

# Bill as Introduced

HB 513 - AS INTRODUCED

2015 SESSION

15-0703

09/06

HOUSE BILL **513**

AN ACT relative to complaint investigation procedures of the guardian ad litem board.

SPONSORS: Rep. Oigny, Rock 34; Rep. Verschueren, Straf 13; Rep. Abrami, Rock 19;  
Rep. F. Rice, Rock 21; Rep. Pantelakos, Rock 25; Rep. Itse, Rock 10; Sen. Avard,  
Dist 12

COMMITTEE: Children and Family Law

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ANALYSIS

This bill requires the guardian ad litem board to refer complaints for potential prosecution by the county attorney and prohibits the board from dismissing a complaint because it relates to a pending judicial proceeding.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Fifteen*

AN ACT relative to complaint investigation procedures of the guardian ad litem board.

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

1 1 Guardian Ad Litem Board; Complaint Investigation Procedures. Amend RSA 490-C:4, I(g) to  
2 read as follows:

3 (g) Investigate and resolve complaints against certified guardians ad litem, and against  
4 formerly certified guardians ad litem who are claimed to have engaged in acts or omissions  
5 prohibited when certified. The board ~~may~~ **shall**, upon the submission of a written allegation or  
6 complaint against a presently or formerly certified guardian ad litem who holds, held, or may hold an  
7 appointment in a case under the authority of a court, refer that matter ~~[to the appropriate court for~~  
8 ~~investigation, resolution, or other action]~~ **for potential prosecution by the county attorney**. Such  
9 referral ~~may~~ **shall** be made regardless of whether the allegation or complaint relates to a case  
10 which is then pending in court and may be made in lieu of or in addition to any investigatory or  
11 disciplinary procedures that the board may itself be authorized to pursue. **The board shall not**  
12 **dismiss a complaint on the basis that the complaint relates to a pending trial or judicial**  
13 **proceeding**. The board may further informally resolve complaints by agreement. ~~[A complaint~~  
14 ~~relating to a trial or judicial proceeding in progress shall be dismissed without prejudice, unless the~~  
15 ~~board for good cause votes to proceed immediately with such complaint.]~~

16 2 Effective Date. This act shall take effect January 1, 2016.

HB 513 - AS AMENDED BY THE HOUSE

6Jan2016... 2001h

2015 SESSION

15-0703  
09/06

HOUSE BILL           **513**

AN ACT               relative to complaint investigation procedures of the guardian ad litem board.

SPONSORS:           Rep. Oligny, Rock 34; Rep. Verschueren, Straf 13; Rep. Abrami, Rock 19;  
Rep. F. Rice, Rock 21; Rep. Pantelakos, Rock 25; Rep. Itse, Rock 10; Sen. Avard,  
Dist 12

COMMITTEE:          Children and Family Law

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AMENDED ANALYSIS

This bill make changes in the investigation and dismissal procedures of the guardian ad litem board.

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Explanation:       Matter added to current law appears in *bold italics*.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
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 Fifteen*

AN ACT                   relative to complaint investigation procedures of the guardian ad litem board.

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

1           1 Guardian Ad Litem Board; Complaint Investigation Procedures. RSA 490-C:4, I(g) is  
2 repealed and reenacted to read as follows:

3                   (g) Investigate and resolve complaints against certified guardians ad litem, and against  
4 formerly certified guardians ad litem who are claimed to have engaged in acts or omissions  
5 prohibited when certified. In acting on complaints, the board may resolve complaints by agreement  
6 and may refer a complaint to the appropriate court for investigation, resolution, or other action.  
7 Such referral may be made regardless of whether the allegation or complaint relates to a case which  
8 is then pending in court and may be made in lieu of or in addition to any investigatory or  
9 disciplinary procedures that the board may itself be authorized to pursue.

10                   (h) Dismiss complaints against certified guardians ad litem without prejudice when the  
11 complaint relates to a trial or judicial proceeding in progress, unless the board for good cause votes  
12 to proceed immediately with such complaint. When the board dismisses a complaint because the  
13 complaint relates to a trial or judicial proceeding in progress, the board shall inform the  
14 complainant that he or she may bring the complaint to the attention of the court that appointed the  
15 guardian ad litem and that the complainant may resubmit the complaint to the board at the  
16 conclusion of the trial or judicial proceeding.

