Bill as Introduced

4/13/00 4119s

SB 468- AS AMENDED BY THE SENATE

2000 SESSION

00-2825
09/10

SENATE BILL ***468***

AN ACT relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham county.

SPONSORS: Sen. Pignatelli, Dist 13; Sen. Gordon, Dist 2; Sen. F. King, Dist 1; Sen. Squires, Sen. Larsen, Dist. 15; Dist 12; Sen. Fraser, Dist 4; Sen. Francoeur, Dist 14; Sen. Fernald, Dist 11, Rep. Hager, Merr 18; Rep. Gilmore, Straf 11; Rep. Bickford, Straf 1

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill establishes a family division of the courts in Rockingham and Grafton counties and requires the supreme court to expand the family division to 2 other counties during the biennium beginning July 1, 2001. The bill also establishes a committee to study implementation of a statewide family division.

The bill also provides that family division matters arising in the towns of Deerfield, Northwood and Nottingham shall be heard in the Rockingham county courthouse in Brentwood. Currently, such matters arising in those towns are heard in the Auburn district court. The bill allows the supreme court to designate a location other than the Portsmouth district court within the Portsmouth or Hampton district for the hearing of family division matters.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

00-2825
09/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham county.

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

1 Intent. It is the intent of the general court that a family court be implemented statewide in a manner which most expeditiously achieves the goal of providing enhanced services to parties involved in cases relating to divorce, custody, children, domestic violence, and other family law matters. The general court finds that this area of law requires the skills and attention of experienced and committed individuals who are dedicated to serving families and to the appropriate, timely resolution of family law cases in a manner which best services the public interest. The goals of the family division are the respectful treatment of all citizens by justices, marital masters and other family division staff, the prompt and fair resolution of family issues by justices and marital masters specially selected and trained to deal effectively with such issues, the use of alternative dispute resolution to reduce the adversarial nature of proceedings involving families, and the assignment of all family matters of a single family to one family division justice or marital master located in a family division that is geographically accessible to the family.

2 New Subdivision; Family Division Established. Amend RSA 490 by inserting after section 31 the following new subdivision:

Family Division

490:32 Family Division.

I. There is hereby established a family division which shall be a permanent component of the judicial branch under the administrative authority of the supreme court in the counties of Rockingham and Grafton on the effective date of this subdivision. All matters under the jurisdiction of the family division shall be transferred from other state courts no later than 6 months after the effective date of this section.

II. The supreme court shall expand the family division to 2 counties of the supreme court's choice during the biennium beginning July 1, 2001.

III. In establishing the family division, the supreme court shall:

(a) Designate the courthouses within each county which will house the family division.

(b) Select and designate judges, marital masters, and other court personnel from the district, probate and superior courts to serve in the family division, based on their expertise in, and commitment to, family law matters;

(c) Designate an administrative judge for the family division by selecting, from among

the district and probate court judges serving in the family division, a jurist who has demonstrated an interest in legal issues affecting the family and a commitment to the values, objectives, and ideals of the family division.

490:33 Jurisdiction. Notwithstanding any law to the contrary, for each county in which the family division is established, jurisdiction over the following matters shall be exclusively exercised through the family division as jurisdiction was previously exercised in the superior, district and municipal and probate courts:

I. Petitions and libels of divorce, and petitions of nullity of marriage, alimony, custody of children, support, and to establish paternity.

II. Actions for support or custody for children of unwed parties.

III. Actions under RSA 169-B, relating to delinquent children.

IV. Actions under RSA 169-C, relating to abused and neglected children.

V. Actions under RSA 169-D, relating to children in need of services.

VI. Actions under RSA 173-B, relating to protection of persons from domestic violence except for concurrent jurisdiction with the superior and district and municipal courts to enter temporary protective orders under RSA 173-B:4.

VII. The adoption of children.

VIII. The guardianship of the person of minors.

IX. The termination of parental rights.

X. The change of names of persons who apply therefor in matters relating to jurisdiction in paragraphs I-IX.

490:34 Equity Jurisdiction. Notwithstanding any law to the contrary and for each county in which the family division is established, the family division shall have the powers of a court of equity in cases where subject matter jurisdiction lies with the family division. Suits in equity where subject matter jurisdiction lies with the family division including, but not limited to, petitions and libels of divorce, and petition of nullity of marriage, alimony, custody of children, support, and other similar proceedings may be heard upon oral testimony or depositions, or both, or when both parties consent, or service having been made and a notice of the time and place of the hearing having been given, when both parties appear. Such suits may be heard by any justice or marital master of the family division at any time, but nothing contained in this section shall be construed as limiting the power of the family division to have issues of fact framed and tried by a jury, unless federal law preempts a jury trial, according to the rules in equity, or the course of such proceedings at common law.

