. . No. 420 **HOUSE**

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

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
- 2 Official Edition, is hereby amended by striking out the Fourth clause, and inserting in place
- 3 thereof the following:-
- 4 Fourth, in a proceeding before an inquest, grand jury, trial of indictment or complaint, or
- 5 any other criminal, delinquency or youthful offender proceeding where the victim in such
- 6 proceeding is not a family member and does not reside in the family household, neither the
- 7 parent nor minor child shall testify against the other without the other's permission. For the
- 8 purpose of this clause the term, "parent" shall mean the biological or adoptive parent, stepparent,
- 9 foster parent, legal guardian of a child, or any other person that has the right to act in loco
- 10 parentis for such child. In cases where the victim is a family member and resides in said
- 11 household, the parent shall not testify as to any communication with such child that was for the
- 12 purpose of seeking advice regarding the child's legal rights and decision making.