Amendments

Senate Judiciary
April 12, 2000
2000-4119s
09/01

Amendment to SB 468

Amend the title of the bill by replacing it with the following:

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

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 2 counties of the supreme court's choice during the biennium beginning July 1, 2001.

Amend RSA 490:33, VI as inserted by section 2 of the bill by replacing it with the following:

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.

Amend RSA 490:34 as inserted by section 2 of the bill by replacing it with the following:

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.

Amend the bill by replacing section 7 with the following:

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.

Amend the bill by replacing all after section 8 with the following:

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.

2000-4119s

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.

Committee Minutes

Date: April 12, 2000
Time: 9:53 a.m.
Room: 103 - SH

The Senate **Judiciary** Committee held a hearing on the following:

SB 468 relative to the family division of the courts and relative to the Jurisdiction of the family division in Rockingham county.

Members of the Committee Present: Senator Pignatelli (Chair)
Senator Gordon
Senator Wheeler
Senator Squires
Senator Trombly
Senator Brown
Senator Cohen
Senator Fernald

The Chair opened the hearing and, as prime sponsor of the bill, gave the first testimony.

My name is **Deborah Pignatelli**; I'm the state Senator representing District 13 in Nashua. In 1995 the legislature passed a bill establishing a family court pilot program in Rockingham and Grafton Counties. This was done after a study group determined that judicial matters pertaining to families, divorce, custody, child abuse and neglect, guardianship and child delinquency would be better handled through a family court system than split among the superior district and municipal courts. Four years later we have a family court system in these two counties which received praise for its comprehensive integration of family issues.

All the professional personnel of the family court have been chosen to work exclusively on family issues. A case manager oversees all cases involving a particular family and works to move its docket along expeditiously. Generally the same judge hears all matters pertaining to a particular family and so has background knowledge necessary to make decisions that are truly in the best interest of the family members. The family court system streamlines the judicial experience for families who might otherwise have to travel between various courts spread throughout the county and deal with the

confusing array of requirements, locations, rules and court personnel. The family court system is not perfect, but it is working well for the majority of people. As experience allows the system to be improved, I believe that expanding into two additional counties is a good step toward making the judicial system more accessible, convenient and effective, and less adversarial to New Hampshire families.

This bill is a new bill; it is very similar to the bill which was introduced in the House last year, passed the House, came to the Senate, passed the Judiciary Committee (this committee) with several changes was referred to finance, and something happened there. So we are introducing this bill again in the hopes that it will pass Judiciary; we hope to pass it today, if we can, and get it over to the House for a hearing and get this bill passed and help families in two additional counties. The change that was made by me was to have the court system choose which two additional counties get chosen rather than specify it in the legislation since it gets to be a political process if we do the choosing and the courts don't. With that I'll end my testimony and I'll call upon Representative Hager who is also a co-sponsor.

Representative Hagar: Thank you senator Pignatelli. I appreciate your sponsorship of this bill. I have had the privilege of being the co-chair of the study committee and worked on this principal of the family division of the court for a couple of years. I could go on, at great length, about the importance of this bill but I don't think I need to do so for you, but I'm proud to be a sponsor and I would like to help you get it through the House also so we can continue this important project. Thank You

The chair then recognized Senator Beverly Hollingworth.

Senator Hollingworth: As you see I did not sign in support or host to the bill. I have to tell you that several months ago (actually probably more than several at this point) I was called to a meeting a my high school in Hampton, The Winnacunnet High School, and I was asked at that time, I thought it was going to be a meeting with teachers and some of the people in response to some problems they were having at the school, what I found was an overwhelming turnout, there was so many people in the room they had to extend it out into the hallways It was several administrators of the school, police officers, and juvenile representatives (who work with juveniles in our court) and the story that I was told at that time was that the juvenile court system in Portsmouth was not working. That they had serious problems, and

they requested that I do anything possible to address that situation, and to make sure that justice delayed was not justice served, and that the juvenile court system was horrendous.

Which is what I (when the bill came over) I was under that same belief that that was what the problem was, because these are the people who use the services, parents, teachers, police officers, so I expressed my opinion in opposition of that legislation. Several months went by and I was again called by Jean Maherine's prosecuting attorney in Rockingham county (and again I thought it was a small meeting with just a couple of people) to find thirty two chiefs of police, prosecuting attorneys, and other people at this meeting.

At that time they expressed the concerns that they had with the family court, in fact they expressed that they were plea-bargaining down cases because of the inability for the family court to work in the Portsmouth area. I was so taken back by this, because several of them asked for their identity not to be divulged because they felt that there had been repercussions when they had brought this up before. And that they had had cases that had problems that had arisen out of the fact that they had brought up problems they had had with the family court to judges. So they had asked that I keep their identity confidential.

I then called Judge Brock and brought him into my office and sat down with him and explained to him the complaints that I had and said "when you get one complaint from one police officer or one police chief you don't think too much about it, but when you get 32 people who are there trying to have justice served, telling you the same story you do kind of wonder what's happening." I waited several months, Judge Brock guaranteed me that he would be in touch with Jim Reems. Then I contacted Jim Reems and found out that there had not been any contact.

Apparently, then, Judge Maher was made aware of the situation and he did contact me. He did come to my office; and he assured me that he would do what was possible to try to address the concerns with the family court, and he has apparently been meeting with the Judge Frasier. Judge Frasier is put on temporarily to sit on some of the juvenile court cases and he's also expressed his opinion that he cannot (according to the correspondence I received from him) didn't have the time, being in district court, to take over all the hearings and the courts in Portsmouth.

