Bill as Introduced

2000 SESSION

00-2287
04/09

HOUSE BILL ***1237***

AN ACT relative to crediting time in counseling sessions toward a waiver from attendance at the child custody and support impact seminar.

SPONSORS: Rep. Harmon, Graf 8

COMMITTEE: Children and Family Law

ANALYSIS

This bill provides that a party is eligible for a waiver from attendance at the child custody and support impact seminar upon satisfactory showing of 4 hours or more spent in counseling or therapy sessions.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 1237 - AS INTRODUCED

00-2287
04/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT relative to crediting time in counseling sessions toward a waiver from attendance at the child custody and support impact seminar.

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

1 New Paragraph; Domestic Relations; Child Custody and Support Impact Seminars; Waiver from Attendance Added. Amend RSA 458-D:8 by inserting after paragraph III the following new paragraph:

IV-a. A party produces written evidence of 4 hours or more of attendance at counseling or therapy sessions conducted by a psychologist, counselor, or therapist licensed to practice in this state. Such written evidence shall be signed by the psychologist, counselor, or therapist and submitted with the exception affidavit by the party seeking the waiver.

2 Effective Date. This act shall take effect January 1, 2001.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1237 Date Jan. 4, 2000

Committee Children & Family Law

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
D Joan Bishop	99 N. State St	271-2030	Superior Court		✓

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1237 (Continued) Date Feb 8, 2000

Committee Children & Family Law

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
Cynthia Herman	99 Hanover St.		Child + Family	✓	

Hearing Minutes

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 1237

BILL TITLE: relative to crediting time in counseling sessions toward a waiver from attendance at the child custody and support impact seminar.

DATE: Jan. 6, 2000

LOB ROOM: 206 **Time Public Hearing Called to Order:** 10:20 a.m.

Time Adjourned: 11:40 a.m.

RECESSED TO A LATER DATE

(please circle if present)

Committee Members: Reps. Dowling, Lyman, Arnold, J. Brown, G. Gagnon, Bickford, Nolan-Piteri, Tate, Hutchinson, Asplund, Coughlin, Jones, Moran, J. Prada, Allison, Richardson, L. Johnson, Grassie, Pantelakos, Ginsburg, Gile and McIntyre.

Bill Sponsors: Rep. Harmon, Graf 8

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Harmon, sponsor, unable to attend, hearing will proceed with testimony from those present and will be continued at a later date

Rep. Mary Jane Wallner – opposes

Rep. Moore – opposes

-The seminar is education. It is non counseling. This bill does not define the type of counseling one might have received. Each seminar group benefits the individuals attending and the interactions among participants assist in the learning process.

Joan Bishop, representing Judge Nadeau – opposes

-It would be a great disservice to the courts to determine these waivers. The interactions among participants is indicated as a big advantage of these seminars.

Ilse Yanis – opposes – does not want to speak

Richard Gerrish, Drugs are Dangerous, Inc. – opposes

The hearing will be continued at a later date.

Respectfully submitted,

Rep. Barbara H. Richardson, Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 1237

BILL TITLE: relative to crediting time in counseling sessions toward a waiver from attendance at the child custody and support impact seminar.

DATE: 1/6/00

LOB ROOM: 206 Time Public Hearing Called to Order: 10:20

Time Adjourned: 11:40 (To be continued at a later date)

(please circle if present)

Committee Members: Reps. (Dowling), (Lyman), (Arnold), (J. Brown), G. Gagnon, (Bickford), Piteri, Tate, Hutchinson, Asplund, Coughlin, (Jones), Moran, (Pratt), (Allison), (Richardson), (L. Johnson), (Grassie), (Pantelakos), (Ginsburg), (File) and McIntyre.

Bill Sponsors: Rep. Harmon (unable to attend) The hearing will proceed with those present & will be continued to a date uncertain

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Wallner - opposes

Rep. Moore - opposes - The seminar is educational. It is not counseling. This bill does not define the type of counseling one might have received. Each seminar groups benefits the individuals attending and the interactions among participants assist in the learning process.

Joan Bishop, representing Judge Nadeau - opposes. It would be a great disservice to the courts to determine these waivers. The interactions among participants is indicated as a big advantage of these seminars.

