

**CONSENT CALENDAR**

**February 8, 2022**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Children and Family Law to which  
was referred HB 1458-FN,**

**AN ACT limiting harassing or intimidating court filings  
in family court proceedings. Having considered the  
same, report the same with the following resolution:**

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

**Rep. Josh Yokela**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>Children and Family Law</b>
Bill Number:	<b>HB 1458-FN</b>
Title:	<b>limiting harassing or intimidating court filings in family court proceedings.</b>
Date:	<b>February 8, 2022</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### STATEMENT OF INTENT

The committee understands that people would prefer to not be in court more than necessary, however the court needs to consider the motions, and attendance is required for that process. This legislation would be primarily used against Pro Se litigants and the committee doesn't want to penalize Pro Se for exercising their right to represent themselves with a wide range of knowledge of the law possible.

Vote 14-0.

Rep. Josh Yokela  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Children and Family Law

**HB 1458-FN**, limiting harassing or intimidating court filings in family court proceedings.  
**INEXPEDIENT TO LEGISLATE.**

Rep. Josh Yokela for Children and Family Law. The committee understands that people would prefer to not be in court more than necessary, however the court needs to consider the motions, and attendance is required for that process. This legislation would be primarily used against Pro Se litigants and the committee doesn't want to penalize Pro Se for exercising their right to represent themselves with a wide range of knowledge of the law possible. **Vote 14-0.**

Original: House Clerk  
Cc: Committee Bill File

**HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW**

**EXECUTIVE SESSION on HB 1458-FN**

**BILL TITLE:** limiting harassing or intimidating court filings in family court proceedings.

**DATE:** February 8, 2022

**LOB ROOM:** 206-208

**MOTIONS: INEXPEDIENT TO LEGISLATE**

Moved by Rep. Yokela

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 1458 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.	—		1
Litchfield, Melissa A.	✓		
Smith, Denise M.	✓		
Long, Patrick T.	✓		
Alicea, Caroletta C. Clerk	✓		
Grossman, Gaby M.	✓		
Levesque, Cassandra N.	✓		
Wazir, Safiya	✓		
Petrigno, Peter	✓		
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 1458-FN

**BILL TITLE:** limiting harassing or intimidating court filings in family court proceedings.

**DATE:** January 18, 2022

**LOB ROOM:** 206-208                      **Time Public Hearing Called to Order:** 2:57 p.m.

**Time Adjourned:** 3:16 p.m.

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

**Bill Sponsors:**

Rep. Gay

Rep. Stapleton

Rep. Bernardy

Rep. Greeson

Rep. Langley

Rep. Rung

**TESTIMONY**

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

Rep. Betty **Gay** introduced her bill limiting harassing or intimidating court filings in family court proceedings.

Richard **Head**, Government Affairs Coordinator, NH Judicial Branch - no position. Predicts there will be more litigation as a result of this bill.

Katrina **Heinrich** - supports. Spoke on personal case and how this bill would be beneficial.

Anna Goulet **Zimmerman** - opposes. Stated that no need for this bill as remedies are already in place to prevent frivolous filings.

\*Dana **Albrecht** - supports. Submitted Hollis Police Incident Report which supports his position.

Vivian **Girard** - supports. Was not present but submitted written testimony.