There also was a study that was done by our oversight committee in which we had a report on the success of the family court; we did not look at the money (at what it cost) but we did look at an overview. And what it clearly showed, the people that used the court, there was no evidence that money we spent in additional revenue to run the family court showed any greater satisfaction of the people who used the court. To the contrary, the result was the same as to client satisfaction.

When Finance had this bill we were concerned about where the revenue was going to come from. I'm still concerned as to where the revenue is going to come from because, as you know, we are facing a 34 million-dollar deficit this year and a 166 million-dollar deficit next year. Now there are people who are saying "Family Court, we need to do the Family Court, and we need to make it permanent, and we need to fund it." That may well be the case, but if we are finding that there is needed revenue to do this, I think we need to find revenue instead of just passing the legislation and saying: "have family court, in concept it's a great idea, but it's going to cost us more money, find the revenue." You cannot pass this piece of legislation and say: "let the courts do it and they find the revenue within it to do it" and you cannot have, while I know Senator Gordon is very satisfied with what happened in the North Country, and you probably here today.

I noticed when I signed up today that it looked like everybody here was in support (much to my surprise) and I find myself in an unusual situation here. I thought I was speaking for my constituents because they expressed their total dissatisfaction now to find some of the same people here saying that they support. And I guess that's one of things, that when you think you are in touch with your constituents and they tell you one thing on one day and another thing on another, but that's one of the things you learn. My big concern is (right now there seems to be some working together with Judge Maher and the people in my district to try to resolve the family court problem) what I worry about is what is going to happen tomorrow when the money to fund this is not there and the problem of whether this is going to exist or not is going to be there.

The idea that a Senator last term (two terms ago) determined the family court was going to be in the Portsmouth Court, and it was not determined by the courts themselves (determining where the court should be placed) but by

sitting Senators determining that it was going to be in their district, or in this district or that district.

I think that that is not the way for justice to be served; and I think that if we are going to extend the family court the decision of where the court should be placed, and who is going to be sitting on those cases, needs to be determined by the court system and not by independent legislators, who have desires to place it in their community or some other community.

I do feel that what I was told by police officers that day, whether you'll hear it today or not. Is that they are plea bargaining down cases because of the judges that are sitting in that Portsmouth court. In one instance they had an abuse case where it was clear that the individual had abused several people and this one case was being brought, and the judge allowed the victim's past history to be brought in and not the criminals past history to be brought in. It so enraged the people who were bringing the case, because it was so obvious a miscarriage of justice, that in future cases similar to that they were going to plea bargain them down rather than to bring them there. That is of real concern to me.

While it has served well in one area, which I believe is Senator Gordon's area, I had been told prior that that court, the family court in my district (in Portsmouth) was not working well. So when you have two dueling reports, I'm concerned about what we're asking for the rest of the state. I would hate to see a situation where people who're so anxious to have this now, later, in hindsight, will be looking back and saying: "this probably was not the way to go."

When a judge is assigned to a family court. Senator Gordon (I was thinking about this driving in today) last year he stated, when I sat on Judiciary, "people should have the opportunity to go to another judge because sometimes there are judges who are prejudiced against that case." And in fact there was legislation (I believe) that passed to allow that to happen. In family court (because you require that judge to see that family and to sit on that case) that ability, for someone who feels that there is a prejudice against them or against the family, doesn't exist. You cannot change because that individual continues to see that same family and no matter how (in the complaints that I have heard from the users of the court) that that is an unfair situation for people who feel that their case is being prejudiced against.

So to make a long story short, I'm testifying because I was under the belief that my constituent were opposed to it. And while there is at least one person who was at that meeting (who had brought that meeting together) who is now signed up in favor, I would like to state that I do have concerns. And if you do do this, this committee, it must not pass the way it is, leave it up to the courts to find the money. I know that policy committees don't look at the funding of it. Remember that unless it is funded it cannot function.

Senator Pignatelli: Will accept a question from me Senator Hollingworth?

Senator Hollingworth: Sure.

Senator Pignatelli: I understand your concern about it not being funded, but this bill would go into affect in the next budget cycle, so it was our feeling that if we passed the policy this time, it would be easier to look at the budget next year when we're looking for funding, and to find the funds for it. Whereas if it (the policy) isn't passed it's too much next year to pass the policy and look for funding.

Senator Hollingworth: Senator Pignatelli you're right that this was the discussion that Senator King had with you. Unfortunately Senator King and several other people have voted and stood up on the Senate floor in the past few weeks and said they'd refuse to support the Estate and Legacies Tax, or the Interest and Dividends tax, that has passed in both the houses, because there isn't funding and they don't want to make the deficit any greater. Right now we are looking at 166 million dollars and in the next biennium we are going to have to make it up. Cumulative it's over 200 million dollars. If we do not have another instrument in place to take and pass that, we will be looking at well over (in the year 2005) a billion seven cumulative deficit; that's not an easy number to look at.

So while I think we'll resolve the problem I hope you'll bear in mind that many of the Senators have said that they do not believe that we should pass anything unless we have a mechanism to fund and I think that we are passing on this problem to the next legislative body, and I think it is an unfair thing to ask people to fund 900 million dollars that we're going to have to fund for education that's repealed in the year 2003. And now we're going to say: "OK, and on top of that now you have to fund all these other projects that we think are good ideas but haven't had the courage to find a way to fund them."

Senator Pignatelli: Thank you for your answers; any other questions?...Thank you.

Senator Hollingworth: Thank you.