Else Yanis - opposes - does not wish to speak

Richard Gerrish, Drugs Are Dangerous, Inc. - opposes

This hearing will be

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 1237 CONTINUED

BILL TITLE: relative to crediting time in counseling sessions toward a waiver from attendance at the child custody and support impact seminar.

DATE: Feb. 8, 2000

LOB ROOM: 206 **Time Public Hearing Called to Order:** 11:40

Time Adjourned: 12:14

(please circle if present)

Committee Members: Reps. Dowling, Lyman, Arnold, J. Brown, G. Gagnon, Bickford, Nolan-Piteri, Tate, Hutchinson, Asplund, Coughlin, Jones, Moran, I. Pratt, Allison, Richardson, L. Johnson, Grassie, Pantelakos, Ginsburg, Gile and McIntyre.

Bill Sponsors: Rep. Harman

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Harman, prime and only sponsor, supporting bill

-He was required to take the course despite having been divorced years earlier. He said he had spoken with others who felt they should not be required to take this seminar. He indicated that the course did not cover the necessary items.

Linda Griebsh, NHCADSU – opposes this bill

-She believes this seminar is beneficial and that most people who are unhappy about requiring attendance find that the seminar is worthwhile. The seminars are only 4 hours long, but they do help parents look at the effect of divorce on their children. If one of the two parents were excused from attendance, this might.

George Samuels, Director of the Family Program at Child and Family Services – supports this bill

-He says these seminars are excellent and helpful. His clinical concern is that many families are struggling with many issues, including possible family violence. Illness (emotional and physical) is another factor. Children's behavior may or may not be the result of divorce only. He feels that more in depth counseling is appropriate. He does not mean that these seminars are unimportant. The value of consumer choice is another issue for him. He feels there is a value in offering another alternative.

Cynthia Herman, NH Child and Family Services – supports this bill

-She suggests there be a choice for persons already in counseling covering the same material. Counseling may be paid for by insurance. The seminars cost $75.00 and many people object to this. She has heard some DCYF parents say that the seminars do not cover important issues for them.

She suggests and amendment to the bill requiring that counseling which is appropriate could replace the seminars.

Respectfully submitted,

Rep. Barbara H. Richardson, Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON CONTINUED HB 1237

BILL TITLE: **relative to crediting time in counseling sessions toward a waiver from attendance at the child custody and support impact seminar.**

DATE: 2/8/00

LOB ROOM: 206 Time Public Hearing Called to Order: continued hearing 11:40 a.m

Time Adjourned: 12:15 pm

(please circle if present)

Committee Members: Reps. Dowling, Lyman, Arnold, J. Brown, G. Gagnon, Bickford, Piteri, Tabor, Hutchinson, Asplund, Coughlin, Jones, Moran, I. Pratt, Allison, Richardson, L. Johnson, Grassie, Pantelakos, Ginsburg, Gile and McIntyre.

Bill Sponsors: Rep. Harmon

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Harmon – prime (+only) sponsor. He supports this bill. He was required to take the course despite having been divorced years earlier. He said he had spoken with others who felt they should not be required to take this seminar. He indicated that the course did not cover the necessary items.

Linda Gorelick, NHCADSV – opposes this bill. She believes this seminar is beneficial and that most people who are unhappy about requiring attendance find that the seminar is worth while. The seminars are only 4 hours long but they do help parents look at the effect of divorce on their children. If one of the two parents were excused from attendance, this might

George Samuels, Director of the family program at Child and Family Services – supports the bill. He says these seminars are excellent and helpful. His clinical concern is that many families are struggling with many issues, including possible family violence. Illness (emotional & physical) is another factor. Children's behavior may or may not be the result of divorce only. He feels that more in depth counseling is appropriate. He does not mean that these seminars are unimportant. The value of consumer choice is another issue for him. He feels there is a value in offering another alternative.

Cynthia Herman, NH Child & Family Services – supports this bill. She suggests

There be a choice & an exemption for persons already in counseling covering the same material. Counseling may be paid for by insurance. The seminars cost $75 and many people objected to this. She has heard some DCYF parents say that the seminars do not cover important issues for them. She suggests an amendment to the bill requiring that counseling which is appropriate could replace the seminars.

