

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 548,**

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

**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 548
Title:	relative to the role of a guardian ad litem in cases where domestic violence is suspected or alleged.
Date:	March 4, 2021
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

It is the opinion of the committee that during a family court hearing when there is a Guardian ad litem (GAL) appointed, the GAL is supposed to be a neutral third party serving in the best interest of the child. If this bill was to pass, it would insinuate that the GAL has a biased opinion against one party.

Vote 15-0.

Rep. Cody Belanger
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Children and Family Law

HB 548, relative to the role of a guardian ad litem in cases where domestic violence is suspected or alleged. **INEXPEDIENT TO LEGISLATE.**

Rep. Cody Belanger for Children and Family Law. It is the opinion of the committee that during a family court hearing when there is a Guardian ad litem (GAL) appointed, the GAL is supposed to be a neutral third party serving in the best interest of the child. If this bill was to pass, it would insinuate that the GAL has a biased opinion against one party. **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 #: 548. Motion: ITL AM #: _____ Exec Session Date: 3-11-2021

<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	

HOUSE COMMITTEE ON CHILDREN AND FAMILY

EXECUTIVE SESSION on Bill # 548.

BILL TITLE: Relative to the role of a guardian ad litem in cases when domestic violence is suspected OR Alleged.

DATE: 3-4-2021

LOB ROOM: 201-203

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # ~~15-0~~
- Interim Study (2nd year)
- (if offered)

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

MOTION: (Please check one box)

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

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

MOTION: (Please check one box)

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

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

MOTION: (Please check one box)

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

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

CONSENT CALENDAR: YES NO

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

Respectfully submitted: Rep. Caroletta Alicea
Rep. Caroletta Alicea

Public Hearing

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 548

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

DATE: March 3, 2021

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

Time Adjourned: 2:31 PM

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. Read	Rep. Gould
Rep. Elliott	Rep. Prudhomme-O'Brien	Rep. Pitre
Rep. Ulery	Rep. Cali-Pitts	Rep. Altschiller
Sen. Bradley		

TESTIMONY

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

***Rep. Gay – Bill Sponsor –**

- Children are not permitted to speak. They are not believable
- 31 Missouri judges gone for confiscatory

Q: Rep. Altschiller – Did you sought out the steering committee and get their opinion

A: No, you can tell me how

Q: Rep. Belanger – GAL's are mandated reports

A: I am not aware they are paid by the parent that is paying

Chief Goldstein – Was called away

Aaron Justina – DM Advocacy Program – Opposed

- Without proper training, the wrong person gets the service
- One is not required to accept services- May believe they would again receive some kind of retaliation
- Waive privilege of 173.3
- Ask committee to ITL?

Dr. Werme –

- Impressed with Miss Justina's testimony
- Give the judge information to a person about *unreadable*? No.

Richard Head –

- Conflic -461.A16 – to assist the court with the best interest of the child.
- Most times very high difficult cases in atmosphere that is referring someone to *unreadable*
- Tool for police to make a determination

Q: Rep. Yokela – GAL's are chosen by applicants

A: Not know

Q: Rep. Yokela – Job is to assist the court and must appear objective

A: But would require to direct or refer the party who is making a allegation

Q: Rep. Altschiller – Please give your opinion on that

A: I do not have an opinion on that – but if the crisis center becomes a witness, that would become a problem

Respectfully submitted,

Rep. Caroletta Alicea

House Remote Testify

Children and Family Law Committee Testify List for Bill HB548 on 2021-03-03

Support: 18 Oppose: 2 Neutral: 0 Total to Testify: 2

[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>Non-Germane</u>	<u>Signed Up</u>
Goldstein, David	Auburn, NH dgoldstein@franklinnh.org	A Member of the Public	Myself	Oppose	Yes (5m)	No	3/2/2021 1:10 PM
Jasina, Erin	Portsmouth, NH ejasina@nhla.org	A Lobbyist	NH Legal Assistance	Oppose	Yes (2m)	No	3/1/2021 5:21 PM
Post, Lisa CM	Lyndeborough, NH Lisa.Post@leg.state.us.nh	An Elected Official	Myself	Support	No	No	3/2/2021 12:09 AM
Frost, Sherry	Dover, NH sherry.frost@leg.state.nh.us	An Elected Official	Myself	Support	No	No	3/2/2021 9:24 AM
Hope, Lucinda	Tilton, NH lmhope46@gmail.com	A Member of the Public	Myself	Support	No	No	3/2/2021 2:24 PM
DeMark, Richard	Meredith, NH demarknh114@gmail.com	A Member of the Public	Myself	Support	No	No	3/2/2021 2:30 PM
Reitter, Eric	Mont Vernon, NH Reitter1@msn.com	A Member of the Public	Myself	Support	No	No	3/2/2021 10:50 PM
Lamy, Lynn	Pembroke, NH Lynnlamy@comcast.net	A Member of the Public	Myself	Support	No	No	3/2/2021 10:30 PM
ayer, victoria	Gilsum, NH victoria.ayer@yahoo.com	A Member of the Public	Myself	Support	No	No	3/3/2021 6:48 AM
Leach, Kyle	Farmington, NH outleft@metrocast.net	A Member of the Public	Myself	Support	No	No	3/3/2021 8:04 AM
perez, maria	Milford, NH mariaeli63@gmail.com	An Elected Official	Myself	Support	No	No	3/3/2021 8:12 AM
Hayden, Sam	Hopkinton, NH hayden.sam@gmail.com	A Member of the Public	Myself	Support	No	No	3/3/2021 8:13 AM
Bruce, Susan	Concord, NH susanb.red@mac.com	A Member of the Public	Myself	Support	No	No	2/28/2021 11:30 AM

