

**CONSENT CALENDAR**

**February 8, 2022**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Children and Family Law to which  
was referred HB 1436-FN,**

**AN ACT relative to appeals of family court decisions.**

**Having considered the same, report the same with the  
following resolution: RESOLVED, that it is  
INEXPEDIENT TO LEGISLATE.**

**Rep. Jodi Nelson**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>Children and Family Law</b>
Bill Number:	<b>HB 1436-FN</b>
Title:	<b>relative to appeals of family court decisions.</b>
Date:	<b>February 8, 2022</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### STATEMENT OF INTENT

This bill does not describe which decisions would be eligible for appeal. This bill would result in a significant increase in case load, requiring the appointment of new Superior Court judges and staff, and resulting in a substantial financial impact.

Vote 14-0.

Rep. Jodi Nelson  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Children and Family Law

**HB 1436-FN**, relative to appeals of family court decisions. **INEXPEDIENT TO LEGISLATE.**

Rep. Jodi Nelson for Children and Family Law. This bill does not describe which decisions would be eligible for appeal. This bill would result in a significant increase in case load, requiring the appointment of new Superior Court judges and staff, and resulting in a substantial financial impact.

**Vote 14-0.**

Original: House Clerk

Cc: Committee Bill File

**HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW**

**EXECUTIVE SESSION on HB 1436-FN**

**BILL TITLE:** relative to appeals of family court decisions.

**DATE:** February 8, 2022

**LOB ROOM:** 206-208

**MOTIONS: INEXPEDIENT TO LEGISLATE**

Moved by Rep. J. Nelson

Seconded by Rep. DeSimone

Vote: 14-0

**CONSENT CALENDAR: YES**

**Statement of Intent: Refer to Committee Report**

Respectfully submitted,

Rep Peter Petrigno, Clerk



2022 SESSION

Children and Family Law

Bill #: HB 1436 Motion: ITL AM #: \_\_\_\_\_ Exec Session Date: 2/8/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Rice, Kimberly A. Chairman	✓		
DeSimone, Debra L. Vice Chairman	✓		
Yokela, Josh S.	✓		
Nelson, Jodi	✓		
Belanger, Cody M.	✓		
Cross, Kenna E.			✓
Litchfield, Melissa A.	✓		
Smith, Denise M.	✓		
Long, Patrick T.	✓		
Alicea, Caroletta C. <del>clerk</del>	✓		
Grossman, Gaby M.	✓		
Levesque, Cassandra N.	✓		
Wazir, Safiya	✓		
Petrigno, Peter <i>clerk</i>	✓		
Altschiller, Debra	✓		
<b>TOTAL VOTE:</b>	<b>14</b>	<b>0</b>	<b>1</b>

*Consent*

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 1436-FN

**BILL TITLE:** relative to appeals of family court decisions.

**DATE:** January 18, 2022

**LOB ROOM:** 206-208                      **Time Public Hearing Called to Order:** 11:04 a.m.

**Time Adjourned:** 11:44 a.m.

**Committee Members:** Reps. DeSimone, Petrigno, J. Nelson, Belanger, Long, Grossman, Levesque, Wazir and Altschiller

**Bill Sponsors:**

Rep. Gay	Rep. Stapleton	Rep. Wuelper
Rep. Bernardy	Rep. Langley	Rep. Kofalt
Rep. Rung	Rep. Weyler	Rep. Greeson
Rep. Post		

**TESTIMONY**

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

Rep. **Rung** in for Rep. **Alicea**.

Rep. Betty **Gay** introduced her bill relative to appeals of family court decisions.

Richard **Head**, Government Affairs Coordinator, NH Judicial Branch - Provided information, noting an increase of case loads in the Superior Court, significant complexities.

Katrina **Heinrich** spoke in support noting finances, loopholes, complexities in getting reviews.

Alicia **Brochu** spoke in support - judicial discretions are given without reason. Appeals give families a right to review.

\*Dana **Albrecht** spoke in support, noted no rights to appealing a family court decision. There is a big problem if half of cases request appeals. Right to appeal in 41 other states.

\*Vivian **Girard** spoke in support. I'm just a mom had 4 appeals and still not fixed.

\*Angela **Lozier** - supports. Spoke on personal experiences and the need for this bill to "help families."

Hon. Dan **Itse** spoke in support, noted inability to submit additional evidence and mal administration in office.

Respectfully submitted,

Rep. Peter Petrigno, Clerk

## May 9, 2019 hearing, subsequent orders, and appeals

### Contents

- Cover Page and Index from May 9, 2019 hearing transcript.<sup>1</sup>
- May 30, 2019 order by Julie Introcaso from May 9, 2019 hearing.
- June 30, 2019 order by Judge Mark S. Derby (Petitioner's MTR)
- June 30, 2019 order by Judge Mark S. Derby (Respondent's MTR)
- New Hampshire Supreme Court Docket Sheet, No 2019-0436  
Decision Makers: Julie Introcaso, Mark S. Derby / GAL Kathleen  
Sternenberg
- September 16, 2019 N.H. Supreme Court Order addressed to Judge Mark S. Derby
- October 25, 2019 N.H. Supreme Court Order addressed to Judge Mark S. Derby.
- January 17, 2020 U.S. Supreme Court Order granting extension of time to file.
- Questions Presented to U.S. Supreme Court, docket 19-8108.

**Judge Mark S. Derby claimed to “have no knowledge” or “had forgotten” about ALL of these materials!**

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<sup>1</sup> The complete transcript is available upon request to the JCC.





# House Remote Testify

## Children and Family Law Committee Testify List for Bill HB1436 on 2022-01-18

Support: 12 Oppose: 2 Neutral: 0 Total to Testify: 0

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>
Gould, Rep. Linda	Bedford, NH lgouldr@myfairpoint.net	An Elected Official	Myself	Support	No	No	1/17/2022 10:19 AM
kuenning, keith	Bow, NH kuenningk@waypoint.org	A Lobbyist	Waypoint	Oppose	No	No	1/17/2022 11:50 AM
Reed, Sarah	Concord, NH stubbs.saraha@gmail.com	A Member of the Public	Myself	Support	No	No	1/17/2022 12:20 PM
Murphy, Hon. Nancy A	Merrimack, NH murphy.nancya@gmail.com	A Member of the Public	Myself	Support	No	No	1/17/2022 1:11 PM
ploszaj, tom	center harbor, NH tom@tomploszaj.com	An Elected Official	Myself	Support	No	No	1/17/2022 3:50 PM
Reed, William	Concord, NH willie.b.reed@gmail.com	A Member of the Public	Myself	Support	No	No	1/17/2022 4:12 PM
Mahoney, Marilyn	Goffstown, NH mimmimahoney@msn.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 7:33 PM
Petrusewicz, Carol	Rochester, NH clmcc2befree@yahoo.com	A Member of the Public	Myself	Support	No	No	1/17/2022 11:21 PM
Cembalisty, Clara	Rochester, NH Cqsc43@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 12:28 AM
Cembalisty, Richard	Rochester, NH taxmanrick@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 12:29 AM
POST, LISA CM	Lyndeborough, NH Lisacmpost@gmail.com	An Elected Official	Myself	Support	No	No	1/18/2022 7:44 AM
Sylvia, Mike	Belmont, NH Mike.Sylvia@leg.state.nh.us	An Elected Official	Belknap 6	Support	No	No	1/18/2022 9:28 AM
Routhier, Matthew	Manchester, NH mrrouthier@comcast.net	A Member of the Public	Myself	Support	No	No	1/18/2022 10:08 AM

Desmond, Heather

East kingston, NH  
Headsdesmond@gmail.com

A Member of the Public Myself

Support No No

1/18/2022 11:11 PM

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STATE OF NEW HAMPSHIRE

9TH CIRCUIT COURT - FAMILY DIVISION - NASHUA

IN THE MATTER OF: )  
 )  
 DANA ALBRECHT, ) Family Division Case No.  
 ) 659-2016-DM-00288  
 )  
 ) Petitioner, )  
 ) Nashua, New Hampshire  
 ) and ) May 9, 2019  
 ) 10:33 a.m.  
 )  
 KATHERINE ALBRECHT, )  
 )  
 ) Respondent. )  
 )

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MOTIONS HEARING  
 BEFORE THE HONORABLE BRUCE F. DALPRA  
 MARITAL MASTER OF THE CIRCUIT COURT - FAMILY DIVISION

APPEARANCES:

For the Petitioner: Joseph Caulfield, Esq.  
 CAULFIELD LAW & MEDIATION  
 OFFICE  
 126 Perham Corner Road  
 Lyndeborough, NH 03082-6522

For the Respondent: Michael J. Fontaine, Esq.  
 WELTS WHITE & FONTAINE, PC  
 29 Factory Street  
 PO Box 507  
 Nashua, NH 03061-0507

Audio Operator: Electronically Recorded  
 Aline Chasseur

TRANSCRIPTION COMPANY: eScribers, LLC  
 7227 N. 16th Street, Suite 207  
 Phoenix, AZ 85020  
 (800) 257-0885  
 www.escribers.net

Proceedings recorded by electronic sound recording; transcript produced by court-approved transcription service.





