

LEGISLATIVE COMMITTEE MINUTES

SB336

Bill as
Introduced

SB 336 - AS INTRODUCED

2022 SESSION

22-3084

07/04

SENATE BILL **336**

AN ACT relative to family mediator interns.

SPONSORS: Sen. Prentiss, Dist 5; Sen. Watters, Dist 4; Sen. Whitley, Dist 15; Sen. Soucy, Dist 18; Sen. Gannon, Dist 23; Sen. Kahn, Dist 10; Sen. Cavanaugh, Dist 16; Sen. Sherman, Dist 24; Rep. Nordgren, Graf. 12; Rep. Gordon, Graf. 9

COMMITTEE: Judiciary

ANALYSIS

This bill establishes the qualifications and appropriate instances of inclusion of qualified family mediator interns.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to family mediator interns.

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

1 1 Family Mediators; Definitions. RSA 328-C:2 is repealed and reenacted to read as follows:

2 328-C:2 Definitions. In this chapter:

3 I. "Board" means the board of family mediator certification established by RSA 328-C:4.

4 II. "Certified family mediator" means a person certified under the provisions of this chapter
5 to act as a family mediator.

6 III. "Certified family mediator training program" means a program that has been certified
7 under this chapter to provide the instructional training required for certified family mediators.

8 IV. "Contracted supervisor" means a supervisor who has contracted with the court to
9 participate in court-referred mediation.

10 V. "Family mediation" means a process by which an impartial third person or persons, with
11 the consent of the parties, assists and enables the parties to a divorce or parental rights and
12 responsibilities case to work together to reach a mutually satisfactory settlement of the issues
13 involved in such case.

14 VI. "Family mediator" means an impartial third person who, with the consent of the parties
15 to a divorce or parental rights and responsibilities case, assists and enables the parties to work
16 together to reach a mutually satisfactory settlement of the issues in a dispute.

17 VII. "Qualified intern" means a person authorized under the provisions of this chapter to
18 participate in mediation under the direct supervision of a certified family mediator.

19 VIII. "Supervisor" means a person who has been a certified family mediator for at least two
20 years, has mediated at least thirty-six divorce cases, and commits to comply with RSA 328-C:5, VI.

21 2 New Paragraph; Family Mediators; Duties of the Board; Qualified Interns. Amend RSA 328-
22 C:4-a by inserting after paragraph VII the following new paragraph:

23 VIII. Establish procedures, fees, standards, and other requirements for qualified interns.

24 3 Family Mediators; Qualifications; Qualifications of Qualified Interns. Amend RSA 328-C:5 to
25 read as follows:

26 328-C:5 Qualifications.

27 I. To be eligible for certification, conditional certification, reinstatement of certification,
28 renewal of certification and temporary renewal of certification as a family mediator, an applicant
29 shall be of good character.

30 II. To be eligible for certification or conditional certification as a family mediator, an
31 applicant shall meet the following requirements:

1 (a) Satisfactory completion of a program of instruction approved by the board and at
2 least 48 hours in length, including at least 8 hours in domestic violence, and components in family
3 dynamics and relevant law.

4 (b) Completion of an internship approved by the board and at least 20 hours in length
5 with a certified family mediator or certified family mediation program.

6 (c) Submission of a completed application to the board.

7 (d) Submission of at least 3 recommendations satisfactory to the board from persons who
8 have participated with the applicant in family mediation work. These recommendations shall meet
9 any additional requirements established by rules adopted by the board pursuant to RSA 541-A.

10 III. Notwithstanding subparagraphs II(a) and (b), the board may accept applicants found to
11 have training and internship experience equivalent to the programs of instruction and internship
12 approved by the board.

13 *IV. Qualified interns shall meet the requirements of RSA 328-C:5, I and II(a) and*
14 *(c).*

15 *V. A supervisor shall plan the responsibilities of the intern prior to beginning a*
16 *mediation and spend time with the intern in pre-mediation planning and post-mediation*
17 *debriefing. The debriefing shall include a critique of the intern's part in the mediation.*

18 ~~IV.] VI.~~ Certification of a mediator or a mediator training program shall be valid for 3 years
19 from the date of issuance, and shall expire 3 years from the date of issuance, unless renewed
20 pursuant to rules adopted by the board pursuant to RSA 541-A.

21 ~~V.] VII.~~ If timely and sufficient application has been made in accordance with board rules
22 for renewal of certification, the existing certification shall not expire until the board has taken final
23 action on the application for renewal. If the application is either untimely or insufficient, it shall
24 lapse and be subject to reinstatement in accordance with rules adopted by the board pursuant to
25 RSA 541-A.

26 4 Family Mediators; Confidentiality of Information; Qualified Interns Included. Amend RSA
27 328-C:5-a, I to read as follows:

28 I. Unless waived by the person to whom the information pertains, the following information
29 relative to certified family mediators, applicants for certification, *qualified interns*, and formerly
30 certified family mediators which may be in the possession of the board shall be confidential and shall
31 not be subject to disclosure, except as provided in paragraph II, absent an order of the court:

32 5 Family Mediators; Disciplinary Action; Qualified Interns Included. Amend RSA 328-C:7, II to
33 read as follows:

34 II. The board shall investigate and resolve complaints against certified family mediators,
35 *qualified interns*, and certified family mediator training programs. The board shall hold a hearing
36 in compliance with rules adopted under RSA 541-A prior to taking any disciplinary action specified

1 under this section. In the alternative, the board may informally resolve complaints by agreement of
2 the parties.