Testimony

FILE COPY

CHAPTER 458-D. SEMINAR FOR PARENTS INVOLVED WITH CHILD CUSTODY AND SUPPORT ISSUES

Sec.
458-D:1. Purpose.
458-D:2. Seminar Required; Court Referral.
458-D:3. Seminar.
458-D:4. Seminar Schedule.
458-D:5. Disciplinary Action.
458-D:6. Attendance.
458-D:7. Costs.
458-D:8. Waiver.
458-D:9. Rulemaking.
458-D:10. Report.

§ 458-D:1. Purpose.

The purpose of this chapter is to establish a program which would provide a 4-hour mandatory session for married or unmarried parents of minor children who are involved in custody and other issues which involve the children so that the adverse impact on the children of the litigation process and the family's separation will be minimized.

History

Source. 1993, 282:1, eff. Aug. 20, 1993.

Revision note. Substituted "chapter" for "act" following "purpose of this" for purposes of clarity.

§ 458-D:2. Seminar Required; Court Referral.

In the event of any action before the superior court where the parties are involved with child custody and support issues, and upon the establishment of the program described in this chapter, the clerk of the superior court shall, no later than the defendant's or respondent's filing of an appearance, require the parties to attend a 4-hour information session. This session shall be a seminar on how to help the children deal with the issues surrounding divorce, separation, and custody.

History

Source. 1993, 282:1, eff. Aug. 20, 1993.

Revision note. Substituted "chapter" for "act" preceding "the clerk" in the first sentence for purposes of clarity.

§ 458-D:3. Seminar.

I. The seminar shall consist of the following:

(a) The seminar shall be conducted by a certified family therapist or other persons certified by the superior court, to inform the parents of the best way to address problems which the

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children face as the result of the divorce or separation. Presenters shall be a male and a female.

(b) Up to 1/2 hour of the session may be a segment on divorce options such as arbitration, mediation, and litigation.

II. The session shall be tailored to those issues concerning the children which may be of particular concern during the divorce or separation process including, but not limited to:

(a) Understanding the process of divorce or separation: interaction between parent and child, areas of adjustment, and areas of concern.

(b) Understanding how children react to the divorce or separation, how to spot problems, what to tell them about divorce or separation, how to keep communication open, and answering questions and concerns they may have about the process.

(c) How parents can help their children during the divorce or separation: specific strategies, ideas, tools, and resources for assistance.

(d) How parents can help children after the divorce or separation: new family structures, and how to deal with different sets of rules.

(e) Making clear that the general goal of cooperation between parents may sometimes be inappropriate, particularly in cases of domestic violence.

History

Source. 1993, 282:1, eff. Aug. 20, 1993.

§ 458-D:4. Seminar Schedule.

The court shall encourage the presenters to schedule courses so that the seminar is available twice monthly in each county unless the county's population warrants otherwise. One parent need not attend the same seminar as the other parent. In the case of domestic violence, parents shall attend separate sessions. The seminar shall be completed within 45 days of service of the original complaint upon the original defendant.

History

Source. 1993, 282:1, eff. Aug. 20, 1993.

§ 458-D:5. Disciplinary Action.

Upon a party's failure to complete the seminar pursuant to this chapter, the assigned judge may take appropriate action including, but not limited to, actions for contempt.

History

Source. 1993, 282:1, eff. Aug. 20, 1993.

§ 458-D:6. Attendance.

I. An alphabetical list of all parties eligible for the seminar shall be provided to the

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presenters prior to each seminar. The list may be utilized by the presenters and the court. As parties report to the seminar selected by them, they will provide the presenters with identification, and they will be recorded as present.

II. Each person completing the seminar will be given a certificate of attendance to present to the judge at the time of that person's court appearance.

History

Source. 1993, 282:1, eff. Aug. 20, 1993.

Revision note. Inserted "with" preceding "identification" in the third sentence of par. I to correct a grammatical error.

§ 458-D:7. Costs.

I. Persons attending the seminar shall pay a seminar fee to the presenter. Fees charged by the presenter shall be fair and reasonable as directed by the chief justice of the superior court.