Senator Pignatelli: While we are calling the next speaker, I will note that Senator Fred King, Chairman of the Finance Committee, supports the bill but does not wish to speak. As does Heidi Boyack administrator of the family division. Do you not wish to speak in support of the bill?

Heidi Boyck: No Thank you.

Senator Pignatelli: As does John Cameron, Family Issues in the Court Study Committee, in support of the bill not wish to speak. Is Chief Wrenn here?

Chief Wrenn: Yes, I'll appear.

Senator Pignatelli: Good morning, have a seat, welcome to the committee.

Chief Wrenn: Good morning, Thank you. I'm sorry I came a little late. I missed most of what Senator Hollingworth had to say. We're here today to discuss the issue of family court and some of the concerns for law enforcement. Several months ago we met with Senator Hollingworth (at a Rockingham County Chief's meeting) to speak about some of the issues involving family court - some of the frustrations that we in law enforcement were feeling regarding the process, in regarding the lack of response to what we felt were certain needs and changes, that need to be taken care of that weren't being taken care of by the court system.

We're all creatures of habit, we all like things done in a particular way, and we were all accustomed to doing things with the court system in our own little courts. That was before the changes and the family court project came into play and everything changed from that point on. Change is always a little tough to take and us in law enforcement are no different from anybody else. We don't like to see big changes, and we can be sometimes resistant to it. That having been said, we become very frustrated if the process becomes so complicated, so complex and so unyielding that the way we used to do

things is now, not only totally different, but is becoming very frustrating for us.

At one time prior to the project we dealt with all issues, maybe adult cases, or family issues, or juvenile issues with Hampton District Court. We had Judge Frasier, who we have the highest respect for, and he was involved in these cases not only with the adults, possibly, in one family but with the juveniles. So we had a lot of history about the people that were coming before him.

We were also very comfortable in dealing with that court, it was very convenient for us and a lot of it was done very informally. It was easy for the schools in the area to allow their teachers and administrators to come to hearings; it was very convenient for them also. Now when it changed and everything went to Portsmouth things became different.

Our offices didn't know the judges up there they didn't know us, they didn't know the family, they didn't have a history with the families that judge Frasier had, and that made things a little awkward at times. Also there was a new system now in place, we had to do things differently. Some of the issues that came up at that time were the fact that, number one, in order for us to get petition, a juvenile petition, our officers (whoever was handling that case) had to drive to Portsmouth, get a court date and get a petition signed up there, and then drive back to Hampton. Now it's the year 2000; we can put men on the moon; we can do a lot of things, but yet in this system we have to get in our car and actually physically drive the petition to Portsmouth get it stamped, and get it assigned a court date. You couldn't do it over the fax; you couldn't do it over the phone; you had to actually physically drive it. Well that, number one, was a big inconvenience, not only to the officer but to the department resource-wise because we were driving to Portsmouth very often just to get a petition signed, which was kind of crazy in our mind.

You took a district, Portsmouth, and combined it with a court district, Hampton, which had several towns in each district, all with their own cases, and you consolidated them together in one court. So you took, say, four or five towns from Hampton district with the four or five towns from the Portsmouth district, you put them all together and now you have double the case loads, or triple the case loads coming in to that court. What started out with two judges is now even down to one judge. So there are times when

my officers are going up to Portsmouth on a Tuesday or Thursday with maybe one case that's scheduled that day, and they're sitting there for maybe five or six hours waiting for that case to be heard. That's ludicrous, absolutely ludicrous, it might be a 15 minute hearing, but my officers are sitting there for four or five hours, waiting for that case to be heard.

Some more of the frustrations that I've heard from my officers: we had a case that involved a juvenile that was scheduled to go to a hearing. The witnesses and the victims were coming out of MA; it was a very minor case the witnesses all agreed to take the day off from work, come up to the Portsmouth. They get up to the Portsmouth court, we were all ready and scheduled to go to trail, and the attorney for the juvenile had not arrived. They waited and waited, still had not arrived. They finally contacted the attorney and he was tied up on other matters. The judge said, "O.K. well we'll just reschedule." They said "well wait a minute we're ready to go to trial, and we have witnesses here, who came up from MA; they have taken the day off from work." At that point in time the judge said: "well we're going to reschedule it, reschedule that trial for another date."

The officer took the witnesses down to the clerk's office and said "well at least we'll sign in; you can collect your witness fees; we'll reschedule this for another day." They went down to the clerk and the clerk said: "you can't sign up for witness fees, there was no trial today." And my officer said: "Well these people came up from MA; we were ready to go, it was the defense attorney that just didn't show up." And they said: "well there's no trial; you can't sign in." So these people came all the way up from MA, took the day out of work, to come up here and then were told, number one, there was going to be no trial because the other attorney didn't show up, and number two, your not going to get your witness fee either because there was no trial. Crazy.

No sanctions were leveled against the other attorney for just not showing up, nothing, nothing happened, except we felt we were penalized. So you know what we did with that case? We dropped it. That was the end of it. The witnesses had refused at that point to come back up for the court, for the hearing, so we dropped the case. Now, is that justice? Was justice served in this matter? No. So now our officers say: "you know what we'll do from here on in? Instead of fighting the court over it, what we'll do is, we'll do what is called a counsel and release. We'll just bring the parents in; we'll sit down with the parents and juvenile and try to work it out with the family.

Or we'll send them to the diversion program. We won't even deal with the court. That will be the end."