3 6 Family Mediators; Disciplinary Action; Qualified Interns Included. Amend RSA 328-C:7, IV to
4 read as follows:

5 IV. The board shall establish disciplinary procedures, penalties, and sanctions for certified
6 family mediators *and qualified interns* which may include revocation of certification *or*
7 *qualification*, suspension of certification *or qualification*, written warning, fine, written
8 reprimand, imposition of supplemental training requirements or supervised training requirements,
9 supplemental education, treatment and counseling, including treatment and counseling for alcohol
10 and substance abuse.

11 7 New Paragraph; Family Mediators; Rulemaking Authority; Including Qualified Interns.
12 Amend RSA 328-C:8 by inserting after paragraph II the following new paragraph:

13 III. The board may adopt rules for qualified interns pursuant to RSA 541-A, relative to the
14 all matters that it may for certified family mediators.

15 8 Family Mediators; Fees; Inclusion of Qualified Intern Fees. Amend RSA 328-C:11, I(a) to read
16 as follows:

17 (a) Applications, certification, conditional certification, *qualification of interns*,
18 renewal of certification, temporary renewal of certification, and reinstatement of certification.

19 9 Annulment, Divorce, and Separation; Mediation; Definitions. Amend RSA 458:15-c, I to read
20 as follows:

21 I. In this section:

22 (a) *"Contracted supervisor" means a mediator meeting the requirements of RSA*
23 *328-C:2 and RSA 328-C:5, VI who has contracted with the court to participate in court-*
24 *referred mediation under this chapter.*

25 ~~(a)~~ (b) "Mediation" means a process in which a neutral third party facilitates
26 settlement discussions between parties.

27 ~~(b)~~ (c) "Mediator" means a family mediator, certified pursuant to RSA 328-C, who has
28 contracted with the court to participate in court-referred mediation under this section.

29 (d) *"Qualified intern" means a person meeting the requirements of RSA 328-C:2*
30 *who participates in mediation under the direct supervision of a contracted supervisor.*

31 10 Annulment, Divorce, and Separation; Service on Correspondent; Allowing Qualified
32 Interns. Amend RSA 458:15-c, II to read as follows:

33 II. The court may order the parties to participate in mediation upon the request of either
34 party or at the discretion of the court. If the parties are ordered to participate in mediation under
35 this section, all issues relevant to their case, including but not limited to property settlement and
36 alimony also shall be mediated unless the court orders otherwise. Mediation may not be ordered
37 pursuant to this section if the case involves minor children and the parties are eligible for mediation

1 under RSA 461-A:7. *If the mediator is a contracted supervisor, a qualified intern may*
2 *participate in the mediation.*

3 11 Parental Rights and Responsibilities; Definitions; Including Contracted Supervisors and
4 Qualified Interns. Amend RSA 461-A:1 to read as follows:

5 461-A:1 Definitions. In this chapter:

6 ***I. "Contracted supervisor" means a mediator meeting the requirements RSA 328-C:2***
7 ***and RSA 328-C:5, VI who has contracted with the court to participate in court-referred***
8 ***mediation under this chapter.***

9 ~~[I.]~~ ***II. "Decision-making responsibility" means the responsibility to make decisions for the***
10 ***child. It may refer to decisions on all issues or on specified issues.***

11 ~~[H.]~~ ***III. "Mediation" means a process in which a neutral third party facilitates settlement***
12 ***discussions between parties.***

13 ~~[HH.]~~ ***IV. "Mediator" means a family mediator, certified pursuant to RSA 328-C, who has***
14 ***contracted with the court to participate in court-referred mediation under this chapter.***

15 ~~[IV.]~~ ***V. "Parental rights and responsibilities" means all rights and responsibilities parents***
16 ***have concerning their child.***

17 ~~[V.]~~ ***VI. "Parenting plan" means a written plan describing each parent's rights and***
18 ***responsibilities.***

19 ~~[VI.]~~ ***VII. "Parenting schedule" means the schedule of when the child is in the care of each***
20 ***parent.***

21 ***VIII. "Qualified intern" means a person meeting the requirements of RSA 328-C:2***
22 ***who participates in mediation under the direct supervision of a contracted supervisor.***

23 ~~[VII.]~~ ***IX. "Residential responsibility" means a parent's responsibility to provide a home for***
24 ***the child.***

25 12 Parental Rights and Responsibilities; Mediation of Cases Involving Children; Use of
26 Qualified Interns. Amend RSA 461-A:7, III to read as follows:

27 ***III. In all cases involving disputed parental rights and responsibilities or grandparents'***
28 ***visitation rights, including requests for modification of prior orders, the court may order the parties***
29 ***to participate in mediation. If the parties are ordered to participate in mediation under this section,***
30 ***all issues relevant to their case, including but not limited to child support and issues relative to***
31 ***property settlement and alimony under RSA 458, shall also be mediated unless the court orders***
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34 13 Office of Mediation and Arbitration; Inclusion of Qualified Interns. Amend RSA 490-E:5 to
35 read as follows:

36 490-E:5 Immunity From Civil Liability. No mediator, arbitrator, or other neutral party involved
37 in dispute resolution under contract with the New Hampshire judicial branch ***or qualified intern***

1 *acting under the direct supervision of a supervisor under contract with the New*
2 *Hampshire judicial branch* shall be held liable for civil damages for any aspect of judicial branch
3 dispute resolution processes, unless such person acted willfully.

