

SENATE No. 3158

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

SENATE, July 13, 2026.

The committee on The Judiciary to whom was referred the petition (accompanied by bill, Senate, No. 1205) of Michael O. Moore, Joanne M. Comerford, Jacob R. Oliveira, Joan B. Lovely and other members of the Senate for legislation relative to controlling and abusive litigation, report the accompanying bill (Senate, No. 3158).

For the committee,
Lydia Edwards

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**In the One Hundred and Ninety-Fourth General Court
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An Act controlling and abusive litigation.

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 General Laws are hereby amended by inserting after chapter 209D the
2 following chapter:-

3 Chapter 209E.

4 CONTROLLING AND ABUSIVE LITIGATION PREVENTION

5 Section 1. As used in this chapter, the following words shall, unless the context clearly
6 requires otherwise, have the following meanings:

7 “Abuse”, as defined in section 1 of chapter 209A.

8 "Controlling and abusive litigation", litigation where the following apply:

9 (a)(i) The opposing parties have a current or former family or household member
10 relationship;

(ii) The party who is filing, initiating, advancing or continuing the litigation has been found by a court to have committed abuse against the other party pursuant to an order entered under chapters 208, 209, 209A, 209C or 258E; and

(iii) The litigation is being initiated, advanced or continued solely for the purpose of abusing, harassing, intimidating, threatening or maintaining contact with the other party; and

(b) At least 1 of the following factors apply:

(i) Claims, allegations or other legal contentions made in the litigation are not warranted by existing law;

(ii) Allegations and other factual contentions made in the litigation are without the existence of evidentiary support; or

(iii) An issue or issues that are the basis of the litigation have previously been filed in 1 or more other courts or jurisdictions and the actions have been litigated and disposed of unfavorably to the party filing, initiating, advancing or continuing the litigation.

"Family or household members", as defined section 1 of chapter 209A

"Harassment", as defined in section 1 of chapter 258E.

"Litigation", any kind of legal action or proceeding including, but not limited to:

(i) filing a summons, complaint, demand or petition;

(ii) serving a summons, complaint, demand or petition, regardless of whether it has been filed;

(iii) filing a motion, notice of court date, note for motion docket or order to appear;

(iv) serving a motion, notice of court date or order to appear, regardless of whether it has been filed or scheduled;

(v) filing a subpoena, subpoena duces tecum, request for interrogatories, request for production, notice of deposition or other discovery request; or

(vi) serving a subpoena, subpoena duces tecum, request for interrogatories, request for production, notice of deposition or other discovery request.

"Perpetrator of controlling and abusive litigation", a person who files, initiates, advances or continues litigation in violation of an order restricting controlling and abusive litigation.

Section 2. (a) A party may request declaratory relief from the court that a perpetrator of controlling and abusive litigation is a vexatious litigant. The request may be made in any form, including, but not limited to:

(1) in any answer or response to the litigation being filed, initiated, advanced or continued;

(2) by motion made at any time during any open or ongoing case;

(3) in an answer or response to any motion or request for an order

(b) The chief justice of the trial court shall create forms for the motion for order restricting controlling and abusive litigation and order restricting controlling and abusive litigation.

(c) The provisions of this section are nonexclusive and shall not affect any other remedy available.

Section 3. (a) If the court finds by a preponderance of evidence that a party is engaging in controlling and abusive litigation and that any or all of the motions or actions pending before the court are controlling and abusive litigation, the litigation shall be dismissed, denied, stricken or resolved by other disposition.

(b) In addition to dismissal or denial of any pending controlling and abusive litigation within the jurisdiction of the court, the court shall enter an order restricting controlling and abusive litigation. The order shall

1. Declare the party to be vexatious litigant and may;
2. Impose sanctions for the abuse of the judicial system and may
3. Require reasonable attorney fees.

(c) If the court finds by a preponderance of the evidence that the litigation does not constitute controlling and abusive litigation, the court shall enter written findings and the litigation shall proceed. Nothing in this section or chapter shall be construed as limiting the court's inherent authority to control the proceedings and litigants before it.

(d) The provisions of this section are nonexclusive and shall not affect any other remedy available to the person who is protected by the order restricting controlling and abusive litigation or to the court.

SECTION 4. During any active investigation or pending judicial proceeding involving allegations of abuse, neglect, or child safety, no party shall unilaterally delay, deny, terminate, or

70 materially interfere with a child's existing medical, surgical, or therapeutic care except by court
71 order or mutual consent.

72 (c) If the court finds by a preponderance of the evidence that the litigation does not
73 constitute controlling and abusive litigation, the court shall enter written findings and the
74 litigation shall proceed. Nothing in this section or chapter shall be construed as limiting the
75 court's inherent authority to control the proceedings and litigants before it.

76 (d) The provisions of this section are nonexclusive and shall not affect any other remedy
77 available to the person who is protected by the order restricting controlling and abusive litigation
78 or to the court.

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