Another issue that we've had on occasion, that I don't fully understand, is if there isn't a sitting judge in Portsmouth, we have to go, sometimes, all over the state to bring a juvenile in for maybe just an arraignment. One of my detectives at one point had an arraignment with a juvenile which was scheduled in Portsmouth while the Portsmouth judge wasn't sitting. They couldn't find another court. Now here we have Hampton district court right in town, but we can't use Hampton District Court. They couldn't find another court where they had a family judge sitting. So the clerk in Portsmouth said: "They will take you up (and I think it was either Lincoln or Tilton) and my detective (thankfully) said: "I'm not doing that." I'm not going to drive two hours for a 15-minute arraignment. That's absolutely ridiculous. I'm taking him to Hampton District Court, I don't care what you say, I'm going to ask the judge to hear this case. They said we'll call you back in 5 minutes. They called back and said: We will now authorize you to go to Hampton. And we drove three miles up the road to Hampton. They wanted us to drive two hours to a court when we have a court 3 miles away.

This is some of the absurdity that we have been dealing with. The scheduling problem, they schedule all towns together, there's no rhyme or reason for it. You're told that your case is going to go on at nine o'clock in the morning. You get there and they've scheduled cases for every 15-minutes well you know a case is going to take longer that 15-minutes. So you get there and just appear, and then you wait. And then maybe DCY comes in with a case and they jump ahead of you. So you sit there and you wait and you wait and you wait. Crazy, I don't know why we can't work out a schedule, a better scheduling system. END OF TAPE

[Continuing to discuss] some of the strains that have been put upon us. Three days after the offense we have to bring the petition or not bring the petition, that was our time period. Now an adult with a misdemeanor you have a year to bring a complaint before the court after an offense, for some reason the Portsmouth family court put a 30-day window on us. We have 30 days from the time of the offense to bring the petition or the petition was going to be ruled invalid. Well I haven't been shown where that is in the law, and in some cases, especially in the town of Hampton (in the summertime when we have many of these offenses, many of these arrests going on) putting a 30 day time period on us is again, absurd. We have

trouble dealing with it, we have trouble getting paper-work from our officers, sometimes, and our detectives. Our detectives do petitions and it just puts a burden on us for an unknown reason. I mean if somebody could give me a logical reason for having to do this, then maybe we could understand, but to be told "you're just going to do it" is crazy.

Now having said all that, about the family court, on the adult side in the family court we have similar issues, but the issues are really different. You know we've been dealing with the jury trial system in Portsmouth for quite some time and we do have issues out of Portsmouth that we have had difficulty with. Several years ago a number of chiefs met with Judge Lawrence, Judge Cullen and Judge Sullivan to try to iron out some of these issues. Frankly we haven't seen any ironing out, or any consideration from the courts regarding our concerns. That's a whole other issue and I think your concern right now is pretty much with the family court.

Having said all of this, now I want to turn to the other side and I want to tell you that in the last several weeks it has come to our attention that Judge Maher has been placed in charge of the family court project. I have to tell you that we are cautiously optimistic, after meeting with Judge Maher. And I am certainly encouraged after seeing some of the changes that the Judge has made. I don't know why it has taken so long for these things to happen but I have to tell you that Judge Maher has made himself available to us; we've sat down; we've discussed these same issues with Judge Maher. He listened; he promised to make the changes that he could make, and he's already done so. He's already worked to make those changes, so my hat goes off to Judge Maher right now, and like I said, we're very cautiously optimistic that as long as he is place and continues to be sensitive to our concerns, that our frustration levels will be decreased very rapidly.

So in that way I certainly want to make it know to this committee that we do see some changes. We're still upset that it's taken this long, to have the administrational courts do something regarding this, but at least putting Judge Maher in this position right now (I think) is a step in the right direction. And he certainly has been very very accommodating to us in sitting down and discussing these issues, and is already worked to make some changes which we're very happy with.

Senator Pignatelli: Thank you. Senator Wheeler?

Senator Wheeler: Thank you. Is the bottom line, Chief, that you support this bill, or don't support this bill? Or are you just giving us information?

Chief Wrenn: Well, Senator I'm kind of right in the middle; it's a good political response. We're not happy with the way it is, but I'm also realistic in knowing that you can't go back, truly, to the way it was. So I guess I'm looking at this and saying: I'm trying to give you the point of view from the people that are working in the system. That we understand we have to make changes, we understand it's the year 2000, we can't have the Hampton District Court, in the way that it is right now, with one sitting judge and a building that's just not adequate to take care of all our needs. When it comes to family court, adult court, jury trials, the whole bit, and ????. The way it has been set up has not worked for us.

I have talked with Judge Maher and I agree with some of his ideas about us moving forward and trying to make further corrections in the court system. Possibly to get us out of Portsmouth and maybe into a new facility in Hampton, but also to consider the changes that we feel are necessary to make this a better experience for us, and more convenient for us, in dealing with these juvenile matters and these family issues.

These matters are increasing today, and they're increasing in frustration for us because if you're dealing with a very delicate juvenile matter and your right into the family situation, it's very hard then for us to deal with frustrations at the court level in trying to adjudicate this matter. What we're all looking for is a smoother way of doing business, not so much that we have to go back to the way it was.

Senator Pignatelli: Chief Wrenn, is it fair to say that, given your, recent discussions with the current head of the family court in your area and the ability to bring concerns to this individual and to see those concerns addressed (or at least to have an understanding of why things are the way they are) that if that continues then you see merit in this family court (knowing that you cant go back) and are at least willing to give it a shot?

