf of a minor of any age. In matters falling under subsection (b) in which a parent, guardian, custodian or other appropriate adult has sought relief on behalf of a minor plaintiff 13 years of age or older, the court shall consider the expressed wishes of the minor plaintiff in deciding whether to grant relief pursuant to subsection (b) and in determining the contents of such an order.