

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Mark V. Falzone (BY REQUEST)**

*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 Preventing Misuse of Chapter 209A Abuse Prevention Provisions.**

PETITION OF:

NAME:

William A. Moschella

DISTRICT/ADDRESS:

20 Main Street  
Saugus, MA 01906

# The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
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## AN ACT PREVENTING MISUSE OF CHAPTER 209A ABUSE PREVENTION PROVISIONS.

*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 10 of chapter 209A of the General Laws, as appearing in the 2006 Official  
2 Edition, is hereby amended by adding the following four paragraphs:--

3           No remedy available pursuant to section 3 contained herein shall be available and  
4 authorized except upon a showing, by clear and convincing evidence, of intentional conduct by  
5 the defendant.

6           No remedy, restraining contact with a child, shall be authorized pursuant to this chapter  
7 unless there is clear and convincing evidence of physical abuse of that child by the defendant.

8           Any party who knowingly files a false affidavit, complaint, police report or offers false  
9 testimony concerning any matter contained in this chapter shall be held liable and reimburse the  
10 accused for all legal fees, lost wages and miscellaneous costs associated with defending such  
11 accusations. Upon a judicial determination that any remedy provided for in this chapter was  
12 obtained based upon any false affidavit, complaint, testimony or police report, then and in that  
13 event, any such remedy shall be immediately rescinded.

14           Any party who is found to have knowingly filed a false affidavit, complaint, police report  
15 or offered testimony to obtain any remedy contained herein a second or subsequent time shall be  
16 fined \$500 and prohibited from filing any affidavit, complaint, or police report herein, for a  
17 period of 1 year, unless physical abuse has been committed upon the plaintiff by clear and  
18 convincing evidence.