Chief Wrenn: I think that if we continue to have a person like Judge Maher wanting the family court, and he continues with his open dialog and his attempts to streamline the system, I think we could work very well in the family court system.

Senator Pignatelli: Thank you. Senator Trombly has a question.

Senator Trombly: Thank you Chief. On the third page of the bill, line 26, is a judiciary grant that will transfer the funds to do this. If you don't give the money to the physical plant, to the physical structure that you feel you need, do you support this bill?

Chief Wrenn: I don't think I could Senator. I think that's an intregal part of making this work. Thank You.

Senator Pignatelli: Any other questions? I don't see any, thank you very much for your time. Judge Maher?

Senator Pignatelli had to leave at this point, and Senator Wheeler takes over.

Judge Maher: My name is John Maher and actually I expected Judge Carbon to proceed me because she was going to lay out the overall structure. She's been the Supervisor Judge in Grafton County and she's done a terrific job up there for the last four years.

Senator Wheeler: Do you wish to defer to her Judge? Senator Pignatelli gave me her list of speakers and it has you first, but it's not a problem. Judge Carbon do you want to come up, as a matter of fact if you want to bring a chair up and do it together that's fine.

Judge Maher: Great that's great.

Judge Carbon pulls up a chair and begins to address the committee.

Judge Carbon: Thank you. For the record I am Susan Carbon. I am the supervisory judge in Grafton County, and have been there since the project's inception back in 1996. I am mindful of the fact that your hearing is scheduled to close at 10:30 this morning so I will try to be very brief. But I also would like to take the opportunity to address some of the comments that were made earlier because I feel it is important to address those issues that were raised with you.

The project, as you know when Senator Pignatelli began her comments, originated in the early 1990's by the legislature, and then coupled with the

study committee of the judicial council, [they]felt that there was a way that New Hampshire court systems could be serving children and families in New Hampshire in a better way. And when you passed the family division legislation in 1995 it was your hope and expectation as a Legislature that we could, in the court system, and should do a better job of serving children and families, and I think in fact that we have done that. And contrary to the comments of the earlier speaker, I'd like to tell you why it is that I think we've done that.

Part of that derives from the fact that we have judges, and masters and staff who are absolutely committed to the principles that you set forth in the legislation, that we could be coordinating our family cases together in a way that was more respectful of the public's time, more respectful of the issues that they were bringing to the court, and sensitive to the concerns that they had. And we felt, those of us who volunteered to serve in the family division, that in fact we could meet your expectations. I am of the opinion, and I know that Judge Maher here shares this opinion as well, that we in fact have met the expectations that you set forth for us. Not only met, but I feel we have far exceeded the expectations.

We have had several studies undertaken originally, by Maureen Solomon, who is a national consultant on court administration, back 18 months after the project began. We have then had further internal reviews. We have periodic and frequent evaluations by the consumers of the court system. And most recently you had a legislative audit to do a study of the family division, do a study and report back to you about the fact that the project, in fact, has met its goals and continues to do so. That's not to say that there's room for improvement. I think the court system always ought to be seeking to improve how it operates, but in principle I believe that we have.

The goals that you asked for us to address in particular included things like having one judge (to the extent humanly possible) oversee all the family's cases, and this does a couple of things. First it avoids the problem of judge shopping that we all believe is not a good process, and for which there have been diatribes written (about the problems of judge shopping). So we work very hard to avoid that. And by having one judge oversee all the family's cases and coordinate those cases together a family can take multiple different proceedings and come into the court, have one hearing, present their testimony one time - not with different lawyers for every case, in three or more different courts, at three or more different hearing times, and at

great expense to the members of the public, to the time that they have to take away from their work, and many of these people don't get paid if they don't go to work. It's far less expensive for them to bring their attorneys in at one time, to represent them for one hearing, and the court can then take all the information that's been heard at once and issue decisions contemporaneously in the different proceedings. So the process itself is far more efficient in that regard.

Another major area deals with the scheduling of cases. We are very sensitive to the need to schedule cases while everybody is present in the courtroom so that we avoid the problems that the Chief recently spoke of, perhaps where an attorney didn't show, and this is the first that I've heard of that. I'm not sure that Judge Maher had heard about that particular issue, but that's exactly what we work very hard to avoid, and by scheduling cases with all parties present we don't need to have motions to continue because everybody has committed to a date knowing what their schedule is. So we're not inconveniencing anybody in that process because they all commit to that.

But more importantly the system is held very accountable to the public and to those who we feel we are serving in this process, and it's accountable in several respects. It's accountable in terms of when we tell the public we will do your case within a reasonable period of time that we do it. We've established time standards that heretofore we've never had in the court system, for handling these family cases, and [the expectation] that we adhere to those standards. And that we schedule cases in a way that serves the needs of the public and are respectful to the amount of time that they want for their hearing, so that we're not scheduling a case for 8:30 in the morning and it's not getting heard until 3:30 in the afternoon, or not even heard at all that day.

And again, the issue that was raised earlier, I'm not familiar with, and has not been our practice in Grafton County at all. I would agree that that circumstance should not happen it is inexcusable under any conditions, and it's something that Judge Maher will (I'm sure) speak to that particular court and try to determine what happened there.

I also wanted to come back to one of the concerns that was raised relative to the recusal issue, by virtue of having one judge oversee all of a family's cases. In fact we do try to have that person oversee, but if there is a bona

fide reason for a judge to recuse him or herself, the process is the same in the family division as it is in the other court where they would file a motion and set forth the basis. And that, in fact, is given consideration. So we have addressed that concern as well.

