

Committee Report

CONSENT CALENDAR

March 4, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Children and Family Law to which
was referred HB 547,

AN ACT relative to the opportunity for evidentiary
hearings in parenting cases. Having considered the
same, report the same with the following resolution:

RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Cody Belanger

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Children and Family Law
Bill Number:	HB 547
Title:	relative to the opportunity for evidentiary hearings in parenting cases.
Date:	March 4, 2021
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

It is the opinion of the committee that the context of this bill already happens in court proceedings and that the judicial system already provides a check and balance for families through petition.

Vote 15-0.

Rep. Cody Belanger
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Children and Family Law

HB 547, relative to the opportunity for evidentiary hearings in parenting cases. **INEXPEDIENT TO LEGISLATE.**

Rep. Cody Belanger for Children and Family Law. It is the opinion of the committee that the context of this bill already happens in court proceedings and that the judicial system already provides a check and balance for families through petition. **Vote 15-0.**

Original: House Clerk
Cc: Committee Bill File

Voting Sheets

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK



1/22/2021 9:54:23 AM
Roll Call Committee Registers
Report

2021 SESSION

Children and Family Law

Bill #: 547 Motion: ILL AM #: _____ Exec Session Date: 3-4-2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Rice, Kimberly A. Chairman	✓.		
DeSimone, Debra L. Vice Chairman	✓.		
Yokela, Josh S.	✓.		
Lewicke, John	✓.		
Belanger, Cody M.	✓.		
Cross, Kenna E. <i>Rep Hill</i>	✓.		
Litchfield, Melissa A.	✓.		
Smith, Denise M. <i>Rep Johnson</i>	✓.		
Long, Patrick T.	✓.		
Alicea, Caroletta C. Clerk	✓.		
Grossman, Gaby M.	✓.		
Levesque, Cassandra N.	✓.		
Wazir, Safiya	✓.		
Petrigno, Peter	✓.		
Altschiller, Debra	✓.		
TOTAL VOTE:	15	0	

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287687

HOUSE COMMITTEE ON CHILDREN AND FAMILY

EXECUTIVE SESSION on Bill # 547

BILL TITLE: Relative to the opportunity for evidentiary hearings in parenting.

DATE: 3-4-2021.

LOB ROOM: 206-203

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. Bellamy Seconded by Rep. Lewicki Vote: 15-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

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

Respectfully submitted: Rep. Carolëtta Alicea
Rep. Carolëtta Alicea

Public Hearing

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 547

BILL TITLE: relative to the opportunity for evidentiary hearings in parenting cases.

DATE: March 3, 2021

LOB ROOM: 210-211 **Time Public Hearing Called to Order:** 9:40 AM

Time Adjourned: 10:01 AM

Committee Members: Reps. Rice, DeSimone, Alicea, Yokela, Lewicke, Belanger, Cross, Litchfield, D. Smith, Long, Grossman, Levesque, Wazir, Petrigno and Altschiller

Bill Sponsors:

Rep. Gay	Rep. M. Pearson	Rep. Love
Rep. Levesque	Rep. Gould	Rep. Cushman
Rep. Andrew Bouldin	Rep. Elliott	Rep. Prudhomme-O'Brien
Rep. Vandecasteele		

TESTIMONY

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

***Rep. Gay – Bill Sponsor**

- HB 547 is very simple – things need to be improved
- Some judges are breaking rules – no evidentiary hearing was permitted to have the hearing
- She was ordered to take child to supervised visit – there were no protections for safety – gave custody to abusive parent – should be amendment. In any procedure each parent should have the right for hearings

***Aaron Justina – Director Domestic Advocacy – NH Legal – Opposed**

- HB 1270 was 19-0 ITL – Rep. Gay brought it forward
- 46183 language of the bill is not fair – will the court need another hearing
- Please vote Inexpedient to Legislate

Q: Rep. Long – You are claiming the bill is redundant?

Q: Rep. Altschiller – Is it your assertion that it is due process?