490:35 Judges and Marital Masters. With the understanding of the special nature of matters within the family division, judges and marital masters selected to serve shall possess the following qualifications:

I. Willingness to serve in the family division;

II. Professional experience in family law matters;

III. Legal and personal qualities including, but not limited to:

(a) Knowledge of family matters, including related matters such as tax and pension law;

(b) Personal maturity so as to understand and make decisions on matters before the court; and

(c) Personal qualities of patience and understanding of the difficult personal matters which are the subject of the division and a willingness to deal with complex family matters in a non-adversarial manner.

3 Committee Established. There is established a committee to study procedures for implementation of a statewide family division.

4 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house, 2 of whom shall be members of either the judiciary committee or the children and family law committee and one of whom shall be a member of the finance committee, appointed by the speaker of the house.

(b) Three members of the senate, who shall be members of the judiciary committee, appointed by the senate president.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

5 Duties. The committee shall study and recommend the best method of establishing procedures for implementing a statewide family division.

6 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

7 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before January 1, 2001.

8 Transfer of Funds and Personnel. Funds within the judicial branch operating budget and court personnel shall be transferred to the family division from the superior court and other courts as necessary.

9 Jurisdiction; Family Division in Rockingham County. Amend 1995, 152:4, IV as amended by 1996, 265:14 to read as follows:

IV. The courthouses in Rockingham county which will house the program shall be the Rockingham county courthouse, the Portsmouth district court, the Salem district court, and the Auburn district court. In the case of the Auburn district court, the supreme court shall have discretion to designate such other facility within the Auburn or Derry district as it deems appropriate.

(a) Matters arising in municipalities located within the Portsmouth district and the Hampton district shall be heard in the Portsmouth district court ***or such other location within the Portsmouth or Hampton district as the supreme court may designate.***

(b) Matters arising in municipalities located within the Salem district shall be heard in the Salem district court.

(c) Matters arising in municipalities located within the Auburn district, ***except for the towns of Deerfield, Northwood, and Nottingham,*** and the Derry district shall be heard in the Auburn district court or such other location within the Auburn or Derry district as the supreme court may designate.

(d) Matters arising in municipalities located within the Exeter district and Plaistow district, ***as well as the towns of Deerfield, Northwood, and Nottingham,*** shall be heard in the Rockingham county courthouse.

10 Effective Date.

I. Sections 3-7 of this act shall take effect 60 days after its passage.

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

III. The remainder of this act shall take effect July 1, 2000.

Amendments

Rep. Mock, Carr. 3
May 9, 2000
2000-4411h
09/01

Amendment to SB 468

Amend RSA 490:32, II as inserted by section 2 of the bill by replacing it with the following:

II. The supreme court shall expand the family division to Belknap and Carroll counties during the biennium beginning July 1, 2001.

2000-4411h

AMENDED ANALYSIS

This bill establishes a family division of the courts in Rockingham and Grafton counties and requires the supreme court to expand the family division to Belknap and Carroll counties during the biennium beginning July 1, 2001. The bill also establishes a committee to study implementation of a statewide family division.

The bill also provides that family division matters arising in the towns of Deerfield, Northwood and Nottingham shall be heard in the Rockingham county courthouse in Brentwood. Currently, such matters arising in those towns are heard in the Auburn district court. The bill allows the supreme court to designate a location other than the Portsmouth district court within the Portsmouth or Hampton district for the hearing of family division matters.

Rep. Mock, Carr. 3
May 9, 2000
2000-4434h
09/01

Amendment to SB 468

Amend RSA 490:35 as inserted by section 2 of the bill by inserting after paragraph III the following new paragraph:

IV. The governor shall nominate and the council shall confirm all new marital masters. The governor and council shall approve those seeking a renewed contract term and the terms and conditions of the marital master contract.

2000-4434h

AMENDED ANALYSIS

This bill establishes a family division of the courts in Rockingham and Grafton counties and requires the supreme court to expand the family division to 2 other counties during the biennium beginning July 1, 2001. The bill also establishes a committee to study implementation of a statewide family division.

The bill provides that family division matters arising in the towns of Deerfield, Northwood and Nottingham shall be heard in the Rockingham county courthouse in Brentwood. Currently, such matters arising in those towns are heard in the Auburn district court. The bill allows the supreme court to designate a location other than the Portsmouth district court within the Portsmouth or Hampton district for the hearing of family division matters.

This bill also establishes certain qualifications for marital masters selected to serve in the family division. The bill requires marital masters to be nominated by the governor and confirmed by the executive council. The bill also requires the governor and council to approve marital master contracts.

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON SB 468

BILL TITLE: (New Title) relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham county.

DATE: May 3, 2000

LOB ROOM: 208 **Time Public Hearing Called to Order:**

Time Adjourned:

(please circle if present)

Committee Members: Reps. Mock, Peterson, Jacobson, Keans, Bergin, Dokmo, L. Jean, Rowe, Ford, Withee, Dudley, Piccoli, Soltani, Woods, Wall, DePecol, J. Pratt, Craig, Lasky, Mitchell, Solow and Wood.