Respectfully submitted,

Rep. Peter Petrigno, Clerk



# House Remote Testify

## Children and Family Law Committee Testify List for Bill HB1458 on 2022-01-18

Support: 7 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>
kuenning, keith	Bow, NH kuenningk@waypointnh.org	A Lobbyist	Waypoint	Oppose	No	No	1/17/2022 12:02 PM
Murphy, Hon. Nancy A	Merrimack, NH murphy.nancya@gmail.com	A Member of the Public	Myself	Support	No	No	1/17/2022 1:17 PM
ploszaj, tom	center harbor, NH tom@tomploszaj.com	An Elected Official	Myself	Support	No	No	1/17/2022 4:10 PM
Mahoney, Marilyn	Goffstown, NH mimmiemahoney@msn.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 7:46 PM
Petrusewicz, Carol	rochester, NH clmcc2befree@yahoo.com	A Member of the Public	Myself	Support	No	No	1/17/2022 11:33 PM
Cembalisty, Clara	Rochester, NH Cqsc43@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 12:37 AM
Cembalisty, Richard	Rochester, NH taxmanrick@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 12:38 AM
POST, LISA CM	Lyndeborough, NH Lisacmpost@gmail.com	An Elected Official	Myself	Support	No	No	1/18/2022 7:45 AM
Desmond, Heather	East kingston, NH Headsdesmond@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 11:12 PM





Hollis Police  
Incident Report

Incident #: 16H-266-OF  
Call #: 16-18945

HB 1458 -  
FN

Date/Time Reported: 07/11/2016 0255  
Report Date/Time: 07/11/2016 0440  
Occurred Between: 04/15/2016 0001-06/15/2016 2359  
Status: Incident Investigation Suspended  
Reason Suspended: No more leads

Reporting Officer: Patrol Officer Kurt Thompson  
Approving Officer: Lieutenant Joseph Hoebeke

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

#	SUSPECT(S)	SEX	RACE	AGE	SSN	PHONE
1	SMITH, DAVID L ***** *****	M	W	44	*****	*****

Military Active Duty: \*  
DOB: \*\*\*\*\* PLACE OF BIRTH: \*\*\*\*\*  
LICENSE NUMBER: \*\*\*\*\* ETHNICITY: NOT HISPANIC

#	OFFENSE(S)	ATTEMPTED	TYPE	CLASS
1	BURGLARY 635 1	N	Felony	B

LOCATION TYPE: Residence/Home/Apt./Condo Zone: South West  
MINGES, KATHERINE  
214 WORCESTER RD  
HOLLIS NH 03049

#	VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
1	MINGES, KATHERINE M ***** HOLLIS NH 03049 DOB: ***** ETHNICITY: Not of Hispanic Origin RESIDENT STATUS: Resident VICTIM CONNECTED TO OFFENSE NUMBER(S): 1	F	W	49	*****	*****

#	OTHER PROPERTIES	PROPERTY #	STATUS
1	35,800 CASH QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 07/11/2016 OWNER: MINGES, KATHERINE M	VALUE: \$35,800.00	Stolen
2	1 OZ GOLD COIN QUANTITY: 8 SERIAL #: NOT AVAIL DATE: 07/11/2016 OWNER: MINGES, KATHERINE M	VALUE: \$11,200.00	Stolen

Hollis Police  
Incident Report

Page: 2  
08/04/2017

Incident #: 16H-266-OF  
Call #: 16-18945

#	OTHER PROPERTIES	PROPERTY #	STATUS
3	DAVID SMITH INTERVIEW QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 07/27/2016	16H-294-PR VALUE: \$1.00	Evidence (Not Nibrs Reportable)

On 7/11/2016, at 0255 hours, I responded to a report of a theft from 214 Worcester Rd. I spoke to the RP Katherine Minges, who explained that she had noticed \$32,000 cash and 8 gold coins missing from a safe inside her home earlier that morning. Through a lengthy interview, I learned the following:

**About David L. Smith:**

Katherine has been friends with her handyman David Smith [REDACTED] for approximately 10 years, during which time he has performed innumerable tasks for her around her residence, including repairs, mowing, plowing, etc. She has spoken to him weekly or monthly for the last few years. She reports that lately David has been desperate for money, and she assumed it was because of David's ongoing divorce.

In mid-August of 2015, David installed a safe on the third floor of the residence. Katherine was present for the installation, which included bolting the safe to the floor. David explained to Katherine how to operate the safe, which requires use of a key as well as the input of a combination into a key-pad. David knew the combination, and Katherine said to him, "You'd better not remember the code!" to which David responded that he would probably forget. Katherine received two keys from David, but does not know if the safe came with more than 2 keys. Only Katherine, David, and Katherine's mother know of the existence of the safe.

