

Bill as  
Introduced

HB 651-FN-A - AS INTRODUCED

2013 SESSION

13-0337  
09/10

HOUSE BILL

**651-FN-A**

AN ACT

restoring funding and payment of fees by the judicial council for indigent parties.

SPONSORS:

Rep. Horrigan, Straf 6; Rep. Coulombe, Coos 3

COMMITTEE:

Children and Family Law

---

ANALYSIS

This bill restores funding and payment of fees by the judicial council for indigent parties.

---

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 restoring funding and payment of fees by the judicial council for indigent parties.

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

1           1 New Subparagraph; Special Fund. Amend RSA 6:12, I(b) by inserting after subparagraph 310  
2 the following new subparagraph:

3                     (311) All moneys collected pursuant to RSA 461-A:7, X, which shall be deposited into  
4 the special fund for mediator and guardian ad litem services.

5           2 Payment of Mediator Fees by Indigent Parties. RSA 461-A:7, X is repealed and reenacted to  
6 read as follows:

7                     X. In the event both parties are indigent, the mediator shall be paid a set fee for his or her  
8 services. The amount of the fee shall be set annually by supreme court rule. The court may order  
9 each party to pay a proportional amount of said fee. The fee shall be paid from the special fund  
10 established pursuant to RSA 461-A:17 and repaid by the parties in accordance with RSA 461-A:18.

11           3 Guardian Ad Litem Fees. Amend RSA 461-A:16, IV to read as follows:

12                     IV. The fees for services for the guardian ad litem and others utilized by the guardian and  
13 approved by the court shall be a charge against the parties in a proportional amount as the court  
14 may determine. *Where the parties are indigent, compensation for guardians ad litem and*  
15 *others utilized by the guardian and approved by the court shall be based upon the*  
16 *applicable fee schedule established by the supreme court for indigent defense counsel.*

17           4 Parental Rights and Responsibilities. Amend the introductory paragraph of RSA 461-A:16, VI  
18 to read as follows:

19                     VI. The supreme court shall provide the following relative to ~~non-certified~~ guardians ad  
20 litem appointed pursuant to this section:

21           5 Guardians Ad Litem and Mediators; Liability for Expenses. RSA 461-A:17 is repealed and  
22 reenacted to read as follows:

23                     461-A:17 Special Fund Established. The supreme court shall establish a separate fund in which  
24 to deposit a percentage of the entry fee paid to each clerk of court with each petition in domestic  
25 relations cases for the compensation of mediators, appointed pursuant to RSA 461-A:7, and  
26 guardians ad litem, appointed pursuant to RSA 461-A:16, when the parents are indigent. The  
27 supreme court shall determine by rule the percentage amount of the entry fee for each petition to be  
28 deposited into the fund, but at no time shall the percentage amount exceed 50 percent of the entry  
29 fee for each petition. Payments for services provided shall be paid by the judicial council.

30           6 Mediation and Arbitration Fund. Amend RSA 490-E:4, I(a) to read as follows:

1 (a) All moneys collected pursuant to ~~[RSA 461-A:7, X,]~~ RSA 490:27, II, RSA 490-D:12, III,  
2 RSA 503:4, II, and RSA 502-A:28, III.

3 7 Child Protection Act; Liability of Expenses. Amend RSA 169-C:27, I(f) to read as follows:

4 (f) ~~[Neither]~~ **Notwithstanding any provision of law to the contrary**, the department  
5 ~~[nor the judicial council]~~ shall have ~~[authority]~~ **no responsibility** for the payment of the cost of  
6 assigned counsel for any party under this chapter.

7 8 Adequate Representation Costs. Amend RSA 604-A:1-a to read as follows:

8 604-A:1-a Neglected or Abused Children. In cases involving a neglected or abused child, when a  
9 guardian ad litem is appointed for the child as provided in RSA 169-C:10, the cost of such  
10 appointment shall be paid from funds appropriated for indigent defense pursuant to this chapter. **In**  
11 **cases involving a neglected or abused child, when an attorney is appointed to represent a**  
12 **parent determined to be indigent pursuant to RSA 169-C:10, II, the cost of such**  
13 **appointment shall be paid from funds appropriated for indigent defense pursuant to this**  
14 **chapter.**

15 9 Child Protection Act; Guardians Ad Litem. Amend RSA 169-C:10, I to read as follows:

