

SENATE No. 988

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

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 survivors of domestic abuse.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|----------------------------|------------------------------------|------------------|
| <i>Mark C. Montigny</i> | <i>Second Bristol and Plymouth</i> | |
| <i>Patrick M. O'Connor</i> | <i>Plymouth and Norfolk</i> | <i>1/29/2019</i> |
| <i>Michael D. Brady</i> | <i>Second Plymouth and Bristol</i> | <i>1/31/2019</i> |

SENATE No. 988

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 988) of Mark C. Montigny, Patrick M. O'Connor and Michael D. Brady for legislation to protect survivors of domestic abuse. The Judiciary.

The Commonwealth of Massachusetts

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

An Act protecting survivors of domestic abuse.

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 inserting after
2 section 34D the following section:-

3 Section 34E. In determining whether to make a judgment for either party to pay alimony
4 to the other under sections 48 to 55, inclusive, the court shall consider documented evidence of
5 abuse, as defined in chapter 209A, including, but not limited to, emotional distress resulting from
6 that abuse, between the parties or perpetrated by either party against either party’s child. For
7 purposes of this section, documented evidence shall include, but shall not be limited to, records
8 contained within the statewide domestic violence record keeping system. The court may consider
9 other evidence that it considers appropriate in determining whether there is a history of abuse
10 between the parties or perpetrated by either party against either party’s child. Whenever 1 party
11 has a criminal conviction resulting from abuse perpetrated against the other party or either

12 party's child, a judgment for alimony to benefit the convicted party as a recipient shall be
13 prohibited.

14 SECTION 2. Section 53 of chapter 208 of the General Laws, as appearing in the 2016
15 Official Edition, is hereby amended by inserting after the word "marriage", in line 9, the
16 following words:- "; documented evidence of a history of abuse, as defined in chapter 209A,
17 including, but not limited to, emotional distress resulting from that abuse, between the parties or
18 perpetrated by either party against either party's child".

19 SECTION 3. The payor spouse may petition the court to terminate an alimony judgment
20 entered into prior to the effective date of this act if the payor spouse presents a certified copy of a
21 court docket evidencing a conviction, as set forth in section 1 of this act, after all appeal periods
22 have been exhausted.