17           2 Effective Date. This act shall take effect January 1, 2016.

# Amendments

Rep. Ingbretson, Graf. 15  
June 1, 2015  
2015-2001h  
09/06

Amendment to HB 513

Amend the bill by replacing section 1 with the following:

1 Guardian Ad Litem Board; Complaint Investigation Procedures. RSA 490-C:4, I(g) is repealed and reenacted to read as follows:

(g) Investigate and resolve complaints against certified guardians ad litem, and against formerly certified guardians ad litem who are claimed to have engaged in acts or omissions prohibited when certified. In acting on complaints, the board may resolve complaints by agreement and may refer a complaint to the appropriate court for investigation, resolution, or other action. Such referral may be made regardless of whether the allegation or complaint relates to a case which is then pending in court and may be made in lieu of or in addition to any investigatory or disciplinary procedures that the board may itself be authorized to pursue.

(h) Dismiss complaints against certified guardians ad litem without prejudice when the complaint relates to a trial or judicial proceeding in progress, unless the board for good cause votes to proceed immediately with such complaint. When the board dismisses a complaint because the complaint relates to a trial or judicial proceeding in progress, the board shall inform the complainant that he or she may bring the complaint to the attention of the court that appointed the guardian ad litem and that the complainant may resubmit the complaint to the board at the conclusion of the trial or judicial proceeding.

2015-2001h

AMENDED ANALYSIS

This bill make changes in the investigation and dismissal procedures of the guardian ad litem board.

# Committee Minutes



**Public Hearings followed by an Exec Session on all pending  
HBs with Fiscal Notes  
SENATE CALENDAR NOTICE  
Judiciary**

Sen Sharon Carson, Chair  
Sen Sam Cataldo, Vice Chair  
Sen Gary Daniels, Member  
Sen Bette Lasky, Member  
Sen David Pierce, Member

Date: April 12, 2016

**HEARINGS**

Tuesday	04/19/2016	
(Day)	(Date)	
Judiciary	SH 100	9:00 a.m.
(Name of Committee)	(Place)	(Time)

**Executive Session on all House Bills with Fiscal Notes will follow the hearings.**

- |           |                 |   |
|-----------|-----------------|---|
| 9:00 a.m. | <b>HB 513</b> ✓ | relative to complaint investigation procedures of the guardian ad litem board.  |
| 9:15 a.m. | <b>HB 378</b>   | (New Title) establishing a committee to study RSA 461-A, relative to parental rights and responsibilities, and the revised child support guidelines as of 2013. |

**Sponsors:**

**HB 513**  
Rep. Oligny  
Rep. F. Rice

Sen. Avard  
Rep. Pantelakos

Rep. Verschueren  
Rep. Itse

Rep. Abrami

**HB 378**  
Rep. Bickford

Rep. Itse

Susan Duncan 271-3076

Sharon M Carson  
Chairman

# Senate Judiciary Committee

*Susan Duncan 271-3076*

HB 513, relative to complaint investigation procedures of the guardian ad litem board.

**Hearing Date:** April 19, 2016

**Time Opened:** 9:00 a.m.

**Time Closed:** 9:02 a.m.

**Members of the Committee Present:** Senators Carson, Cataldo and Pierce

**Members of the Committee Absent:** Senators Lasky and Daniels

**Bill Analysis:** This bill makes changes in the investigation and dismissal procedures of the Guardian ad Litem Board.

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**Sponsors:**

Rep. Oligny

Sen. Avard

Rep. Verschueren

Rep. Abrami

Rep. F. Rice

Rep. Pantelakos

Rep. Itse

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**Who supports the bill:** Senator Avard

**Who opposes the bill:** No one

**Who is neutral on the bill:** No one

**Summary of testimony presented in support:**

As no member of the House was present to present the bill, Senator Pierce introduced it to the Committee.

Having no one signed in to testify, Senator Carson closed the hearing.