4 14 Effective Date. This act shall take effect 60 days after its passage.

SB 336 - AS AMENDED BY THE SENATE

02/16/2022 0669s

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SENATE BILL **336**

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36 490-E:5 Immunity From Civil Liability. No mediator, arbitrator, or other neutral party involved
37 in dispute resolution under contract with the New Hampshire judicial branch *or qualified intern*

1 *acting under the direct supervision of a supervisor under contract with the New*
2 *Hampshire judicial branch* shall be held liable for civil damages for any aspect of judicial branch
3 dispute resolution processes, unless such person acted willfully.

4 14 New Paragraph; Family Mediators; Board; Quorum Established. Amend RSA 328-C:4 by
5 inserting after paragraph III the following new paragraph:

6 IV. A majority of the members of the board appointed by the governor and council shall
7 constitute a quorum.

8 15 Effective Date.

9 I. Section 14 of this act shall take effect upon its passage.

10 II. The remainder of this act shall take effect 60 days after its passage.

CHAPTER 220
SB 336 - FINAL VERSION

02/16/2022 0669s
05/26/2022 2090EBA

2022 SESSION

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SENATE BILL **336**

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16 together to reach a mutually satisfactory settlement of the issues in a dispute.

17 VII. "Qualified intern" means a person authorized under the provisions of this chapter to
18 participate in mediation under the direct supervision of a certified family mediator.

19 VIII. "Supervisor" means a person who has been a certified family mediator for at least two
20 years, has mediated at least thirty-six divorce cases, and commits to comply with RSA 328-C:5, VI.

21 220:2 New Paragraph; Family Mediators; Duties of the Board; Qualified Interns. Amend RSA
22 328-C:4-a by inserting after paragraph VII the following new paragraph:

23 VIII. Establish procedures, fees, standards, and other requirements for qualified interns.

24 220:3 Family Mediators; Qualifications; Qualifications of Qualified Interns. Amend RSA 328-
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26 328-C:5 Qualifications.

27 I. To be eligible for certification, conditional certification, reinstatement of certification,
28 renewal of certification and temporary renewal of certification as a family mediator, an applicant
29 shall be of good character.

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SB 336 - FINAL VERSION
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1 II. To be eligible for certification or conditional certification as a family mediator, an
2 applicant shall meet the following requirements:

3 (a) Satisfactory completion of a program of instruction approved by the board and at
4 least 48 hours in length, including at least 8 hours in domestic violence, and components in family
5 dynamics and relevant law.

6 (b) Completion of an internship approved by the board and at least 20 hours in length
7 with a certified family mediator or certified family mediation program.

8 (c) Submission of a completed application to the board.

9 (d) Submission of at least 3 recommendations satisfactory to the board from persons who
10 have participated with the applicant in family mediation work. These recommendations shall meet
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13 have training and internship experience equivalent to the programs of instruction and internship
14 approved by the board.

15 IV. *Qualified interns shall meet the requirements of RSA 328-C:5, I and II(a) and*
16 *(c).*

17 V. *A supervisor shall plan the responsibilities of the intern prior to beginning a*
18 *mediation and spend time with the intern in pre-mediation planning and post-mediation*
19 *debriefing. The debriefing shall include a critique of the intern's part in the mediation.*

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24 for renewal of certification, the existing certification shall not expire until the board has taken final
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27 RSA 541-A.

28 220:4 Family Mediators; Confidentiality of Information; Qualified Interns Included. Amend the
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35 II to read as follows:

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1 in compliance with rules adopted under RSA 541-A prior to taking any disciplinary action specified
2 under this section. In the alternative, the board may informally resolve complaints by agreement of
3 the parties.

4 220:6 Family Mediators; Disciplinary Action; Qualified Interns Included. Amend RSA 328-C:7,
5 IV to read as follows:

6 IV. The board shall establish disciplinary procedures, penalties, and sanctions for certified
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8 *qualification*, suspension of certification *or qualification*, written warning, fine, written
9 reprimand, imposition of supplemental training requirements or supervised training requirements,
10 supplemental education, treatment and counseling, including treatment and counseling for alcohol
11 and substance abuse.

12 220:7 New Paragraph; Family Mediators; Rulemaking Authority; Including Qualified Interns.
13 Amend RSA 328-C:8 by inserting after paragraph II the following new paragraph:

14 III. The board may adopt rules for qualified interns pursuant to RSA 541-A, relative to
15 all matters that it may for certified family mediators.