16 I. In cases brought pursuant to this chapter involving a neglected or abused child, the court  
17 shall appoint a **guardian ad litem or Court Appointed Special Advocate (CASA)** ~~[or other approved~~  
18 ~~program]~~ guardian ad litem for the child. ~~[If a CASA or other approved program guardian ad litem~~  
19 ~~is unavailable for appointment, the court may then appoint an attorney or other guardian ad litem as~~  
20 ~~the guardian ad litem for the child.]~~ The court shall not appoint an attorney for any guardian ad  
21 litem appointed for the child **but may appoint an attorney or any other qualified individual as**  
22 **the guardian ad litem for the child.** The CASA ~~[or other approved program guardian ad litem]~~  
23 shall have the same authority and access to information as any other guardian ad litem. ~~[For~~  
24 ~~purposes of this paragraph, "unavailable for appointment" means that there is no CASA or other~~  
25 ~~approved program guardian ad litem available for appointment by the court following a finding of~~  
26 ~~reasonable cause at the preliminary hearing held under RSA 169-C:15 so that the child's interests~~  
27 ~~may effectively be represented in preparation for and at an adjudicatory hearing.]~~

28 10 Child Protection Act; Preliminary Hearing. Amend RSA 169-C:15, III(a) to read as follows:

29 (a) Appoint ~~[a CASA or other approved program guardian ad litem or]~~ an attorney ~~[or~~  
30 ~~other qualified guardian ad litem]~~ to represent the child pursuant to RSA 169-C:10.

31 11 Child Protection Act; Appointment of Counsel. Amend RSA 169-C:10, II(a) to read as follows:

32 (a) In cases involving a neglected or abused child under this chapter, where the child's  
33 expressed interests conflict with the recommendation for dispositional orders of the guardian ad  
34 litem, the court may appoint an attorney to represent the interests of the child. **In any case of**  
35 **neglect or abuse brought pursuant to this chapter, the court shall appoint an attorney to**  
36 **represent an indigent parent alleged to have neglected or abused his or her child. In**  
37 **addition, the court may appoint an attorney to represent an indigent parent not alleged to**

1 *have neglected or abused his or her child if the parent is a household member and such*  
 2 *independent legal representation is necessary to protect the parent's interest. The court*  
 3 *shall not appoint an attorney to represent any other persons involved in a case brought*  
 4 *under this chapter.*

5 12 Termination of Parental Rights. Amend RSA 170-C:13 to read as follows:

6 170-C:13 Fees and Court Costs.

7 ~~[I. The petitioner shall pay]~~ All entry fees and court costs including costs of giving notice,  
 8 ~~[costs of]~~ advertising, and court-appointed guardian ad litem fees ***shall be paid by the petitioner.***  
 9 The court, however, may waive entry fees and court costs where payment would work a hardship on  
 10 the petitioner. Where the court waives payment by the petitioner, the state, through the court  
 11 system, shall pay court costs ***and the fee of any court-appointed guardian ad litem.*** ~~[The~~  
 12 ~~judicial council shall pay the cost of a CASA guardian ad litem appointed for the child or other~~  
 13 ~~guardian ad litem in cases arising from an underlying abuse and neglect proceeding when the state~~  
 14 ~~is the moving party or in cases where payment would work a hardship on the petitioner.]~~

15 II.] The department of health and human services is exempted from paying any entry fees  
 16 and court costs.

17 ~~[III. When appointment of counsel is made by the court pursuant to RSA 170-C:10 for a~~  
 18 ~~parent determined to be financially unable to employ counsel, the court shall use a financial~~  
 19 ~~eligibility guideline established by the office of cost containment to determine if the party is indigent.~~  
 20 ~~Upon determination that the party is indigent, the court may appoint counsel, subject to an order of~~  
 21 ~~repayment through the office of cost containment. The judicial council shall bear no financial~~  
 22 ~~responsibility for the payment of appointed attorney costs in such cases where the state is not the~~  
 23 ~~moving party for the termination of parental rights. The court shall pay for the appointment of~~  
 24 ~~counsel for an indigent parent made in accordance with the financial eligibility guideline established~~  
 25 ~~by the office of cost containment.]~~

26 13 Effective Date. This act shall take effect July 1, 2013.

LBAO  
13-0337  
01/29/13

**HB 651-FN-A - FISCAL NOTE**

AN ACT restoring funding and payment of fees by the judicial council for indigent parties.

**FISCAL IMPACT:**

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, as introduced, as it is awaiting information from the Judicial Branch. When completed, the fiscal note will be forwarded to the House Clerk's Office.