Katherine said David has keys to the home and installed the locks on the front and back doors himself. David has visited the home approximately 20 times since August, to plow, mow the lawn, or do maintenance tasks inside the house. In mid April he installed the garage door system. David has been called to the home to help Dana break into his office when he was accidentally locked out. David did this by picking the lock on the office door.

Katherine last spoke with David some time between late-April and mid-May. David stopped answering Katherine's calls and stopped showing up to mow the grass. The last time Katherine spoke with David, David said he was ill. On 7/1/2016 Katherine drove to where she believes David resides [REDACTED] to check on him. She spoke with a woman, and asked if David lived there, to which the woman responded that he did. Katherine asked if David was okay, which she said he was, but he was very busy.

**About the safe and its contents:**

Katherine has been using the safe since its installation in August of 2015 to store her "life savings", important marital documents, keys, various monies and checks.

**Missing from the safe were:**

\$32,000 cash. This is entirely \$100 bills, which are loose (not wrapped in bank bands). They were stored in the safe inside a blue denim and brown faux leather case approximately 3" high and 5" long with a zipper around the top.

\$2,300 cash. Unknown denominations in an envelope.

\$1,500 cash. Unknown denominations in a second envelope.

8 gold 1 oz coins valued at approximately \$1,400 each (\$11,200 total) in plastic coin tube. Unable to describe any other characteristics of the coins.

Keys to exterior house locks.

**Items remaining in the safe:**

Important marital documents, which Katherine mentioned her husband Dana wants her to give to him.

~\$1,260 cash which was placed into the safe 6/15/2016.

Signed, blank checks from Katherine's mother Elaine.

Assorted keys.

Credit cards/ IDs placed in safe recently (last few weeks).

It appears that David Smith broke contact with Katherine at roughly the same time the money allegedly went missing. Katherine placed \$2,700 in the safe around April 2016 but doesn't remember if anything was missing at that time. However that \$2,700 is missing now, along with the rest of the money, so it is likely that the rest of the money was in the safe in April, and that all the money was taken at once. On 6/15/2016 Katherine placed \$1,260 into the safe, which is still there now. This

Ref: 16H-266-OF

there now. This lends to the belief that the money was taken between April and June 15th, 2016, while Katherine reports that her contact with David ceased between late-April and mid-May.

Katherine seemed genuinely upset throughout my speaking with her. She showed me the safe, which I photographed; however, I did not attempt to take prints due in part to the surfaces of the safe, and the fact that Katherine had already significantly contaminated its surfaces. The lock face had some small scratches, however I am unable to tell whether they're from routine wear or lockpicking efforts. There were no other signs of forced entry throughout the house.

I advised Katherine to move everything from the safe to another area of the house. I asked her to email me with anything she remembers which she thinks may be useful, and to expect a call from an officer shortly.

I recommend this case be forwarded to the Detective Division.

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Ofc Thompson

Ref: 16H-266-OF

On 7/15/16 at about 1100 hours I met with Mr. Smith at the police station. Smith voluntarily agreed to meet with me. I conducted the interview in interview room 1 closest to the communication center. I kept the door closed and informed Smith that the door was closed for privacy. I also informed Smith that I wanted to record the interview for purposes of accuracy. I explained that it is impossible for me to remember everything he has to say and I want to have the recording as an aid in preparing a complete and accurate police report. I informed Smith that he is not in custody and free to leave at any time. Smith said he understood and did not object to having the door closed or recording.

I informed Smith that I was interested in speaking with him because his friend Katherine Albrecht believes he took a large sum of money from a safe, which he installed, located inside her 214 Worcester Road home. Smith told me he believes Albrecht is crazy. Smith has been working for Albrecht for about 10 years conducting various tasks. Smith has keys to the house and cares for her pets when she is away. Smith said she is constantly making up outrageous things. He was present when she accused her husband of spying on her by computer and recording devices. Apparently Albrecht spends a significant amount of time talking about her husband spying on her and her fear of his retaliation. Since that time he has not been interested in speaking with her or performing any tasks. Smith acknowledged installing the safe some time last summer. He described it as a dial type safe. Smith denies knowing the combination or anything about a key to the safe. He has not been inside the 214 Worcester Road home since about April or May of this year.

