

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Jacob R. Oliveira

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 to protect survivors of spousal abuse from alimony liability.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	
<i>Pavel M. Payano</i>	<i>First Essex</i>	<i>2/8/2024</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>2/9/2024</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>2/15/2024</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>3/1/2024</i>

SENATE No.

By Mr. Oliveira, a petition (accompanied by bill) (subject to Joint Rule 12) of Jacob R. Oliveira for legislation to protect survivors of spousal abuse from alimony liability. The Judiciary.

The Commonwealth of Massachusetts

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

An Act to protect survivors of spousal abuse from alimony liability.

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. The following words as used in this section shall, unless the context
2 otherwise requires, have the following meanings:

3 “Abuse”, as defined in section 1 of chapter 209A including but not limited to attempting
4 to cause or causing physical harm, placing a spouse in fear of imminent serious physical harm,
5 and causing a spouse to engage involuntarily in sexual relations by force, threat or duress.,

6 “Abusive Spouse”, a spouse with a conviction of abuse including attempts to and cause
7 physical harm including causing a spouse to engage involuntarily in sexual relations by force,
8 threat or duress., and in violation of section 7 of chapter 209 and sections 34C and 34D of
9 chapter 208

10 “Alimony”, the payment of support from a spouse, who has the ability to pay, to a spouse
11 in need of support for a reasonable length of time, under a court order unless the spouse has a
12 conviction of abuse.

13 SECTION 2. Chapter 208 of the General Laws, as appearing in the 2020 Official
14 Edition, is hereby amended by adding at the end the sixth paragraph of Section 1B the
15 following:- “The court shall decline alimony because of a spouse’s conviction of abuse including
16 attempts at causing physical harm and serious physical harm as a reason to decline alimony”.

17 Section 17 of chapter 208 is hereby amended by adding at the end of the first paragraph:-
18 “The court shall decline alimony to a spouse with a conviction of abuse.”

19 Section 31A of said chapter 208 is hereby amended by adding at the end of the 3rd
20 paragraph, the following:- “Provided further, that the underlying facts are evidence by the court
21 to deny alimony to a spouse with a conviction of abuse”.

22 Section 34 of said chapter is hereby amended at the end of the section by adding the
23 following words:- “The court shall decline alimony to a spouse with a conviction of abuse”.

24 Section 34A of chapter 208 is hereby amended by adding after the second paragraph, the
25 following words:- “A court shall consider a spouse’s conviction of abuse including attempts at
26 causing physical harm and serious physical harm and causing a spouse to engage involuntarily in
27 sexual relations by force, threat or duress as a reason to decline alimony”.

28 Section 35 of said chapter 208 is hereby amended by adding at the end of the paragraph
29 the following words:- “; provided, however, that a court shall deny alimony to a spouse if they
30 have a conviction of abuse”.

31 Section 3 of chapter 209A is hereby amended by adding at the end the following
32 subsection:- “(j) The court shall deny any future petition for alimony to the spouse with a
33 conviction of abuse”.

34 Section 3B of said chapter is hereby amended by adding at the end of the last paragraph
35 the following words:- “The court shall deny any future petition for alimony to the spouse with a
36 conviction of abuse”.

37 Section 7 of said chapter is further amended by adding at the end the following words:-
38 “The court shall deny any future petition for alimony to the spouse with a conviction of abuse”.

39 SECTION 3. Section 36A of chapter 208 is hereby amended by adding the following
40 subsection:- “(8) A spouse who has previously paid alimony to a spouse with a conviction of
41 abuse is permitted to file a petition with the court to terminate alimony. The court may
42 reconsider previous alimony contracts and in the case of domestic conviction by a spouse,
43 terminate the alimony and contract”.

44 Section 37 of said chapter 208 is hereby amended by adding the fourth paragraph:- “if
45 there is a conviction of abuse, the court shall terminate alimony to the spouse”.

46 SECTION 4. Section 49 of chapter 208 is hereby amended by adding the following
47 subsection (i):- “General term alimony to an abusive spouse shall terminate if the spouse has a
48 conviction of abuse”.

49 Section 50 of said chapter is further amended by adding the following subsection:- (d)
50 “Rehabilitative alimony to an abusive spouse shall terminate if the spouse has a conviction of
51 abuse”.

52 Section 51 of said chapter is further amended by adding subsection:- (d) “Reimbursement
53 alimony shall terminate if an abusive spouse has a conviction of abuse”

54 Section 52 of said chapter is further amended by adding at the end of subsection (b) the
55 following words:- “; provided, however, that the court shall terminate transitional alimony if a
56 spouse is convicted of abuse”

57 Section 53 of chapter 208 is hereby amended by adding at the end of subsection (a) the
58 following words:- “The court shall deny alimony to a spouse with a conviction of abuse”

59 Section 54 of said chapter is hereby amended by adding the following subsection:- “(c)
60 The court shall terminate alimony to a spouse with a conviction of abuse”.

61 Section 55 is hereby amended by adding the following subsection:- “(d) The court shall
62 terminate alimony to a spouse with a conviction of abuse”.

63 SECTION 5. Section 40 of section 209A of the General Laws is hereby repealed.

64 Section 3 of chapter 209A is hereby amended by striking out the following words: “shall
65 not in and of itself constitute a pattern or serious incident of abuse; nor shall an order or orders
66 entered ex parte under said chapter 209A be admissible to show whether a pattern or serious
67 incident of abuse has in fact occurred”.

68 Section 31A of chapter 208 is hereby amended by striking out the following words:-
69 “shall not in and of itself constitute a pattern or serious incident of abuse; nor shall an order or
70 orders entered ex parte under said chapter 209A be admissible to show whether a pattern or
71 serious incident of abuse has in fact occurred”.

72 Section 7 of chapter 209A and sections 17 and 34 of chapter 208 are hereby amended by
73 striking out the word “him”, each time it appears, and inserting in place thereof the word:-
74 “party”.

75 SECTION 6. Nothing in this act shall be construed to affect the right of the parties to a
76 hearing under the rules of domestic relations procedure or to affect the discretion of the probate
77 and family court in the conduct of such hearings. This act shall take effect upon passage.