At any point there is already in place. There is nothing that keeps persons from getting assistance

Q: Rep. Yokela – About require – they could say there is an issue but could the judge just decide on the petition and not have a hearing

A: It is possible that a judge, there are multiple steps along the way they can appear all the way to the supreme court – the bill is not necessary

Rep. Yokela – There is an ability to appeal – is there an option for the judge to allow?

A: Temp hearings judge decides both parents should have the right. Can file a motion for reconsideration – to the NH Supreme Court

Q: Rep. Yokela – Can it be denied without a hearing?

A: Already in place, It's confusing because are you seeking hearing etc.

J. Markell – You have the right for notice and the right to be fully heard. Not sure if it is self-executing. If a hearing is requested and denied as the cons'ti. Appeals are expensive and time consuming

Q: Rep. Belanger – If denied, you can appeal to the next court

Q: Is there a date as to how many cases + in family court?

A: Always going to be at least one hearing. 1st appearance case management, then temp hearing, pre trial hearing then hearing – that's the basic track.

Respectfully submitted,

Rep. Caroletta Alicea

House Remote Testify

Children and Family Law Committee Testify List for Bill HB547 on 2021-03-03

Support: 24 Oppose: 2 Neutral: 0 Total to Testify: 1

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Jasina, Erin	Portsmouth, NH ejasina@nhla.org	A Lobbyist	NH Legal Assistance	Oppose	Yes (2m)	3/1/2021 5:15 PM
Ruocco, HOLLY	Chester, NH holly@drholly.net	A Member of the Public	Myself	Support	No	3/2/2021 8:06 AM
Frost, Sherry	Dover, NH sherry.frost@leg.state.nh.us	An Elected Official	Myself	Support	No	3/2/2021 9:23 AM
Elliott, John	Goffstown, NH john@AllyUSTrading.com	A Member of the Public	Myself	Support	No	3/2/2021 12:01 PM
Hope, Lucinda	Tilton, NH lmhope46@gmail.com	A Member of the Public	Myself	Support	No	3/2/2021 2:22 PM
DeMark, Richard	Meredith, NH demarknh114@gmail.com	A Member of the Public	Myself	Support	No	3/2/2021 2:30 PM
Heinrich, Katrina	Exeter, NH katmac9517@gmail.com	A Member of the Public	Myself	Support	No	3/2/2021 2:44 PM
Heinrich, Haley	Exeter, NH, NH heinrich.hth@gmail.com	A Member of the Public	Myself	Support	No	3/2/2021 2:46 PM
Pearson, Mark	Hampstead, NH canonpearson@yahoo.com	An Elected Official	Myself	Support	No	2/25/2021 5:20 PM
Fordey, Nicole	Litchfield, NH nikkif610@gmail.com	A Member of the Public	Myself	Support	No	2/28/2021 3:22 PM
Nelson, Elizabeth	Derry, NH BethDavid@comcast.net	A Member of the Public	Myself	Support	No	2/28/2021 5:13 PM
Larson, Ruth	Alton, NH ruthlarson@msn.com	A Member of the Public	Myself	Support	No	2/28/2021 7:45 PM
Pedersen, Michael	Nashua, NH PedersenUSA@aim.com	An Elected Official	Hillsborough 32	Support	No	2/28/2021 10:37 PM

