

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Marcus S. Vaughn

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 domestic abuse protection, "Katherine's Law".

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marcus S. Vaughn</i>	<i>9th Norfolk</i>	<i>4/1/2024</i>

HOUSE No.

By Representative Vaughn of Wrentham, a petition (subject to Joint Rule 12) of Marcus S. Vaughn relative to domestic abuse protection. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to domestic abuse protection, "Katherine's Law".

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 . Section 19 of chapter 62C of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by adding the following paragraph:-

3 The commission shall grant a reasonable extension of time for filing any return required
4 by this chapter for a person if within the 12 months preceding the filing deadline a court, law
5 enforcement officer or agency or the department of children and families determines that the
6 person or their minor child has suffered abuse, as defined in section 1 of chapter 209A, from a
7 family or household member, as defined in said section 1 of said chapter 209A, with whom they
8 file a joint tax return pursuant to section 6.

9 SECTION 2 . Chapter 118E of the General Laws is hereby amended by inserting after
10 section 10Q the following section:-

11 Section 10R. Notwithstanding section 9A or any general or special law to the contrary,
12 the division shall, subject to appropriation and regardless of their income or asset level, offer

13 MassHealth coverage for a period of up to 12 months to a person and any minor children in the
14 person’s custody if a court, law enforcement officer or agency or the department of children and
15 families determines that the person or their minor child has suffered abuse, as defined in section
16 1 of chapter 209A, from a family or household member, as defined in said section 1 of said
17 chapter 209A, with whom they share health insurance coverage.

18 SECTION 3 . Section 51A of chapter 119 of the General Laws, as appearing in the 2022
19 Official Edition, is hereby amended by striking out subsection (k) and inserting in place thereof
20 the following subsection:-

21 (k) A mandated reporter who is professionally licensed by the commonwealth shall
22 complete training at least once every 2 years to recognize and report suspected child abuse or
23 neglect. The executive office of health and human services, in consultation with the department
24 and the office of the child advocate, shall develop an evidenced-based training curriculum and
25 program for mandated reporters and promulgate regulations to implement the training program.

26 SECTION 4. Paragraph (1) of subsection (a) of section 2 of chapter 175M of the General
27 Laws, as so appearing, is hereby amended by striking out in line 8 the word “or”.

28 SECTION 5 . Said paragraph (1) of said subsection (a) of said section 2 of said chapter
29 175M is hereby further amended by adding the following words:- ; or (iv) in order to care for
30 themselves or their minor child following a determination by a court, law enforcement officer or
31 agency or the department of children and families that the individual or their minor child has
32 suffered abuse, as defined in section 1 of chapter 209A, from a family or household member, as
33 defined in said section 1 of said chapter 209A.

34 SECTION 6 . Clause (d) of the first paragraph of section 3 of chapter 209A of the
35 General Laws, as so appearing, is hereby amended by striking out, in lines 18 through 29,
36 inclusive, the words “(d) awarding the plaintiff temporary custody of a minor child; provided,
37 however, that in any case brought in the probate and family court a finding by such court by a
38 preponderance of the evidence that a pattern or serious incident of abuse, as defined in section
39 31A of chapter 208, toward a parent or child has occurred shall create a rebuttable presumption
40 that it is not in the best interests of the child to be placed in sole custody, shared legal custody or
41 shared physical custody with the abusive parent. Such presumption may be rebutted by a
42 preponderance of the evidence that such custody award is in the best interests of the child. For
43 the purposes of this section, an “abusive parent” shall mean a parent who has committed a
44 pattern of abuse or a serious incident of abuse;” and inserting in place thereof the following
45 words:-

46 (d) awarding the plaintiff temporary custody of a minor child; provided, however, that
47 in any case brought in the probate and family court a finding by such court by a preponderance
48 of the evidence that a pattern or serious incident of abuse, as defined in section 31A of chapter
49 208, toward a parent or child has occurred shall create a rebuttable presumption that it is not in
50 the best interests of the child to be placed in sole custody, shared legal custody or shared physical
51 custody with the abusive parent, and such presumption may be rebutted by a preponderance of
52 the evidence that such custody award is in the best interests of the child; and provided further,
53 that if the probate and family court finds by a preponderance of the evidence that a pattern or
54 serious incident of abuse toward a minor child has occurred, such court shall not place the child
55 against whom the abuse was perpetrated in sole custody, shared legal custody or shared physical

56 custody with the abusive parent.. For the purposes of this section, an “abusive parent” shall mean
57 a parent who has committed a pattern of abuse or a serious incident of abuse.;

58 SECTION 7 . Section 12 of chapter 210 of the General Laws, as so appearing, is hereby
59 amended by adding the following paragraph:-

60 Where a petition is filed on behalf of a minor child and a court or the department of
61 children and families has determined that the child has suffered abuse, as defined in section 1 of
62 chapter 209A, from a family or household member, as defined in said section 1 of said chapter
63 209A, with whom the child shares a surname, the petition shall be considered consistent with the
64 public interests.