**Summary of testimony presented in opposition:** None

**Neutral Information Presented:** None

**Fiscal Note:** No Fiscal Note is attached to the legislation.

**Action:** Inexpedient to Legislate

sfd

Date Hearing Report completed: April 19, 2016

# Speakers



# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Wednesday, April 20, 2016

THE COMMITTEE ON Judiciary

to which was referred **HB 513**

AN ACT

relative to complaint investigation procedures of the  
guardian ad litem board.

Having considered the same, the committee recommends that the Bill

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 3-0

Senator Sharon Carson  
For the Committee

Susan Duncan 271-3076

## New Hampshire General Court - Bill Status System

**Docket of HB513**

Docket Abbreviations

**Bill Title:** relative to complaint investigation procedures of the guardian ad litem board.**Official Docket of HB513:**

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/8/2015	H	<b>Introduced</b> and Referred to Children and Family Law; <b>HJ 12</b> , PG. 227
2/4/2015	H	Public Hearing: 2/12/2015 10:45 AM LOB 206
2/24/2015	H	Executive Session: 3/3/2015 10:00 AM LOB 206
3/4/2015	H	Retained in Committee
3/10/2015	H	Full Committee Work Session: 3/17/2015 10:00 AM LOB 206
5/5/2015	H	Retained Bill - Subcommittee Work Session: 5/12/2015 1:15 PM LOB 206
5/27/2015	H	Retained Bill - Subcommittee Work Session: 6/2/2015 1:15 PM LOB 206
8/24/2015	H	Retained Bill - Full Committee Work Session: 9/16/2015 10:00 AM LOB 206
9/16/2015	H	Executive Session: 9/29/2015 10:00 AM LOB 206
11/12/2015	H	Majority Committee Report: Ought to Pass with Amendment <b>#2015-2001h</b> for Jan 6 (Vote 9-7; RC); <b>HC 67</b> , PG. 12-13
11/17/2015	H	Minority Committee Report: Inexpedient to Legislate
1/6/2016	H	Amendment <b>#2015-2001h</b> : AA VV 01/06/2016 <b>HJ 4</b> P. 52
1/6/2016	H	<b>Ought to Pass with Amendment</b> 2001h: MA VV 01/06/2016 <b>HJ 4</b> P. 52
2/22/2016	S	Introduced 02/18/2016 and Referred to Judiciary; <b>SJ 6</b>
4/12/2016	S	Hearing: 04/19/2016, Room 100, SH, 09:00 am; <b>SC 15</b>
4/20/2016	S	Committee Report: Inexpedient to Legislate, 04/28/2016; <b>SC 16</b>
4/28/2016	S	Sen. Prescott Moved Laid on Table, MF, VV; 04/28/2016; <b>SJ 15</b>
4/28/2016	S	Sen. Boutin Moved Laid on Table, DIV 6Y-13N, MF; 04/28/2016; <b>SJ 15</b>
4/28/2016	S	Sen. D'Allesandro Moved Laid on Table, DIV 9Y-13N, MF; 04/28/2016; <b>SJ 15</b>
4/28/2016	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===; 04/28/2016; <b>SJ 15</b>

NH House

NH Senate

# Other Referrals



NR 513 - Relative to complaint investigation procedures of the Guardian ad Litem Board

# COMMITTEE REPORT FILE INVENTORY

ORIGINAL REFERRAL                       RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING

- SIGN-UP SHEET(S)
- ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:
  - AMENDMENT # 20012                       - AMENDMENT # \_\_\_\_\_
  - AMENDMENT # \_\_\_\_\_                       - AMENDMENT # \_\_\_\_\_
- ALL AVAILABLE VERSIONS OF THE BILL:
  - AS INTRODUCED                       AS AMENDED BY THE HOUSE
  - FINAL VERSION                       AS AMENDED BY THE SENATE
- OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

PLEASE INCLUDE THE COMMITTEE OF CONFERENCE REPORT HERE IF IT IS SIGNED BY ALL.

DATE DELIVERED TO SENATE CLERK  
8/2/16

By: Susan J. Deane  
COMMITTEE AIDE