One of the other issues that was raised dealt with the location of the courts and as you know the locations were determined by the legislature. And I know that some of the concerns have arisen out of Hampton, because it now is more inconvenient, as opposed to the goal of the family division which was to make the process more convenient. And our experience in Grafton County has been that, instead of having to go to one court location in the further, northernmost part of the county, we have 4 locations for all of these cases. And those of our attorneys and constituents in Grafton County have found that to be tremendously more convenient geographically, to appear throughout the county as opposed to going to one location only.

With that in mind there are a couple of very small caveats that I would like to add in terms of my support for the bill. I wholeheartedly support the bill in terms of the principles behind this project and couldn't state more emphatically that I believe the project is working, and in fact it's working very well in both counties. Not withstanding the couple of issues which were raised here, and which I assure you we will look into because they merit looking into by all means. But we took, you took, two of the most diverse counties and through the legislative audit and through the other studies that have been done, and we've shown that it can work in two very different kinds of counties.

Caveats that I would add are that, number one, there was a one technical change in 458, a very minor change. On page 2, line 13; it makes reference to the old statutory language in the domestic violence statute 173B, temporary orders, by virtue of your having passed the bill in the last session. Temporary orders are now found in section 4 and not in section 6, so you might just want to correct that here so we do not need to return for a corrective amendment on that.

But more importantly I know that the Supreme Court, and Senator Hollingworth in fact, spoke to the need to have funding and inasmuch as you can have the best programs in the world they do take some amount of money to fund. I know that the Supreme Court is concerned about having funding before we expand; I also recognize that this bill does not require that there

be expansion until after the next biennium and we'll have an opportunity to explore funding. But I would ask that one of the purposes of the study committee, that you have set forth in the bill, be for the purpose of looking at funding specifically, to see how additional funds could be appropriated. Because we are providing much enhanced services and they do come at a cost. Because we are providing multiple locations, for one, that cost more. We have greater service orientation to the work that we do, and inherent in that is some additional money. So we ask that you look at that specifically through the study committee, and in that regard, I think that would be a helpful process.

And I would also ask that you expand the scope of the study committee to enable those of you who are looking at that, to see if there might be other ways that we could improve upon the efficiency, and the economy, in the family division. Much (as I know) the amendment that Senator Gordon is going to be introducing might do. I think that we have a spirit of cooperation within the trial courts that may not have been in such existence 5 years ago. And it would be helpful for us to have the opportunity to see if there are yet better ways that we can provide services to children and families.

So, in that regard, I would ask if you could extend the study date to, perhaps, January 1st from November 1st. It might give a little more time for thoughtful exploration to see what we could do to best serve children and families in New Hampshire. And with that I'll either answer questions or defer now to Judge Maher who could more specifically address the issues.

Judge Maher: Thank you very much. You've heard a lot of different kinds of testimony here. My name is John Maher and I'm the administrative judge of the Probate Court but I'm absolutely pleased as punch to have been recently appointed supervisor of the family division in Rockingham County. There's no question in my mind that this is the most important, family centered legislation that I can ever recall in my thirty years of being either a lawyer or a judge. Through the concept of putting all these kinds of cases together to be dealt with, for the most part, with one judge in giving them the priority that family cases need to have, is incredibly important.

I want to say that (when I listened to Senator Hollingworth) there was a meeting. I was at that meeting several months ago and I think you should hear, at least, my perspective of that. She was absolutely right, there were a

number of concerns that various law enforcement people had in Rockingham County. When I was appointed one of the first things I did was went to see her, and that was only about, maybe, a month/month and a half ago. And after that I went to see Jim Reams, the county attorney, and he gave me the minutes of the Police Chiefs' meetings, at which time there were a number of police chiefs that were unhappy. One of the segments that was unhappy was all of the folks from that Hampton district, the South Hampton, Hampton Falls, Seabrook, Hampton, and North Hampton.

Because of that one of the very first things I did was I went down to see Judge Frasier, because he's a great guy, a terrific judge, and has a wonderful reputation. And I urged him to become involved in the family division. He said he didn't have enough time, and I said but Fran I really need you, these people want you. And he said I don't have enough time for that; I have a full load. I said would you work, please, on an emergency basis? He said that he would. I then went to the chiefs. Chief Wrenn was there and chiefs of North Hampton, and all of the chiefs were there that I recall. And I learned and listened to them about some complaints they have.

I think Chief Wrenn's recitation of one of those particular complaints, about having to go to Portsmouth to get a docket, and the arraignment date and then come back home, wasting two or three hours. And I'll be candid with you, my background is Probate so I'm saying to myself "I must be missing something here, something I don't know." And so we worked it out, and I wasn't missing something there. That in fact they could simply fill out the complaint in Hampton have it sworn to by a justice, call up Mary in the Portsmouth district court, get a docket number, get an arraignment date, fax in the face sheet, send it to JSO and we're off to the races. And so Chief, I want to thank you for commenting on that. That's a fair recitation of the way it was, and the way it is.

And I think that that's the way I like to work. I like to work on a one on one basis with people to see if we can solve problems. So we learned that with the school officials and Fred Muscara's, here today. And he's probably going to tell you that in the past it wasn't that great, but in the future he thinks it's going to be better. And I think that Senator Hollingworth is correct in her assessment of things as it was in the past, but I hope she'll give me the benefit of the doubt and some time to work on things for the future.

That's why I brought various Chiefs from other parts, from Auburn and Deerfield today [addressing the chiefs present] hope I got that right? [correcting himself] Nottingham, because we have to make some legislative changes. So what do we have here today? We have a situation that is a really good program, but needs continued work.

