

Bill as
Introduced

HB 571 - AS INTRODUCED

2013 SESSION

13-0209
09/04

HOUSE BILL **571**

AN ACT establishing a task force to study and make recommendations on the judicial branch family court division.

SPONSORS: Rep. Schlachman, Rock 18; Rep. Lambert, Hills 44; Rep. Lovejoy, Rock 36; Rep. DeSimone, Rock 14; Rep. Benn, Graf 12; Rep. Emerson, Ches 11; Rep. Itse, Rock 10; Sen. Stiles, Dist 24; Sen. Pierce, Dist 5

COMMITTEE: Children and Family Law

ANALYSIS

This bill establishes a task force to study and make recommendations on the judicial branch family court division.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT establishing a task force to study and make recommendations on the judicial branch family court division.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Task Force on the Judicial Branch Family Court Division. Amend RSA 490-D by
2 inserting after section 15 the following new section:

3 490-D:16 Task Force on the Judicial Branch Family Court Division.

4 I. There is established the task force on the judicial branch family court division consisting
5 of 21 members. The governor shall appoint the members in subparagraphs (a) through (l) who shall
6 serve at the pleasure of the governor and shall include persons familiar with family law and
7 mediation. All persons who desire to serve as governor-appointed members shall submit a letter of
8 interest to be considered for appointment by the governor. The members of the task force shall be as
9 follows:

10 (a) Two Court Appointed Special Advocates (CASA) guardians ad litem.

11 (b) Two guardian ad litem board certified guardians ad litem.

12 (c) A sitting judge of the superior court.

13 (d) A sitting judge of the judicial branch family court division.

14 (e) Two attorneys practicing family law.

15 (f) An attorney employed by the department of health and human services, division of
16 children, youth, and families.

17 (g) A representative of the department of health and human services, division of child
18 support and child support enforcement.

19 (h) A child psychologist.

20 (i) An adult psychologist.

21 (j) Two retired marital masters.

22 (k) One male and one female member of the public who are experienced consumers of the
23 judicial branch family court division or mediation.

24 (l) A mediator-attorney with the New Hampshire Conflict Resolution Association
25 (NHCRA).

26 (m) Two members of the house of representatives, one of whom shall be a member of the
27 children and family law committee and one of whom shall be a member of the judiciary committee,
28 appointed by the speaker of the house of representatives.

29 (n) One senate member, appointed by the senate president.

30 (o) The executive director of the judicial council, or designee.

1 II. The governor shall appoint one member to serve as the chairperson. The chairperson
2 shall call the first meeting of the task force within 45 days of the effective date of this section. The
3 task force shall meet at least monthly at a date, time, and place designated by the chairperson. Nine
4 persons shall constitute a quorum for the transaction of business. Legislative members of the task
5 force shall receive mileage at the legislative rate when attending to the duties of the task force.

6 III. A member who is absent for 3 consecutive meetings may be removed from the task force.
7 The governor shall immediately fill all vacancies of non-legislative members. The speaker of the
8 house of representatives or the senate president shall immediately fill all vacancies of legislative
9 members.

10 IV. The task force on the judicial branch family court division is charged with developing a
11 proposal for improving the functioning of this division to benefit families and to reduce costs for the
12 state and for the families. In accomplishing this goal, the task force shall:

13 (a) Gather information on and study the current state of the judicial branch family court
14 division, including current procedures, timelines, and filing and reporting requirements.

15 (b) Develop a comprehensive plan, including, but not limited to:

16 (1) Recommendations for modifying the judicial branch family court division.

17 (2) Recommendations for modifying court rules as they apply to the judicial branch
18 family court division.

19 (3) Recommendations to increase efficiencies of case processing, reporting, and
20 information exchanges.

21 V. The task force shall report its findings and any recommendations for proposed legislation
22 to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk,
23 and the governor on or before November 1, 2014.

24 2. Repeal. RSA 490-D:16, relative to the task force to study and make recommendations on the
25 judicial branch family court division, is repealed.

26 3 Effective Date.

27 I. Section 2 of this act shall take effect November 1, 2014.

28 II. The remainder of this act shall take effect upon its passage.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 571

BILL TITLE: establishing a task force to study and make recommendations on the judicial branch family court division.

DATE: February 7, 2013

LOB ROOM: 206 **Time Public Hearing Called to Order:** 11:58 am

Time Adjourned: 12:38 pm

(please circle if present)

Committee Members: Reps. Wald, Long, Rollo, Flockhart, Friedrich, Chase, M. MacKay, Alicea, Frambach, Gulick, Stevens, Gargas, DeSimone, Hoell, Itse, Kelleigh Murphy, Nigrello, Oigny, Tremblay and Dumaine.

Bill Sponsors: Rep. Schlachman, Rock 18; Rep. Lambert, Hills 44; Rep. Lovejoy, Rock 36; Rep. DeSimone, Rock 14; Rep. Benn, Graf 12; Rep. Emerson, Ches 11; Rep. Itse, Rock 10; Sen. Stiles, Dist 24; Sen. Pierce, Dist 5

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

***Rep. Donna Schlachman, sponsor**

Suggests the need to analyze the family court system to solve know problems that negatively impact families struggling with divorce.