Smith told me Albrecht's mother has been paying him for work he has completed for Albrecht. He believed that meant she does not have any money. Smith told me Albrecht has been trying to contact him incessantly by text message and stopping by his house. Smith believes she is now angry because he is avoiding her.

Smith explained he is broke and needs money. Smith was recently divorced. He owes child support and alimony. Smith said he has not been to Albrecht's home in a couple of months and did not break into her safe. I asked Smith about helping Dana gain access to his office in 2014. Smith told me he removed molding from around the door and was able to unsecure the lock. Smith said he does not know how to pick a lock. I also discussed the \$1000.00 allegedly paid to Smith by Albrecht's mother for work that has not been completed. Smith told me the work he has accomplished exceeds the amount he has been paid to include work on Albrecht's home and the mother's house in Brookline.

On 7/19/16 I met with Mr. Smith at his residence. Smith provided me with a set of keys he believed belong to Albrecht. I determined the key provided by Smith fit a door lock recently removed by Albrecht. I took the key from Smith for purposes of returning it to her. He also explained that Dana gave him a check for \$3,600.00 for driving Katherine to the hospital during a snowstorm. Smith provided me with a copy of the check written to him by Dana on 2/4/15. I asked Smith if he would submit to a polygraph exam. He respectfully declined.

At this point the case is closed. I do not have any information indicating Smith or anyone else entered Albrecht's home without permission. There is not any indication that Albrecht's home, office, or safe were broken into other than she has alleged money and coins are missing.

Ref: 16H-266-OF

Det. Angelo Corrado

FOLLOW-UP WITH KATHERINE ALBRECHT-DET. CORRADO

Ref: 16H-266-OF

On 7/19/16 at about 1000 hours I met with Katherine Albrecht at her residence. Albrecht explained she has changed the exterior door locks since her safe was broken into. She showed me her office and safe. The office locks, door frames, door hinges, etc appear to be intact and uncompromised. The safe is located inside a third floor crawl space. The lock appears to be uncompromised and free of any indication of being forced open. Albrecht explained that the office and safe were both locked and apparently undisturbed. Albrecht showed me the creamer and explained her old exterior lock keys were in the creamer and now missing.

I informed Albrecht that Smith did not pick Dana's office lock to gain access. Albrecht said she had no idea how Smith got into Dana's office only that Smith helped him get in. Albrecht asked me why Smith was not interested in speaking with her. She seemed very angry when I informed her that he just does not want to speak with her. She explained that they were the best of friends and he could not possibly have any reason not to speak with her. She told me Dana paid him \$10,000.00 in January 2015 to drive her to the hospital in the middle of a snow storm.

I asked Albrecht if she has filed an insurance claim. Albrecht told me she would not know what to do but stated she would contact USAA to report the theft. I took the creamer from the safe and secured it within an evidence bag for potential fingerprint processing. I also took the old exterior locks.

On 7/19/16 I examined the creamer for identifiable fingerprints. I was not able to discern any on the container.

On 7/29/16 I left a message with Albrecht informing of the results of my investigation.

On 7/15/16 at about 0950 hours I spoke with Katherine by phone. Katherine explained that she has known David Smith for about 10 years. Katherine met David through her husband Dana. David lives near Katherine and completes many maintenance tasks for several people within the same neighborhood. Smith also performs various maintenance duties for Katherine's mother. Katherine's mother lives in California but owns property in Brookline.

Katherine explained that Smith recently called Katherine's mother and proclaimed that he is desperate for money. Apparently Katherine's mother recently gave Dave \$1000 for various jobs to be performed which have not yet been performed. According to Katherine David took the money and has not done any work and will not return her calls. That has not been reported to the Brookline Police.