Now, I said to the chiefs and I said to the school people: "you want Fran Frasier, he's 61-62 he's probably not going to be there forever, he hasn't got the time to sit on these cases, the Hampton District Court is absolutely disgraceful. Where do you want to be? Not tomorrow, do you want to kill the program and have it all go back there, or do you want to work together collectively for a program where we marry Exeter and Hampton together? With a good courthouse, with two full time judges, with spaces for family division, with spaces for families, for consultation rooms with lawyers, or do you want to go back to where we are?"

So I wrote to Senator Hollingworth and I said: "why don't you get on the Court Accreditation Commission and kind of move those things around?" I told that to Senator Pignatelli, she said: "I'm on the Court Accreditation Commission." And I said: "well that will be between you and Senator Hollingworth." [At this point there were chuckles all around] But the bottom line is we need a plan, and the plan is not to go back to where we were. The plan is: how can we make it better 10 years from now, so that you people as Senators can say: "yeah, we worked on that, and we made it better for the people in Hampton and Portsmouth." So that's what we're doing, not what happened in the past, what happened in the past is honest. What's happening now, I think, is honest and I think we're going to be better.

Do I need more judge time in Portsmouth? Absolutely, I need another day from Sharon De Vries, there's no question about it. And here's the problem from my perspective. I gave you this sheet right here now I know that this bill is not about money that we're talking about. This is a policy bill but this is reality, and if you take and look at this, this is the court budget for the entire court. And if you look at it, do you have one Senator Gordon(?) because if you don't I'll give you one. If you look at that, you looked at it in 1996 we requested 40 million, but then we had this (we threw in property so it went to 45 million). But if you look at 1999, we requested 49 million, and the appropriation was for 49 million, but then we had to give back 2 million. If you look at 2000 it was 56 million, the appropriation was for 55 million and we had to give back 4 and ½ million.

Do you know how we make that work? We make that work on the backs of the people who are still in the court system when there are vacancies. Our budget works on a revolving rotating 55 – 60 vacancies, and so all the work falls on the people who remain. I have people in Probate, and people in Family who are coming in at 7:00 in the morning to get the work out, because they would rather come in at that time and feel good in their stomachs about getting the work out than constantly being behind.

Why am I telling you this? I'm telling you this because Judge Carbon said it another way, and the Supreme Court said it another way. This is the best project we've got, but if you don't fund it, it's not going to work. We'll just get short of oxygen. Now the district courts and the probate courts before did a damn good job; we did a great job. There were no complaints about it; it was the divorces that caused the problem. And now we've put them all together, and if you want a family centered program that's the best that I've ever seen. This is it, but its got to be funded, and so I'm saying to you today, when you go back to deliberate with your other Senators, I'm asking you to think about next year, a separate appropriation for the family division.

Now do I have a plan to get more judge time in Rockingham County? I do. Larry Cullen in Exeter went full time, I'm going to ask him to give me some of that...TAPE CHANGE...get Judge Reardon for another day. I'm going to ask Judge Kelly, who has been tremendously supportive of the program, to see if I can get more judge days from the district court. In the meantime we have a plan, and it can work.

So I just want to say to you that I have an amendment here. In addition that we went up to see Chief Phil English of Nottingham and Chief Michael D'Allesandro from Northwood, they're both here today and we have an amendment that would allow those three towns to go to Brentwood, and not Auburn/Derry. What happened was that initially they were slated to go to Auburn. We left Auburn to go to Derry, that was not a good site and we moved to a new courthouse in Derry. That was another 12 miles for these people to travel so this legislation will allow us to move them to Brentwood.

The other thing it does is this: it allows matters arising in the municipalities located in the Portsmouth district and the Hampton district shall be heard in the Portsmouth district court or such other location in the

Portsmouth/Hampton district as the Supreme Court may designate. It will allow us to use the Hampton district court on an emergency basis.

Now I want to ask you one thing Senator Trombly or not ask you one thing but comment, because I would never ask a Senator in open session like this. You said to the chief: "would you fund it if you didn't have the building?" That is a separate appropriation, that is a capital appropriation and we cannot do a capital appropriation in this policy bill.

Now, the other side of that coin is do we need to change the priority of the Hampton/Exeter area so that that has a higher priority for a building to be built? And we most assuredly do. And that's what I would ask for your support. So that Chief Wrenn, the chief in Exeter and other people like him have an excellent facility. So I think if, I don't know if you can ask Chief Wrenn again the question, but he knows the point is that he's stuck with the Hampton district court for a couple of more years anyway you look at it. That's a different appropriation Senator and I just wanted to be clear on that.

So in closing I'll just say one thing. I would like to have Chief English and Chief D'Allesandro say a couple of words as to what it would do, this amendment, and as to what their feelings are about the family division. And I also ask Fred Muscara, who is the associate principal from the Winnacunnet High School, to come up. He'll maybe tell you a few words about what it was, but I'm hoping Fred will comment about where he thinks it will go. So that's how I would end with you, thank you very much.

Senator Wheeler: Is the amendment that the judge has referred to the one that has Senator Gordon's name on it?

Judge Maher: Yes.

Senator Wheeler: I have it, thank you.

Judge Maher: I did that because Senator Gordon wasn't here.

Senator Trombly: I have a question for you, either one of you. Judge Maher you said "separate funding for the family division" in the court system. I would presume that is because we appropriate money to the courts and they spend it as they see fit, and if they choose not to fund the family division you don't get it, correct?

