



**MAIN OFFICE**

14 New England Exec. Park  
Suite 100  
Burlington, MA 01803-5201

Tel. (781) 273-3939  
Toll Free MA:  
1-800-852-3000  
Toll Free ME-NH-VT:  
1-800-225-4213  
Fax: (781) 273-1133

**SATELLITE OFFICES**

**SOUTHEASTERN MA**

New Bedford Office

628 Pleasant Street  
New Bedford, MA 02740  
Tel. (508) 984-1470

**Western MA**

Springfield Office

1120 Main Street  
Springfield, MA 01103  
Tel. (413) 736-4884

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# In Brief...

A quarterly newsletter brought to you by the Massachusetts Laborers' Legal Services Fund

**NEW SUMMARY PLAN:**

Most of you have had the opportunity to review the new Summary Plan Description which was mailed out this past summer. Thank you for your positive comments! If you did not receive your new Summary Plan Description, please call us so we can mail you a copy. The Summary Plan Description is also available online at [www.MLBF.org](http://www.MLBF.org). (Click on Legal Services at the member dashboard and go to Forms/Resources and click on the Summary Plan Description to view.)

**CHILD SUPPORT OBLIGATIONS**

A common misconception that arises time and time again concerns the payment of child support. Many believe that child support obligations automatically end once the child reaches age 18. However, child support may continue after age 18 if the child is not emancipated. The support order may continue to the age of 23 if the child is in school and principally dependant on the custodial parent for support. The Court may also order contribution to education costs in addition to child support.

For further information and/ or clarification, please contact the main office of Massachusetts Laborers Legal Services Fund in Burlington.

**ABUSE PREVENTION ORDERS**

Abuse prevention orders, also known as restraining orders or 209A orders, are court orders that require complete compliance by the defendant. If a restraining order is entered against you, it prohibits you from having contact with the person who obtained the order unless exceptions are specifically made. If a restraining order is issued against you it is important to understand each provision or paragraph of the order. A restraining order may prohibit you from contacting the individual, usually an ex-spouse or former ex-girlfriend or ex-boyfriend. You may also be ordered to remain a certain distance away from the person who obtained the order.

If the person who obtained the restraining order contacts you by telephone, e-mail or in any other way, you are still prohibited from contacting that person. Any response from you is a violation of the restraining order and may lead to an arrest. You are prohibited from contacting the person in any way until the order expires, is vacated or modified by the Court. "Contact" can be considered telephone calls, e-mails,



leaving messages, appearing at the person's residence, place of work, or school. Even sending flowers or a card is considered "contact".

Abuse prevention orders also prohibit third party contact, which means you may not have a friend or relative contact the person unless specifically authorized to do so by the restraining order. Any contact directly or through another person, unless specified in the order, will result in a violation. If you are served with a restraining order or have questions about the abuse prevention order, please call the Massachusetts Laborers' Legal Services Fund main office in Burlington.

**HARSH PENALTIES IMPOSED FOR DRIVING AFTER SUSPENSION RESULTING FROM OPERATING UNDER THE INFLUENCE CONVICTION**

Massachusetts General Laws Chapter 90, section 23 imposes harsh penalties for individuals convicted of driving after a license suspension, if the reason for the suspension is a conviction for operating under the influence. The law prohibits the Commonwealth from placing the matter on file or continuing the matter without a finding. A conviction for this offense carries a mandatory jail sentence of imprisonment in the house of correction for not less than one (1) year and not more than two and one half (2 ½) years and a fine of not less than two thousand five hundred (\$2,500.00) dollars nor more than ten thousand (\$10,000.00) dollars. This law also authorizes the Registry of Motor Vehicles to extend the suspension for an additional year.

If a defendant is convicted of operating a motor vehicle after suspension due to an operating under the influence charge, he/she must serve a minimum of one (1) year imprisonment in the house of correction. The sentence may not be suspended and the individual will not eligible for probation,

parole, furlough or receive a deduction of his sentence for good conduct until the individual has served one (1) year of his/her sentence. There are only two exceptions to this provision: individuals may be released in the custody of an officer for emergency medical or psychiatric treatment not provided by the facility, or if the individual is engaging in employment through a work release program.