# Speakers





# Hearing Minutes

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 651

**BILL TITLE:** restoring funding and payment of fees by the judicial council for indigent parties.

**DATE:** February 14, 2013

**LOB ROOM:** 206      **Time Public Hearing Called to Order:** 2:40 pm

**Time Adjourned:** 4:28 pm

(please circle if present)

**Committee Members:** Reps. Walk, Long, Rollo, Flockhart, Friedrich, Chase, M. MacKay, Alicea, Frambach, Gulich, Stevens, Gargas, DeSimone, Hoell, Itse, Kelleigh Murphy, Nigrello, Oligny, Tremblay and Dumaine.

**Bill Sponsors:** Rep. Horrigan, Straf 6; rep. Coulombe, Coos 3

**TESTIMONY**

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

**\*Rep. Tim Horrigan, sponsor**

Introduced the bill to the committee, and submitted written testimony.

**Judge David King**, New Hampshire Judicial Branch (standing in for Howard Zibel) - oppose  
Due to cost shifting to judicial branch opposes on financial grounds.

**Chris Keating**, Judicial Council - oppose

Opposes based on funding. Gov. Hassan wants to restore funding (\$300,000) for most severe cases indigent parents.

**\*Laura Jamison**, New Hampshire Guardian ad Litem - support

Submitted written testimony; did not speak.

**Joseph Caulfield and Linda Paulson**, New Hampshire Guardians ad Litem - support

Had to leave; did not speak.

Respectfully submitted,



Rep. Eileen C. Flockhart, Acting Committee Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 651

BILL TITLE: restoring funding and payment of fees by the judicial council for indigent parties.

DATE: Feb. 14, 2013

LOB ROOM: 206

Time Public Hearing Called to Order: 2:40

Time Adjourned: 4:28

(please circle if present)

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

Bill Sponsors: Rep. Horrigan, Straf 6; Rep. Coulombe, Coos 3

TESTIMONY

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

\* Rep. Tim Horrigan - sponsor

Judge David King (sub. for Howard Zibel) - due to cost shifting to judicial branch - opposes on financial grounds

Chris Keating - opposes based on funding  
Gov. Hassan wants to restore funding (\$300,000) for most severe cases w/ indigent parents

Laura Jamison - supports bill

Respectfully submitted,

Rep. ~~Debra DeSimone~~, <sup>Acting</sup> Committee Clerk  
Eileen C. Flockhart

# Testimony

## *Testimony in Favor of HOUSE BILL 651-FN-A*

### **AN ACT restoring funding and payment of fees by the judicial council for indigent parties.**

Rep. Timothy Horrigan (Strafford 6); February 14, 2012

I remember being surprised when the draft version this bill came back from legislative services: I was not expecting to see a lot of language about guardians ad litem. I finally decided that it was a very good bill the way it was written, and now here it is before the Children & Family law Commitete.

My original idea was to restore funding for counsel for indigent families, while leaving aside the related question of guardians ad litem for children of such families. Why did I give a higher priority to funding the legal counsels? The main reason is that the right to counsel is a fundamental right.

The practice of providing counsel and guardians ad litem to indigent families was abolished during the 2011 budget process. Every branch of the government was hit hard, but the judiciary was hit hardest of all. I believe that this was done not just for fiscal reasons, but also because the previous House and Senate majorities wanted to prevent the judiciary from doing anything more than what it is constitutionally required to do. That majority also took a very narrow view of what the judiciary is required, or even authorized, to do.

While the current budget was wending its way through the legislative process, a couple from Newport, NH (or a nearby town) were dealing with the family-law system. They are known to the world only as "Lewis & Sonia M."

With the help of court-appointed counsel, Lewis & Sonia were able to defend their rights in the family court when the DCYF tried to take custody of their two children. On July 1, 2011, they abruptly lost their attorneys when the Fiscal Year 2012 budget took effect. Their appeal was heard by the Supreme Court, in the case "IN RE C.M. & a." The high court ended up being split three ways. There were two majority opinions and a minority opinion. The majority agreed that Lewis & Sonia's situation was unfortunate. However, the majority also concluded that Lewis & Sonia were not protected by the due process clauses of the 14<sup>th</sup> Amendment to the US Constitution, nor by the similar clauses of Part I, Articles 2 and 15 of the state constitution. The majority's basic rationale was no court-appointed

counsel was required because neither parent was being threatened with incarceration and because the DCYF was simply trying to take custody. Lewis & Sonia M. apparently would have regained their right to court-appointed counsel if the DCYF had progressed to the final step of terminating their parental rights altogether.