**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
NH CIRCUIT COURT**

9th Circuit - Family Division - Nashua  
30 Spring Street, Suite 102  
Nashua NH 03060

Telephone: 1-855-212-1234  
TTY/TDD Relay: (800) 735-2964  
<http://www.courts.state.nh.us>

**NOTICE OF DECISION**

**JOSEPH CAULFIELD, ESQ  
CAULFIELD LAW & MEDIATION OFFICE  
126 PERHAM CORNER ROAD  
LYNDEBOROUGH NH 03082-6522**

Case Name: **In the Matter of Dana Albrecht and Katherine Albrecht**  
Case Number: **659-2016-DM-00288**

Enclosed please find a copy of the Court's Order dated **May 30, 2019** relative to:  
**Order**

**DalPra, MM / Introcaso, J.**

June 11, 2019

Sherry L. Bisson  
Clerk of Court

(579)

C: Michael J. Fontaine, ESQ

# THE STATE OF NEW HAMPSHIRE

## JUDICIAL BRANCH

Ninth Circuit-Family Division-Nashua

Docket No. 659-2017-DM-00288

In the Matter of: Dana Albrecht and Katherine Albrecht

### ORDER

The parties are parents of four children, two of whom are minors: ages 15 and 12. The parties appeared before the court with counsel regarding more than a dozen motions-most filed by the Petitioner. These parties have litigated virtually all issues than exist in a divorce proceeding. They have filed dozens of post Parenting Plan and divorce motions in addition to the current pleadings. The conflict between the parties appears to be never-ending. The level of animosity between them is immeasurable. They are absolutely unable to effectively communicate with one another. Respondent maintains that Petitioner is hacking in to her devices and has "bugged" her home. The court notes that Petitioner continues to live in NH while Respondent resides with the children in CA. In short, there is no order the court can issue that will ease the tension and utter disdain these parties have for one another. If that is ever to happen, it is squarely on the parties to do so. These circumstances serve as the backdrop for the hearing the court conducted on **May 9, 2019**.

In August 2017 the court heard the first installment of a bifurcated divorce hearing. This hearing dealt with parenting issues. The court issued a Parenting Plan in September 2017. The reader is invited to review the Plan and accompanying narrative (document 176). The reader is also invited to review the narrative and terms of the Divorce Decree (document 248). The order accompanying this narrative may reference either of the 2 documents without quoting from either.

The provisions below will cite document numbers and will refer to allegations in the documents briefly, if at all. The reader is invited to review the documents in conjunction with the provisions of this Order.

#### RECOMMENDED:

1. Petitioner's Petition for Contempt (doc. 241) is denied. He has failed to prove his allegations that Respondent has refused to allow the children to telephone, text or write. The allegations are simply speculation or suspicion.
2. Petitioner's Petition for Contempt (doc. 273-alleged refusal to allow a second period of summer parenting time) is denied. The child, Grace, refused to board the plane in CA for the flight to NH. The parties' inability to effectively communicate with one another also led to Respondent's not exercising all his 2018 summer parenting time.
3. Petitioner's Petition for Contempt (doc. 283-winter 2018 parenting time) is denied. Petitioner alleged that Respondent refused parenting time for the December school holiday period. At the time the court formulated the Parenting Plan (September 2017) the court was unaware that the sole winter school vacation was in December. Unlike in

NH, there is no February (winter) school vacation. There is the December vacation period and a spring vacation period. Further there was reliable evidence that the parties had reached a verbal agreement-also through counsel-regarding the December vacation period. Evidence existed supporting the Respondent's assertion that Petitioner did not comply with the verbal agreement.

4. Respondent's Motion for Contempt (doc. 286-Christmas 2018) is denied. See Paragraph 3.
5. Respondent's Motion to Change the Parenting Plan (doc. 290-decision-making responsibility) is denied. The Parenting Plan allows Respondent to have final decision-making regarding school choice if there is no agreement between the parties. In the narrative regarding the Parenting Plan (doc. 176) the court was reluctant to issue and order for sole decision-making due to the potential that the party with such authority would abuse it. The conduct of the parties and these proceedings since the issuance of that order has reinforced that finding. Respondent shall ensure that Petitioner is listed as an emergency contact on all the children's school and health records.
6. Respondent's Motion for Contempt (doc. 291-USO, medical insurance) is granted. Petitioner was ordered to provide a certain type of medical insurance for the children in CA. The communications between the parties and counsel are classic examples of each party placing their own interests above those of the children. Petitioner refused to comply with the USO requiring him to provide medical insurance. When he finally did provide some form of medical insurance, Respondent objected and alleged that the type provided was inadequate and alleged some sort of stigma attached to families who participate in the program. She eventually purchased health insurance for the children. Petitioner's obligation to provide health insurance is vacated, effective May 31, 2019. He has been found in contempt. He shall reimburse Respondent for the cost of health insurance for the children from when Respondent purchased same through May 31, 2019. He shall reimburse Respondent the sum of \$700.00 as reasonable attorneys' fees and the aforementioned reimbursement in 30 days.
7. Petitioner's Motion for Contempt (doc. 294-failure to allow phone calls) is denied. He has not proven that Respondent does not allow the children to turn on their phones or willfully interferes with any calls.
8. Petitioner's Motion to Compel (doc. 295-Caleb's Social Security number) is denied. Caleb is 18 years old; presumably an adult and can apply for his own.
9. Petitioner's Motion to Amend Parenting Plan (doc. 296-school choice) is denied. He has presented no reliable evidence that would warrant a modification this provision of the Parenting Plan. See Paragraph 5, above.
10. Petitioner's Motion to Amend the Parenting Plan (doc. 297-return the children to NH) is denied. There is reliable evidence to show that the parties' two youngest children have a problematic relationship with Petitioner at times and that Petitioner's actions and conduct is the major contributor to these circumstances. Petitioner has not demonstrated the necessary proof that a change in residence of the children would obviate their stress and emotional health. To emphasize yet again: it is the parties' conduct toward one another that adversely affects the children's emotional and psychological health.

11. Petitioner's Motion to Confirm Escrow Order (doc. 315) will be rendered moot by the terms described elsewhere in this order.
12. Petitioner's Motion to Change Court Order (doc. 318) is denied. The NH Supreme Court upheld the provisions of this court's Divorce Decree.
13. Petitioner's Motion for Contempt (doc 320-parental alienation) is denied. The court heard many of the same allegations at the August 2018 parenting portion of this matter. The court does find that Respondent is very hyper-sensitive regarding alleged spying and hacking. The court finds no credible evidence that Petitioner has engaged in any of these activities since the Respondent and children left for CA. The Petitioner has failed to prove allegations of other types of supposed harassment and interference with his parental rights. The evidence gleaned from the August 2017 hearing, as well as in recent hearings, disclosed that any estrangement that exists between Petitioner and his two youngest daughters is largely the result of his actions and obsession with this case.
14. Petitioner's Motions for Contempt (doc. 321 and 322-Grace's and Sophie's spring vacations) are denied. The evidence disclosed that the girls do not wish to fly to NH for parenting time with the Petitioner. There is insufficient reliable evidence to show that Respondent has willfully disregarded the Parenting Plan or has acted in any way as to discourage parenting time.
15. Respondent's Motion for Attorneys' Fees (doc. 324) is denied without prejudice. The court finds that Petitioner's pleadings border on vexatious and frivolous. The court may revisit this provision should Petitioner file any further pleadings deemed to be so.
16. Petitioner's Motion for Attorneys' fees (doc 325) is denied.
17. Petitioner's Motion for Contempt (doc. 334-Sophie's spring parenting time) is denied. The reliable evidence disclosed that Respondent has encouraged Sophie (15 years old) to travel to NH for parenting time.
18. Respondent's Ex Parte Motion (doc. 335-disbursement of escrow funds) is granted. Counsel is authorized to disburse the funds held in escrow pursuant to the terms of the Divorce Decree.

Date

5/30/19

  
Bruce F. DalPra, Master

I hereby certify that I have read the recommendation and agree that, to the extent that the marital master has made factual findings, he has applied the correct legal standard to the facts determined by the marital master.

So ordered:

Date

5/30/19

  
Judge  
Julie A. Introcaso



STATE OF NEW HAMPSHIRE

9th Circuit-Family Division-Nashua

Dana Albrecht and Katherine Albrecht

659-2016-DM-00288

1. SUPERIOR COURT  
9TH CIRCUIT NASHUA

2019 JUN 21 P 3: 52

**Petitioner's Motion for Reconsideration**

Now comes Dana Albrecht, Petitioner, by and through his attorney, requests that this honorable court reconsider its order dated May 30, 2019, and states:

1. This *Motion for Reconsideration* is being filed because Petitioner believes that this honorable court has misapprehended some of the evidence submitted during trial on May 9, 2019, as well as certain points of law and fact.
2. The trier of fact considers not only the facts, but the reasonable inferences from those facts. Consequently, Petitioner believes this honorable court has not correctly applied the law, and has held Petitioner to a higher standard of proof than "more likely than not."
3. It is not frivolous to question whether the court has made a mistake, or misapprehended the facts or reasonable inferences from these facts.
4. It is also required by our rules that a motion for reconsideration be filed in order to preserve issues for appellate review.

**Telephone Contact**

5. In its order, this court states that "Petitioner ... has failed to prove his allegations that Respondent has refused to allow the children to telephone, text, or write."
6. However, RSA 461-A:6, I(f) requires that the court shall consider "The support of each parent for the child's contact with the other parent as shown by allowing and promoting such contact." RSA 461-A:6, I(f) requires that the court shall consider "the ability and disposition of each parent to foster a positive relationship and frequent and continuing physical, written, and telephonic contact with the other parent."
7. Pursuant to the transcript of the hearing of May 9, 2019 (henceforth *transcript*), Petitioner reminded this court of "Katherine's own sworn pleading in which she told them the privacy implications, quote, unquote, of them using phones [owned] by their father." (*see transcript at 11*).