II. Presenters shall accept recipients of need-based assistance programs at reduced or no cost and, upon request of the court, shall produce evidence of having done so.

III. On the commencement of any custody or support proceeding for which a fee is required, including libels for divorce with minor children, the court shall charge and collect an additional fee of $2 from the petitioner. These fees shall be in addition to any other fee required by law. These fees shall be deposited into the general fund.

History

Source. 1993, 282:1, eff. Aug. 20, 1993.

§ 458-D:8. Waiver.

In order to be exempted from attending a seminar, parties may fill out an exception affidavit in which they shall indicate that they meet one of the exceptions below. The affidavit may be obtained from the clerk of court and may be submitted at any time. Attendance at the seminar shall be waived under the following circumstances:

I. A party is incarcerated.

II. A party has previously attended the seminar.

III. The office of child support enforcement services has brought an action to enforce or modify an existing order.

IV. The court finds good cause to grant a waiver on any basis it deems appropriate, including, but not limited to, domestic violence, transportation or child care. Time extensions may be granted.

History

Source. 1993, 282:1, eff. Aug. 20, 1993.

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§ 458-D:9. Rulemaking.

I. The chief justice of the superior court, subject to approval by the supreme court, shall designate the counties for the pilot programs and may establish such rules and orders of practice as are appropriate to effectuate this chapter and administer this program including, but not limited to:

(a) Beginning the program statewide on April 1, 1997, after pilot sessions, which shall be conducted in 2 or more counties beginning January 1, 1994, and in Grafton and Rockingham counties beginning July 1, 1996, and shall continue indefinitely to test operation, curriculum, and format. At least one of the pilot programs shall be conducted in a rural county, and one of the pilot programs shall be conducted in an urban county.

(b) Certifying public or nonprofit providers to lead the seminar.

(c) The form and content of presentation security.

(d) Any additional factors deemed necessary.

II. The chief justice shall utilize such in-state services as the university of New Hampshire cooperative extension, Child and Family Services of New Hampshire, and other agencies or individuals necessary to effectuate the program.

History

Source. 1993, 282:1. 1995, 134:22, eff. May 24, 1995; 308:88, eff. July 1, 1995.

Amendments--1995. Paragraph I(a): Chapter 308 substituted "April 1, 1997" for "April 1, 1995", "which shall be" for "have been" preceding "conducted" and inserted "and in Grafton and Rockingham counties beginning July 1, 1996, and shall continue indefinitely" preceding "to test" in the first sentence.

Paragraph II: Chapter 134 substituted "university of New Hampshire cooperative extension" for "U.N.H. Cooperative Extension Service" preceding "child".

CROSS REFERENCES

Rule making authority of superior court, see RSA 491:10.

Library References

Rule making procedures generally, see Supreme Court Rules, New Hampshire Court Rules Annotated.

§ 458-D:10. Report.

The chief justice shall submit a report on or before January 15, 1995, detailing his findings and any recommendations for changing or repealing this chapter, to the speaker of the house, the senate president, and the governor.

History

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Source. 1993, 282:1, eff. Aug. 20, 1993.

Revision note. Substituted "chapter" for "act" following "repealing this" for purposes of clarity.

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Voting Sheets

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 1237

BILL TITLE: **relative to crediting time in counseling sessions toward a waiver from attendance at the child custody and support impact seminar.**

DATE: 2/16/00

LOB ROOM: 206

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, (ITL), Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Moran

Seconded by Rep. Richardson

Vote: 12-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 12-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Barbara Richardson

Rep. Barbara H. Richardson, Clerk

OFFICE OF THE HOUSE CLERK 2000 SESSION

CHILDREN AND FAMILY LAW

Bill #: HB1237 Title: rel. to crediting time in Counseling Session, etal

PH Date: 1 / 6 / 2000 Exec Session Date: ____ / ____ / ____

Motion: _____ Amendment #: _____

MEMBER	YEAS	NAYS
Dowling, Patricia A, Chairman		
Lyman, L Randy, V Chairman		
Arnold, Thomas I		
Brown, Julie M		
Gagnon, Eugene L		
Bickford, David A		
Nolan-Piteri, Dawn C		
Tate, Joan C		
Hutchinson, Karen K		
Asplund, Bronwyn L		
Coughlin, Pamela D		
Jones, Constance A		
Moran, Edward P		
Pratt, Irene A		
Allison, David C		
Richardson, Barbara Hull, Clerk		
Johnson, Lionel W		
Grassie, Anne C		
Pantelakos, Laura C		
Ginsburg, Ruth		
Gile, Mary Stuart		
McIntyre, Sara B		
TOTAL VOTE:		