16 220:8 Family Mediators; Fees; Inclusion of Qualified Intern Fees. Amend RSA 328-C:11, I(a) to
17 read as follows:

18 (a) Applications, certification, conditional certification, *qualification of interns*,
19 renewal of certification, temporary renewal of certification, and reinstatement of certification.

20 220:9 Annulment, Divorce, and Separation; Mediation; Definitions. Amend RSA 458:15-c, I to
21 read as follows:

22 I. In this section:

23 (a) *"Contracted supervisor" means a mediator meeting the requirements of RSA*
24 *328-C:2 and RSA 328-C:5, VI who has contracted with the court to participate in court-*
25 *referred mediation under this chapter.*

26 ~~(a)~~ (b) "Mediation" means a process in which a neutral third party facilitates
27 settlement discussions between parties.

28 ~~(b)~~ (c) "Mediator" means a family mediator, certified pursuant to RSA 328-C, who has
29 contracted with the court to participate in court-referred mediation under this section.

30 (d) *"Qualified intern" means a person meeting the requirements of RSA 328-C:2*
31 *who participates in mediation under the direct supervision of a contracted supervisor.*

32 220:10 Annulment, Divorce, and Separation; Service on Correspondent; Allowing Qualified
33 Interns. Amend RSA 458:15-c, II to read as follows:

34 II. The court may order the parties to participate in mediation upon the request of either
35 party or at the discretion of the court. If the parties are ordered to participate in mediation under
36 this section, all issues relevant to their case, including but not limited to property settlement and
37 alimony also shall be mediated unless the court orders otherwise. Mediation may not be ordered

CHAPTER 220
SB 336 - FINAL VERSION

- Page 4 -

1 pursuant to this section if the case involves minor children and the parties are eligible for mediation
2 under RSA 461-A:7. *If the mediator is a contracted supervisor, a qualified intern may*
3 *participate with the supervisor in the mediation in the supervisor's presence.*

4 220:11 Parental Rights and Responsibilities; Definitions; Including Contracted Supervisors and
5 Qualified Interns. Amend RSA 461-A:1 to read as follows:

6 461-A:1 Definitions. In this chapter:

7 *I. "Contracted supervisor" means a mediator meeting the requirements RSA 328-C:2*
8 *and RSA 328-C:5, VI who has contracted with the court to participate in court-referred*
9 *mediation under this chapter.*

10 ~~II.~~ *II.* "Decision-making responsibility" means the responsibility to make decisions for the
11 child. It may refer to decisions on all issues or on specified issues.

12 ~~III.~~ *III.* "Mediation" means a process in which a neutral third party facilitates settlement
13 discussions between parties.

14 ~~IV.~~ *IV.* "Mediator" means a family mediator, certified pursuant to RSA 328-C, who has
15 contracted with the court to participate in court-referred mediation under this chapter.

16 ~~V.~~ *V.* "Parental rights and responsibilities" means all rights and responsibilities parents
17 have concerning their child.

18 ~~VI.~~ *VI.* "Parenting plan" means a written plan describing each parent's rights and
19 responsibilities.

20 ~~VII.~~ *VII.* "Parenting schedule" means the schedule of when the child is in the care of each
21 parent.

22 *VIII. "Qualified intern" means a person meeting the requirements of RSA 328-C:2*
23 *who participates in mediation under the direct supervision of a contracted supervisor.*

24 ~~VIII.~~ *IX.* "Residential responsibility" means a parent's responsibility to provide a home for
25 the child.

26 220:12 Parental Rights and Responsibilities; Mediation of Cases Involving Children; Use of
27 Qualified Interns. Amend RSA 461-A:7, III to read as follows:

28 III. In all cases involving disputed parental rights and responsibilities or grandparents'
29 visitation rights, including requests for modification of prior orders, the court may order the parties
30 to participate in mediation. If the parties are ordered to participate in mediation under this section,
31 all issues relevant to their case, including but not limited to child support and issues relative to
32 property settlement and alimony under RSA 458, shall also be mediated unless the court orders
33 otherwise. *If the mediator is a contracted supervisor, a qualified intern may participate*
34 *with the supervisor in the mediation in the supervisor's presence.*

35 220:13 Office of Mediation and Arbitration; Inclusion of Qualified Interns. Amend RSA 490-E:5
36 to read as follows:

CHAPTER 220
SB 336 - FINAL VERSION
- Page 5 -

1 490-E:5 Immunity From Civil Liability. No mediator, arbitrator, or other neutral party involved
2 in dispute resolution under contract with the New Hampshire judicial branch *or qualified intern*
3 *acting under the direct supervision of a supervisor under contract with the New*
4 *Hampshire judicial branch* shall be held liable for civil damages for any aspect of judicial branch
5 dispute resolution processes, unless such person acted willfully.

6 220:14 New Paragraph; Family Mediators; Board; Quorum Established. Amend RSA 328-C:4 by
7 inserting after paragraph III the following new paragraph:

8 IV. A majority of the members of the board appointed by the governor and council shall
9 constitute a quorum.

10 220:15 Effective Date.

