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# Committee Report

**CONSENT CALENDAR**

**February 19, 2019**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Children and Family Law to which  
was referred HB 332,**

**AN ACT prohibiting the use of certain therapies in  
private custody proceedings. Having considered the  
same, report the same with the following resolution:**

**RESOLVED, that it is INEXPEDIENT TO LEGISLATE.**

**Rep. Francesca Diggs**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	Children and Family Law
Bill Number:	HB 332
Title:	prohibiting the use of certain therapies in private custody proceedings.
Date:	February 19, 2019
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

### STATEMENT OF INTENT

This bill prohibits the courts in a parenting case from ordering reunification therapy unless the parties agree to such therapy. The committee unanimously agreed that the bill was non-specific with regards to licensed professionals and is unnecessary if both parties agree.

Vote 17-0.

Rep. Francesca Diggs  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Children and Family Law

**HB 521-FN**, establishing a child abuse specialized medical evaluation program in the department of health and human services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Skip Berrien for Children and Family Law. Child abuse and neglect victims need to have a medical evaluation by health care providers trained to perform appropriate diagnostic methods and to recommend appropriate treatment. This bill creates a system which permits each child abuse and neglect victim to receive the appropriate medical evaluations in a timely manner according to national standards. **Vote 16-1.**

## CONSENT CALENDAR

Children and Family Law

**HB 332**, prohibiting the use of certain therapies in private custody proceedings. **INEXPEDIENT TO LEGISLATE.**

Rep. Francesca Diggs for Children and Family Law. This bill prohibits the courts in a parenting case from ordering reunification therapy unless the parties agree to such therapy. The committee unanimously agreed that the bill was non-specific with regards to licensed professionals and is unnecessary if both parties agree. **Vote 17-0.**

A handwritten signature in black ink, appearing to be "Francesca Diggs", is written diagonally across the page.

Original: House Clerk

Cc: Committee Bill File

COMMITTEE REPORT

CC

COMMITTEE: Children & Family Law

BILL NUMBER: HB 332

TITLE: Prohibiting the use of certain therapies in private custody proceedings

DATE: 2/19/19 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.  
\_\_\_\_\_

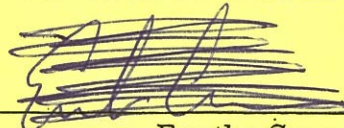
STATEMENT OF INTENT:

Rep. Francesca Diggs for Children & Family Law  
 This bill prohibits the court in a parenting case from ordering reunification therapy unless the parties agree to such therapy. The committee unanimously agreed that the bill was non-specific with regards to licensed professionals and is unnecessary ~~is~~ <sup>if</sup> both parties agree. Vote 17-0

COMMITTEE VOTE: 17-0

RESPECTFULLY SUBMITTED,

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

Rep.  Francesca G. Diggs  
 For the Committee (Francesca Diggs)

# Voting Sheets

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 332

BILL TITLE: prohibiting the use of certain therapies in private custody proceedings.

DATE: 2/19/19

LOB ROOM: 206

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. Diggs Secoded by Rep. Rice Vote: 17-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_ Secoded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_ Secoded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_


MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_ Secoded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

CONSENT CALENDAR:  YES  NO

Minority Report? \_\_\_\_\_ Yes \_\_\_\_\_ No If yes, author, Rep: \_\_\_\_\_ Motion \_\_\_\_\_

Respectfully submitted:  Rep Erika Connors, Clerk



OFFICE OF THE HOUSE CLERK



1/14/2019 3:14:03 PM  
 Roll Call Committee Registers  
 Report

2019 SESSION

Children and Family Law

Bill #: HB 332 Motion: ITL AM #: \_\_\_\_\_ Exec Session Date: 2/19/19

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Long, Patrick T. Chairman	17		
Berrien, Skip Vice Chairman	1		
Mulligan, Mary Jane	2		
Connors, Erika F. Clerk	3		
Coursin, David R.	4		
Diggs, Francesca G.	5		
French, Elaine H.	6		
Grossman, Gaby	7		
Levesque, Cassandra N.	8		
Petrigno, Peter			
St. John, Michelle	9		
Nazir, Safiya	10		
DeSimone, Debra L.			
Rice, Kimberly A.	11		
Morrison, Sean D.	12		
Camarota, Linda Rea	13		
Fowler, William L.	14		
Lurius, Deanna E.	15		
Trento, Michael D.			
Vokela, Josh S.	16		
<b>TOTAL VOTE:</b>	<b>17</b>	<b>0</b>	