I agree with the minority opinion by Justice Conboy, who stated that “the due process protections afforded under the New Hampshire Constitution require the appointment of counsel for indigent parents in State-initiated proceedings brought pursuant to RSA chapter 169-C.” In her minority opinion, she eloquently pointed out the severe disadvantages that Lewis & Sonia (neither of whom had much formal education) faced when trying to represent themselves per se, and I quote:

**[I]n order to present an effective defense to the allegations of abuse or neglect, these parents are expected, on their own, to identify material issues, cross-examine adverse witnesses, challenge irrelevant or immaterial testimony, present evidence, and elicit relevant information from their own witnesses.**

I would also like to quote the last paragraph of Justice Lynn's opinion, “concurring specially” with Justice Hicks's majority opinion:

**Providing counsel at State expense to indigent parents facing abuse or neglect proceedings may well represent enlightened public policy \*\*\* However, except insofar as the denial of counsel to an indigent accused parent in a particular State-initiated abuse or neglect case results in fundamental unfairness, whether to provide this entitlement or not is a matter for the legislature to decide.**

Fundamental fairness demands that all indigent parents be guaranteed the right to counsel, so I urge the legislature to restore the funding and the basic rights which were taken away in 2011.

This brings me to the textual differences between HB 671 and this bill. HB 671 did not address the issue of a funding mechanism for the lawyers and GAL's fees. This bill contains four additional sections which would restore a funding source which was abolished in 2011. A dedicated fund would be replenished from a percentage of family court filing fees. The judiciary would be allowed to set the percentage as it sees fit, as long as this percentage does not exceed 50%.

Rep. Timothy Horrigan

email: [Timothy.Horrigan@leg.state.nh.us](mailto:Timothy.Horrigan@leg.state.nh.us)

phone: (603) 868-3342

**STATE OF NEW HAMPSHIRE  
OFFICE OF LEGISLATIVE BUDGET ASSISTANT  
FISCAL NOTE WORKSHEET**

HB 651

Date Sent to Judicial Branch: 1/7/13 LSR #: 13-0337.0  
 Judicial Branch: \_\_\_\_\_ Bill #: \_\_\_\_\_  
 Due to LBAO: 1/22/13 Amendment #(s): \_\_\_\_\_  
 Correction to prior response? (Y/N): N

State Fund(s) Affected:

General: \_\_\_\_\_ Federal: \_\_\_\_\_ Other: \_\_\_\_\_

	FIRST BIENNIUM			SECOND BIENNIUM	
	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
State Revenue					
State Expenditure					
Net State Impact					

County Revenue					
County Expenditure					
Net County Impact					

Local Revenue					
Local Expenditure					
Net Local Impact					

- NOTE: (1) List only the amount of change in the appropriate column.  
 (2) Place all negative numbers in parenthesis.  
 (3) You may replicate this worksheet.  
 (4) Refer to Guidelines for Fiscal Note Worksheets for further information.

- A) **ASSUMPTIONS:** Explain how estimate was derived. Describe costs that can be absorbed without additional funding. If no estimate can be prepared, explain why in detail. If no fiscal impact, explain why in detail.

The proposed bill would amend several statutes to restore funding and payment of fees by the judicial council for indigent parties. In essence, the proposed bill returns the amended statutes to the versions that existed prior to the 2011 statutory amendments. Most of the fiscal impact of the proposed bill is on the judicial council; however, some sections will have a fiscal impact on the judicial branch. Those sections will be discussed in this fiscal note worksheet.

Sections 2, 5, and 6 of the proposed bill would restore the guardian ad litem fund per RSA 461-A:17 and would remove funds that currently go to the mediation and arbitration fund. Based on receipts to the mediation and arbitration fund in fiscal 2012 under current RSA 461-A:7, X, that fund would lose revenue of \$264,171 annually. That revenue would return to the guardian ad litem fund for the use of the judicial council to pay for mediators and GALs for indigent parties in domestic relations cases. Currently, no statutory authority exists to pay for GALs for indigent parties in domestic relations cases, and they have not been appointed. Under the proposed bill, any costs for GALs for indigent parties in domestic relations cases above the amount in the guardian ad litem fund would be paid by the judicial council as it was before the 2011 statutory amendments. Thus, the statutory amendments in sections 2, 5, and 6 of the proposed bill would have no fiscal impact on the judicial branch other than the loss of revenue in the mediation and arbitration fund.