11 I. Section 14 of this act shall take effect upon its passage.

 II. The remainder of this act shall take effect 60 days after its passage.

Approved: June 17, 2022

Effective Date:

I. Section 14 effective June 17, 2022

II. Remainder effective August 16, 2022

Amendments

Amendment to SB 336

1 Amend the bill by replacing section 10 with the following:

2

3 10 Annulment, Divorce, and Separation; Service on Correspondent; Allowing Qualified Interns.

4 Amend RSA 458:15-c, II to read as follows:

5 II. The court may order the parties to participate in mediation upon the request of either
6 party or at the discretion of the court. If the parties are ordered to participate in mediation under
7 this section, all issues relevant to their case, including but not limited to property settlement and
8 alimony also shall be mediated unless the court orders otherwise. Mediation may not be ordered
9 pursuant to this section if the case involves minor children and the parties are eligible for mediation
10 under RSA 461-A:7. ***If the mediator is a contracted supervisor, a qualified intern may***
11 ***participate with the supervisor in the mediation in the supervisor's presence.***

12

13 Amend the bill by replacing section 12 with the following:

14

15 12 Parental Rights and Responsibilities; Mediation of Cases Involving Children; Use of
16 Qualified Interns. Amend RSA 461-A:7, III to read as follows:

17 III. In all cases involving disputed parental rights and responsibilities or grandparents'
18 visitation rights, including requests for modification of prior orders, the court may order the parties
19 to participate in mediation. If the parties are ordered to participate in mediation under this section,
20 all issues relevant to their case, including but not limited to child support and issues relative to
21 property settlement and alimony under RSA 458, shall also be mediated unless the court orders
22 otherwise. ***If the mediator is a contracted supervisor, a qualified intern may participate***
23 ***with the supervisor in the mediation in the supervisor's presence.***

24

25 Amend the bill by replacing all after section 13 with the following:

26

27 14 New Paragraph; Family Mediators; Board; Quorum Established. Amend RSA 328-C:4 by
28 inserting after paragraph III the following new paragraph:

29 IV. A majority of the members of the board appointed by the governor and council shall
30 constitute a quorum.

31 15 Effective Date.

32 I. Section 14 of this act shall take effect upon its passage.

1 II. The remainder of this act shall take effect 60 days after its passage.

UNAPPROVED

2022-0369s

AMENDED ANALYSIS

This bill establishes the qualifications and appropriate instances of inclusion of qualified family mediator interns, as well as establishes the quorum for the board of family mediator certification.

UNAPPROVED

Amendment to SB 336

1 Amend the bill by replacing section 10 with the following:

2

3 10 Annulment, Divorce, and Separation; Service on Correspondent; Allowing Qualified Interns.

4 Amend RSA 458:15-c, II to read as follows:

5 II. The court may order the parties to participate in mediation upon the request of either
6 party or at the discretion of the court. If the parties are ordered to participate in mediation under
7 this section, all issues relevant to their case, including but not limited to property settlement and
8 alimony also shall be mediated unless the court orders otherwise. Mediation may not be ordered
9 pursuant to this section if the case involves minor children and the parties are eligible for mediation
10 under RSA 461-A:7. ***If the mediator is a contracted supervisor, a qualified intern may***
11 ***participate with the supervisor in the mediation in the supervisor's presence.***

12

13 Amend the bill by replacing section 12 with the following:

14

15 12 Parental Rights and Responsibilities; Mediation of Cases Involving Children; Use of
16 Qualified Interns. Amend RSA 461-A:7, III to read as follows:

17 III. In all cases involving disputed parental rights and responsibilities or grandparents'
18 visitation rights, including requests for modification of prior orders, the court may order the parties
19 to participate in mediation. If the parties are ordered to participate in mediation under this section,
20 all issues relevant to their case, including but not limited to child support and issues relative to
21 property settlement and alimony under RSA 458, shall also be mediated unless the court orders
22 otherwise. ***If the mediator is a contracted supervisor, a qualified intern may participate***
23 ***with the supervisor in the mediation in the supervisor's presence.***

24

25 Amend the bill by replacing all after section 13 with the following:

26

27 14 New Paragraph; Family Mediators; Board; Quorum Established. Amend RSA 328-C:4 by
28 inserting after paragraph III the following new paragraph:

29 IV. A majority of the members of the board appointed by the governor and council shall
30 constitute a quorum.

31 15 Effective Date.

32 I. Section 14 of this act shall take effect upon its passage.

Amendment to SB 336

- Page 2 -

1 II. The remainder of this act shall take effect 60 days after its passage.

Amendment to SB 336
- Page 3 -

2022-0669s

AMENDED ANALYSIS

This bill establishes the qualifications and appropriate instances of inclusion of qualified family mediator interns, as well as establishes the quorum for the board of family mediator certification.

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: January 13, 2022

HEARINGS

	Tuesday	01/25/2022
(Day)	(Date)	
Judiciary	State House 100	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m. SB 336	relative to family mediator interns.	
1:15 p.m. SB 339	relative to meetings of boards and commissions in the department of safety.	
1:30 p.m. SB 322	relative to remote meetings under the right-to-know law.	
1:45 p.m. SB 342	relative to the minutes of nonpublic sessions under the right to know law.	
2:00 p.m. SB 344	relative to the quorum requirements under the right to know law of meetings open to the public.	