# Hearing Minutes

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 332

**BILL TITLE:** prohibiting the use of certain therapies in private custody proceedings.

**DATE:** March 5, 2019

**LOB ROOM:** 206

**Time Public Hearing Called to Order:** 10:01 a.m.

**Time Adjourned:** 11:06 a.m.

**Committee Members:** Reps. Long, Berrien, Connors, Mulligan, Coursin, Diggs, French, Grossman, Levesque, Petrigno, St. John, DeSimone, Camarota, Fowler, Jurius and Trento

**Bill Sponsors:**  
Rep. Plumer

TESTIMONY

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

\*Rep. Plumer, prime sponsor.

- Provided Amendment 2019-0274h and definition pages.
- Allows people to choose qualified therapist of choice.
- Both parties must agree.
- Statewide list of qualified therapists.
- If parties don't agree, no therapy required.
- Intended to prevent private pay issues when a court ordered therapist is out of coverage.
- Parties refer to "parties in contention," parties does not mean a child.
- This is not specific to reunification therapy.
- No therapy if parties cannot agree to which therapist.
- If issue is not in court, this would not apply.

Mary Kusturin.

- Shared statistics on divorce.
- Personal story about boyfriend who experienced divorce and custody.
- One party has more power than another in divorce proceedings.
- Court ordered therapy can be very beneficial, especially to divorced fathers who are at a disadvantage.
- Kids are being used as bargaining chips.

Hon. Valerie Fraser. Supports.

- Reunification therapy is considered "junk science."
- No degree in reunification therapy exists.
- Courts are forcing children to meet with a man/parent they do not want to.
- Judge shouldn't act as a therapist.
- Judges not following due process in abuse cases.
- State will be sued if reunification therapy continues to be forced. Re-traumatizes the child.
- Both parents need to listen to what the child wants.

Alice Giordano. Supports

- Reunification therapy has been condemned by many including the Bar Association.
- Inappropriate when used on a child who has already been abused.
- Believes reunification therapy should be banned.
- RSA says court must take child's interests into account.

- Brainwashing techniques.
- Some judges, therapists, and guardian ad litem being used over and over again.
- Bill creates a tiny shield and is a starting point.
- Bill gives a parent the ability to protect their child.
- Child has been lost in the process.
- Issue is child should not be forced to reunify with an abuser.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Erika Connors".

Rep. Erika Connors,  
Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 332

BILL TITLE: prohibiting the use of certain therapies in private custody proceedings.

DATE: 2/5/19

ROOM: ~~206~~ 307

Time Public Hearing Called to Order: 10:01

Time Adjourned: 11:06

(please circle if present)

Committee Members: Reps. Long, Berrien, Connors, Mulligan, Coursin, Diggs, French, Grossman, Levesque, Petrigno, St. John, Wazir, DeSimone, Rice, Morrison, Camarota, Fowler, Jurius, Trento and Yokela

Bill Sponsors:  
Rep. Plumer

TESTIMONY

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

① \* Rep Plumer → Sponsor

\* Provided Amendment 2019-0274h + Definition pages

• Allows people to choose qualified therapist of choice

• Both parties must agree

• Statewide list of qualified therapists

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• This is not specific to reunification therapy

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## ② Mary Kusturin

- Shared statistics on divorce
- Personal story about boyfriend who experienced divorce + custody.
- One party has more power than another in divorce proceedings.
- Court ordered therapy can be very beneficial, especially to divorced fathers who are at a disadvantage.
- Kids are being used as bargaining chips

