

HOUSE No. 3596

The Commonwealth of Massachusetts

PRESENTED BY:

Judith A. Garcia

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 service of process.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Judith A. Garcia</i>	<i>11th Suffolk</i>	<i>1/20/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>3/21/2023</i>

HOUSE No. 3596

By Representative Garcia of Chelsea, a petition (accompanied by bill, House, No. 3596) of Judith A. Garcia and Samantha Montañó relative to improper service of process in certain custody or legal status of children cases. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to service of process.

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 39M of chapter 119 of the General Laws, as appearing in the 2020 Official
2 Edition, is hereby amended by adding the following subsection:-

3 (i) A parent’s purposeful action to avoid proper service of process of court documents
4 related to the custody or legal status of their child shall be considered neglect and abandonment
5 for the purposes of a special findings determination pursuant to subsection (b); provided,
6 however, that a court shall not consider improper service of process to be neglect or
7 abandonment pursuant to said subsection (b) where a parent lives outside of the United States, in
8 a rural area or in any other location where proper service of process is not possible; and provided
9 further that if unable to locate and serve documents in hand, where publication may not also be
10 feasible, electronic notification should be considered an acceptable alternate service.