8. In Respondent's own sworn pleading (document #244), Respondent admitted (see paragraphs 11 & 12) that:

*When Sophie and Grace returned from Christmas [December 2017] with new phones from their father, Ms. Albrecht said they were welcome to use them. However, since they had previously told her they did not want their father monitoring their communications, she felt it important to tell them the privacy implications of using phones that are owned by him. She explained that all phones (except pre-paid phones) allow the account holder to view usage logs, which include the time, date, phone number, and duration of all phone calls and SMS messages sent or received, although they cannot listen to the calls or read the texts themselves.*

*The girls were unhappy to learn that their father, as the account holder, could determine who they called and texted on their new phones. Neither girl had realized that when they accepted the phones. They felt tricked that their father had not discussed it with them, and were concerned that he would use the phones to monitor them and then abuse the information. Both girls emphatically stated they no longer wanted the phones. Ms. Albrecht reminded them that their father had given them phones to regularly speak to him, not call their friends, and said they had to keep them and use them to speak to him. The girls grudgingly agreed.*

9. The undisputed evidence is that Respondent caused "both girls to emphatically state they no longer wanted the phones" provided by Petitioner. The court's claim in paragraph 1 of its order that "the allegations are simply speculation or suspicion" is inaccurate.
10. The reasonable inference from the fact that Dr. Albrecht told their children about the "privacy implications of using phones that are owned by [their father]" was that Dr. Albrecht caused the children to be convinced of Dr. Albrecht's own paranoid delusions, and also caused the children to be frightened and distrustful of their father.
11. To act accordingly is alienation. The most common cause of parental alienation is one parent wishing to exclude the other parent from the life of their child, though family members or friends, as well as professionals involved with the family (including psychologists, lawyers and judges)<sup>1</sup>.
12. Parental alienation is the process, and the result, of psychological manipulation of a child into showing unwarranted fear, disrespect or hostility towards a parent and/or other family members. It is a distinctive form of psychological abuse and family violence, towards both the child and the rejected family member, that occurs almost exclusively in association with family separation or divorce, particularly where legal action is involved.<sup>2</sup>
13. Parental alienation often leads to the long-term, or even lifelong, estrangement of a child from one parent and other family members, and, as a significant adverse childhood experience and

1 See [https://en.wikipedia.org/wiki/Parental\\_alienation](https://en.wikipedia.org/wiki/Parental_alienation) (internal citations omitted.)

2 *Id.*

form of childhood trauma, results in significantly increased lifetime risks of both mental and physical illness.<sup>3</sup>

14. The court also states in paragraph 7 of its order that Petitioner “has not proven that Respondent does not allow the children to turn on their phones or willfully interferes with any calls.”
15. Petitioner observes that it is not necessary for Respondent to have done so, as she long ago caused caused “both girls to emphatically state they no longer wanted the phones” provided by Petitioner.

#### **The Sierra Madre Police Incident on August 28, 2018**

16. On September 1, 2017, this court permitted Respondent to relocate with their minor children to Pasadena, CA. Respondent represented that she and their children would reside with Respondent’s mother, Ms. Elaine Hodgkinson, at Ms. Hodgkinson’s residence at 2610 Deodar Circle, Pasadena, CA.
17. In March 2018, Respondent and their children began spending time in a second home at 730 W Alegria Ave, Sierra Madre, CA. *See Transcript at 95-96.*
18. On August 28, 2019, at approximately 0500 hours, Sgt. Amos (#130) and Officer Deem (#10831) of the Sierra Madre Police Department were dispatched to Respondent’s home at 730 W Alegria Ave, Sierra Madre, CA as a consequence of Respondent reporting a burglary in progress. Officer Kenneth Berry (#117) was then dispatched at 6:11 am to assist Sgt. Bailey (#10906), Sgt. Amos, and Ofc. Deem. The relevant police report (#180537) was admitted into evidence as Petitioner’s “Exhibit 2.”
19. On August 28, 2019 Petitioner was unaware that Respondent and their children had moved. Respondent did not disclose to Petitioner that she and their children had moved to Sierra Madre, CA until January 2, 2019, nine months later. *See Transcript at 46.*
20. Respondent reported to the Sierra Madre Police that on Tuesday, August 29, 2019, at approximately 5:30 a.m. she heard the sounds of something aggressively impacting the east facing door of the residence. Respondent reported that she went to check on the disturbance and also reported that somebody was outside attempting to force their way in.
21. Respondent said she also heard the sound of a drill being operated and feared somebody was going to use the drill on the door locks in an attempt to gain entry.
22. As a result, Respondent ran into Caleb’s bedroom and woke him up. Respondent said that Caleb screamed in fear when he realized somebody was attempting to gain access inside. Caleb also turned on a light in the kitchen. According to Respondent, these actions caused the suspect(s) to stop their activities and flee the location.

23. Respondent said she believed the suspect(s) were somehow affiliated with Petitioner. She said this was the reason she had so many monitoring devices placed in and around the house. She also stated there have been several other crime reports made with the Sierra Madre Police Department.
24. Respondent, however, was unable to show the police anything around the property that was either freshly disturbed or was missing.
25. Officer Kenneth Berry (#117) reported<sup>4</sup> that:

*I arrived and I met with Sgt. Baily who requested that I get statements from the three children. I spoke to Caleb Albrecht, who told me that at about 5:30 a.m., he was awakened by his mother Katherine Albrecht because she told him she head someone at the front door. Caleb said he and his mother went outside and walked around the house, but they did not notice anything unusual. Caleb stayed home while his mother and two sisters, Sophie Albrecht and Grace Albrecht, drove to the police department. Caleb said he did not see any cars parked behind his mother's car in the driveway, any cars parked in the street, or any persons on the property.*

*I spoke to Sophie Albrecht, who told me at about 5:30 a.m., she was asleep in the same room as her sister, Grace. Sophie heard her mother "freaking out" and someone scream. Respondent told Sophie to lock the front door while Respondent and Caleb went to check outside. Sophie said after she locked the front door, she saw on the camera monitor, which was on the counter next to the front door, lights come on from a car parked behind mom's car in the driveway, reverse out of the driveway, and drive westbound. She said she saw a second car that was parked in front of the house drive eastbound. Sophie said she could not describe either car and she could not describe anyone who was inside either car.*

26. The police further noted that Respondent's extensive surveillance system was non-operational and could not record. Respondent told the police that the reason she had so many monitoring devices placed in and around the house was because Petitioner, who lives in New Hampshire, had "essentially been stalking her." Respondent told the police that none her video monitoring devices record because Petitioner had the expertise to disable them and had "bugged" her house.
27. Consequently, Sophie reported to the Sierra Madre police that Sophie "saw" events occur on a non-operation camera monitor.
28. The reasonable inference from these facts is that Dr. Albrecht has caused their daughter Sophie to be convinced of Dr. Albrecht's own paranoid delusions.
29. Officer Kenneth Berry (#117) also reported<sup>5</sup> that:

4 See the police report in evidence.

5 *Id.*

*I then spoke to Grace Albrecht, who told me at about 5:30 a.m., she was asleep in her bedroom and she was awakened by her mother "freaking out" and her brother's scream. She stood at the front door with her sister, Sophie, while her mother and brother went outside. She thought she saw a car back out of the driveway while she was looking at looking at the camera monitor. She could not describe the car and she did not describe anyone inside the car.*

30. Consequently, Grace reported to the Sierra Madre police that Grace "thought she saw" events occur on a non-operation camera monitor.
31. The reasonable inference from these facts is that Dr. Albrecht has caused their daughter Grace to be convinced of Dr. Albrecht's own paranoid delusions.
32. The Sierra Madre Police further documented that Officer Baily discovered "inconsistencies" in the children's statements.
33. Dr. Albrecht "heard" the "sound of a drill, ... fearing that somebody was going to use the drill on the door locks in an attempt to gain entry," woke up screaming, and caused their children to report that she was "freaking out." Dr. Albrecht then drove to the police station with Sophie and Grace, all while blaming Petitioner for this incident.
34. Respondent testified that the Sierra Madre Police Report accurately characterized these events. *See transcript at 161-164.*
35. The reasonable inference from these facts is that Respondent has caused the children to be frightened and distrustful of their father. To act accordingly is alienation.

**Paragraphs 10 and 13 of the court's order.**

36. Petitioner acknowledges that "the parties' two youngest children have a problematic relationship with Petitioner at times."
37. However, the court claims (paragraph 10) that "Petitioner's actions and conduct is the major contributor to these circumstances," and (paragraph 13) "any estrangement that exists between Petitioner and his two youngest daughters is largely the result of his actions." Petitioner continues to deny this.
38. The court did not explain how Petitioner's actions contributed to the Sierra Madre Police Incident, or how Petitioner's actions caused their children to "to emphatically state they no longer wanted the phones" provided by Petitioner.
39. Petitioner also testified at trial on May 9, 2019 that more recently he had not been able to contact his daughters Sophie or Grace at all since Christmas in 2018. *See Transcript at 8.* This is not disputed. By a reasonable inference, consequently Petitioner's actions since Christmas 2018 could not in any way have contributed to his problematic relationship with their daughters.