## ③ Hon. Valerie Fraser - supports this bill

- Reunification therapy is considered "junk science"
- No degree in reunification therapy exists
- Courts are forcing children to meet w/ a man/parent they do not want to.
- Judge shouldn't act as a therapist
- Judge's not following due process in abuse cases
- State will be sued if reunification therapy continues to be forced. Re-traumatizes the child.
- Both parents need to listen to what the child wants

## ④ Alice Giordano - supports the bill

- Reunification therapy has been condemned by many including the Bar Assoc.
- Inappropriate when used on a child who has already been abused.
- Believes reunification therapy should be banned
- RSA says court must take child's interests into account

- Brainwashing techniques
- Same judges, therapists, + guardian ad litem being used over + over again
- Bill creates a tiny shield + is a starting point
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- Child has been lost in the process
- Issue is child should not be forced to reunify with an abuser





# Testimony

February 5, 2019

RE: Please support HB#332

Honorable Members of the Children and Family Law Committee,

As a constituent of New Hampshire and a 21- year-old- survivor of Family Court and Single Parental Abuse, I am writing to urge you to support HB#332.

Statement:

**“We children shall not flourish and grow as nature intended and our constitution allows, if we are subjected to an artificially manufactured reality by the Family Court Process.”**

***Ask yourself this, “Do you want the bank that holds your precious money to artificially inflate your bank account, which manifests your dreams of spending which causes you to overspend and be harmed?” ----Wouldn’t you promptly hold the bank accountable. Yet, we let children stay in an artificially manufactured environment under duress until they age out.***

I shall begin by stating that my mother and my siblings are victims of the NH Family Court since 2008 divorce of my parents. Our household manifested into domestic violence that not only became physical but, severely crippling with emotional abuse by my father. In 2011, I was forced into therapy with their father. The purpose stated, was so my father could learn to talk to me or otherwise known as reunification therapy. How does a child who is court ordered to live with her father become forced into ‘reunification therapy for him to learn to talk to me’ when I can’t get away from him. I was a stellar honor-roll student who loved school, was a cheerleader for the first time and thriving in every way. Once this brainwashing therapy began, I became less and less of myself, withdrawn and regressed across every aspect of my life.

**All my achievements in my short life, became unreal and stripped from me over time by this process of artificially manufacturing and imposing my fathers psychological problems and inadequacies onto me and my siblings.**

The definition of psychology-based therapy is as follows: “treatment intended to relieve or heal a disorder. Or the treatment of mental or psychological disorders by psychological means.” I did not have a mental disorder. In fact, due to the circumstances surrounding this case my mother had sought therapy for us in advance and we received a clean bill of health. The court did not accept this or our academic records as to how well we were thriving. The court accepted a recommendation from Guardian Ad Litem Weschler, who has a history degree, without any medical, psychological or other documentation or testimony that I needed any therapy. So, I was never in need of therapy but, my father was. Yet, through the ill-advised logic and the guise of the reunification process I became anxious, withdrawn, and resorted to self-harm; the total

opposite of the purpose of therapy. Furthermore, reunification therapy is not supported by the American Psychological Association and not covered by insurance carriers.

In my case, the “reunification therapist” was selected by the GAL working under a court order reunify with a parent I could not get away from since I was ordered to live with him. The GAL moved my therapy to his ‘working circle of associates.’ Proudly on the wall of the therapist office was a news article that talked about the therapist’s work in father’s rights movements. I knew then I was just a pawn and began to figure out that it did not matter about me, it was about my father finding a way to continue the emotional abuse. Over time I learned the therapist sole focus on my father. The therapist ignored my statements of factual abuse and random acts of violence, and his plans to dispose of me which left me alone to protect myself and my much younger brother.

I found freedom at 18, have been left with a lifetime of severe PTSD and was handed a letter from a professional psychologist that I have been a victim of my fathers abuse of the last 7 years of my life and should never, ever have any sort of relationship with my father. The letter is clear to state that I suffered severe abuse from my father who kept me in a controlled bubble of abuse. Reunification is contraindicatory in domestic violence cases. I was not healed but forcibly harmed in an abusive controlling environment of “therapy” with no way out because of the Family Court of NH. I was healthy, flourishing and happy with my mother and siblings post divorce.

