

HB 494 - AS INTRODUCED

2021 SESSION

21-0623

05/04

HOUSE BILL                    **494**

AN ACT                    relative to temporary relief and permanent restraining orders issued in a divorce proceeding.

SPONSORS:            Rep. DeSimone, Rock. 14; Rep. Harb, Rock. 14; Rep. Baldasaro, Rock. 5; Sen. Birdsell, Dist 19

COMMITTEE:          Children and Family Law

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ANALYSIS

This bill provides that the court shall not issue an order in a divorce proceeding that infringes on a party's constitutional rights unless the court determines there is no less restrictive means to achieve a compelling government interest.

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                      relative to temporary relief and permanent restraining orders issued in a divorce proceeding.

*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 Restraining  
2    Orders. Amend RSA 458:16 by inserting after paragraph II the following new paragraph:

3            II-a. If any order issued under this section, other than one brought under RSA 173-B,  
4    infringes on any right or rights a party may have as enumerated under either the federal or state  
5    constitution, the court shall identify the right or rights being infringed, and the compelling  
6    government objective to be achieved by the infringement. The court shall also make written findings  
7    that there is no less restrictive way to achieve the compelling government objective. Any party  
8    aggrieved by an order not meeting this standard may petition the court to have the order modified or  
9    vacated.

10          2    Effective Date. This act shall take effect January 1, 2022.