HOUSE DOCKET, NO. 3656 FILED ON: 1/20/2023

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:
Kay Khan	*11th Middlesex*	*1/20/2023*
Vanna Howard	*17th Middlesex*	*1/31/2023*
Carol A. Doherty	*3rd Bristol*	*2/20/2023*
Lindsay N. Sabadosa	*1st Hampshire*	*5/31/2023*

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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:

Chapter 231 of the General Laws, as appearing in the 2020 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. The minor shall also be provided information on local victim advocate organizations. 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.