Court forced reunification therapy disregards children and the family unit. By supporting HB 332 you are taking a step in the right direction to protect the rights of children and families to live in a safe post-divorce environment without fear, harassment, threats, and bullying into a circular cycle of abuse. In short, if the court and GAL would have left us alone post-divorce and my father actually got the help he needed, my life would have been significantly better.

**“We children shall not flourish and grow as nature intended and our constitution allows, if we are subjected to an artificially manufactured reality by the Family Court Process.”**

*Do you want the bank that holds your precious money to artificially inflate your bank account, which manifests your dreams of spending which causes you to overspend and be harmed?*

Wouldn't you promptly hold the bank accountable.

Thank You,

Haley Heinrich

21 year-old-survivor of Family Court Abuse, New Hampshire Resident

## What is Reunification Therapy?

Reunification therapy is becoming more widely used in divorce cases. It is not a legal term nor is it a psychological term and depending on the circumstances, the purpose and goals vary. In most cases a court order is necessary whereby the purpose of reunification therapy is an attempt to identify the relationship between the child and the reunifying parent while identifying the stressors which have impacted the relationship. The goals of reunification therapy are determined after identifying the factors contributing to the estranged relationship and by working on communication, trust and residual feelings contributing to the estrangement.

### When to Seek Reunification Therapy

Consider the high conflict divorce cases where one parent is not seeing the child. What can the non-custodial/reunifying parent do? The first step is to go to mediation to try and work an agreement out with the other parent and request reunification therapy in order to facilitate your contact with the child. Then, with the Court Order appointing a qualified therapist who has knowledge and experience in these type of cases, that therapist can provide the service of reunification therapy to the child and the reunifying parent. The Court Order should include the expectations of cooperation by both parents, the Court's concerns and treatment goals and what interventions will be used, parameters for extended family involvement, discretion to the therapist to set arrangements for treatment, payment arrangements for the therapist, and contingencies in the event of relitigation. In the event that there is substance abuse and alcohol issues, allegations of abuse or past domestic violence that the child has witnessed or been victim to then reunification therapy begins the process of safe contact for the child and that parent. All pertinent records and contact with collateral professionals and governing agencies will need to be available to the reunification therapist and the Court Order should include the expectations of cooperation by both parents, the Court's concerns and treatment goals and what interventions will be used, parameters for extended family involvement, discretion to the therapist to set arrangements for treatment, payment arrangements for the therapist, and contingencies in the event of relitigation.

### How It Works

It is important that everyone has a clear understanding of the expectations and parameters of reunification therapy before the process begins. The reunification therapist's role is to work with the reunifying parent and child and the information is not confidential as she will be responsible to report back to the court any significant findings and/or obstacles encountered. Therefore, it is recommended that individual therapists for the child, the reunifying parent and the custodial parent be utilized during this process. One of the most common mistakes that people make is assuming that reunification therapy is client centered, that is, that the child or parent gets to determine the goals of treatment and that confidentiality is maintained. This is not the case for reunification therapy as a result of the Court Order.

The reunification therapist spends time individually with the child and with the reunifying parent before meeting with both of them together. Moreover, the therapist acts as a container for the reunifying parent and child to safely address their relationship and makes contact with the individual therapists as needed to coordinate treatment. As mentioned above, adjunct individual therapy is useful as illustrated by a couple of examples: 1) when the custodial parent may feel left out of the process and question the child and impose his/her feelings on the child which undermines the reunification process then that parent could use his/her therapy to work on these issues 2) if the child has significant concerns about seeing the reunifying parent then in addition to the individual sessions with the reunification therapist, an individual therapist for the child is recommended. Generally speaking, there is a minimum of eight to twelve weekly sessions with outside visitation depending on the circumstances of the case and at the discretion of the therapist. The therapist may keep the court apprised of any information she deems necessary at any time during the process in addition to a written or verbal report at the conclusion of reunification therapy. If you would like a copy of my stipulation and order for counseling please [click here](#) to request it.