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 336

Sen. Prentiss	Sen. Watters	Sen. Whitley	Sen. Soucy
Sen. Gannon	Sen. Kahn	Sen. Cavanaugh	Sen. Sherman
Rep. Nordgren	Rep. Gordon		

SB 339

Sen. Prentiss	Sen. Watters	Sen. Whitley	Sen. Soucy
Sen. Kahn	Sen. Cavanaugh	Sen. Hennessey	Sen. Sherman
Sen. Rosenwald	Sen. Perkins Kwoka		

SB 322

Sen. Perkins Kwoka	Sen. Watters	Sen. Rosenwald	Sen. Soucy
Sen. Whitley	Sen. Cavanaugh	Sen. Sherman	Sen. Daniels
Sen. Prentiss	Rep. Vann	Rep. Dolan	Rep. Espitia

SB 342

Sen. Daniels	Rep. Kofalt
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SB 344

Sen. Daniels	Sen. Hennessey	Sen. Cavanaugh	Sen. Perkins Kwoka
Rep. Long	Rep. Eaton	Rep. Egan	

Jennifer Horgan 271-7875

Sharon M Carson
Chairman

Senate Judiciary Committee
Jennifer Horgan 271-7875

SB 336, relative to family mediator interns.

Hearing Date: January 25, 2022

Time Opened: 1:07 p.m

Time Closed: 1:24 p.m.

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

Members of the Committee Absent : None

Bill Analysis: This bill establishes the qualifications and appropriate instances of inclusion of qualified family mediator interns.

Sponsors:

Sen. Prentiss

Sen. Watters

Sen. Whitley

Sen. Soucy

Sen. Gannon

Sen. Kahn

Sen. Cavanaugh

Sen. Sherman

Rep. Nordgren

Rep. Gordon

Who supports the bill: Senator Prentiss; Senator Cavanaugh; Senator Watters; Senator Sherman; Honey Hastings; Mary Sargent; Candace Dochstader; Kristen Kelley

Who opposes the bill: No one

Who is neutral on the bill: Richard Head, Judicial Branch

Summary of testimony presented in support:

Senator Prentiss

- This bill establishes the qualifications and appropriate instances of inclusion of qualified family mediator interns.
- The Family Mediator Certification Board is a small occupational regulatory board that regulates divorce and parenting mediators.
- These mediators assist parents facing divorce or separation to resolve their issues without the court.
- In order to become one of these mediators, a student must complete an internship.
- The pathway to these internships needs to be clarified

- The absence of official language recognizing these qualified interns, as defined in RSA 328-C:5, as part of the proceedings has become a barrier to these internships.
- This bill will clarify the statute to allow these interns to officially participate in the process.
- Requests an amendment.
- Senator Whitley asked about the amendment.
 - In Section 14, regarding the quorum, the language would say the majority of the members of the board appointed by Governor and Council shall constitute a quorum.
- Senator Whitley asked if she wanted to request that amendment from OLS and stated that she would be happy to co-sponsor.
 - Happy to do that.
- The state recognizes training programs for all the levels of licensure, and within them there are clinical hours where an individual must practice under someone in order to become certified and then become licensed. (RSA 153-A)
- Believes the intern and the clinical opportunities are almost exactly the same.
- When going through the paramedic training was considered a “candidate” and was not getting paid.
- Some candidates are paid but that is up to the employer.

Honey Hastings (provided written testimony)

- Is a retired lawyer who practiced law for 30 years and is a certified family mediator.
- These mediators are a small profession, and the Board is so significant for their work.
- To work in the court system, you must be a certified family mediator.
- To become certified, an individual must have 48 hours of training and 20 hours of internships, 10 if they are already a family lawyer or family therapist.
- For many years individuals completed their internships working on court cases.
- Court policy changed so that interns were only allowed to observe not participate in the mediation.
- This is an issue because the court cases are often different than the ones in a private mediation, as people who have filed in court are already fighting with each other.
- There is also a high percentage of cases in court where the individuals were never married, finds those to be the hardest.
- The majority of mediations takes place in the court and to exclude all those cases for the accumulation of hours for an internship makes it difficult.
- This leaves people unable to get internships, so they give up and choose to do something else.
- Having interns have at least some of their trainings in court cases gives them experience in these diverse cases and ensures the continued supply of certified mediators.

- The bill would amend the divorce, parenting, and certified family mediator statutes to allow interns to co-mediate in court cases.
- This will be done by making certification a two step process.
- Step one is all the certification requirements except for the internship.
- Once an individual completes step one, then the Family Mediator Certification Board would designate them as a “qualified intern”.
- The second step would be for them to complete their internship as a “qualified intern” and request certification.
- Thinks more certified family mediators will be willing to take on more interns under this bill because they will know they have already done the other training.
- The bill needs two amendments
- One to add “A majority of the members of the board appointed by the governor and council shall constitute a quorum.”
- The Board has only met twice since last May because of a lack of quorum month after month.
- There was a bill that dealt with this issue for a lot of boards last year, but this Board was missed.
- Worked on another amendment that the Judicial Branch will be submitting. Supports it.
- Attorney Lehmann asked if these are paid or unpaid internships.
 - Depends on which direction the money is flowing. The interns do not get paid by the clients. The interns may be paying the supervisor. The supervisor must prep before the case, meet with the intern, review what happened with the intern, and then write a report. So, there are some times where charges are paid by the intern.
- Attorney Lehmann raised the concern as to whether it is permissible for the state to put an unpaid internship requirement ahead of the ability to get occupational licensing.
 - It has been this way since the beginning of the Board and does not know how else one could have qualified interns.