Sections 7, 8, and 11 of the proposed bill would restore the obligation of the judicial council to pay for counsel assigned to represent indigent parents in abuse and neglect proceedings under RSA chapter 169-C. Following the 2011 statutory amendments which removed the provision for such counsel in abuse and neglect cases, the constitutionality of that legislative change was challenged in *In re C.M.*, 163 N.H. 768 (2012). The New Hampshire Supreme Court concluded that "while due process does not require that counsel be appointed for indigent parties in every proceeding brought under RSA chapter 169-C, a determination of whether appointed counsel is necessary to adequately reduce the risk of erroneous deprivation should be made on a case-by-case basis in the first instance by the trial court." *Id.* at 777. Since that decision, the judicial branch has been paying the cost of assigned counsel for indigent parents in abuse and neglect cases pursuant to its obligation under RSA 490:31. The proposed bill would save these expenditures by the judicial branch and transfer the obligation to pay the cost of assigned counsel for indigent parents in abuse and neglect cases to the judicial council. In preparing its budget for fiscal years 2014 and 2015, the judicial branch estimated these costs at \$600,000 annually.

Section 12 of the proposed bill returns RSA 170-C:13 to the version prior to the 2011 statutory amendments. That section deals with payments in termination of parental rights cases. The impact to the judicial branch has been that since the 2011 amendments it has been paying the cost of attorneys appointed for indigent parents against whom a petition to terminate their parental rights has been brought in cases where the State of New Hampshire is not the moving party. Based on the amounts paid in the first half of fiscal year 2013, the judicial branch estimates that section 12 of the proposed bill would shift payment of approximately \$50,000 annually from the judicial branch to the judicial council.



B) **METHOD:** Show calculations used to determine fiscal impact. **Calculations must agree with and explain totals on first page.**

C) **ESTIMATED FISCAL IMPACT (from A and B):** **Estimated Fiscal Impact must agree with the totals on first page.**

D) **ADDITIONAL OR LONG-RANGE EFFECTS:**

E) **TECHNICAL OR MECHANICAL DEFECTS:** Note any conflicts with existing law. Do not comment on the merits of the legislation.

F) **OTHER COMMENTS:** Include tax variables, federal mandates, etc.

**JUDICIAL BRANCH REPRESENTATIVE PREPARING WORKSHEET:**

\_\_\_\_\_  
Name/Signature: Howard J. Zibel

Title and Phone Number: General Counsel to the New Hampshire Supreme Court, 513-5438

\_\_\_\_\_  
Date: February 10, 2013

When I was about the age of thirteen, my parents had filed for a divorce like many other parents in the U.S. Little did I know I was in for a couple of very rough years, because I was under the influence of Parental Alienation. Parental Alienation is a social dynamic, generally occurring due to divorce or separation, when the hostility and negative affect of one parent severely harms the relationship of a child with the other parent. Unfortunately, I have been dealing with Parental Alienation and was not even aware of this until recently.

For several years my mother has tried to alienate me from my father. I restored my relationship with my father several months ago. I isolated myself out of his life thinking that he wanted nothing to do with me. I did not realize that it was the influence of my mother causing me to think negative thoughts about my father. In time, I came to believe the things my mom had been saying about him were true and I thought he was one of the worst people around. I believed he did not want me in his life and I believed he preferred my brother over me. For years, my mother told me these things about him and I forced myself to blame him, when I should not have. I should not have believed that my father did not want me around nor that he wished I was a male. I was lead to believe that he was a dead-beat dad and that he was a homosexual. I even let my mother convince me that my father would abuse me when I should have known this was not true because he had never been abusive in the past. These are just a few of the things I was told. After experiencing this, I am becoming aware of the toll this has taken on my life. During my freshman year, it was noticeable that my grades were falling. Throughout my sophomore and junior year I struggled to maintain a steady grade point average. I stopped participating in some of my favorite extracurricular activities. After I started restoring my relationship with my father, my grades improved.

Parental Alienation Syndrome was first identified by Dr. Richard Gardner in the 1980's and Parental Alienation Disorder is what will likely be included in the next version of the Diagnostic and Statistical Manual of Mental Disorders (DSM-V). Parental Alienation is a relatively new field of study in psychology. Because of my experience and what I have been through, I can bring a unique perspective to the study of this area of psychology and its practice after graduation. My hope is to bring more of an understanding to this area of study for the field of psychology and to help others that have to endure such traumatic events. I look forward to the opportunity to share my experiences with other students as well as furthering my own education.

