

SENATE No. 786

The Commonwealth of Massachusetts

PRESENTED BY:

Harriette L. Chandler

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 obtaining relief from abuse and harassment.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/3/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/25/2017</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/25/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2017</i>

SENATE No. 786

By Ms. Chandler, a petition (accompanied by bill, Senate, No. 786) of Harriette L. Chandler, Kay Khan, Marjorie C. Decker, Jennifer E. Benson and others for legislation relative to obtaining relief from abuse and harassment. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to obtaining relief from abuse and harassment.

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 231 of the General Laws, as appearing in the 2014 Official Edition, is hereby
2 amended by striking out section 85P and inserting in place thereof the following section:-

3 Section 85P. (a) Except as otherwise specifically provided by law, any person domiciled
4 in the commonwealth who has reached the age of 18 shall for all purposes, and any other person
5 who has reached the age of 18 shall with respect to any transaction governed by the law of the
6 commonwealth, be deemed of full legal capacity unless legally incapacitated for some reason
7 other than insufficient age.

8 (b) Notwithstanding subsection (a), a minor 13 years of age or older may appear in a
9 court of competent jurisdiction without a parent, guardian, next friend, counsel, or guardian ad
10 litem, for the purpose of requesting or opposing a request for any of the following:

11 (i) an order pursuant to chapter 209A;

12 (ii) an order pursuant to chapter 258E.

13 (c) If a minor at least 13 years of age seeks relief in a matter under subsection (b) and is
14 not accompanied by a parent, guardian, custodian, other appropriate adult, or represented by an
15 attorney, the minor shall be informed that the minor has a right to appointed counsel and the
16 court shall appoint an attorney to represent the minor. Appointment of counsel shall be made
17 through the Committee for Public Counsel Services.

18 (d) Subsection (b) shall not prevent a parent, guardian, custodian, or other appropriate
19 adult to file or oppose a request for relief in a matter under subsection (b) on behalf of a minor of
20 any age. In matters falling under subsection (b) in which a parent, guardian, custodian or other
21 appropriate adult has sought relief on behalf of a minor plaintiff 13 years of age or older, the
22 court shall consider the expressed wishes of the minor plaintiff in deciding whether to grant
23 relief pursuant to subsection (b) and in determining the contents of such an order.