***Judge David King, New Hampshire Judicial Branch, Administrative Offices of the Circuit Court (Family Court fall under this body) – informational only**

1. Have been multiple studies --- do we need another task force?
2. Could drain resources by being asked for more data, etc.; new mediator chair for Family Court, e-court soon up and running.
3. 25,000 cases each year; marital masters cut 50%; 9 judicial vacancies.
4. Redress of grievance cases from 2010-2012; 14 out of 50-, 000
5. Circuit Court Administrator should be on committee; not Superior Court Judge. Judge Kelly could be available to committee.

Submitted index of reports that family court has undergone over the last 10 or 15 years

Rep. Daniel Itse, a co-sponsor - supports
Both he and his wife are children of divorce.

Respectfully submitted,



Rep. Eileen C. Flockhart, Acting Committee Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

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Bill Sponsors: Rep. Kappler, Rock 3; Rep. Oligny, Rock 34; Rep. Itse, Rock 10; Rep. Lambert, Hills 44

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

1 * Rep. Donna Schlachman - sponsor
analyze the family court system to solve known problems that negatively impact families struggling with divorce

2 * Judge David King Dep. Admin. of Circuit Court (Family Court under this)

- 1. Have been multiple studies - need another task force ??
- 2. Could drain resources by being asked for more data etc.
new mediator chain for family court, e-court soon up + running
- 3. 25,000 cases each yr. Marital masters cut 90%, 9 judicial vacancies
- 4. Redress of grievance cases from 2010-2012 14 out of 50,000

Judge Kelly could be available to committee

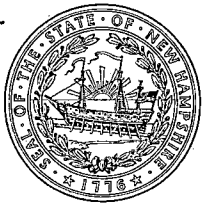
Circuit court administrator should be on committee / not Superior Court judge
Respectfully submitted,
Rep. Debra DeSimone, Committee Clerk

→ submitted index of reports that family court has undergone over last 10 or 15 yrs.



Rep. Dan Itse - both he + his wife are children of divorce

Testimony



State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

February 7, 2103

Madam Chair and Honorable Members of the Children and Family Law Committee. I am pleased to introduce **House Bill 571** establishing a task force to study and make recommendations on the judicial branch family court division.

The desire to establish a judicial system that handles all things family in a respectful, appropriate and timely way and to "*reduce the adversarial nature of proceedings involving families*" dates back at least to 1995 when a family division pilot program was established in Rockingham and Grafton counties. By 2005, New Hampshire set up a statewide family division. For most families, our family court system works well. For some it has not, and when it does not, children and adults suffer.

A little background on this bill: I inherited a family court bill Rep. David Robbins, who was, to my dismay, not re-elected. He and I, as well as the former Chair of this Committee, Rep. Ed Moran (who elected not to run again), had the opportunity to meet with family court people, parents, as well as engage in separate fact finding activities in an attempt to determine if there was something legislatively we could do to make things work better for some families. We all felt that there were system issues and that New Hampshire could be doing a better job. The bill Rep. Robbins ended up filing was a small fix. After observing two family court hearings myself, and then meeting with a couple of family court attorneys and mediators, I became uncomfortable with the bill.

HB 571 is the result of my belief that there are people within the system and, in the case of legislators outside of the system, who working together can make improvements. I would like to give New Hampshire the opportunity to do better, I hope you will help this happen by voting in favor of HB 571..

A handwritten signature in cursive script, appearing to read "Donna Schlachman".

Rep. Donna Schlachman
Vice Chair, Commerce and Consumer Affairs
Rockingham District #18, Exeter

Judge King

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January 15, 1995	Report of the Resolution of Family Issues in the Courts Study Committee
September 1997	Evaluation of the New Hampshire Judicial Branch Family Division Pilot Project - Assessment of First-Year Results
September 18, 1997	Family Division Report
October 1, 1998	Report of the Family Division Pilot Program
November 1, 2004	Family Law Task Force – Findings and Recommendations of the Family Law Task Force
December 1, 2004	Final Report – Commission to Study Child Support and Related Child Custody Issues
December 1, 2004	Judicial Branch Family Division Implementation Committee Report and Recommendations
June 1, 2006	New Hampshire Citizens Commission on the State Courts Report and Recommendations
January 2011	Report of the Judicial Branch Innovation Commission
June 28, 2011	N.H. Judicial Branch First Quarterly Report to Joint Fiscal Committee of the General Court on Judicial Branch Implementation of Innovation Commission Recommendations
September 30, 2011	N.H. Judicial Branch Quarterly Report To The Fiscal Committee of the General Court on Implementation of Recommendations Contained in the Judicial Branch Innovation Commission Report
December 30, 2011	N.H. Judicial Branch Quarterly Report To The Fiscal Committee of the General Court on Implementation of Recommendations Contained in The Judicial Branch Innovation Commission Report
March 30, 2012	N.H. Judicial Branch Quarterly Report To The Fiscal Committee of the General Court on Implementation of Recommendations Contained in The Judicial Branch Innovation Commission Report

July 1, 2012

N.H. Judicial Branch Quarterly Report To The Fiscal Committee of the General Court on Implementation of Recommendations Contained in The Judicial Branch Innovation Commission Report

October 1, 2012

N.H. Judicial Branch Quarterly Report To The Fiscal Committee of the General Court on Implementation of Recommendations Contained in The Judicial Branch Innovation Commission Report

December 28, 2012

N.H. Judicial Branch Seventh Quarterly Report To The Fiscal Committee of the General Court on Implementation of Recommendations contained in the Judicial Branch Innovation Commission Report.

