

SENATE No. 59

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. 59

By Mr. Richard T. Moore, a petition (accompanied by bill, Senate, No. 59) of Richard T. Moore for legislation realtive to child support and court proceedings. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ SENATE
□ , NO. 59 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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 2010
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 action against an obligor for the
5 failure to provide support until such time as the department has reasonably determined support is
6 in arrears. Claims for lack of payment by an obligee shall be substantiated and recovery
7 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
9 respective court to be unsubstantiated, the department and obligee shall be jointly and severally
10 liable for the legal fees of the obligor, in their entirety.