Bill Sponsors: Sens. Pignatelli, Gordon, F. King, Squires, Larsen, Fraser, Francoeur, Fernald, Reps. Hager, Gilmore, Bickford

TESTIMONY

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

Sen. Pignatelli, sponsor
-Spoke to its need and to its general provisions. Defended bill's provisions to have appointments made by supreme court instead of governor and counsel. Responded to committee questions.

Elizabeth Hager, co-sponsor, spoke in support of bill

Rep. Gilmore, spoke in support of bill. Defended efficiency of present family court.

Steve Turner, Deerfield Police Dept. supporting bill
-Likes changes in venue of courts

Timothy Crotts, Hampton Police
-Spoke in favor of bill and spoke positively of venue changes

Philip English, supporting
-Cases heard in Derry require a 52 mile round trip. Supports venue changes

Judges Maher and Susan Carbon, Sup. Grafton County Family Court
-Spoke to the genesis of family courts (supporting) and its operations to the present day

Judge Maher, Probate Court and Rockingham County Family Division
-spoke to being honored by his role in the family division. Lauded the changes in venues of the different courts and the provisions of flexibilities. Thinks that family courts are the most important

innovation since he's been practicing law (1968). Wants bill to pass as is. Judge Carbon spoke in glowing terms about the family division. Spoke to the process of selecting marital masters. Responded to questions put forth by committee members.

Cathy Shanelaris, Div. of Child Support Services, supporting
-Answered questions from committee members

Marg Hallyburton, attorney, spoke in support

Rep. David Bickford, co-sponsor, supporting

Respectfully submitted,

Rep. Loren J. Jean, Clerk

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON SB 468

BILL TITLE: (New Title) relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham county.

DATE: 5/3/00

LOB ROOM: 208 **Time Public Hearing Called to Order:**

Time Adjourned:

(please circle if present)

Committee Members: Reps. Mock, Peterson, Jacobson, Keans, Bergin, Dokmo, L. Jean, Rowe, Ford, Withee, Dudley, Picconi, Soltani, Woods, Wall, DePecol, J. Pratt, Craig, Lasky, Mitchell, Solow and Wood.

Bill Sponsors: Sens. Pignatelli, Gordon, F. King, Squires, Larsen, Fraser, Francoeur. Fernald, Rep. Hager, Gilmore, Bickford

TESTIMONY

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

SB-468

Sen Bignatelli: Sponsor. Spoke to its need + to it's general provisions. Defended bills provision to have appointments made by Supreme court instead of Gov + council. Responded to ?

Elizabeth Hager-C Sp. Spoke in support

Rep Gilmore: Spoke in support. Defended efficiency of present family court

Steve Turner. Deerfield Police Dept. Spoke in support. Liked changes in venue of courts.

Timothy Coates. Hampton Police. In favor spoke positively to venue changes.

Michael D Alessandro: Chief Northwood. Spoke in support again spoke positively on venue changes

Philip English In support. Cases heard in Derry requires a 52 mile round trip. Supports venue changes

Judges Maher + Susan Carbon: Carbon; Sup. Justice & Family court. Spoke to the Genesis of family courts (In support) and it's operations to the present day.

John Maher: ~~Dept~~ Probate Court + Rockingham County Family Div. Spoke to being honored by his role in the family Division. Lauded the changes in venues of the different courts and the provisions of flexabilities. Thinks that family courts are the most important inovations since I've been practicing law since 1968". Wants bill to pass as is. Judge carbon Spoke in glowing terms about the family Division. Spoke to the process of selecting marital masters. Resp. to ?

Cathy Shandelaeis. Dir of child support services Spoke in support. Responded to ?

Fred Muscara; Winnacunet High school Spoke in Support.

Marge Hallyburton: Spoke in support.

Rep David Bickford Co. Sp. In favor.

Testimony

FILE COPY SB 468

Court. The Sheriff shall bill the Clerk of the county ordering the transportation for its cost.

11-15. The time limits established herein by Rule 11-6 are administrative rules designed for the convenience of the Court and are not intended to create rights personal to the patient. These time limits are not to be construed to prevent the State from petitioning for recommittal if, after the State has allowed the deadline to pass without petitioning for recommittal, the State becomes aware of grounds not previously known which would support such a petition. And nothing in these rules shall be construed to prevent the State from introducing at the hearing evidence of a patient's conduct in the period after the petition was filed and prior to the hearing; however, if the State anticipates reliance on such evidence, it should afford timely notice of this to the patient's counsel whenever possible.

The Marital Master Program

New Hampshire Practice

3A N.H.P. Family Law § 25.01 et seq.

12-1. The Marital Master Program is in effect in all 10 Counties. The number of Marital Masters to be assigned in each County shall be determined by the Chairman of the Masters Committee acting through the Administrative Center of the Superior Court, after consultation with the Clerk.