Fordey, Nicole	Litchfield, NH nikkif610@gmail.com	A Member of the Public	Myself	Support	No	No	2/28/2021 3:23 PM
mullen, sue	Bedford, NH sue.mullen@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/28/2021 5:39 PM
Larson, Ruth	Alton, NH ruthlarson@msn.com	A Member of the Public	Myself	Support	No	No	2/28/2021 7:45 PM
Thomas, Nicholas	Manchester, NH nicholas.w.thomas@uconn.edu	A Member of the Public	Myself	Support	No	No	2/28/2021 8:17 PM
Pedersen, Michael	Nashua, NH PedersenUSA@aim.com	An Elected Official	Hillsborough 32	Support	No	No	2/28/2021 10:39 PM
ploszaj, tom	center harbor, NH tom.ploszaj@leg.state.nh.us	An Elected Official	Myself	Support	No	No	3/1/2021 10:30 AM
Reitter, Janabeth	Mont Vernon, NH jbreitter@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 10:35 AM

Testimony

Archived: Thursday, March 4, 2021 10:35:57 AM
From: [Paula Werne](#)
Sent: Wednesday, March 3, 2021 7:41:02 AM
To: [~House Children and Family Law Committee](#)
Subject: Written testimony on HB 548
Importance: Normal

Please include this in the record.

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: 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

Archived: Thursday, March 4, 2021 10:39:32 AM
From: [Richard W. Head](#)
Sent: Tuesday, March 2, 2021 2:53:00 PM
To: ~House Children and Family Law Committee
Cc: [Betty Gay](#)
Subject: Written Testimony - HB548 (3/3/2021)
Importance: Normal
Attachments:
[HB548 NHJB Written Testimony.pdf](#) 

To Chairwoman Rice and the House Children and Family Law Committee:

Attached please find the written testimony of the Judicial Branch regarding House Bill 548 (relative to the role of a guardian ad litem in cases where domestic violence is suspected or alleged).

Please let me know if you have any questions.

Thank you.

Richard

Richard W. Head
Government Affairs Coordinator
New Hampshire Judicial Branch
One Granite Place, Suite N400
Concord, NH 03301
rhead@courts.state.nh.us
Direct dial: 603-415-0779
Cell: 603-716-8235

Bill as
Introduced

HB 548 - AS INTRODUCED

2021 SESSION

21-0742

05/04

HOUSE BILL **548**

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

SPONSORS: Rep. Gay, Rock. 8; Rep. Read, Rock. 17; Rep. Gould, Hills. 7; Rep. Elliott, Rock. 8; Rep. Prudhomme-O'Brien, Rock. 6; Rep. Pitre, Straf. 2; Rep. Ulery, Hills. 37; Rep. Cali-Pitts, Rock. 30; Rep. Altschiller, Rock. 19; Sen. Bradley, Dist 3

COMMITTEE: Children and Family Law

ANALYSIS

This bill provides that if domestic violence is suspected or alleged in a parenting case, the guardian ad litem (GAL) shall refer the victim to a local crisis center or domestic violence counselor. The bill also directs the GAL to determine whether law enforcement completed a lethality assessment protocol.

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 Twenty One

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

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

1 1 New Paragraph; Parental Rights and Responsibilities; Guardians Ad Litem; Domestic
2 Violence Screening. Amend RSA 461-A:16 by inserting after paragraph II the following new
3 paragraph:

4 II-a. When a guardian ad litem is appointed to a parenting case in which domestic violence
5 is suspected or alleged, the guardian ad litem shall promptly refer the relevant party to a local crisis
6 center or assessment by a domestic violence counselor as defined in RSA 173-C:1 III and, in
7 appropriate cases, comply with mandatory reporting requirements for child abuse under RSA 169-
8 C:29. The guardian ad litem shall also determine whether law enforcement completed a lethality
9 assessment protocol regarding any party to the proceeding.

10 2 Effective Date. This act shall take effect 60 days after its passage.