40. The court should have explained how Respondent's actions have contributed to these circumstances.

### **Education Decisions**

41. The court granted Dr. Albrecht the final authority to make educational decisions for the parties' children in the event the parties do not agree. This has amounted to de-facto sole-decision making authority exercised by Dr. Albrecht, without any participation by Petitioner.
42. Petitioner has previously advised this court that it should refer to In the Matter of Kurowski & Kurowski, 161 NH 578 (2011) for guidance, most recently testifying that "I'd like the Judge to read sort of about the Cowapowski (phonetic) case in the pleadings." *See transcript at 55.*
43. Paragraph 5 of the court's order notes that:

*In the narrative regarding the Parenting Plan (doc. 176) the court was reluctant to issue and order for sole decision-making due to the potential that the party with such authority would abuse it. The conduct of the parties and these proceedings since the issuance of that order has reinforced that finding.*

44. The party to whom the court gave more decision making authority is Dr. Albrecht. The court has found this decision making authority has been abused. By a logical necessity, the court has found that Dr. Albrecht has abused her decision making authority.
45. Respondent also testified that decisions concerning counseling for the children do not need to be made jointly in California. *See transcript at 166.* She has refused to cooperate with Petitioner concerning joint decision making for counseling for their children.
46. The only remedy the court has ordered is to require that "Respondent shall ensure Petitioner is listed as an emergency contact on all the children's school and health records."
47. This ineffective remedy in no way curtails Dr. Albrecht's abuse of her de-facto sole-decision making authority.

### **Counseling**

48. On September 1, 2017, Petitioner requested that this court "order the parties and their children to attend Family Systems Therapy; or as the parties otherwise agree." *See Petitioner's Verified Motion for Reconsideration (document #180), Prayer (H).*
49. In its order dated October 2, 2017, this court denied Petitioner's request.
50. On May 9, 2019, Respondent testified that their daughter Sophie now refuses to see a counselor. *See transcript at 154.*

51. In its most recent order, this court has re-iterated that it will not “order the parties and their children to attend Family Systems Therapy; or as the parties otherwise agree,” by stating that “there is no order the court can issue that will ease the tension and utter disdain these parties have for one another.”
52. Petitioner has previously raised the issue that high-conflict divorce is highly correlated with one or both parents having a “cluster B” personality disorder, such as borderline or narcissistic personality disorder. He wishes to do so again here.
53. Mr. Albrecht’s treating therapist, Dr. Hildreth Grossman, has not diagnosed Mr. Albrecht with any personality disorder.
54. The court did not order any form of court-ordered counseling or mental health evaluation for either of the parties or their children. Based upon the facts about and the reasonable inferences thereof, the court should have done so.

**Frequent and continuing contact between each child and both parents**

55. RSA 461-A:6, I(l) requires that this court consider whether its parenting plan and subsequent orders have supported “frequent and continuing contact between each child and both parents” pursuant to the policy of the state regarding the determination of parental rights and responsibilities described in RSA 461-A:2.
56. Since the court issued its *Final Parenting Plan*, Petitioner has had a total of 38 days of parenting time with Sophie and Grace from September 1, 2017, to the present time, a period of over one and a half years. *See document #322, paragraphs 39-42.*
57. Petitioner testified at trial on May 9, 2019 that more recently he had not been able to contact his daughters Sophie or Grace at all since Christmas in 2018. *See Transcript at 8.*
58. Respondent has caused their daughters Sophie and Grace to have separate school vacations by enrolling them, against Petitioner’s wishes, in two different private schools. Neither private school’s vacation schedule comports with the public school vacation schedule where their children reside. *See Transcript at 55.*
59. The court’s present Parenting Plan does not “frequent and continuing contact between each child and both parents.” The court has not amended its Parenting Plan. Based upon the facts above and the reasonable inferences thereof, the court should amend its Parenting Plan to support “frequent and continuing contact between each child and both parents.”

**Heinrich and Curotto, 160 NH 650 (2010)**

60. Petitioner has been unemployed for the duration of these proceedings, and remains so.
61. Respondent is currently on SSDI.

62. This court has found the parties cannot effectively communicate.

63. In Heinrich and Curotto, 160 NH 650 (2010), our Supreme Court noted that the Derry Family Division trial court:

*worried that the Florida parenting plan “would require significant air travel, which involves a cost factor that the parties may or may not be able to realistically afford, as well as requiring the parties to effectively communicate, which they have been unable to do so to date.”*

when it upheld the trial court’s decision to deny a mother’s request to relocate their family’s minor children to Florida.

64. Consequently, the court’s current *Parenting Plan* is not consistent with Heinrich in light of how well the parties can “effectively communicate” and whether they can “realistically afford significant air travel.”

**Tomasko v. Dubuc, 145 NH 169, 172 (2000)**

65. In paragraph 10 of its order denying *Petitioner’s Motion to Amend the Parenting Plan (document #297)*, this court did not properly examine the factors set forth in Tomasko v. Dubuc, 145 NH 169, 172 (2000), which include:

(1) each parent’s reasons for seeking or opposing the move; (2) the quality of the relationships between the child and the custodial and noncustodial parents; (3) the impact of the move on the quantity and quality of the child’s future contact with the noncustodial parent; (4) the degree to which the custodial parent’s and child’s life may be enhanced economically, emotionally, and educationally by the move; (5) the feasibility of preserving the relationship between the noncustodial parent and child through suitable visitation arrangements; (6) any negative impact from continued or exacerbated hostility between the custodial and noncustodial parents; and (7) the effect that the move may have on any extended family relations.

**The Family’s Medical Needs and RSA 461-A:6, I(b)**

66. In determining the best interests of the child, RSA 461-A:6, I(b) requires that the court consider “the ability of each parent to assure that the child receives adequate food, clothing, shelter, medical care, and a safe environment.”

67. Respondent did not allow any dental treatment at all for their daughter Grace for over fifteen months, causing Grace to have eleven dental caries (“cavities”) and require costly sedation dentistry.

68. Respondent Dr. Albrecht has been diagnosed with stage IV breast cancer with brain metastases.



69. Respondent testified that her mother, Ms. Elaine Hodgkinson, has stage IV ampullary cancer, which is related to pancreatic cancer, and that Respondent spends “a considerable amount [of time] taking care of my mom.” *See transcript at 95-96.* Respondent did not disclose this information to Petitioner prior to trial. Respondent also did not elaborate on her mother’s prognosis, but as this is a terminal condition, it does not appear to be positive.
70. Respondent also testified that her sister, Ms. Laura Minges, “is disabled,” and “had a series of health problems.” *See transcript at 95-96.*
71. Respondent has been locking their children, alone, inside her residence at 730 W Alegria Ave in Sierra Madre, CA with zip ties while traveling to 2610 Deodar Circle in Pasadena, CA to care for her mother. *See transcript at 144-146.*
72. It is unclear, under these circumstances, who is caring for the parties’ children.

**Petitioner is unemployed**

73. Petitioner has not worked outside the parties’ home or family business since 2004 and is presently unemployed. Petitioner submitted to this court, as evidence, a report by his treating therapist, Dr. Hildreth Grossman. In her report dated May 6, 2019 , Dr. Grossman stated:

*I have seen Mr. Albrecht in psychotherapy since April 11, 2016. He came to therapy under severe stress caused by marital conflicts. At the time, his wife had taken out a restraining order after having the police come and remove him from their home. That began a series of court battles and police filings by Mrs. Albrecht in which Mr. Albrecht had to continually defend himself. The outcome of these accusations has been to exonerate Mr. Albrecht. Clearly the effect of having to continually defend himself against unwarranted accusations has exacerbated the stress, anxiety and depression Mr. Albrecht has struggled with through this process.*

74. Dr. Grossman also stated:

*Mr. Albrecht's stress and strain emotionally and financially have made it difficult if not impossible to seek adequate employment. He has relied on the generosity of his father to support him through his tribulations. The oldest Albrecht son, Peter has chosen to spend time with his father working on university courses toward his bachelor's degree. Mr. Albrecht is enjoying spending time with Peter and working to restore their relationship. He has made it a point to avoid putting his son in the middle of the enduring difficulties between himself and Mrs. Albrecht. Peter was witness to some of the falsehoods Mrs. Albrecht rendered during a visit between the children and their father in California. Mr. Albrecht has avoided asking Peter to testify in court to eliminate the potential wrath by his mother for being disloyal.*

*Mr. Albrecht is a forthright person who works very hard in therapy and is always willing to look at himself as well as his situation in order to understand what has been happening to him. He has a deep and sincere need to know and tell the truth.*

75. As to Petitioner's prognosis, Dr. Grossman remarked:

*Mr. Albrecht has a strong motivation to get his life in order. I experience him as very hard working in therapy. I believe that when access to his children is stable and follows the judgment in his divorce decree, and when he finds employment in a field of his expertise and interest, an enormous amount of anxiety and depression will lift. He is also willing to do more work looking at his acceptance of a harmful spousal relationship and work on how to look for and feel entitled to healthier and more rewarding connections.*

### **The children's health insurance and the USO**

76. Petitioner, who has been unemployed for the duration of these proceedings, nevertheless faithfully paid \$350/month in child support to Respondent from September 9, 2016 through February 14, 2018 under the courts temporary USO (document #42).
77. Petitioner also faithfully paid \$50/month in child support to Respondent from February 14, 2018 to the present time under the court's final USO (document #247).
78. Petitioner has also faithfully paid for Medi-share to cover all four of the parties children from the commencement of this action on April 15, 2016 to the present time. The current cost is \$434 per month. *See transcript at 90.*
79. On December 22, 2018, Petitioner obtained Medi-Cal coverage under the Affordable Care Act (ACA) for Sophie and Grace through "Covered California," the "Official Site of California's Health Insurance Marketplace." Petitioner also continued to maintain the Medi-Share coverage for all four of the parties children (Peter, Caleb, Sophie, and Grace) that Petitioner has paid for for the duration of these proceedings and that has been the primary coverage for all four children since 2011.
80. With no finding concerning Petitioner's ability to pay, the court in paragraph 6 of its order has now found Petitioner in contempt, and required him to pay \$700 in attorneys' fees, as well as to reimburse Respondent "for the cost of health insurance for the children from when Respondent purchased same through May 31, 2019," an undetermined amount, even though the parties' minor daughters Sophie and Grace were already covered through both Medi-Cal and Medi-Share.
81. Paragraph 16A of the USO (document #247) stated that "Obligor is ordered to provide private health insurance for the child(ren) effective Continuing – See Decree re providing coverage under Blue Shield of California"
82. However, Petitioner could not find any place in the Decree (document #248) the court described "providing coverage under Blue Shield of California."