12-2. The Marital Master Program shall be administered by the Masters Committee consisting of five Justices, one of whom shall be designated Chairman, all appointed by the Chief Justice. The Masters Committee shall be assisted in the carrying out of its duties by the Administrative Center of the Superior Court.

12-3. All applicants for appointment as a Marital Master must meet the following qualifications:

(a) Five years or more in the general practice of law;
(b) Experience in the handling of marital cases, including contested matters;
(c) Willingness to serve at least two days a week;
(d) Willingness to serve in more than one County.

12-4. As a condition of appointment, Marital Masters are prohibited from engaging as counsel in marital cases anywhere. The

Masters Committee is authorized in its discretion to rule whether a lawyer can be appointed a Marital Master to serve in a County other than in the County where his or her firm is located, if his or her partners or associates practice marital law. Representation by Marital Masters in Probate Court in connection with custody, guardianships and visitation rights is prohibited.—Amended August 1, 1983.

History

Amendments—1983. Added the third sentence.

12-5. Applications to serve as a Marital Master shall be on forms supplied by the Masters Committee and shall be filed with the Administrative Center of the Superior Court, 93 No. State Street, Concord, New Hampshire 03301. All applications shall be referred to the New Hampshire Bar Association Board of Governors for recommendations as to whether the applicant is qualified or not qualified to serve as a Marital Master. Upon receipt of the Board of Governors' recommendations, each applicant shall be interviewed and evaluated by the Masters Committee, which shall make its recommendations to the full Court.—Amended March 8, 1985.

History

Editor's note. The Administrative Center of the Superior Court, referred to in this rule, is now located at 99 North State Street, Concord, New Hampshire.

Amendments—1985. Address changed in the first sentence.

12-6. All Marital Masters shall be appointed for a three-year period, and must file a request with the Masters Committee no later than 90 days prior to the expiration date of their appointment, if they wish to be reappointed. Such requests shall then be referred to the New Hampshire Bar Association Board of Governors for review and comment; upon receipt of same, the Masters Committee shall act on such requests and make its recommendations to the full Court.

Annotations

Cited

Cited in Witte v. Justices of New Hampshire Superior Court, 831 F.2d 362 (1st Cir. 1987).

12-7. The Masters Committee may at any time consider and act on any grievance or complaint concerning a Marital Master and take whatever action is appropriate, including recommendation to the full Court that the Marital Master's appointment be terminated. All

full-time Marital Masters shall be governed by all of the canons of the Code of Judicial Conduct, and other Marital Masters shall be governed by canons 1, 2 and 3 of the Code of Judicial Conduct (see Supreme Court Rule 40). Notwithstanding any appointment, Marital Masters serve at the pleasure of the Court.—Amended February 1, 1991.

History

Amendments—1991. Inserted "full-time" preceding "Marital" and "all of the canons of the Code of Judicial Conduct, and other Marital Masters shall be governed by" preceding "canons 1, 2" and made other minor stylistic changes.

Annotations

Cited

Cited in Witte v. Justices of New Hampshire Superior Court, 831 F.2d 362 (1st Cir. 1987); In re Nicholas G. (1997) 142 N.H. 38, 695 A.2d 220.

12-8. Marital Masters shall participate annually in a continuing legal education program which shall be approved or supervised by the Masters Committee.

Annotations

Cited

Cited in In re Nicholas G. (1997) 142 N.H. 38, 695 A.2d 220.

12-9. Marital Masters are authorized to hear all marital matters, including permanent custody and URESA cases, except violations. If possible, a Marital Master sitting on the first hearing in a case will thereafter be assigned to take care of all matters pertaining to that case.

Annotations

Cited

Cited in Abrams v. Abrams (1989) 131 N.H. 522, 556 A.2d 1173; In re Nicholas G. (1997) 142 N.H. 38, 695 A.2d 220.

12-10. The assignment of marital cases shall be made by the Clerk who shall designate a specific day, or days, each week for hearing of marital cases by a Marital Master. A limited number of cases shall be assigned for a particular day and shall be scheduled so as to prevent crowding.

12-11. Clerks shall discourage scheduling of Marital Masters on days other than those when they are regularly scheduled. If a special date for a hearing is requested, such special assignment shall ordinarily include the provision that the costs of such reference to the Marital Master shall be borne by the party or parties.

12-12. Where it will not impede the practical administration of justice, Marital Masters shall be assigned to sit in Counties other than their own.

12-13. All marital cases shall be heard in dignified surroundings, either in chambers or in open court. All Marital Masters shall wear a robe except where an informal conference may be desirable (children, etc.). Smoking is not permitted in any chambers conference.

12-14. In addition to Administrative Rules 7-1 through 7-5, the Court has adopted the following policies and rules:

A. DECREES

1. All decrees, findings, rulings, etc., are to be typed before submission to Clerks for issuance except in exceptional circumstances. Marital Masters are authorized to secure outside secretarial assistance when required and charge same to the county. For rates, the Administrative Assistant to the Chief Justice should be contacted.