## *DISTURBING ORIGIN OF REUNIFICATION THERAPY*

*Reunification therapy was promoted by Richard Warzak, a psychologist who promoted sex between adults and children and then went on to stab himself to death.*

*A report commissioned by the Department of Justice was released to the Administrative Office of the Courts in all 50 states, urging courts not to use reunification therapy. Yet, some New Hampshire judges are.*

*The reunification therapist typically has no training or background in child abuse. She has essentially set up shop to make money by subjecting abused children to her costly endless sessions of convincing the child that they should really want to be with their abuser. The protective parent is then threatened with jail time if they do not go along with this methodology and is in fact told to assist with the browbeating of their children or else lose custody of them.*

*In some of these cases in NH, the protective parent has been threatened with jail time for not help to force their children into this methodology. Children who have endured the sessions, which last indefinitely, have threatened to commit suicide; women who are already being deprived of any support, simply because the courts aren't hold the abusers to their obligations, are going bankrupt, even homeless,*

*The DOJ report, which established other protocols for courts to follow, is 176 pages long; you can find it at the following link:*

*<https://www.ncjrs.gov/pdffiles1/nij/grants/238891.pdf>*

*This document is available electronically. Please email me at [fayestofthefayes@gmail.com](mailto:fayestofthefayes@gmail.com) to have this emailed to you.*

*\*\*\*This bill does not in any way create any directives to mental health care workers and/or providers, only to our public officials and what they can legally order in private custody matters.*

Therapy and Counseling are two words that are often confused as words that denote the same meaning. Strictly speaking, there is some difference between the two words. The word 'therapy' is used in the sense of 'treatment' as in the expressions, 'music therapy', 'Yoga therapy' and the like. On the other hand, the word 'counseling' is used in the sense of 'psychoanalysis'. This is the main difference between the two words.

It is important to know that counseling is all about advice. It is the psychoanalysis of a person in a bid to help him out of difficult situations in life. Counseling is in fact needed at various levels of human life. A student needs counseling in college or university, a budding employee needs counseling in the workplace, and a married couple sometimes needs counseling to set things right.

On the other hand, therapy is nothing but treatment meant to set right the body condition or the physical condition against the attack of diseases or ailments. Yoga therapy aims at the concentration of the mind because the mind is the root cause of all distress. Hence, the mind has to be kept in balance at all times. The word 'therapy' is used in the other words such as 'physiotherapy' and 'music therapy'.

On the other hand, counseling does not amount to treating a person, but it amounts to guiding a person towards the understanding of life and its challenges. Counseling helps a person to regain the lost confidence. Therapy on the other hand, helps a person to regain his lost health.

In other words, it can be said that counseling shapes up the attitude towards life, whereas therapy shapes up the health of a person. These are the important differences between the two words, namely, therapy and counseling.

Bill as  
Introduced

HB 332 - AS INTRODUCED

2019 SESSION

19-0602  
05/08

HOUSE BILL           **332**

AN ACT               prohibiting the use of certain therapies in private custody proceedings.

SPONSORS:           Rep. Plumer, Belk. 6

COMMITTEE:          Children and Family Law

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ANALYSIS

This bill prohibits the court in a parenting case from ordering reunification therapy unless the parties agree to such therapy.

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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 Nineteen*

AN ACT prohibiting the use of certain therapies in private custody proceedings.

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

1       1 New Paragraph; Parental Rights and Responsibilities; Parenting Plan; Reunification  
2 Therapy. Amend RSA 461-A:4 by inserting after paragraph III the following new paragraph:

3           III-a. No parenting plan shall require reunification therapy unless the parties agree to  
4 participate in such therapy. For purposes of this paragraph, reunification therapy refers to therapy  
5 provided under the supervision of the court and intended to address an estranged relationship  
6 between a parent and child.

7       2 Effective Date. This act shall take effect 60 days after its passage.