Katherine said that two female assistants have knowledge of the safe but they are out of the country and have not been in town for 6 months to 1 year. Katherine's mother and David are the only other people with knowledge of the safe. Katherine told me David installed the safe in 2015. Katherine believes the safe came with only one pre-determined code which can never be changed. Katherine does not know if David actually knows the code. Katherine said the safe requires a key and code for entry. She and her mother possess the only two keys. Katherine told me "David must have picked the lock." Katherine said David knows of her separation, knows when she is out of town, knows when she goes to church. She can't recall telling David within the last 6 months when she has been out of town but she believes he has been calling her house for purposes of determining whether or not she is home. Katherine said it "must be Dave checking to see if I am home." Katherine does not have caller ID and does not actually know the number calling her home.

Katherine explained that in August of 2015 she changed the locks on her office door. She is the only person with possession of the keys. In April 2016 at her request David changed the code of her electric garage door. Soon thereafter she changed the locks to the exterior doors of the house. She put the extra keys inside a silver creamer and placed them into the safe. The keys are now missing from the safe. Katherine said the day she discovered money and gold coins missing from the safe there were not any signs of forced entry to the home, office, or safe. In fact all were locked and seemingly undisturbed.

Katherine does not understand why David has not returned her calls, discontinued yard work, and has essentially completely avoided all communication with her.

Katherine's theory is that David entered her home through the garage door by entering the code which he previously changed. David then must have picked locks to the office and safe, removed contents from the safe, re-locked the safe and left the home without disturbing any other property or leaving any indication of a break-in. Katherine believes that because David once picked locks to Dana's office he knows how to pick locks and must have accessed her office and safe in that same manner. Katherine believes that David's deliberate avoidance of her must indicate he has stolen her money and is trying to hide from her.



At some point during the month of July 2017 I was meeting with Katherine Albrecht regarding ongoing issues with her estranged husband Dana Albrecht. At the conclusion of our meeting Katherine told me that she wanted to speak with me privately; previous to this Officer McLynch had been part of the conversation.

Katherine stated that sometime in May or June 2017 she had a handyman by the name of Greg Sullivan performing various tasks at #224 Worcester Road. This home is owned by Albrecht's mother who lives in California but for all intents and purposes Katherine is in charge of the home. She stated that Sullivan had been there for quite some time preparing the house to be put on the market for sale. She stated that in the loft area of the master bedroom there were numerous boxes containing to her knowledge primarily books. While Sullivan was removing these boxes he located a denim pouch and opened it, finding gold coins and cash. Albrecht stated that she had yet to count the money as she was still in shock that it had been located. Katherine stated that that money and gold was reported stolen from her house at #214 Worcester Road by her during the winter of 2017 and had no idea how or why it ended up in a box at 224 Worcester Road. She stated that she wanted inform me of the discovery and that she had already told her attorney that it had been found as he was aware of the theft report.

I met with Mrs. Albrecht again on 8/1/2017 at HPD where we spoke further about the money and gold. She stated that she had since counted the money and determined that there was \$5,000 in the pouch found by Sullivan and (9) 1 ounce gold coins. She specifically stated that at the time of the theft report she believed that there had only been (8) coins stolen but now realizes the count was actually nine. She asked that the recovery be documented in this police report for accuracy and transparency purposes.

It should be noted however that Albrecht still believes approximately \$32,000 cash was stolen from her safe, meaning that roughly \$27,000 is still missing.

No additional information available at this time.

Sgt. Jon Tate

\*\* Portions of this report have been redacted \*\*

HB 1458-FN Harassment -1/18/22 2:30am

Chairwoman and Members of Children and Family Law Committee,

-My court record contains over 400 court docket items allowing too many appeals on child support and other topics

-Being in the court system for SEVEN years and allowing so many frivolous motions such as, in my case, funerals, remote learning, medical bills, child support and much more.

-The law should limit the court's scheduling of unending frivolous motions and instead assign a high conflict family case coordinator in cases such as mine to avoid going before the courts.

-The family court ignored many of the foundation issues of the case which resulted in four supreme court appeals resulting in a waste of everyone's time and being a huge financial hardship which rippled down to our children.