Printed: 12/30/1999

OFFICE OF THE HOUSE CLERK

2000 SESSION

CHILDREN AND FAMILY LAW

Bill #: 1237 **Title:**

PH Date: 2/8/00 **Exec Session Date:** 2/16/00

Motion: ITL **Amendment #:**

MEMBER	YEAS	NAYS
Dowling, Patricia A, Chairman	✓	
Lyman, L Randy, V Chairman	✓	
Arnold, Thomas I		
Brown, Julie M		
Gagnon, Eugene L	✓	
Bickford, David A	✓	
Hutchinson, Karen K		
Asplund, Bronwyn L		
Coughlin, Pamela D		
Jones, Constance A	✓	
Moran, Edward P	✓	
Young, David A		
Martel, Andre A	✓	
Pratt, Irene A		
Allison, David C		
Richardson, Barbara Hull, Clerk	✓	
Johnson, Lionel W	✓	
Grassie, Anne C		
Pantelakos, Laura C	✓	
Ginsburg, Ruth	✓	
Gile, Mary Stuart	✓	
McIntyre, Sara B		
	12	0

TOTAL VOTE: 12

Printed: 2/9/2000

Committee Report

COMMITTEE REPORT

COMMITTEE: **Children and Family Law**

BILL NUMBER: **HB 1237**

TITLE: relative to crediting time in counseling sessions toward a waiver from attendance at the child custody and support impact seminar.

DATE: Feb. 16, 2000 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

Parental animosity, custody litigation and child support problems have damaging long-term impact on children of divorce. The court has developed, with considerable expert input, child impact seminars that educate parents, using comprehensive, standardized information, on the effects of their children of divorce, child support and custody suits. Counseling sessions, while probably advisable and constructive, offer no guarantee of providing a parent the same extensive base for understanding the consequences of divorce to the children. The New Hampshire Psychological Association opposes this legislation as not being in the best interest of children.

Vote 12-0.

Rep. Edward P. Moran
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Children and Family Law

HB 1237, relative to crediting time in counseling sessions toward a waiver from attendance at the child custody and support impact seminar. INEXPEDIENT TO LEGISLATE

Rep. Edward P. Moran for Children and Family Law: Parental animosity, custody litigation and child support problems have damaging long-term impact on children of divorce. The court has developed, with considerable expert input, child impact seminars that educate parents, using comprehensive, standardized information, on the effects of their children of divorce, child support and custody suits. Counseling sessions, while probably advisable and constructive, offer no guarantee of providing a parent the same extensive base for understanding the consequences of divorce to the children. The New Hampshire Psychological Association opposes this legislation as not being in the best interest of children. Vote 12-0.

COMMITTEE REPORT

COMMITTEE: **Children and Family Law**

BILL NUMBER: **HB 1237**

TITLE: relative to crediting time in counseling sessions toward a waiver from attendance at the child custody and support impact seminar.

DATE: CONSENT CALENDAR YES ☑ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☑ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

Vote 12-0

Rep Barbara Richardson
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

I T L - Consent Calendar

12-0

Children + Family law

HB 1237 Relative to crediting time in counseling sessions toward a waiver from attendance at the Child custody and support impact seminar. Inexpedient to Legislate.

Rep. Edward P. Moran for Children + Family law

Parental animosity, custody litigation and child support problems have damaging long-term impact on children of divorce. The Court has developed, with considerable expert input, Child Impact Seminars that educate parents, using comprehensive, standardized information on the effects on their children of divorce, child support and custody suits. Counseling sessions, while probably advisable and constructive, offer no guarantee a parent providing the same extensive base for ~~parents~~ for understanding the consequences of divorce to the children.

The New Hampshire Psychological Association opposes this legislation as not being in the best interest of the children.

12-0

Edward P. Moran

Patricia A. Dowling