83. Consequently, it appears that Petitioner did not understand this court's order, believing in good faith that this court had made a scrivener's error on the USO (document #247) in paragraph 16A.
84. Consequently, this court should now explain why it failed to describe "providing coverage under Blue Shield of California" in its Decree (document #248) when its USO (document #247) referenced this.
85. If the court did not make a scrivener's error, then Petitioner now asserts the court's USO order was "vague and indefinite" and was incomprehensible to Petitioner.
86. Blue Shield of California is a private California not-for-profit mutual benefit corporation.
87. Medi-Cal and Blue Shield of California are both controlled by California and Federal Law, not New Hampshire law.
88. Based upon the facts above, the reasonable inference is that requiring Petitioner, who is unemployed, to have purchased a new, and higher-cost health plan for their children directly from a private California not-for-profit mutual benefit corporation, rather than under the Affordable Care Act (ACA) from "Covered California," the "Official Site of California's Health Insurance Marketplace," was an unsustainable exercise of discretion.

**RSA 461-A:6, I(m)**

89. RSA 461-A:6, I(m) requires, when determining the "best interests of the child," that the court shall consider "any other additional factors the court deems relevant."
90. Concerning a "Judicial Enforcement of Parenting Plan," RSA 461-A:4-a requires that "Any motion for contempt or enforcement of an order regarding an approved parenting plan under this chapter, if filed by a parent, shall be reviewed by the court within 30 days."
91. On March 30, 2018, Petitioner filed *Petitioner's Motion for Contempt re Telephone Contact and Written/Electronic Communication with Children* (document #241).
92. On August 21, 2018, Petitioner filed *Petitioner's Motion to Schedule Outstanding Parenting Motions* (document #274).
93. On May 9, 2019, this court heard *Petitioner's Motion for Contempt re Telephone Contact and Written/Electronic Communication with Children* (document #241).
94. Petitioner believes the court should state whether it considered any "additional factor" that is "relevant" to the best interests of the child pursuant to RSA 461-A:6, I(m).

**Paragraphs 15 and 16 of the court's order**

95. Petitioner also wishes to remind the court that he filed a no-fault petition for Legal Separation on April 15, 2016 (document #1) in response to Respondent's DV action filed against him a week earlier on April 8, 2016. Respondent then filed her cross-petition alleging fault grounds on April 27, 2017 (document #7).
96. Respondent has also filed numerous "potty pleadings" with this court, and has continued to do so as recently as January 25, 2019. The court may refer to paragraph 7 of document #290, filed by Respondent.
97. The court has made no finding why Respondent's motion for attorney's fees was denied without prejudice, but Petitioner's motion was apparently denied "with prejudice."
98. Petitioner notes that many of his motions have been made simply to defend himself against Respondent's numerous "potty pleadings."
99. Petitioner notes that his other motions, which the court now describes as "border[ing] on vexatious and frivolous," have been limited in scope to parenting and financial issues.
100. The court should advise whether it finds paragraph 7 of document #290 filed by Respondent either "vexatious" or "frivolous."

WHEREFORE, the Petitioner prays this Honorable Court for relief as follows:

- A) Reconsider its order dated May 30, 2019; and,
- B) Find that Respondent caused both Sophie and Grace "to emphatically state they no longer wanted the phones" provided by Petitioner; and,
- C) Grant Petitioner's Motions for Contempt (documents #241 and #294) regarding phone calls; and,
- D) Adopt Petitioner's proposed Parenting Plan (document #298); or,
- E) Develop a new parenting plan that "supports frequent and continuing contact between each child and both parents," comports with RSA 461-A:4, VI, and is in the best interests of the children; and,
- F) Order the parties and their children to attend Family Systems Therapy; or as the parties otherwise agree,
- G) Deny Respondent's Motion for Contempt (document #291) concerning the USO; and,
- H) Vacate paragraphs 15 and 16 of its order; and,

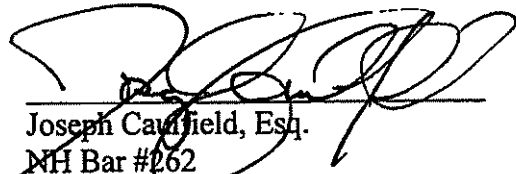
- I) Deny Respondent's Motion for Attorneys' Fees (document #324) with prejudice; and,
- J) Set forth the reasons for its decision in a written order; and,
- K) For such other relief as this Court deems just and reasonable.

June 21, 2019

Respectfully submitted,




Dana Albrecht  
by his attorney

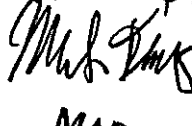


Joseph Caulfield, Esq.  
NH Bar #262  
Caulfield Law & Mediation Office  
126 Perham Corner Rd.  
Lyndeborough, NH 03082  
603-505-8749

MASTER RECOMMENDS: Denied.

06/25/19  
Date   
Bruce E. Derby, Master

Approved & so ordered.

  
JUN 30 2019

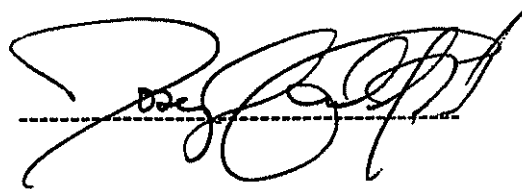
MARK S. DERBY

State of New Hampshire  
Hillsborough, SS

Now comes Dana Albrecht and swears that the foregoing is true to the best of his knowledge and belief.

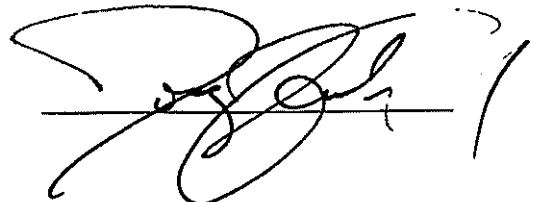
June 21, 2019

Joseph Caulfield  
NH Justice of the Peace  
Comm. expires Dec. 3, 2019



Certification

I sent this date a copy of this Motion to Atty. Fontaine.



Joseph Caulfield, Esq.

THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
<http://www.courts.state.nh.us>

9<sup>th</sup> Circuit – Family Division - Nashua

In the Matter of: Dana Albrecht and Katherine Albrecht  
Docket Number: 659-2016-DM-00288

**RESPONDENT'S LIMITED MOTION FOR RECONSIDERATION**  
**OF MAY 30, 2019 ORDER**

2019 JUN 21 PM 2:59  
SUPERIOR COURT  
9TH CIRCUIT NASHUA

NOW COMES the Respondent, Katherine Albrecht, by and through her attorneys, Welts, White & Fontaine, P.C., and moves this Honorable Court to reconsider its Order dated May 30, 2019 and, in support thereof, the Respondent states the following:

1. This Court issued an Order dated May 30, 2019 (Clerk's Notice dated June 11, 2019) granting Ms. Albrecht's Motion for Contempt (doc. 291-USO) and ordering, in part, that Petitioner reimburse Ms. Albrecht for the cost of health insurance for the children from when Ms. Albrecht purchased the same through May 31, 2019.

2. However, this court also ordered, in part, that Petitioner's obligation to provide health insurance for the two minor children is vacated effective May 31, 2019, thus leaving Ms. Albrecht to be responsible for the cost of same going forward.

3. Ms. Albrecht has been paying \$234.41 per child per month for their Blue Shield of California insurance coverage, for a total monthly cost of \$468.82, while at the same time she has only been receiving child support of \$50 per month pursuant to this Court's Final Uniform Support Order dated April 27, 2018.<sup>1</sup>

<sup>1</sup> Ms. Albrecht filed a Motion to Modify Child Support dated 1/16/19, requesting Petitioner pay child support pursuant to the current child support guidelines based upon imputed income to Petitioner of \$90,000 per year (\$7,500/month). Ms. Albrecht's Motion to Modify Child Support has not yet been ruled on by this Court.

4. As this Court noted in its May 30, 2019 Order, Petitioner had previously been Court ordered to provide Blue Shield of California coverage for the girls, yet refused to do so, and when he finally complied, he instead obtained Medi-Cal (Medicaid) which Ms. Albrecht objected to as being inadequate for numerous reasons.

5. This court should be aware that Ms. Albrecht has no philosophical or social objection to having state subsidized healthcare, and she applied for and received NH Healthy Families medical and dental coverage for the children while they were residing in New Hampshire. However, the situation regarding state subsidized healthcare is very different in California than it is in New Hampshire. Ms. Albrecht's objection to Medi-Cal specifically is based upon the fact that, unlike New Hampshire which has one of the top health care programs in the nation, California's public healthcare program, known as Medi-Cal, is fraught with serious problems. It is underfunded and overburdened with 13 million low-income enrollees. It is extremely difficult to find providers who accept Medi-Cal, and those who do tend to be located in high crime areas and have enormous wait times. None of the dental or medical providers Ms. Albrecht has contacted accepts the program.