-Based on the lack of both child support and medical support payments from the payor I was forced to place my kids on state medical assistance.

-The detriment to NH families by extending these litigations and frivolous pleadings to the detriment to financial resources.

-This affected my relationship with my children because I could not have the same or close to the same activities including vacations with my children. They don't understand the financial impact.

-How do I ever recover from this? How Do I ever get those years back with my kids?

I'd be happy to have further discussions or answer any questions you may have on this topic.

Vivian Girard

Timber Post Bed & Breakfast LLC.

Owner/Operator

603-557-4534

HB 1458-FN - AS INTRODUCED

2022 SESSION

22-2326

07/04

HOUSE BILL            ***1458-FN***

AN ACT                limiting harassing or intimidating court filings in family court proceedings.

SPONSORS:            Rep. Gay, Rock. 8; Rep. Stapleton, Sull. 5; Rep. Bernardy, Rock. 16; Rep. Greeson,  
Graf. 16; Rep. Langley, Hills. 8; Rep. Rung, Hills. 21

COMMITTEE:          Children and Family Law

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ANALYSIS

This bill prohibits excessive and harassing legal filing in divorce, annulment, or parental rights and responsibilities cases.

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Explanation:          Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT limiting harassing or intimidating court filings in family court proceedings.

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

1       1 New Paragraph; Annulment, Divorce, and Separation; Temporary Relief and Permanent  
2 Restraining Orders; Harassment Prohibited. Amend RSA 458:16 by inserting after paragraph III  
3 the following new paragraph:

4           IV. No party to a case controlled by this section shall engage in excessive or harassing legal  
5 filing against another party. If, upon the consideration by the court of any such filing controlled by  
6 this section, it clearly appears to the court that the action or any defense is frivolous or intended to  
7 harass or intimidate the prevailing party, then the court, upon motion of the prevailing party or on  
8 its own motion, may award the amount of costs and attorneys' fees incurred by the prevailing party  
9 plus \$1,000 to be paid to the prevailing party, provided such costs and fees are reasonable. The trial  
10 judge shall also report such conduct to the supreme court committee on professional conduct.

11       2 New Paragraph; Parental Rights and Responsibilities; Procedure and Jurisdiction;  
12 Harassment Prohibited. Amend RSA 461-A:3 by inserting after paragraph III the following new  
13 paragraph:

14           IV. No party to a case controlled by this chapter shall engage in excessive or harassing legal  
15 filing against another party. If, upon the consideration by the court of any such filing controlled by  
16 this section, it clearly appears to the court that the action or any defense is frivolous or intended to  
17 harass or intimidate the prevailing party, then the court, upon motion of the prevailing party or on  
18 its own motion, may award the amount of costs and attorneys' fees incurred by the prevailing party  
19 plus \$1,000 to be paid to the prevailing party, provided such costs and fees are reasonable. The trial  
20 judge shall also report such conduct to the supreme court committee on professional conduct.

21       3 Effective Date. This act shall take effect January 1, 2023.

**HB 1458-FN- FISCAL NOTE  
 AS INTRODUCED**

AN ACT limiting harassing or intimidating court filings in family court proceedings.

**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 prohibits excessive and harassing legal filing in divorce, annulment, or parental rights and responsibilities cases.

The Judicial Branch indicates this bill would add to cases filed under RSA 458 and 461-A a prohibition on filing excessive or harassing legal filing against another party. The bill provides that, if it appears to the court that the action or defense of a party is frivolous or is intended to harass or intimidate the prevailing party, the court may award reasonable costs, attorney’s fees and \$1,000 to the prevailing party. The trial judge would also be required to report the conduct to the Attorney Discipline Office. The Branch assumes this process would result in an increase in litigation in some cases filed under RSA 458 and RSA 461-A. The Branch is unable to determine how many additional filings would result or how much judicial and court staff time would be taken through such additional litigation.

**AGENCIES CONTACTED:**

Judicial Branch