

HB 136 - AS INTRODUCED

2017 SESSION

17-0092

09/06

HOUSE BILL **136**

AN ACT clarifying the equity jurisdiction of the judicial branch family division.

SPONSORS: Rep. Itse, Rock. 10; Rep. Hoell, Merr. 23; Rep. Spillane, Rock. 2; Rep. Burt, Hills. 39; Rep. Baldasaro, Rock. 5; Sen. Daniels, Dist 11; Sen. Reagan, Dist 17

COMMITTEE: Judiciary

ANALYSIS

This bill clarifies the equity jurisdiction of the judicial branch family division.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Seventeen

AN ACT clarifying the equity jurisdiction of the judicial branch family division.

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

1 1 Judicial Branch Family Division; Equity Jurisdiction. Amend RSA 490-D:3 to read as follows:
2 490-D:3 Equity Jurisdiction. [~~Notwithstanding any law to the contrary,~~] The judicial branch
3 family division shall have the powers of a court of equity in cases where subject matter jurisdiction
4 lies with the judicial branch family division ***and where no other special provision has been***
5 ***made by law***. Suits in equity where subject matter jurisdiction lies with the judicial branch family
6 division including, but not limited to, petitions for divorce, nullity of marriage, alimony, custody of
7 children, support, and other similar proceedings may be heard upon oral testimony or depositions,
8 or both, or when both parties consent, or service having been made and a notice of the time and
9 place of the hearing having been given, when both parties appear. Such suits may be heard by any
10 justice of the judicial branch family division at any time, but nothing contained in this section shall
11 be construed as limiting the power of the judicial branch family division to have issues of fact
12 framed and tried by a jury, according to the rules in equity, or the course of such proceedings at
13 common law.

14 2 Effective Date. This act shall take effect January 1, 2018.