6. Further, a shrinking number of dentists are willing to participate in the program because the state does not reimburse them adequately. There have been literally thousands of complaints made by Medi-Cal patients that providers discriminate against them and treat them poorly, which has an adverse effect on their health, and various groups have filed lawsuits against the state because of the program's substandard care and limited access to doctors.



7. Ms. Albrecht's research also revealed that California's Medicaid program ranks 48 out of the 50 states. It is for those reasons Ms. Albrecht strongly believes it is in the children's best interest they have coverage under Blue Shield of California coverage, not Medi-Cal<sup>2</sup>

8. However, it is inequitable to require Ms. Albrecht to solely bear the cost of the children's health insurance of \$468.82 per month, especially since Petitioner has only been paying the minimum child support of \$50 per month since February 14, 2018, even though he is admittedly voluntarily unemployed.

9. Upon information and belief, the Court has overlooked these significant facts in making its ruling vacating Petitioner's obligation to pay for the health insurance premiums for the two minor children, and this Court's Order should therefore be reconsidered as to the same.

**WHEREFORE**, your Respondent prays this Honorable Court:

A. Grant Respondent's Motion for Reconsideration of May 30, 2019 Order;

B. Reconsider this Court's May 30, 2019 Order and order that Petitioner shall continue to be responsible for the cost of the minor children's health insurance through Blue Shield of California, and order that he reimburse Respondent for the cost of same on a monthly basis until such time as he is ordered to pay child support pursuant to the guidelines based upon imputed income in line with his expertise and consistent with the vocational expert's testimony at trial; and

C. Grant such other relief as may be deemed fair and just.

---

<sup>2</sup> Recent articles addressing these problems include the following:  
• "Audit Finds Kids Getting Short Shrift From Medi-Cal" - Courthouse News 2019  
• "Thousands of Medi-Cal Patients Report Poor Treatment by Doctors, Staff" - California Health Report 2018  
• "So few docs take Medi-Cal that it violates civil rights" - Sacramento Bee 2017  
• "California Sued For Allegedly Substandard Medi-Cal Care" - Kaiser Health News 2017  
• "California's Costly, Inaccessible Healthcare System" - Forbes 2018  
• "California Grapples With Growing Physician Shortage For Low-Income Patients" - California Health Report 2018  
• "Lawsuit: Medi-Cal violates rights of beneficiaries" - Mercury News

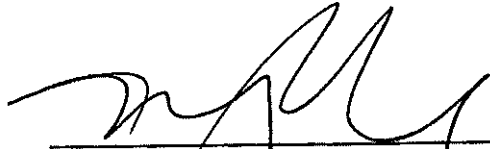
Respectfully submitted,

Katherine Minges, Respondent  
By Her Attorneys,

WELTS, WHITE & FONTAINE, P.C.

Date: June 21, 2019

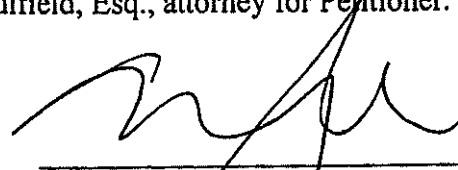
By:

  
Michael J. Fontaine, Esquire  
29 Factory Street, P.O. Box 507  
Nashua, NH 03061  
(603) 883-0797  
mfontaine@lawyersnh.com  
NH BAR ID #832

**CERTIFICATE OF SERVICE**

I certify that I have this day furnished the within pleading, by delivering a copy of same by first-class mail, postage prepaid, to Joseph Caulfield, Esq., attorney for Petitioner.

Date: June 21, 2019

  
Michael J. Fontaine, Esq.

**MASTER RECOMMENDS:**

6/28/19  
Date

  
Bruce F. DalPra, Master

*Petitioner shall be entitled to maintain health insurance through Blue Shield of CA, but shall be solely responsible for the premiums.*

Approved + so ordered.



JUN 30 2019

MARK S. DERBY

## Cases

Case Search

Participant Search

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**Case Information: (2019-0436)**

**Full Title:** In the Matter of Dana Albrecht and Katherine Albrecht **Filed:** 07/29/2019

**Short Title:** In the Matter of Dana Albrecht and Katherine Albrecht **Case Status:** 14. Closed

**Class:** Appeal by Permission **Rule Type:** Rule 7 Discretionary

**Type:** Family **Subtype:** Child Support/Custody/Visitation

**Panel:**

**Track:**

**Lower Court / Agency:** 9th N.H. Circuit Court - Nashua Family Division

**Lower Court / Agency Case No.:** 659-2016-DM-00288

**Decision Maker:** Derby, Mark S.












**Decision Maker:** Introcaso, Julie A.



**- Party Information**

Role	Lower Court Role	Party Name	Former	Attorney(s)	Guardian(s)
Appellant	Petitioner	Dana Albrecht	N	Pro Se	
Appellee	Respondent	Katherine Albrecht	N	Michael J. Fontaine, Esq. Israel F. Piedra, Esq.	
Other	Guardian Ad Litem	Kathleen A. Sternenberg, Esq.	N	Kathleen A. Sternenberg, Esq.	

**Docket Entries**

**Display:** Ascending

Document Description	Filing Date	Docket Entry Type
Notice of appeal and appendix filed (Dana Albrecht)	07/29/2019	Initiating Document 
E-file docketing notice	08/14/2019	Order 
Notice of Confidentiality	08/14/2019	Order 
Katherine Albrecht's motion for summary affirmance filed (Israel Piedra)	08/14/2019	Motion 
Petitioner's objection to motion for summary affirmance and request for attorney's fees (Dana Albrecht)	08/21/2019	Objection 
Declined	09/16/2019	Final Orders 
Petitioner's motion to reconsider declination of discretionary appeal (Dana Albrecht)	09/26/2019	Motion 
Respondent's objection to motion to reconsider & request for attorney's fees (Israel F. Piedra and Michael J. Fontaine)	10/03/2019	Objection 
Petitioner's motion for reconsideration denied	10/25/2019	Order 
Mandate Issued	10/25/2019	Final Orders 
Service Copy; the application for an extension of time within which to file a petition for a writ of certiorari has been extended	01/22/2020	Misc. Documents 

to March 23, 2020 (Scott S. Harris, Clerk by Susan Frimpong, Case Analyst-SCOTUS)			
Public docket card mailed to Dana Albrecht	02/28/2020	Notification	
Service Copy; the petition for a writ of certiorari was filed on March 23, 2020 and placed on the docket for march 26, 2020 (Scott S. Harris, Clerk by Susan Frimpong, Case Analyst-SCOTUS)	03/30/2020	Misc. Documents	
Service Copy; the petition for a writ of certiorari is denied (Scott S. Harris, Clerk-SCOTUS)	05/26/2020	Misc. Documents	

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**In Case No. 2019-0436, In the Matter of Dana Albrecht and Katherine Albrecht, the court on September 16, 2019, issued the following order:**

Notice of appeal is declined. See Rule 7(1)(B).

Under Supreme Court Rule 7(1)(B), the supreme court may decline to accept a notice of discretionary appeal from the superior or circuit court. No appeal, however, is declined except by unanimous vote of the court with at least three justices participating.

This matter was considered by each justice whose name appears below. If any justice who considered this matter believed the appeal should have been accepted, this case would have been accepted and scheduled for briefing.

Katherine Albrecht's motion for summary affirmance is therefore moot. Her request for attorney's fees is denied.

Declined.

Hicks, Bassett, Hantz Marconi, and Donovan, JJ., concurred.

**Eileen Fox,  
Clerk**

Distribution:

9th N.H. Circuit Court - Nashua Family Division, 659-2016-DM-00288

Honorable Mark S. Derby

Honorable Julie A. Introcaso

Marital Master Bruce F. DalPra

✓ Mr. Dana Albrecht

Michael J. Fontaine, Esquire

Israel F. Piedra, Esquire

Kathleen A. Sternenberg, Esquire

File

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**In Case No. 2019-0436, In the Matter of Dana Albrecht and Katherine Albrecht, the court on October 25, 2019, issued the following order:**

Supreme Court Rule 22(2) provides that a party filing a motion for rehearing or reconsideration shall state with particularity the points of law or fact that he claims the court has overlooked or misapprehended.

We have reviewed the claims made in the petitioner's motion for reconsideration and conclude that no points of law or fact were overlooked or misapprehended in the decision to decline the petitioner's appeal. Accordingly, upon reconsideration, we affirm the September 16, 2019 decision and deny the relief requested in the motion.

Respondent's request for attorney's fees is denied.

Relief requested in motion for reconsideration denied.

Hicks, Bassett, Hantz Marconi, and Donovan, JJ., concurred.

**Eileen Fox,  
Clerk**

Distribution:

9th N.H. Circuit Court - Nashua Family Division, 659-2016-DM-00288

Honorable Mark S. Derby

Honorable Julie A. Introcaso

Marital Master Bruce F. DalPra

✓ Mr. Dana Albrecht

Michael J. Fontaine, Esquire

Israel F. Piedra, Esquire

Kathleen A. Sternenberg, Esquire

Allison R. Cook, Supreme Court

File

Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001

RECEIVED  
*ll*

Scott S. Harris  
Clerk of the Court  
(202) 479-3011

January 17, 2020

Clerk  
Supreme Court of New Hampshire  
Supreme Court Building  
Noble Drive  
Concord, NH 03301

RECEIVED

JAN 22 2020

NH SUPREME COURT

Re: Dana Albrecht  
v. Katherine Albrecht  
Application No. 19A806  
(Your No. 2019-0436)

Dear Clerk:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to Justice Breyer, who on January 17, 2020, extended the time to and including March 23, 2020.

This letter has been sent to those designated on the attached notification list.