2. Each decree should read: DIVORCE DECREED, not granted and where the divorce is decreed for the cause of irreconcilable differences, the entire cause is to be set forth (statutory language).

3. Property settlements are not subject to retroactive modification, absent claim of fraud, deceit, perjury, concealment, etc.

4. On all orders for support, a date certain should be made in the order for the beginning of support.

5. The captions on any decree should distinguish the character of the decree (temporary-permanent; rulings and/or orders of motions for discovery, visitation, custody, etc.), and should include, when possible, filing date or dates of pleadings resulting in the opinion, decree, or ruling, preferably in parentheses after the overriding caption.

Cross-referencing is to be utilized and pleadings being ruled upon should reflect, "See decree, ruling, etc., of even date", signed by the Presiding Justice.

B. RULE 158 AFFIDAVITS

1. Superior Court Rule No. 158 Affidavits are not to be accepted

for filing by the Clerks of Court, the Presiding Justice, or Marital Master, unless the same are typewritten.

The foregoing provision of Rule 158 is to be strictly enforced and may be waived by the Presiding Justice, Clerk, or Marital Master only in cases where a party appears pro se and in cases where there is a showing of exceptional circumstances.

2. Rule 158 Affidavits are to be exchanged by counsel/parties prior to hearing.

3. The Court requires that the parties include current fairmarket value of any real estate in the affidavits as well as the lump sum value of any pension plans, whether or not they are vested, and any other relevant information regarding value of such plans.

C. AID FOR DEPENDENT CHILDREN (A.F.D.C.)

Rule 158 Affidavits are to reflect whether the party is currently receiving assistance and also whether such assistance has ever been received in the past (by period of time and amount). In addition, inquiries should be made as to the likelihood of a party being a recipient in the future. In all divorce cases where the woman is awarded custody of the children and support, which is to be paid directly to her, there is to be a provision in the decree that if she procures AFDC in the future, then payments will automatically become payable through the Division of Welfare.

D. DIVISION OF WELFARE REFERRALS

No referrals for New Hampshire Division of Welfare investigations are to be automatically approved, even when the parties agree. A show cause hearing is to be required except in extraordinary circumstances, and when referrals are approved, inquiry is to be made to determine if the party or parties are to bear the costs of reference.

When an order is made for the Probation Department to investigate the question of custody, the parties, if financially able, are to be required to help defray the cost; ordinarily a payment of $200.00 will be sufficient.

If the Division of Welfare is ordered to investigate the question of support, the parties are to be ordered to report to the Division of Welfare and to file copies of their last income tax returns.—Amended January 1, 1983; August 1, 1983.

History

Editor's note. The functions formerly performed by the Probation Department are now vested in the department of corrections pursuant to RSA 21-H. For statutory provisions relating to probation and parole, see RSA 504-A.

Laws 1983, 291:1 changed the name of the division of welfare, department of health and welfare to the division of human services, department of health and human services. In 1995, pursuant to Laws 1995, 310:1, the department of health and human services was reorganized so that specific divisions remain within the department, such as the division of human services, were eliminated, but the functions of those divisions remain within the purview of the department itself, see RSA 126-A:4.

Amendment—1983. The first 1983 amendment made the following changes:

Subdivision C: Substituted "Division of Welfare" for "Welfare Department" in the third sentence.

Subdivision D: Substituted "Division of Welfare" for "Welfare Department" following "New Hampshire" in the first sentence of the first paragraph and following "if the" and "to the" in the third paragraph.

The second 1983 amendment rewrote the introductory sentence and substituted "Division of Welfare Referrals" for "Welfare Department Referrals" as the catchline to subdivision D.

12-15. Marital Masters not on circuit shall not be entitled to reimbursement for any mileage or meals not associated with an overnight stay on court business. Under this policy meals are reimbursed only if connected with an overnight stay; Marital Masters who have to travel to various courthouses are entitled to have mileage expense reimbursed. The mileage allowance shall be at such rate as the Superior Court shall determine from time to time.—Amended January 1, 1983.

History

Amendments—1983. Rewrote the last sentence.

12-16. Marital Masters shall be allowed reasonable compensation for their services and expenses at such rate as the Superior Court shall determine from time to time.

(a) All bills for services and expenses shall be submitted to the Clerk and shall include reference to the day when the Master sat, and the case or cases heard; bills shall be submitted on a one-half day basis when appropriate.

(b) For deliberation times, research and decision writing, cases shall be listed by case name and number with the amount of time spent per case.

(c) Expenses shall be itemized, with the amount shown for travel, tolls, parking and typing.

(d) If the parties voluntarily are paying for a Master, the Clerk shall obtain the Master through the Administrative Center of the

Superior Court. Under no circumstances shall a Master be made aware of the financial arrangement. The Clerk shall pay the Master in the first instance and then submit a bill to counsel for reimbursement.—Amended January 1, 1983; August 1, 1983.