Summary of testimony presented in opposition:

None

Neutral Information Presented:

Richard Head (Judicial Branch) (provided written testimony)

- Supports measures that help improve the expansion of the highly quality mediators.
- Presented an amendment to clarify and make clear that a supervisor will also be attending the mediation, not just the intern.

Speakers

Senate Remote Testify

Judiciary Committee Testify List for Bill SB336 on 2022-01-25

Support: 6 Oppose: 0

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Cavanaugh, Senator Kevin	An Elected Official	Myself	Support
Watters, Senator David	An Elected Official	Myself	Support
Sargent, Mary	A Member of the Public	Myself	Support
Dochstader, Candace	A Member of the Public	Myself	Support
Sherman, Senator	An Elected Official	SD24	Support
Kelley, Kristen	A Member of the Public	Myself	Support

Testimony

25 January 2022

TO: Senate Judiciary Committee
FROM: Honey Hastings, CFM #75 (654.5000)
RE: SB 336—Family Mediator Interns

Problem –Parenting cases and divorces with minor children filed without an agreed-on final decree are referred to a Certified Family Mediator. The mediator works with the parties to improve communications and facilitate settlement. To become certified, family mediators must complete 48 hours of training and 20 hours of internship (10 hours for lawyers and therapists).

For many years, a substantial number of mediators completed their internships in court cases. Court policy then changed and interns were only allowed to observe court mediations. The court has explained that specific statutory provisions prevent the use of interns in court cases.

Why does this matter? (1) Court cases are different and often more difficult to resolve than “private” mediation cases. They may involve parties who are taking adversarial positions, who have already received temporary or final court orders, and who were never-married to each other. (2) The difficulty of getting internships since the court’s policy change has left uncertified many people who have completed mediation training and wanted to be certified.

Having interns receive at least some of their internship training in court-referred cases serves two important goals:

1. Provides interns experience in diverse cases;
2. Ensures a continuing supply of new certified mediators available to contract with the court.

SB 336 is the Solution - SB 336 would amend the divorce, parenting, and certified mediator statutes to allow interns to co-mediate in court cases. The changes would make certification a two-step process.

This bill is the product of the Future of Certified Family Mediators Committee set up by the chair of the NH Conflict Resolution Association. The Future Committee has done its work independently of the Association, which is a 501(c)(3) nonprofit organization.

This bill breaks the mediator certification process into two steps, summarized as follows:

- a. Complete all steps other than the internship and submit the application through that step. If the requirements are met, the Family Mediator Certification Board designates the person as a “qualified intern.”
- b. Complete the internship hours, submit the balance of the application with required documents, and request certification.

In addition to allowing interns to work in court cases, the process outlined in the bill may increase the number of certified mediators who are willing to supervise interns as Family Mediator Certification Board would have approved the background, training, and criminal background check of “qualified interns.”

Amendment – The amendment would give the FMCB the same quorum provision as were applied in 2021 to many other occupational regulatory boards overseen by OPLC. That legislation replaced an existing statutory quorum stated as a specific number of members with this language:

A majority of the members of the board appointed by the governor and council shall constitute a quorum.

This amendment would give FMCB the same provision and protection. As, due to lack of a quorum, the FMCB has met only twice since May 2021, this amendment is urgently needed.

Amendment From the Court -- I support the Court’s proposed amendment and worked with Atty. Head in drafting it.

**Senate Bill 336 (relative to family mediator interns)
New Hampshire Judicial Branch's requested amendment**

Insert in Section 10 on Page 4, Lines 1-2, the following (italics is language currently in bill, bold italics/underline is the proposed additional language in the amendment):

If the mediator is a contracted supervisor, a qualified intern may participate with the supervisor in the mediation in the supervisor's presence.

Insert in Section 12 on Page 4, Lines 32-33, the following (italics is language currently in bill, bold italics/underline is the proposed additional language in the amendment):

If the mediator is a contracted supervisor, a qualified intern may participate with the supervisor in the mediation in the supervisor's presence.

IN SUPPORT OF SB 336:

My name is Esther Tardy-Wolfe and I am a New Hampshire Certified Family Mediator and certified trainer for potential certified family mediators via our Certified Family Mediator Training Program. I have been a certified mediator since the onset in 1993, have sat on the board, provide mediation services as well as opportunities for interns who aim to become certified as a family mediator here in New Hampshire.

I support this bill for several reasons. First there are limited opportunities for interns who have completed the Program of Instruction components of the certification process of family mediators. These mediators provide very affordable mediation services to our public for the court cases which also comprise of some of the more difficult situations in parenting, divorce and post-divorce case mediations. I have used co-mediation in the past when the court allowed interns to work with a court-appointed mediator and think it was valuable. I never allowed an intern without the parties' consent and I was of course always responsible for the mediation. Moreover, I required the intern have their own liability insurance before they interned with me. I do not charge for interns who are under my supervision although I could. I think internship is an important component of training for a person who strives to become as family mediator.