Sincerely,

Scott S. Harris, Clerk

by

Susan Frimpong  
Case Analyst

**Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001**

**Scott S. Harris  
Clerk of the Court  
(202) 479-3011**

**NOTIFICATION LIST**

Mr. Dana Albrecht  
131 D.W. Hwy #235  
Nashua, NH 03060

Clerk  
Supreme Court of New Hampshire  
Supreme Court Building  
Noble Drive  
Concord, NH 03301



**Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001**

POSTED  
le

Scott S. Harris  
Clerk of the Court  
(202) 479-3011

March 26, 2020

Clerk  
Supreme Court of New Hampshire  
Supreme Court Building  
Noble Drive  
Concord, NH 03301

RECEIVED

MAR 30 2020

NH SUPREME COURT

Re: Dana Albrecht  
v. Katherine Albrecht  
No. 19-8108  
(Your No. 2019-0436)

Dear Clerk:

The petition for a writ of certiorari in the above entitled case was filed on March 23, 2020 and placed on the docket March 26, 2020 as No. 19-8108.

Sincerely,

Scott S. Harris, Clerk

by

Susan Frimpong  
Case Analyst

## QUESTIONS PRESENTED

This is a diversity of citizenship family law case. Petitioner is a resident of New Hampshire and Respondent is a resident of California. The care, custody and control of two minor children is in dispute.

“The Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children” (*Troxel v. Granville*, 530 US 57,65,66 (2000)) and this “is perhaps the oldest of the fundamental liberty interests recognized by this Court.” (*Id.*) Both parties are fit parents. (*Id.*) However, and contrary to the trial court’s “Final Parenting Plan,” still in effect, Petitioner has been refused all contact, including by telephone, with his two minor daughters for nearly 15 months.

There is evidence that orders on post-decision relief in the trial court might have been issued without proper review by any trial court judge. The UCCJEA (NH Rev Stat § 458-A:35 (2017)) provides that an appeal may be taken. However, the Supreme Court of New Hampshire declined to hear a subsequent appeal. Consequently, both parties are now subject to a trial court order that has not been adequately reviewed by any court, including both the trial court that issued it and New Hampshire’s highest court.

The questions presented are:

1. Whether, or under what circumstances, is the State of New Hampshire’s discretionary appellate process unlawful or unconstitutional?

2. Has the State of New Hampshire unlawfully infringed upon Petitioner’s constitutionally protected parenting or other “due process” rights?

Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001

POSTED  
*ll*

Scott S. Harris  
Clerk of the Court  
(202) 479-3011

May 18, 2020

Clerk  
Supreme Court of New Hampshire  
Supreme Court Building  
Noble Drive  
Concord, NH 03301

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MAY 26 2020

NH SUPREME COURT

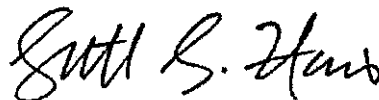
Re: Dana Albrecht  
v. Katherine Albrecht  
No. 19-8108  
(Your No. 2019-0436)

Dear Clerk:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,



Scott S. Harris, Clerk

OFFICE OF THE CLERK  
SUPREME COURT OF THE UNITED STATES  
WASHINGTON, DC 20543-0001  
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MAY 26 2020

NH SUPREME COURT

05/23

HB 1436-FN Appeals 1/18/22 10:30am

Thank you Madame Chairwoman

Again, my name is Vivian Girard, and you heard me testify earlier.

I'm just a Mom, and I'm not a lawyer, but I had FOUR appeals to the New Hampshire Supreme Court, and my lawyers won all that for me, and it's still not fixed. It was extremely expensive, and probably took its toll on the court system. It's definitely taken its toll on my family.

I've heard there's some complex case docket someplace?

But, WHERE? I found them in the basement of the court house. I guess I don't count for that, huh?

HELLO?!! It's like Bueller? ... Bueller? ... Bueller? "Anyone know that reference?"

<https://www.youtube.com/watch?v=KS6f1MKpLGM>

Is the Supreme Court the only way even to TRY to fix my case?

Anyway, a question for this committee, and you don't have to answer it.

Do you think if my case had just gone up to Superior Court the first time around and stayed there, that I'd still be in this mess?

Anyway, at Julie Introcaso's Plea and Sentencing hearing, my friends and I actually even tried to intervene in Superior Court just to have the right to be heard. That's all. Judge Temple denied that, and said my complaint related to my specific case, and said "there are other remedies."

So, can anyone on this committee tell me what are those other remedies are?

I guess parking my truck out in front of Nashua Family Court didn't work, 'cause that's a photo of my truck in the exhibit I passed out.

So that's why I'm trying to support this bill.

If you have any questions about the facts of my case, I'd be happy to answer those.

Vivian Girard  
Timber Post Bed & Breakfast LLC.  
Owner/Operator  
603-557-4534

House Children and Family Law Committee

January 18, 2022

**Vivian Girard**

**Exhibits**

**Judge Charles Temple: “There are other remedies.”**

1. November 15, 2020 – Julie Introcaso Plea and Sentencing Hearing
2. November 15, 2020 – Judge Temple Ruling

STATE OF NEW HAMPSHIRE

HILLSBOROUGH COUNTY SUPERIOR COURT SOUTH

STATE OF NEW HAMPSHIRE, )  
 ) Superior Court Case No.  
 Plaintiff, ) 226-2021-CR-00126  
 )  
 vs. ) Nashua, New Hampshire  
 ) November 15, 2021  
 JULIE A. INTROCASO, ) 10:04 a.m.  
 )  
 Defendant. )  
 )

---

HEARING ON PLEA AND SENTENCING  
 BEFORE THE HONORABLE CHARLES S. TEMPLE  
 JUDGE OF THE SUPERIOR COURT

APPEARANCES:

For the Plaintiff: Geoffrey W.R. Ward, Esq.  
 OFFICE OF THE ATTORNEY GENERAL  
 33 Capitol Street  
 Concord, NH 03301

For the Defendant: Michael A. Delaney, Esq.  
 MCLANE MIDDLETON  
 900 Elm Street  
 10th Floor  
 Manchester, NH 03101

Audio Operator: Electronically Recorded  
 by Elizabeth K. Lynch

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I N D E X

WITNESS (ES)      DIRECT      CROSS      REDIRECT      RECROSS

FOR THE PLAINTIFF:

NONE

WITNESS (ES)      DIRECT      CROSS      REDIRECT      RECROSS

FOR THE DEFENDANT:

NONE

MISCELLANEOUS      PAGE

Court's Ruling      5

Plea      36

Sentencing      46

EXHIBITS      ID      EVD

NONE





1 altered.

2 I don't disagree with you that this is not conduct  
3 that arose from her specific rulings and conduct in that case  
4 but as the complainant before the JCC. Reading through the  
5 affidavit, where there are circumstances, for instance, where  
6 they're searching the file because of the accusations that  
7 have been made by Ms. Introcaso against particularly Ms. Lodes  
8 for how this whiteout would have occurred. And one of the  
9 things they do is they search the sign-in sheets for the file  
10 for Ms. Partello.

11 I think under those circumstances with her  
12 involvement in this case, while I don't disagree with the  
13 State's assessment, I think it's fair, I think it's just for  
14 me to hear from Ms. Partello. As it relates to Dana Albright  
15 and Vivian Gerard and the other similarly situated people,  
16 those complaints relate to their specific cases and the  
17 conduct of then Judge Introcaso on the bench. There are other  
18 remedies. I don't think they have a right to intervene. I've  
19 already stated my ruling on that. I don't think they qualify  
20 as victims under RSA 21-M:8-k.

21 But for purposes of this proceeding and for me  
22 evaluating this plea based on everything I've read and heard,  
23 I think it is appropriate for me to hear from Ms. Partello.  
24 So I'm going to allow her to speak as to the proposed  
25 sentences.

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.  
SOUTHERN DISTRICT

SUPERIOR COURT

Docket No. 226-2021-CR-00126

State of New Hampshire

v.

Julie Introcaso

**JOINT MOTION TO INTERVENE OF DANA ALBRECHT, ROBIN PARTELLO,  
VIVIAN GIRARD, AND ANY OTHERS SIMILARLY SITUATED**

NOW COME Petitioners Dana Albrecht, Robin Partello, Vivian Girard, and any others similarly situated, *pro se*, and jointly move to intervene in this case pursuant to N.H. Super. Ct. R. 15, and, in support thereof, further state:

1. The Petitioners are individual taxpayers eligible to vote in the State and have standing to petition the Superior Court.<sup>1</sup>
2. Further, because “all government of right originates from the people, is founded in consent, and instituted for the general good,”<sup>2</sup> the Petitioners also “have certain natural, essential, and inherent rights,”<sup>3</sup> and are entitled to free, complete, and prompt legal remedies to obtain justice.<sup>4</sup>
3. Further, the Petitioners, pursuant to their rights to free speech,<sup>5</sup> assembly,<sup>6</sup> instruction,<sup>7</sup> and petition,<sup>8</sup> under both the New Hampshire State Constitution and

1 N.H. Const. pt. 1, art. 8, as amended 2018.

2 N.H. Const. pt. 1, art. 1

3 N.H. Const. pt. 1, art. 2

4 N.H. Const. pt. 1, art. 14

5 U.S. Const. amend. I; N.H. Const. pt. 1, art. 30

6 U.S. Const. amend. I; N.H. Const. pt. 1, art. 32

7 N.H. Const. pt. 1, art. 32

8 U.S. Const. amend. I; N.H. Const. pt. 1, art. 32

Denied-see record of November 15, 2021 hearing



Honorable Charles S. Temple

November 15, 2021

Clerk's Notice of Decision  
Document Sent to Parties  
on 11/15/2021

United States Constitution, hereby “petition the Government for a redress of grievances,”<sup>9</sup> namely that:

