

HOUSE No. 1277

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 passage of the accompanying bill:

An Act relative to parent-child privilege .

PETITION OF:

NAME:

Michael A. Costello

DISTRICT/ADDRESS:

1st Essex

HOUSE No. 1277

By Mr. Costello of Newburyport, a petition (accompanied by bill, House, No. 1277) of Michael A. Costello relative to parent-child privilege in delinquency or youthful offender proceedings. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE

□ HOUSE
□ , NO. 420 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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:

1 SECTION 1. Section 20 of chapter 233 of the General Laws, as appearing in the 2010
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,
9 stepparent, foster parent, or legal guardian of a child. In cases where the victim is a family
10 member and resides in said household, the parent shall not testify as to any communication with
11 such child that was for the purpose of seeking advice regarding the child’s legal rights and
12 decision making