

LEGISLATIVE COMMITTEE MINUTES

HB1520

Bill as Introduced

HB 1520 - AS INTRODUCED

2022 SESSION

22-2472

07/04

HOUSE BILL **1520**

AN ACT relative to procedures for guardians ad litem.

SPONSORS: Rep. Belanger, Rock. 9; Rep. Long, Hills. 10; Rep. M. Pearson, Rock. 34; Rep. Amanda Bouldin, Hills. 12; Rep. Andrew Bouldin, Hills. 12; Rep. Moran, Hills. 34; Rep. McGuire, Merr. 29; Rep. Johnson, Belk. 3; Rep. B. Boyd, Hills. 21; Rep. Prout, Hills. 37; Sen. Gannon, Dist 23; Sen. Watters, Dist 4; Sen. Bradley, Dist 3

COMMITTEE: Children and Family Law

ANALYSIS

This bill requires guardians ad litem to provide itemized bills to the paying party and upon request to any party to the case.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 procedures for guardians ad litem.

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

- 1 1 New Subparagraph; Parental Rights and Responsibilities; Guardian ad Litem; Itemized
- 2 Billing Required. Amend RSA 461-A:16, IV by inserting after subparagraph (b) the following new
- 3 subparagraph:
- 4 (c) The guardian ad litem shall provide an itemized bill to the paying party and all
- 5 parties shall have the right to request the itemized bill for review.
- 6 2 Effective Date. This act shall take effect upon its passage.

Committee Minutes

SENATE CALENDAR NOTICE

Judiciary

Sen Sharon Carson, Chair
 Sen Bill Gannon, Vice Chair
 Sen Harold French, Member
 Sen Rebecca Whitley, Member
 Sen Jay Kahn, Member

Date: March 30, 2022

HEARINGS

Thursday

04/07/2022

	(Day)	(Date)	
Judiciary		State House 100	9:00 a.m.
(Name of Committee)		(Place)	(Time)
9:00 a.m.	HB 629-FN	relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products.	
9:30 a.m.	HB 1677-FN	relative to the administration and settlement of claims of abuse at the youth development center and making an appropriation therefor.	
10:00 a.m.	HB 1673-FN	relative to the scope of the fetal life protection act.	
1:00 p.m.	HB 1346	establishing a commission to study the New Hampshire family court system.	
1:15 p.m.	HB 1325	relative to release of confidential records of a person appointed a guardian.	
1:30 p.m.	HB 1515	relative to the guardian ad litem report requirements.	
1:45 p.m.	HB 1520	relative to procedures for guardians ad litem.	
2:00 p.m.	HB 254	relative to the placement of minors in secure settings.	
2:15 p.m.	HB 1265	relative to the waiver of rules in family court proceedings and requiring the establishment of a family division rule waiver database.	

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 629-FN

Rep. McGuire
 Rep. Sylvia

Rep. True
 Rep. McWilliams

Rep. Verville

Rep. T. Lekas

HB 1677-FN

Rep. Umberger
 Sen. Bradley

Rep. Wallner

Rep. Rice

Rep. Long

HB 1673-FN

Rep. M. Smith
 Rep. Kenney
 Sen. Rosenwald

Rep. Simpson
 Rep. Amanda Bouldin
 Sen. Whitley

Rep. Altschiller
 Rep. Rogers
 Sen. Sherman

Rep. Toll
 Rep. K. Murray

HB 1346

Rep. Gay
 Rep. Harley
 Rep. Homola

Rep. Stapleton
 Rep. Bernardy
 Rep. Woods

Rep. Rung
 Rep. Wuelper

Rep. McWilliams
 Rep. Greeson

HB 1325

Rep. P. Schmidt

HB 1515

Rep. Gay

Rep. Kofalt

Rep. Post

HB 1520

Rep. Belanger

Rep. Andrew Bouldin

Rep. B. Boyd

Sen. Bradley

HB 254

Rep. Rice

Sen. Carson

HB 1265

Rep. Gay

Rep. Bernardy

Rep. DiLorenzo

Rep. Stapleton

Rep. Cali-Pitts

Rep. Long

Rep. Moran

Rep. Prout

Rep. Long

Sen. Hennessey

Rep. Stapleton

Rep. Greeson

Rep. Post

Rep. Langley

Rep. Bernardy

Rep. M. Pearson

Rep. McGuire

Sen. Gannon

Rep. Wallner

Sen. Rosenwald

Rep. Rung

Rep. Langley

Sen. Reagan

Rep. Booras

Rep. McWilliams

Rep. Amanda Bouldin

Rep. Johnson

Sen. Watters

Rep. M. Smith

Rep. Harley

Rep. Kofalt

Jennifer Horgan 271-7875

Sharon M Carson
Chairman

Senate Judiciary Committee

Jennifer Horgan 271-7875

HB 1520, relative to procedures for guardians ad litem.

Hearing Date: April 7, 2022

Time Opened: 2:12 p.m.

Time Closed: 2:18 p.m.

Members of the Committee Present: Senators Carson, Gannon, French, Whitley and Kahn

Members of the Committee Absent : None

Bill Analysis: This bill requires guardians ad litem to provide itemized bills to the paying party and upon request to any party to the case.