3/4/2021

House Remote Testify

Calitz, Louis	Manchester, NH louis@free603.org	A Member of the Public	Myself	Support	No	3/1/2021 7:48 AM
Johnson, Dawn	Laconia, NH Dawn.Johnson@leg.state.nh.us	An Elected Official	Myself	Support	No	3/1/2021 9:55 AM
ploszaj, tom	center harbor, NH tom.ploszaj@leg.state.nh.us	An Elected Official	Myself	Support	No	3/1/2021 10:22 AM
Reitter, Janabeth	Mont Vernon, NH jbreitter@gmail.com	A Member of the Public	Myself	Support	No	3/1/2021 10:33 AM
Post, Lisa CM	Lyndeborough, NH Lisa.Post@leg.state.nh.us	An Elected Official	Myself	Support	No	3/2/2021 12:02 AM
Reitter, Eric	Mont Vernon, NH Reitter1@msn.com	A Member of the Public	Myself	Support	No	3/2/2021 10:46 PM
Lamy, Lynn	Pembroke, NH Lynnlamy@comcast.net	A Member of the Public	Myself	Support	No	3/2/2021 10:19 PM
Mennella, Alexandra	Hooksett, NH amennella1@protonmail.com	A Member of the Public	Myself	Support	No	3/2/2021 9:51 PM
Leach, Kyle	Farmington, NH outleft@metrocast.net	A Member of the Public	Myself	Support	No	3/3/2021 8:02 AM
Hayden, Sam	Hopkinton, NH hayden.sam@gmail.com	A Member of the Public	Myself	Support	No	3/3/2021 8:12 AM
Howard Jr., Raymond	Alton, NH brhowardjr@yahoo.com	An Elected Official	Myself	Support	No	3/3/2021 9:25 AM
Werme, Paula	Milford, NH pwerme@comcast.net	A Member of the Public	Myself	Support	No	3/3/2021 10:12 AM
Coss, Adrian	Concord, NH ac1459@unhlaw.unh.edu	A Member of the Public	Myself	Oppose	No	3/3/2021 10:19 AM

Testimony

Archived: Thursday, March 4, 2021 10:35:57 AM

From: [Paula Werne](#)

Sent: Wednesday, March 3, 2021 1:22:55 PM

To: [~House Children and Family Law Committee](#)

Subject: Testimony on HB 547

Importance: Normal

Attachments:

[2021 03 02 HB547 testimony.pdf](#) 

Archived: Thursday, March 4, 2021 10:39:33 AM

From: [Kat Mac](#)

Sent: Tuesday, March 2, 2021 1:25:33 PM

To: [~House Children and Family Law Committee](#)

Subject: HB 547 Support

Importance: Normal

Attachments:

[HB547 k.heinrich 3.3.20.docx](#) 

Please find attached my support for HB 547 concerning the use of due process.

Archived: Thursday, March 4, 2021 10:39:33 AM

From: [Kat Mac](#)

Sent: Tuesday, March 2, 2021 12:47:21 PM

To: ~[House Children and Family Law Committee](#)

Subject: HB 547, March 3, 2020

Importance: Normal

Attachments:

[HB 547 Haley Heinrich Experience Testimony.docx](#) 

Dear Children and Family Law Committee,

Attached please find my written testimony in favor of HB 547.

Thank You,
Haley Heinrich

Archived: Thursday, March 4, 2021 10:35:57 AM
From: [Adriana Buttafoco](#)
Sent: Wednesday, March 3, 2021 11:59:52 PM
To: ~[House Children and Family Law Committee](#)
Subject: HB 547; HB 556; HB 577; HB 548
Importance: Normal

Dear Children and Family Law Committee,

I am writing to you requesting that you support House Bills HB 547,566,577, 548. I and my children would have benefited from these bills greatly.

Sincerely,
Adriana Buttafoco
Kingston, NH

Archived: Thursday, March 4, 2021 10:39:32 AM

From: Paula Werne

Sent: Tuesday, March 2, 2021 7:43:48 PM

To: ~House Children and Family Law Committee

Subject: Testimony on HB 547

Importance: Normal

Attachments:

2021 03 02 HB547 testimony.pdf  NH FD Scheduling Order.pdf 

Please enter both documents on the legislative record. I expect to be available for live testimony and to answer questions, but there may be short periods of time when I am not available tomorrow.

http://gencourt.state.nh.us/bill_status/billText.aspx?sy=2021&id=739&txtFormat=html

Archived: Wednesday, March 10, 2021 2:30:45 PM
From: [John & Betty Gay](#)
Sent: Wednesday, March 10, 2021 1:35:55 PM
To: [~House Children and Family Law Committee](#)
Subject: Short summary of last 4 Domestic Violence bills
Importance: Normal

Dear Extremely Busy Children and Family Law Committee Members,
Kim, Debra, Caroletta, Debra, Gaby, Cassie, Pat, Peter, Safiya, Cody, Kenna, John,
Melissa, Denise and Josh,

Here is a summary of my five anti-domestic violence bills that you have heard and asked really good questions about:

HB547

relative to the opportunity for evidentiary hearings in parenting cases

As awful as it sounds, the family courts do not have to allow evidence to be shown, which severely disadvantages parents, especially when they allow one parent hearings and deny the other parent. A guaranteed hearing should be a right.

