

HOUSE No. 1605

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

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 for a child or youth from abuse and harassment.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/20/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/31/2023</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>2/20/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>5/31/2023</i>

HOUSE No. 1605

By Representative Khan of Newton, a petition (accompanied by bill, House, No. 1605) of Kay Khan, Vanna Howard and Carol A. Doherty relative to obtaining relief from abuse and harassment. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1710 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to obtaining relief for a child or youth 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:

1 Chapter 231 of the General Laws, as appearing in the 2020 Official Edition, is hereby
2 amended by striking out section 85P and inserting in place thereof the following section:-

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

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

11 (i) an order pursuant to chapter 209A;

12 (ii) an order pursuant to chapter 258E.

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

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