**DEBT SETTLEMENT AND NEGOTIATION COMPANIES CAN BE JUST AS DANGEROUS AS THE CREDIT CARD COMPANIES**

With the current downturn in the economy it is not uncommon to have monthly debt pile up. Debt negotiation programs are becoming an increasingly popular way to try to settle or negotiate down debt. However, debtors should be wary before signing up with one of these companies. Often these companies charge large fees up front as well as monthly fees while suggesting you ignore your creditors and leave all communications to them. Further, debt negotiation companies may tell you to ignore complaints filed by creditors in court or the commencement of arbitration. They may do these things to purposefully allow the accounts to become seriously delinquent and then attempt to settle the accounts for short money. This tactic may not work and will do further damage to your credit.

**REMEMBER DEBT NEGOTIATORS ARE NOT ATTORNEYS. THEY CANNOT GIVE YOU LEGAL ADVICE.** Ignoring court complaints by creditors or the initiation of arbitration can have heavy penalties, including large judgments with interest and fees. Please do not ignore any court documents and call our office immediately for an attorney to review procedures suggested by a debt settlement company. If you find yourself falling behind on

your credit card payments you should contact your credit card company immediately to see if you can work out a payment plan with them. If this does not work, you may want to hire a credit counseling service. Credit counseling services must be nonprofit organizations in Massachusetts. Before signing up with any program, shop around and avoid any services that require large upfront and/or large monthly fees.

Another option may be to consolidate your debt through a bank loan; however, the consequences on defaulting on a bank loan can be substantial. For example, a home equity loan may not be a good option because missed payments could result in the possible foreclosure of your home.

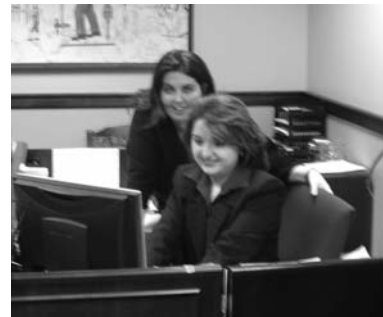
A final option may be filing bankruptcy. Bankruptcy can also have serious consequences. Please call Massachusetts Laborers' Legal Services Fund and seek advice from an attorney on these issues. Your Legal Services Fund can advise you regarding filing bankruptcy and file a petition for you if that is the best option.

**REGISTRY OF MOTOR VEHICLES WILL NO LONG BE SENDING RENEWAL REMINDERS FOR DRIVERS LICENSES**

You must keep your own records as to when your motor vehicle license expires. The Registry of Motor Vehicles will no longer be mailing out reminders. Keeping a record will save you from penalties and fines! Your Massachusetts license is valid for a maximum of five (5) years and expires on your birthday. You may renew your license up to one (1) year prior to the expiration date by going to any Registry of Motor Vehicles office. You may also be eligible to renew your

license online. Visit, [www.mass.gov/rmv/express/](http://www.mass.gov/rmv/express/) to find out if you qualify.

The temporary photo-imaging license you receive during your renewal is valid for 30 days, and your new Photo-Imaging License will be mailed to your address of record.



**THIS NEWSLETTER IS INTENDED AS INFORMATION ONLY NOT SPECIFIC LEGAL ADVICE.**

Statements or questions please contact us at:  
Massachusetts Laborers' Legal Services Fund  
14 New England Executive Park, Suite 100  
Burlington, MA 01803-5201  
(781) 273-3939 • Toll free at 1-800-852-3000

Declaraciones o preguntas por favor contactenos:  
Massachusetts Laborers' Legal Services Fund  
14 New England Executive Park, Suite 100  
Burlington, MA 01803  
Telefono: 781-273-3939  
Llame gratis: 1-800-852-3000

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