This life experience is part of why I want to study psychology and it is my hope that my academic community will benefit as much from my presence and experiences as I know I would benefit from an education in psychology at the University of [REDACTED]

# Voting Sheets

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 651

**BILL TITLE:** restoring funding and payment of fees by the judicial council for indigent parties.

**DATE:** February 19, 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. Dumaine

Seconded by Rep. Flockhart

Vote: 19-0 (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: YES

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep. Debra L. DeSimone, Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 651

BILL TITLE: restoring funding and payment of fees by the judicial council for indigent parties.

DATE: 2-19-13 @ 11:50 AM

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. DUMAINE

Seconded by Rep. FLOCKHART

Vote: 19-0 (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}

YES NO

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep. Debra DeSimone, Clerk



2013 SESSION

CHILDREN AND FAMILY LAW

Bill #: HB 651 Title: RESTORING FUNDINGS PAYMENT of Fees by the JUDICIAL COUNCIL For  
INDIGENT

PH Date: 2/14/13 Exec Session Date: 02/19/2013

Motion: ITL Amendment #: \_\_\_\_\_

MEMBER

YEAS

NAYS

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	✓	
DeSimone, Debra L, Clerk	✓	
Oigny, Jeffrey D	✓	
Dumaine, Dudley D	✓	
Hoell, J.R.	ABSENT	
Tremblay, Stella S	✓	
Murphy, Kelleigh D	✓	
Nigrello, Robert L	✓	
<b>TOTAL VOTE:</b>		

19

# Committee Report

**CONSENT CALENDAR**

**February 20, 2013**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on CHILDREN AND FAMILY LAW to  
which was referred HB 651-FN-A,**

**AN ACT restoring funding and payment of fees by the  
judicial council for indigent parties. Having considered  
the same, report the same with the following**

**Resolution: RESOLVED, That it is INEXPEDIENT TO  
LEGISLATE.**

**Rep. Dudley D Dumaine**

**FOR THE COMMITTEE**



## COMMITTEE REPORT

Committee:	CHILDREN AND FAMILY LAW
Bill Number:	HB651-FN-A
Title:	restoring funding and payment of fees by the judicial council for indigent parties.
Date:	February 20, 2013
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

### STATEMENT OF INTENT

This bill is identical to HB 671, except this bill includes an appropriation. HB 671 unanimously passed the committee. Thus, the committee felt HB 651 was not required and voted Inexpedient to Legislate.

Vote 19-0.

Rep. Dudley D Dumaine  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### CHILDREN AND FAMILY LAW

**HB 651-FN-A**, restoring funding and payment of fees by the judicial council for indigent parties.  
**INEXPEDIENT TO LEGISLATE.**

Rep. Dudley D Dumaine for CHILDREN AND FAMILY LAW. This bill is identical to HB 671, except this bill includes an appropriation. HB 671 unanimously passed the committee. Thus, the committee felt HB 651 was not required and voted Inexpedient to Legislate. **Vote 19-0.**

**CONSENT CALENDAR**

**CHILDREN AND FAMILY LAW**

**MAJORITY REPORT**

**HB 651**, restoring funding and payment of fees by the judicial council for indigent parties.

**RECOMMENDATION: INEXPEDIENT TO LEGISLATE**

**VOTE: 19-0**

This bill is identical to HB 671, except this bill includes an appropriation. HB 671 unanimously passed the committee. Thus, the committee felt HB 651 was not required and voted Inexpedient to Legislate.

**Rep. Dudley Dumaine**

*MD*

# COMMITTEE REPORT

COMMITTEE: Children and Family Law  
BILL NUMBER: 651  
TITLE: Restoring funding and payment of fees by the Judicial Council for indigent parties  
DATE: 01-19-2013 CONSENT CALENDAR: YES  NO

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

Amendment No. _____
------------------------

## STATEMENT OF INTENT:

~~HB 671 passed out of Committee 19-0 as OIPA.  
HB 671 covers the policy and therefore the Committee felt HB 651 was not required. This is why HB 651 was voted out of Committee 19-0 III~~

see attachment

COMMITTEE VOTE: 19-0 III

RESPECTFULLY SUBMITTED,

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

Rep. Dan Dumaine  
For the Committee

HR 651 is identical to HR 671, except HR 651 includes  
an appropriation. HR 671 unanimously passed out of  
the Committee. Thus the committee felt HR 651 was  
not required and voted I.T.L.