

HOUSE DOCKET, NO.

XXXXX

FILED ON: 11/16/2011

HOUSE No. 03816

The Commonwealth of Massachusetts

PRESENTED BY:

Vincent A. Pedone

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 bill:

An Act relative to videoconference hearings when one party is subject to a protective order or restraining order.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

HOUSE No. 03816

Substituted by the House, on motion of Mr. Pedone of Worcester, for a bill with the same title.
November 16, 2011.

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven
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An Act relative to videoconference hearings when one party is subject to a protective order or restraining order.

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

1 Chapter 208 of the General Laws is hereby amended by inserting after section 34D the following
2 section:-

3 Section 34E. (a) In any court proceeding in a child and family relations matter, including, but not
4 limited to, chapters 208, 209, 209A, 209B and 209C, the court may, within available resources,
5 upon motion and after hearing, order that the testimony of a party or a child who is a subject of
6 the proceeding be taken outside the physical presence of any other party if a protective order or
7 restraining order has been issued on behalf of the party or child, and the other party is subject to
8 the protective order or restraining order. A certified copy of the protective order or restraining
9 order shall be filed with the motion. Such order may provide the use of alternative means to
10 obtain the testimony of any party or child, including, but not limited to, the use of a secure video
11 connection for the purpose of conducting hearings by videoconference. Such testimony may be

12 taken in a room other than the courtroom or at another location outside the courthouse or outside
13 the commonwealth. The court shall provide for the administration of an oath to such party or
14 child prior to the taking of such testimony in accordance with the rules of the probate and family
15 court.

16 (b) Nothing in this section shall be construed to limit any party's right to cross-examine a witness
17 whose testimony is taken by alternative means.