

SENATE No. 00059

The Commonwealth of Massachusetts

PRESENTED BY:

Richard T. Moore

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 protecting against frivolous claims .

PETITION OF:

NAME:

Richard T. Moore

DISTRICT/ADDRESS:

Worcester and Norfolk

SENATE No. 00059

By Mr. Moore, petition (accompanied by bill, Senate, No. 59) of Moore for legislation to protect against frivolous claims [Joint Committee on Children, Families and Persons with Disabilities].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act protecting against frivolous claims .

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 6 of chapter 119A of the general laws, as appearing in the 2008
2 Official Edition, is hereby amended by inserting at the end thereof the following new
3 subsection”—

4 (d) (1) The IV-D agency shall not commence judicial or administrative action against an obligor
5 for the failure to provide support until such time as the department has reasonably determined
6 support is in arrears. Claims for lack of payment by an obligee shall be substantiated and
7 recovery reasonably attempted before the department commences action against an obligor.

8 (2) In which case an action is commenced against an obligor and is determined by the respective
9 court to be unsubstantiated, the department and obligee shall be jointly and severally liable for
10 the legal fees of the obligor, in their entirety.