Voting Sheets

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 571

BILL TITLE: . establishing a task force to study and make recommendations on the judicial branch family court division.

DATE: February 21, 2013

LOB ROOM: 206

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. K. Murphy

Seconded by Rep. Nigrello

Vote: 16-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.


Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,


Rep. Debra DeSimone, Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 571

BILL TITLE: . establishing a task force to study and make recommendations on the judicial branch family court division.

DATE: 2/21/13

LOB ROOM: 206

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL Retained (Please circle one.)

Moved by Rep. *MURPHY*

Seconded by Rep. *NIGRELLO*

Vote: *16-0* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: {Type VOTE} *10*

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Debra DeSimone

Rep. Debra DeSimone, Clerk



2013 SESSION

CHILDREN AND FAMILY LAW

Bill #: 571

Title: ESTABLISHING A TASK FORCE TO STUDY & MAKE RECOMMENDATIONS
ON THE JUDICIAL BRANCH FAMILY COURT

PH Date: 1 / 1 /

Exec Session Date: 2 / 21 / 13

Motion: ITC

Amendment #: _____

<u>MEMBER</u>	<u>YEAS</u>	<u>NAYS</u>
Walz, Mary Beth E, Chairman	✓	
Long, Patrick T, V Chairman	✓	
Rollo, Deanna S	✓	
Flockhart, Eileen C	✓	
Friedrich, Carol H	✓	
Chase, Cynthia L	✓	
Alicea, Caroletta C	✓	
Frambach, Mary E	✓	
Gulick, Ruth P	✓	
MacKay, Mariellen J	✓	
Stevens, Audrey M	✓	
Gargas, Carolyn M	✓	
Itse, Daniel C	ABSENT	
DeSimone, Debra L	✓	
Oigny, Jeffrey D	ABSENT	
Dumaine, Dudley D	DOUBT ABSENT	
Hoell, J.R.	ABSENT	
Tremblay, Stella S	✓	
Murphy, Kelleigh D	✓	
Nigrello, Robert L	✓	
TOTAL VOTE:	<u>16</u>	<u>0</u>

Committee Report

REGULAR CALENDAR

February 25, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on CHILDREN AND FAMILY LAW to
which was referred HB 571,

AN ACT establishing a task force to study and make
recommendations on the judicial branch family court
division. Having considered the same, report the same
with the following Resolution: **RESOLVED**, That it is
INEXPEDIENT TO LEGISLATE.

Rep. Kelleigh D Murphy

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	CHILDREN AND FAMILY LAW
Bill Number:	HB571
Title:	establishing a task force to study and make recommendations on the judicial branch family court division.
Date:	February 25, 2013
Consent Calendar:	NO
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would have established a 21-member task force to study and make recommendations on the family court division. The committee felt that this bill was overly broad, that there were a number of more narrowly tailored study bills before the committee already, and that testimony showed that there were ample recent studies on the family court division.

Vote 16-0.

Rep. Kelleigh D Murphy
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 571, establishing a task force to study and make recommendations on the judicial branch family court division. **INEXPEDIENT TO LEGISLATE.**

Rep. Kelleigh D Murphy for CHILDREN AND FAMILY LAW. This bill would have established a 21-member task force to study and make recommendations on the family court division. The committee felt that this bill was overly broad, that there were a number of more narrowly tailored study bills before the committee already, and that testimony showed that there were ample recent studies on the family court division. **Vote 16-0.**

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

MAJORITY REPORT

HB 571, establishing a task force to study and make recommendations on the judicial branch family court division.

RECOMMENDATION: INEXPEDIENT TO LEGISLATE

VOTE: 16-0

This bill would have established a 21-member task force to study and make recommendations on the family court division. The committee felt that this bill was overly broad, that there were a number of more narrowly tailored study bills before the committee already, and that testimony showed that there were ample recent studies on the family court division.

Rep. Kelleigh D. Murphy

KDM

COMMITTEE REPORT

COMMITTEE: Children & Family L

BILL NUMBER: HB 571

TITLE: _____

DATE: 2-21-13 CONSENT CALENDAR: YES NO

YES??
↓

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

HB 571, establishing a task force to study and make recommendations on the judicial branch family court division. INEXPEDIENT TO LEGISLATE.
This bill would have established a 21-member task force to study and make recommendations on the family court division. The committee felt that this bill was overly broad, that there were a number of more narrowly tailored study bills before the committee already, and that testimony showed that there were ample recent studies on the family court division. Vote 16-0.

COMMITTEE VOTE: 16-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Kelleigh D. Murphy
For the Committee *llc*