History

Amendments—1983. The first 1983 amendment amended the rule generally. The second 1983 amendment added subdivisions (a) through (d).

12-17. Assignments of all Marital Masters in the 10 counties shall be made by the Chief Justice's Administrative Assistant or the Chief Justice's designee in conjunction with the Chief Justice.

12-18. No Marital Master shall appear as counsel in connection with any matter before any other Certified Superior Court Master.—Added July 3, 1984.

Regular and Special Master Program

13-1. The Regular and Special Master Program shall be in effect in all 10 Counties. The number of Regular and Special Masters to be assigned in each County shall be determined by the Chairman of the Masters Committee acting through the Administrative Center of the Superior Court, after consultation with the Clerk.

13-2. The Regular and Special Master Program shall be administered by the Masters Committee consisting of five Justices, one of whom shall be designated Chairman, all appointed by the Chief Justice. The Masters Committee shall be assisted in the carrying out of its duties by the Administrative Center of the Superior Court.

13-3. All applicants for appointment as a Regular or Special Master must meet the following qualifications:

(a) Five years or more in the general practice of law;
(b) Experience in the handling of all types of issue cases and the litigation of same;
(c) Willingness to serve in more than one County.

13-4. Applicants for Regular Master must be willing to serve at least two days a week. Applicants for Special Master must be willing to accept special assignments, with ample notice, when requested to do so.

13-5. Applications to serve as a Regular or Special Master shall be on forms supplied by the Masters Committee and shall be filed

(e) The commissioner of the department of resources and economic development, or designee.

(f) The executive director of the Northeast Resource Recovery Association.

(g) The director of the division of plant and property management, department of administrative services.

(h) A representative of the New Hampshire Business and Industry Association, appointed by the association.

(i) A representative from the New Hampshire Business Development Corporation, business finance authority, or another statewide economic development organization, appointed by the governor.

(j) A representative of New Hampshire's environmental community, appointed by the governor.

(k) A representative from the New Hampshire Municipal Association, appointed by the association.

(l) The commissioner of the department of transportation, or designee.

II. The members shall elect a chairperson and vice-chairperson.

149-O:4 Meetings. The committee shall meet quarterly and at such other times as the chairperson may call.

149-O:5 Report. The committee shall prepare an annual report detailing the committee's progress. The committee shall submit the report by February 1 each year to the chairperson of the house environment and agriculture committee, the chairperson of the senate environment committee, the speaker of the house, the senate president, the house clerk, the senate clerk, the state library, and the governor.

149-O:6 Mileage. Members shall serve without compensation except that legislative members shall receive legislative mileage while conducting committee business.

151:2 Effective Date. This act shall take effect 60 days after its passage.

[Enacted in accordance with Article 44, Pt. II of N.H. Constitution, without signature of Governor, May 25, 1995.]

[Effective Date July 24, 1995.]

CHAPTER 152 (HB 657)

AN ACT DIRECTING THE SUPREME COURT TO DESIGNATE ROCKINGHAM AND GRAFTON COUNTIES FOR A FAMILY DIVISION PILOT PROGRAM WITHIN THE JUDICIAL BRANCH AND TO ESTABLISH SUCH PROGRAM.

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

152:1 Purpose. The purpose of this act is to establish a family division pilot program in Rockingham and Grafton counties and any other designated family division location within the existing New Hampshire judicial branch. The program is intended to promote the public interest and to better serve citizens who seek judicial resolution of such family matters as divorce, child custody and visitation, child support, legal separation, paternity, domestic violence, juvenile delinquency, child abuse and neglect, children in need of services, guardianship

of minors, termination of parental rights, and adoption. The goals of the family division are the respectful treatment of all citizens by justices, marital masters and other family division staff, the prompt and fair resolution of family issues by justices and marital masters specially selected and trained to deal effectively with such issues, the use of alternative dispute resolution to reduce the adversarial nature of proceedings involving families, and the assignment of all family matters of a single family to one family division justice or marital master located in a family division court that is geographically accessible to the family.

152:2 Jurisdiction. Notwithstanding any law to the contrary and for the purposes of this act, jurisdiction over the following matters shall be exclusively exercised through the family division as procedurally jurisdiction was previously exercised in the superior, district and municipal and probate courts:

I. Petitions and libels of divorce, and petitions of nullity of marriage, alimony, custody of children, support, and to establish paternity.

II. Actions for support or custody for children of unwed parties.

III. Actions under RSA 169-B, relating to delinquent children.

IV. Actions under RSA 169-C, relating to abused and neglected children.

V. Actions under RSA 169-D, relating to children in need of services.

VI. Actions under RSA 173-B, relating to protection of persons from domestic violence except for concurrent jurisdiction with the superior and district and municipal courts to enter temporary protective orders under RSA 173-B:6.