Thank you for your attention and I hope yo9u will support this bill.

Respectfully,

Esther Tardy-Wolfe, J.D. N.H.C.F.M.
Mediator and Trainer

Voting Sheets

Senate Judiciary Committee

EXECUTIVE SESSION RECORD

2021-2022 Session

Bill # SB336

Hearing date: 1/25

Executive Session date: 1/26

Motion of: OTP Vote: _____

Withdraw

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 checked="" 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 checked="" type="checkbox"/>	<input 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"/>

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: _____

Notes: _____

Senate Judiciary Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # 336

Hearing date: _____

Executive Session date: _____

Motion of: OTP 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: 369 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 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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: concurrent 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: Carson

Notes: _____
Honey - DOJ language

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Thursday, February 10, 2022

THE COMMITTEE ON Judiciary

to which was referred **SB 336**

AN ACT relative to family mediator interns.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 2022-0669s

Senator Sharon Carson
For the Committee

This bill establishes the qualifications and appropriate instances of inclusion of qualified family mediator interns, as well as establishes the quorum for the board of family mediator certification. The Committee amended the bill to adjust the quorum and to require that the supervisor attend the mediations with the intern. The passage of this bill will help improve the expansion and retention of the highly quality mediators.

Jennifer Horgan 271-7875

FOR THE CONSENT CALENDAR

JUDICIARY

SB 336, relative to family mediator interns.

Ought to Pass with Amendment, Vote 5-0.

Senator Sharon Carson for the committee.

This bill establishes the qualifications and appropriate instances of inclusion of qualified family mediator interns, as well as establishes the quorum for the board of family mediator certification. The Committee amended the bill to adjust the quorum and to require that the supervisor attend the mediations with the intern. The passage of this bill will help improve the expansion and retention of the highly quality mediators.

SB336

Bill Details

Title: relative to family mediator interns.

Sponsors: (Prime) Prentiss (D), Watters (D), Whitley (D), Donna Soucy (D), Gannon (R), Kahn (D), Cavanaugh (D), Sherman (D), Nordgren (D), Gordon (R)

LSR Number: **22-3084**

General Status: **SIGNED BY GOVERNOR**

Chapter Number: **220**

House:

Committee: Children and Family Law

Due Out: 4/28/2022

Status: PASSED/ADOPTED

Senate:

Committee: Judiciary

Floor Date: 2/16/2022

Status: PASSED/ADOPTED WITH AMENDMENT

Bill Docket

Body	Description
S	To Be Introduced 01/05/2022 and Referred to Judiciary: <u>SJ 1</u>
S	Hearing: 01/25/2022, Room 100, SH, 01:00 pm: <u>SC 3</u>
S	Committee Report: Ought to Pass with Amendment # 2022-0669s, 02/16/2022: Vote 5-0; CC: <u>SC 7</u>
S	Committee Amendment # 2022-0669s, AA, VV; 02/16/2022: <u>SJ 3</u>
S	Ought to Pass with Amendment 2022-0669s, MA, VV; OT3rdg; 02/16/2022: <u>SJ 3</u>
H	Introduced 03/17/2022 and referred to Children and Family Law
H	Public Hearing: 04/05/2022 01:00 pm LOB 206-208
H	Executive Session: 04/19/2022 10:00 am LOB 202-204
H	Committee Report: Ought to Pass <u>(Vote 14-0; CC)</u>
H	Ought to Pass: MA VV 05/04/2022 <u>HJ 11</u>
H	Enrolled Bill Amendment # 2022-2090EBA: AA VV (in recess of) 05/26/2022 <u>HJ 13</u>
S	Enrolled Bill Amendment # 2022-2090e Adopted, VV, (in recess of 05/26/2022): <u>SJ 13</u>
H	Enrolled (in recess of) 05/26/2022 <u>HJ 14</u>
S	Enrolled Adopted, VV, (in recess 05/26/2022): <u>SJ 13</u>
S	Signed by the Governor on 06/17/2022: Chapter 0220
S	I. Section 14 Effective 06/17/2022
S	II. Remainder Effective 08/16/2022

Other Referrals

May 24, 2022
2022-2090-EBA
12/08

Enrolled Bill Amendment to SB 336

The Committee on Enrolled Bills to which was referred SB 336

AN ACT relative to family mediator interns.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 336

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 336

Amend section 4 of the bill by replacing line 1 with the following:

4 Family Mediators; Confidentiality of Information; Qualified Interns Included. Amend the introductory paragraph of RSA

Amend section 7 of the bill by replacing line 3 with the following:

III. The board may adopt rules for qualified interns pursuant to RSA 541-A, relative to

Senate Inventory Checklist for Archives

Bill Number: SB 336

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 # 03695 - amendment # 06695

- 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) 2090E

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:

Janet Ferguson
Committee Aide

8/12/22
Date

Senate Clerk's Office *AK*