HOUSE DOCKET, NO. 2886 FILED ON: 1/21/2011

HOUSE . . . . . No. 2245

The Commonwealth of Massachusetts

PRESENTED BY:

***Charles A. Murphy*, (BY REQUEST)**

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 passage of the accompanying:

An Act preventing misuse of chapter 209A abuse prevention provisions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Timothy Enos	*7 Van Norden Road* *Burlington, MA 01803*

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HOUSE . . . . . No. 2245

By Mr. Murphy of Burlington (by request), a petition (accompanied by bill, House, No. 2245) of Timothy Enos relative to abuse prevention order complaints containing false allegations. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act preventing misuse of chapter 209A abuse prevention provisions.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1A. complaint form; false accusations; penalties; remedies

In accordance with the disclaimer in the footer of the affidavit page that is part of the filing of a complaint for Abuse Prevention under this chapter, which reads "I declare under penalty of perjury that all statements of fact made above, and in any additional pages attached, are true.", anyone who is found by the Court to have knowingly filed said Complaint for Abuse Prevention with it containing any false allegations shall be punished by a fine of neither less than one hundred nor more than one thousand dollars or by imprisonment in jail for neither less than two months nor more than two and one half years, or by both such fine and imprisonment in jail.

Additionally, the Court may impose monetary sanctions upon the false accuser not to exceed all costs incurred by the party accused as a direct result of defending against the false allegation(s), and reasonable attorney's fees incurred in recovering the sanctions against the person making the false allegation(s). The remedy provided by this subsection is in addition to any other remedy provided by law.

The same punishment as has been heretofore defined in this subsection shall also be applied to anyone found by the Court to have engaged in any, some, most, or all of the activities proscribed in sections 2, 3, and 4 of MGL c268.

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21 Further remedy in the form of the allocation of additional parenting time with the
22 child(ren) to make up for any parenting time the falsely accused parent has lost as a result of the
23 aforementioned proscribed activity shall be ordered by the Court, which shall also take into
24 consideration the allocation of additional parenting time in order to rehabilitate any adverse
25 effect upon the relationship between the child(ren) and the falsely accused parent that arose
26 because of the false allegation(s) of the other parent.