4. Defendant Julie Introcaso “failed to perform judicial responsibilities competently and diligently” and “failed to cooperate with other judges and court officials in the administration of court business” in violations of Canon 2, Rule 2.5 of the Code of Judicial Conduct. Consequently, Ms. Introcaso “knowingly refrain[ed] from performing a duty imposed on [her] by law or clearly inherent in the nature of [her] office” in violation of RSA 643:1, and *ad seriatim* in violation of 42 U.S.C. § 1983.
5. Further, Ms. Introcaso’s appointment of her close friend Kathleen Sternenberg as *Guardian ad Litem* (GAL) in at least nine family law cases, and Ms. Introcaso’s subsequent multiple approvals of Ms. Sternenberg’s substantial fee increases, was essentially an illegal “cash for kids” scheme, whereby Ms. Sternenberg was a recipient of a “pecuniary benefit” from Ms. Introcaso within the meaning of RSA 640:2.
6. Indeed, Ms. Introcaso’s actions, while a former judge of the Ninth Circuit Family Court, Nashua, New Hampshire, constituted “the private interest or emolument of any one man, family, or class of men,” specifically, Ms. Sternenberg, in violation of N.H. Const. pt 1, art. 10, which requires:<sup>10</sup>

**[Art.] 10. [Right of Revolution.]** *Government being instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men; therefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old, or establish a new government. The doctrine of nonresistance against arbitrary power, and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.*

June 2, 1784

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9 U.S. Const. amend. I

10 The reader is invited to review the full Bill of Rights in the New Hampshire State Constitution, available at: <https://www.nh.gov/glance/bill-of-rights.htm>

7. Consequently, Petitioners have not only a right, but a duty,<sup>11</sup> to intervene, for the “ends of government are perverted, and public liberty manifestly endangered.”<sup>12</sup>



8. To be sure, for “the doctrine of nonresistance against arbitrary power, and oppression, is absurd, slavish, and destructive of the good and happiness of mankind,”<sup>13</sup> further considering that:
9. The Defendant Julie Introcaso violated both the state<sup>14</sup> and federal<sup>15</sup> “due process” rights of the Petitioners in her capacity as judge in Petitioners’ and others’ family law cases. Consequently, Ms. Introcaso violated her oath of office to “bear faith and true allegiance to the United States of America and the state of New Hampshire,” and to “support the constitution[s] thereof.”<sup>16</sup>
10. The Honorable Charles S. Temple, who is the presiding Judicial Officer in this matter, Senior Assistant Attorney General Geoffrey W.R. Ward, who is the Prosecutor, former Judge Julie Introcaso, who is the Defendant, and former Attorney General Michael A. Delaney, who is the Defendant’s counsel, all are, or previously were, “public servants” within the meaning of RSA 640:2, II(a).

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11 N.H. Const. pt. 1, art. 4

12 N.H. Const. pt. 1, art. 10

13 N.H. Const. pt. 1, art. 10

14 N.H. Const. pt 1, art. 8; N.H. Const. pt 1, art. 14; N.H. Const. pt 1, art. 35

15 42 U.S.C. § 1983 and U.S. Const. amend. XIV § 1

16 N.H. Const. pt. 2, art. 84

11. Those, *supra*, who are currently “public servants” are required to perform those duties imposed on them by law or inherent in the nature of their office.<sup>17</sup>
12. Those, *supra*, who are former “public servants,” namely, Defendant Julie Introcaso, must be held accountable for all “corrupt practices”<sup>18</sup> or “abuse of office,”<sup>19</sup> in addition to any “falsification in official matters.”<sup>20</sup>
13. Indeed, N.H. Const. pt. 1, art. 8 requires:

**[Art.] 8. [Accountability of Magistrates and Officers; Public’s Right to Know.]** *All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them. Government, therefore, should be open, accessible, accountable and responsive. To that end, the public’s right of access to governmental proceedings and records shall not be unreasonably restricted...*

14. However, until recently, these proceedings have been conducted largely in secret, and without public scrutiny. During the September 7, 2021 hearing, Senior Assistant Attorney General Geoffrey W.R. Ward and defense counsel former Attorney General Michael A. Delaney discussed a proposed Alford plea in whispers before the bench, so that the public audience in the courtroom, including Petitioners, would be unable to hear:



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17 RSA 643:1

18 RSA 640

19 RSA 643

20 RSA 641

15. Insofar as the Defendant Julie Introcaso previously violated both the state<sup>21</sup> and federal<sup>22</sup> “due process” rights of the Petitioners in her “honorable” court, it is now incumbent upon this Honorable Court to protect and uphold these very same state and federal constitutional rights of the Petitioners and the People.
16. Consequently, the Petitioners, and any others similarly situated, now seek relief from this Honorable Court to intervene, relief that this Honorable Court issue a ruling classifying them as victims pursuant to RSA 21-M:8-k, relief that their testimony is heard and given appropriate weight at all future hearings in this matter; and, in particular, relief that they be heard at any plea or sentencing hearing.
17. The Petitioners incorporate by reference the facts and arguments in their Memorandum in Support of this Motion, filed contemporaneously herewith, the same as if plead in full.

WHEREFORE, Petitioners Dana Albrecht, Robin Partello, and Vivian Girard respectfully pray that this Honorable Court:

- A) Grant the Petitioners’ Motion to intervene as parties in this case; and,
- B) Find that the Petitioners are victims of Defendant Julie Introcaso as defined by RSA 21-M:8-k; and,
- C) Grant all other relief described in ¶16, *supra*; and,
- D) Grant such other and further relief as this Honorable Court deems just and equitable.

---

21 N.H. Const. pt 1, art. 8; N.H. Const. pt 1, art. 14; N.H. Const. pt 1, art. 35

22 42 U.S.C. § 1983 and U.S. Const. amend. XIV § 1

Respectfully submitted,

/s/ Dana Albrecht

DANA ALBRECHT

*Pro Se*

131 D.W. Hwy #235

Nashua, NH 03060

(603) 809-1097

dana.albrecht@hushmail.com

/s/ Robin Partello

ROBIN PARTELLO

*Pro Se*

28 Tilton St.

Nashua, NH 03063

(603) 417-9003

robinpartello@yahoo.com

/s/ Vivian Girard

VIVIAN GIRARD

*Pro Se*

162 Broad St.

Hollis, NH 03049

(603) 557-4534

TimberPost@gmail.com

Date: November 10, 2021

**CERTIFICATE OF SERVICE**

I hereby certify that I sent a copy of the foregoing to Geoffrey W. R. Ward, Esq., counsel of record for the State, and Michael A. Delaney, Esq., counsel of record for the Defendant.

/s/ Dana Albrecht

DANA ALBRECHT

Date: November 10, 2021

HB 1436-FN - AS INTRODUCED

2022 SESSION

22-2329

04/08

HOUSE BILL **1436-FN**

AN ACT relative to appeals of family court decisions.

SPONSORS: Rep. Gay, Rock. 8; Rep. Stapleton, Sull. 5; Rep. Wuelper, Straf. 3; Rep. Bernardy, Rock. 16; Rep. Langley, Hills. 8; Rep. Kofalt, Hills. 4; Rep. Rung, Hills. 21; Rep. Weyler, Rock. 13; Rep. Greeson, Graf. 16; Rep. Post, Hills. 4

COMMITTEE: Children and Family Law

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ANALYSIS

This bill establishes the right to a de novo appeal to the superior court for family court decisions.

.....

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 Two*

AN ACT                   relative to appeals of family court decisions.

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

- 1           1 New Section; Judicial branch Family Division; Appeals to Supreme Court. Amend RSA 490-D
- 2 by inserting after section 3 the following new section:
- 3           490-D:3-a Appeals. A party aggrieved by the decision of a family court shall have the right to a
- 4 de novo appeal to the superior court in the county in which the aggrieved party resides. The
- 5 superior court shall hear all such appeals from the family court.
- 6           2 Effective Date. This act shall take effect January 1, 2023.

**HB 1436-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to appeals of family court decisions.

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**METHODOLOGY:**

This bill establishes the right to a de novo appeal to the Superior Court for Family Court decisions.

Regarding the number of new or reopened Family Division cases, the Judicial Branch indicates there were 24,304 in 2019 and 19,223 in 2020, with 195 cases appealed in 2019 and 184 cases appealed in 2020 to the Supreme Court. The Branch assumes there would substantially more cases appealed to Superior Court for de novo hearings and trials than are currently filed in the Supreme Court. Supreme Court appeals are generally based on a review of law and not facts. Since the fact finding and all other decisions of the Family Division judge would be subject to new review by a Superior Court judge, it is highly likely that a substantial number of contested cases would be appealed to the Superior Court. The Branch is unable to determine, however, how many such appeals would be filed. The Judicial Branch assumes the fiscal impact of this bill would be substantial and will require the appointment of new Superior Court judges and staff. In 2020, 21 Superior Court judges handled 14,779 total cases (criminal and civil). If half of the Family Division cases are appealed to Superior Court, the Superior Court caseload would increase by approximately two-thirds. In order to manage the new cases in Superior Court, additional judges and staff will be needed to handle the new caseload. In addition, training of Superior Court judges in family law issues would be required as these issues are generally only heard in Circuit Court. Because it is not known how many appeals would be filed in the Superior Court, however, the fiscal impact is indeterminable.

**AGENCIES CONTACTED:**