

SB 404 - AS INTRODUCED

2016 SESSION

16-2918

05/09

SENATE BILL ***404***

AN ACT relative to the burden of proof for a divorced parent's petition to relocate children of the marriage.

SPONSORS: Sen. Feltes, Dist 15; Sen. Lasky, Dist 13; Sen. Carson, Dist 14; Rep. Cushing, Rock. 21

COMMITTEE: Judiciary

ANALYSIS

This bill provides that a parent petitioning for relocation of a child bears the burden of proving that the relocation is for a legitimate purpose, the proposed location is reasonable in light of that purpose, and relocation is in the best interest of the child.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the burden of proof for a divorced parent's petition to relocate children of the marriage.

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

1 1 Parental Rights and Responsibilities; Relocation of the Child's Residence. Amend RSA 461-
2 A:12, V to read as follows:

3 V. The parent seeking permission to relocate bears the ~~[initial]~~ burden of demonstrating, by
4 a preponderance of the evidence, that:

5 (a) The relocation is for a legitimate purpose; ~~[and]~~

6 (b) The proposed location is reasonable in light of that purpose; **and**

7 **(c) Relocation is in the best interest of the child.**

8 2 Parental Rights and Responsibilities; Relocation of the Child's Residence. RSA 461-A:12, VI
9 is repealed and reenacted to read as follows:

10 VI. The responding parent may offer evidence that the proposed relocation is not for a
11 legitimate purpose, the proposed location is not reasonable in light of that purpose, or relocation is
12 not in the best interest of the child.

13 3 Effective Date. This act shall take effect January 1, 2017.