Sponsors:

Rep. Belanger

Rep. Long

Rep. M. Pearson

Rep. Amanda Bouldin

Rep. Andrew Bouldin

Rep. Moran

Rep. McGuire

Rep. Johnson

Rep. B. Boyd

Rep. Prout

Sen. Gannon

Sen. Watters

Sen. Bradley

Who supports the bill: Representative Belanger; Senator Bradley; Honorable Dan Itse

Who opposes the bill: No one

Summary of testimony presented in support:

Representative Belanger

- Asked numerous times for an itemized bill from his guardian ad litem, but never received one.
- Under this bill the guardian ad litem shall provide an itemized bill to the paying party and all parties shall have the right to request the itemized bill for review.
- This will allow another party to review the itemized bill.
- The goal is to allow transparency for families.
- If someone does ask for it currently, they can get it, but guardians ad litem are not required to provide that.
- Senator French asked how often guardians ad litem bill.
 - It would depend on the guardian ad litem. The statute caps it at \$1,700 and the guardian ad litem can ask for that bill upfront but not provide how they itemized it.

- Senator French asked if the itemized bill would come after the accounting in that case.
 - Yes, it would be similar to a lawyer. If an individual pays a \$2,500 retainer to a lawyer, that lawyer would provide an itemized bill of how that retainer was spent.
- Senator Carson stated that she received a email from the Guardian ad Litem Board saying they will be updating their administrative rules to reflect that guardians ad litem will be required to provide an itemized bill to the paying party in private pay cases.
 - Unfortunately, the Board did not present to Children and Family Law Committee because then this bill would not have needed to move forward. Thinks it is great that they are going to do it, but thinks it should be in statute as well.

Honorable Dan Itse

- Fully supports the bill as presented.
- Would suggest adding language from the presented amendment to HB1515, 2022-1363h including the language requiring both parties to agree to an increase in hours or cost and that the court shall not increase the rate.

Summary of testimony presented in opposition:

None

jch

Date Hearing Report completed: April 7, 2022

Speakers

Senate Remote Testify

Judiciary Committee Testify List for Bill HB1520 on 2022-04-07

Support: 1 Oppose: 0

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Bradley, Jeb	An Elected Official	SD3	Support

Voting Sheets

Senate Judiciary Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # 1520

Hearing date: _____

Executive Session date: _____

Motion of: 15 Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Carson

Notes: rules make sure want have to
codify
more appropriate rules
policy change
may need flexibility

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Thursday, April 7, 2022

THE COMMITTEE ON Judiciary

to which was referred **HB 1520**

AN ACT relative to procedures for guardians ad litem.

Having considered the same, the committee recommends that the Bill

BE REFERRED TO INTERIM STUDY

BY A VOTE OF: 5-0

Senator Sharon Carson
For the Committee

This bill would require guardians ad litem to provide itemized bills to the paying party and upon request to any party to the case. As the Guardian ad Litem Board has already decided to make a policy change to provide these itemized recipients, the Committee does not feel there is a need to move this legislation forward at this time.

Jennifer Horgan 271-7875

FOR THE CONSENT CALENDAR

JUDICIARY

HB 1520, relative to procedures for guardians ad litem.

Interim Study, Vote 5-0.

Senator Sharon Carson for the committee.

This bill would require guardians ad litem to provide itemized bills to the paying party and upon request to any party to the case. As the Guardian ad Litem Board has already decided to make a policy change to provide these itemized recipients, the Committee does not feel there is a need to move this legislation forward at this time.

HB1520

Bill Details

Title: relative to procedures for guardians ad litem.

Sponsors: (Prime) Belanger (R), Long (D), Mark Pearson (R), Bouldin (D), Bouldin (D), Moran (D), McGuire (R), Johnson (R), Bill Boyd (R), Prout (R), Gannon (R), Watters (D), Jeb Bradley (R)

LSR Number: **22-2472**

General Status: **SENATE**

House:

Committee: Children and Family Law

Due Out: 3/10/2022

Status: PASSED/ADOPTED

Senate:

Committee: Judiciary

Floor Date: 4/14/2022

Status: INTERIM STUDY

Bill Docket

Body	Description
H	Introduced 01/05/2022 and referred to Children and Family Law
H	Public Hearing: 01/25/2022 09:30 am LOB 206-208
H	Executive Session: 01/25/2022 10:30 am LOB 202-204
H	Committee Report: Ought to Pass (Vote 12-0; CC)
H	Ought to Pass: MA VV HJ 3
S	Introduced 02/24/2022 and Referred to Judiciary; SJ 5
S	Hearing: 04/07/2022, Room 100, SH, 01:45 pm; SC 14
S	Committee Report: Referred to Interim Study, 04/14/2022; Vote 5-0; CC; SC 15
S	Refer to Interim Study, MA, VV; 04/14/2022; SJ 8

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB1520

Senate Committee: Judiciary

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

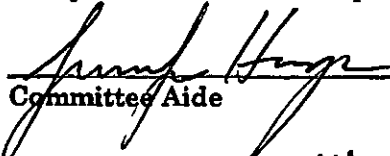
Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate ___ as amended by the house

___ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:


Committee Aide

8/12/02
Date

Senate Clerk's Office AK