VII. The adoption of children.

VIII. The guardianship of minors.

IX. The termination of parental rights.

X. The change of names of persons who apply therefor in matters relating to jurisdiction in paragraphs I-IX.

152:3 Equity Jurisdiction. Notwithstanding any law to the contrary and for the purpose of this act, the family division shall have the powers of a court of equity in cases where subject matter jurisdiction authority lies with the family division. Suits in equity where subject matter jurisdiction authority lies with the family division including, but not limited to, petitions and libels of divorce, and petition of nullity of marriage, alimony, custody of children, support, and other similar proceedings may be heard upon oral testimony or depositions, or both, or when both parties consent, or service having been made and a notice of the time and place of the hearing having been given, when both parties appear. Such suits may be heard by any justice of the family division at any time, but nothing contained in this section shall be construed as limiting the power of the family division court to have issues of fact framed and tried by a jury, according to the rules in equity, or the course of such proceedings at common law.

152:4 Family Division Pilot Program; Counties; Courthouses.

I. As soon as possible, but in no event later than July 1, 1996, the supreme court shall begin operation of a family division in Grafton and Rockingham counties.

II. The courthouses in Grafton county which will house the program shall be the Grafton county superior court, the Plymouth district court, the Littleton district court, and the Lebanon/Hanover district court.

III.(a) Matters arising in municipalities located within the Haverhill district shall be heard in the Grafton county superior court.

(b) Matters arising in municipalities located within the Plymouth district shall be heard in the Plymouth district court.

(c) Matters arising in municipalities located within the Littleton district shall be heard in the Littleton district court.

(d) Matters arising in municipalities located within the Lebanon/Hanover district shall be heard in the Lebanon/Hanover district court.

IV. The courthouses in Rockingham county which will house the program shall be the Rockingham county superior court, the Portsmouth district court, the Salem district court, and the Auburn district court.

(a) Matters arising in municipalities located within the Portsmouth district and the Hampton district shall be heard in the Portsmouth district court.

(b) Matters arising in municipalities located within the Salem district shall be heard in the Salem district court.

(c) Matters arising in municipalities located within the Auburn district and the Derry district shall be heard in the Auburn district court.

(d) Matters arising in municipalities located within the Exeter district and Plaistow district shall be heard in the Rockingham county superior court.

152:5 Family Division Justices, Rules, and Case Management.

I. The supreme court shall select and designate certain superior, district and municipal, and probate court judges as family division justices and superior court marital masters as marital masters for the pilot counties and any other designated family division location. The designation shall be based upon the judge's or marital master's knowledge of, commitment to, and expertise in family law matters. The number of family division justices and marital masters designated in the pilot counties or any other designated family division location shall be based on a review of anticipated caseload, population, judicial time and efficiency, available judicial resources and other relevant criteria. Nothing in this section shall be construed to designate marital masters as justices.

II. The supreme court shall identify a mechanism by which to assign and transfer cases within the jurisdiction of the family division between and among family division justices and marital masters, and to assign and transfer family division justices, marital masters and other judicial branch staff between and among family division facilities within the counties where the family division program is operating.

III. The supreme court may from time to time establish rules and orders of practice and take such action as necessary to effectuate the purposes of this act including the recommendations in the Report of the Resolution of Family Issues in the Court Study Committee, dated January 15, 1995.

IV. Questions of law may be appealed from the family division to the supreme court.

152:6 Alternative Dispute Resolution. The supreme court shall review the availability and appropriateness of alternative dispute resolution of issues under the jurisdiction of the family division and may establish rules with respect to its utilization consistent with the recommendations in the Report of the Resolution of Family Issues in the Courts Study Committee, dated January 15, 1995, and the effective administration of justice in the family division established under this act.

152:7 Exchange of Court Records, Documents, and Information. Notwithstanding any other provision of law to the contrary, all New Hampshire courts may transfer or exchange court records, documents, and information, on whatever medium such records, documents, and information exist, between and among these courts and the courts, justices, and marital masters designated by the supreme court as family division courts, justices, and marital masters in order to promote the goal of the assignment of all family matters involving a single family to one family division justice or marital master. Access to confidential case records other than by family division justices, marital masters, and staff shall be governed by existing statutory provisions governing

their confidentiality. Additional access to case records shall be granted pursuant to the terms of a final order by a family division justice or marital master. Nothing in this section shall be construed to require additional access to any records in violation of the order of a court of competent jurisdiction.

152:8 Conflicts of Law. If any sections of this act conflict with existing law, for the purposes of the program, the sections of this act shall govern.

152:9 Report and Recommendations. On or before November 1, 1997, an evaluation and report of the pilot program, and recommendations for its expansion statewide, including proposed legislation, shall be prepared for the legislature by the judicial branch in cooperation with the family issues in the courts study committee established in 1993, 358:11 as amended by 1994, 413. The family issues in the court study committee shall continue for the purpose of furthering the implementation of its recommendations in the Report of the Resolution of Family Issues in the Courts Study Committee, dated January 15, 1995.

