HOUSE DOCKET, NO. 600 FILED ON: 1/18/2011

HOUSE . . . . . No. 420

The Commonwealth of Massachusetts

PRESENTED BY:

Michael A. Costello

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 parent-child privilege .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael A. Costello	*1st Essex*
Aaron Michlewitz	*3rd Suffolk*

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HOUSE . . . . . No. 420

By Mr. Costello of Newburyport, a petition (accompanied by bill, House, No. 420) of Michael A. Costello and Aaron Michlewitz relative to parent-child privilege in delinquency or youthful offender proceedings. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to parent-child privilege .

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

SECTION 1. Section 20 of chapter 233 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the Fourth clause, and inserting in place thereof the following:-

Fourth, in a proceeding before an inquest, grand jury, trial of indictment or complaint, or any other criminal, delinquency or youthful offender proceeding where the victim in such proceeding is not a family member and does not reside in the family household, neither the parent nor minor child shall testify against the other without the other's permission. For the purpose of this clause the term, "parent" shall mean the biological or adoptive parent, stepparent, foster parent, legal guardian of a child, or any other person that has the right to act in loco parentis for such child. In cases where the victim is a family member and resides in said household, the parent shall not testify as to any communication with such child that was for the purpose of seeking advice regarding the child's legal rights and decision making.