HB548

relative to the role of a guardian ad litem in cases where domestic violence is suspected or alleged

It was quite a shock to me that that spokesman for the courts thought that recommending a divorce litigant to a crisis center was "showing favoritism." The other litigant could go to a crisis center, too, which would also nullify the other disapproving attorney who said the abusers could be passing themselves off as the victims of domestic violence. Yes, they can. And people can lie.

Meanwhile nobody is listening to the adult victims of abuse or the children, who NH denies the right to speak in court.

Getting abusers or liars to face an experienced domestic violence specialist to be evaluated could be revealing. The goal here is to get information, the more, the better.

HB556

relative to state-ordered counseling

This bill is critical to restore genuine, certified counseling, such as family counseling, to the options that courts can order. Currently an uncertifiable, unrecognized "therapy" is being ordered by some courts that is doing irreparable harm to children who are forced to spend one or two hours per week for months or years with an abusive parent despite RSA's that prohibit forcing an abuse victim to be incontact with their abuser. This court order is also driving people into poverty. I have been told there is an RSA that prohibits levying fees that people cannot pay. One or two hours a week at \$150 to \$350 per hour of this "therapy," shared or borne alone, would break the majority of NH residents.

HB577

relative to parenting and divorce cases involving allegations of domestic violence

Some people misinterpreted this bill thinking its intention was to move divorce cases out of family court. But the goal of this bill is to move domestic violence prosecutions out of family court, leaving the divorce settlements there.

A new amendment on its way, just before committee voting on Thursday, March 11, has wording recommended by attorneys to clarify that it is just the suspected domestic violence that should be investigated and, if found, prosecuted in district court for misdemeanors and in county superior court for felonies.

~ ~ ~ ~ ~

Thank you for taking on this important committee. It can lead to sleepless nights, but there are so many people dependent on your efforts on their behalf. I certainly appreciate the heart it takes to deal with painful situations, and am grateful that you carry this load that can be so heavy.

Appreciatively,
Betty Gay, representing Salem

H 893-5381
C&T 818-1614
10 Woodmeadow Dr., Salem NH 03079-2336
jbgay@comcast.net
Betty.Gay@leg.state.nh.us

Bill as
Introduced

HB 547 - AS INTRODUCED

2021 SESSION

21-0765
05/04

HOUSE BILL **547**

AN ACT relative to the opportunity for evidentiary hearings in parenting cases.

SPONSORS: Rep. Gay, Rock. 8; Rep. M. Pearson, Rock. 34; Rep. Love, Rock. 6; Rep. Levesque, Straf. 4; Rep. Gould, Hills. 7; Rep. Cushman, Hills. 2; Rep. Andrew Bouldin, Hills. 12; Rep. Elliott, Rock. 8; Rep. Prudhomme-O'Brien, Rock. 6; Rep. Vandecasteele, Rock. 8

COMMITTEE: Children and Family Law

ANALYSIS

This bill provides that in a parenting case under RSA 461-A, each party is entitled to at least one evidentiary hearing.

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 Twenty One

AN ACT relative to the opportunity for evidentiary hearings in parenting cases.

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

1 1 New Paragraph; Determination of Parental Rights and Responsibilities; Procedure and
2 Jurisdiction; Opportunity for Hearing. Amend RSA 461-A:3 by inserting after paragraph III the
3 following new paragraph:

4 IV. In any proceeding to determine parental rights and responsibilities, each parent is
5 entitled to at least one hearing to present evidence and call witnesses.

6 2 Effective Date. This act shall take effect 60 days after its passage.