152:10 Effective Date. This act shall take effect upon its passage.

[Enacted in accordance with Article 44, Pt. II of N.H. Constitution, without signature of Governor, May 25, 1995.]
[Effective Date May 25, 1995.]

CHAPTER 153 (HB 115)

AN ACT INCREASING FEES FOR CERTAIN FISH AND GAME LICENSES FOR NONRESIDENTS AND ESTABLISHING A NONRESIDENT HUNTING AND FISHING LICENSE.

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

153:1 Archery License Fee Increased. Amend RSA 208:5, I to read as follows:

I. Any resident 16 years of age or older, upon the payment of $14.50, or any nonresident 16 years of age or older, upon the payment of a fee of $49, shall be issued an archery license.

153:2 Muzzleloader License Fee Increased. Amend RSA 208:5-a to read as follows:

208:5-a Muzzleloaders. A person who has complied with the licensing requirements relative to hunting deer pursuant to RSA 214, upon payment of a fee of $10 by residents or a fee of $27 by nonresidents, shall be issued a license. A muzzleloading license shall not be required for residents less than 16 years of age, but such person while hunting with a muzzleloading firearm shall be accompanied by a properly licensed person who is 18 years of age or over and must also comply with all provisions of this chapter. The license shall entitle the holder to hunt deer with a single shot muzzleloading firearm.

153:3 New Paragraph; Nonresident Fishing and Hunting License Fee. Amend RSA 214:9 by inserting after paragraph VI the following new paragraph:

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on SB 468

BILL TITLE: **(New Title) relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham county.**

DATE: 5/9/00

LOB ROOM:

Amendments:

Sponsor: Rep. Mock — OLS Document #: 2000-4475H 4434H

Sponsor: Rep. — OLS Document #:

Sponsor: Rep. — OLS Document #:

12-0

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

Moved by Rep. Soltani

Seconded by Rep. Wall

Vote: (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:

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Loren J. Jean, Clerk

OFFICE OF THE HOUSE CLERK

2000 SESSION

JUDICIARY

Bill #: 468 **Title:** _____

PH Date: ____/____/____ **Exec Session Date:** 5/9/00

Motion: _____ **Amendment #:** 2000-4412H

MEMBER	YEAS	NAYS
Mock, Henry P, Chairman	✓	
Peterson, Andrew R, V Chairman		
Jacobson, Alf E		✓
Keans, Sandra B		
Bergin, Peter F		✓
Dokmo, Cynthia J		
Jean, Loren J, Clerk	✓	
Rowe, Robert H	✓	
Ford, Nancy M		
Withee, Dennis J		
Dudley, Terri C	✓	
Picconi, Al J	✓	
Soltani, Tony F		✓
Woods, Phyllis L		
Wall, Janet G	✓	
DePecol, Benjamin J		
Pratt, John M		
Craig, James W	✓	
Lasky, Bette R	✓	
Mitchell, McKim W	✓	
Solow, Martha S		
Wood, Jane		
TOTAL VOTE:	9	3

Printed: 12/30/1999

Committee Report

COMMITTEE REPORT

COMMITTEE: **Judiciary**

BILL NUMBER: **SB 468**

TITLE: (New Title) relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham county.

DATE: May 9, 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)

This bill establishes the family division of the courts as a permanent entity. The committee was impressed with the success of the pilot program in Rockingham and Grafton counties. However, the Senate bill eliminated certain requirements which were previously passed by the House; i.e. relative to the appointment of marital masters. The committee hopes to resolve the different versions of the bill in a committee of conference.

Vote 9-3.

Rep. Tony F. Soltani
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

Judiciary

SB 468, (New Title) relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham county. OUGHT TO PASS WITH AMENDMENT

Rep. Tony F. Soltani for **Judiciary:** This bill establishes the family division of the courts as a permanent entity. The committee was impressed with the success of the pilot program in Rockingham and Grafton counties. However, the Senate bill eliminated certain requirements which were previously passed by the House; i.e. relative to the appointment of marital masters. The committee hopes to resolve the different versions of the bill in a committee of conference. Vote 9-3.

COMMITTEE REPORT

COMMITTEE: **Judiciary**

BILL NUMBER: **SB 468**

TITLE: (New Title) relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham county.

DATE: 5/9/00

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)

9-3

Vote 9-3

Rep. Soltani
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

SB 468
OTP/WA

This bill establishes the family division of the courts as a permanent entity. The committee was impressed with the success of the pilot program in Rockingham and Grafton Counties. However, the Senate bill eliminated certain requirements which were previously passed by the House. The committee hopes to resolve the different versions of the bill in a committee of conference.

T. F. Soltani

ie. relative to the appointment of marital masters.

OK HPM