Judge Maher: It's a little different than that Senator, I wish I had addressed it; it's a great question. What happens is this: all of a sudden we're short funding this year it was 4.5 million dollars. So you have three trial courts the probate court, the district court, the superior court all saying "all of us are short." Then you have this upstart, the family division coming in saying they need more time. So it's like pulling teeth to get resources. I've been trying to get a master out of the superior court for, probably, two months. I'm still trying. So the problem is: if you fund this separately, then maybe we won't be subject to this cutback, this arbitrary cutback.

And hopefully, I would like to see it funded separately until we have ten counties. When we have ten counties in it you want to marry it with the regular court budget; I'm all for that. But until you do this upstart, named the family division, would always be battling with three gorillas and we would never be able to resolve it.

Senator Trombly: I may be under the wrong impression judge, and I very well could be because finance isn't my [forte?] My understanding is that, and if somebody was listening correct me later if I'm wrong, is that we appropriate the money to the Judiciary, and because they're a separate branch of government they do what they want with it. That's my understanding of it. That we don't appropriate a line by line item (the judiciary) and they have to spend within that. My understanding is they present a budget, but basically we're giving them, like towns who have town meeting, a lump sum and then they spend according to their own priorities.

Judge Maher: Okay the answer to that is there are occasions when individual bills get separate funding, but by and large (for the most part) your absolutely correct. But I remember Judge Nadeau got it on separate appropriations on the bill for three individuals last year. That's why we've got total appropriations sometimes differ from the net appropriations, because a bill had separate funding with it.

Senator Trombly: So my follow up question, Judge, is that if we pass this legislation and do this, then the next pitch is to the Supreme Court, to fund it. I'm asking you not because I know something I want you to say, but because I want you to educate me. If we pass this, it will be up to the Supreme Court, in the current budget to find the money to do what you want done. Whether it's judge time, or giving you pencils.

Judge Maher: Well Senator, right now we are doing Rockingham and Grafton in our existing court budget. We are saying to you, suggesting to you, that we cannot do the other counties, in the existing court budget. I call your attention by the way another good point. Would you look at line 22 please, page 1. It says the Supreme Court may expand the family division to two counties of the Supreme Court's choice during the biennium ending June 30, 2001. I would ask you to really consider saying "after the biennium" because that implies, I think, that we're going to be adding two counties, like next year. And I just don't see that. I think that's asking for real trouble.

What we're asking for here that you take the term "pilot" off the program. It's established forevermore in those counties, and that you look to the next biennium when we're able to do that. I think that's the way to go. And so I would ask you to change that until after that. You might talk with Senator Pignatelli about that. But the bottom line is, and then, I would like to separately fund it until we get ten counties on line. And when we get ten counties on line, then marry it into the court budget. Does that make sense to you?

Senator Trombly: If that's what you want to do it makes inherent sense to me, that you'd want to protect that money. Senator Squires?

Senator Squires: Judge Maher, Judge Carbon, This (and I'm viewing this as an outsider) this story that the chief told of appearing, all set to go, the defense lawyer doesn't show up, whole thing stops. There's no, as suggested, no action taken. How is that possible? I mean what kind of a system, and I know you weren't involved, but just in general, it does not sound like a system that is being run for the public's convenience. What do you do when a lawyer doesn't show up?

Judge Maher: Well if the lawyer did not have a good excuse for not showing up, he would be severely sanctioned, from my perspective. But I've only got, you know, I don't doubt what the chief said, but if the lawyer were in a car accident, or backed up in the middle of a trial somewhere else, which sometimes happens, that is an inherent problem. I honestly, and I see the record, and I have not seen that happen. I suggest that it doesn't happen frequently, I don't doubt that it happened with the chief. I don't doubt that it happens. Judge Carbon's been working in the district court and maybe she

would have, on a regular basis in addition to Family, so maybe she would have a different perspective on that.

Judge Carbon: I don't know what the particular problem there was. If the attorney didn't get the notice of appointment, but I can't imagine that would happen, but maybe actually that was an issue. If the attorney was tied up in a trial that was scheduled to be done by a such and such a time, but if the attorney was in a different court. And in Grafton County we sometimes find conflicts with Grafton Superior Court and in the family division. And because of the few number of attorneys that are representing clients in both courts, we have to do some creative scheduling sometimes and it requires cooperation between the courts in terms of scheduling. But once in a while you have an attorney who is going to be half an hour late, and you understand that and you work with it.

But this circumstance is most unusual, and normally if there is any conflict the attorney brings that to your attention well before the hearing date so that if you needed to reschedule you could do it. So in my view it's clearly an aberration. I'm certain that the clerk was in no position to comment on what the judge might do later and at that moment in time there would have been no sanctions for the attorney because the attorney wasn't even there. It's quite possible that the attorney has already been sanctioned at a subsequent hearing. But if the chief has dismissed the case anyway, nol prossed the case, he may not have been aware if there had been any sanction for that particular attorney, that may have already happened, I don't know. It certainly is worth looking into and I would assure you that that is something that ought to happen because it shouldn't happen.

The normal course of events would be for a sanction to occur if an attorney just was derelict in their responsibility. But my guess is that is was a scheduling conflict that was an unavoidable conflict by something else being scheduled for a time that didn't start on time in another court, and they were delayed getting to this particular court. Maybe, the attorney called and the message didn't get passed on. Any number of things could have happened, factually and without knowing. I would be happy to find out if Judge Maher....[Judge Maher speaks over her at this point]

Judge Maher: Oh I plan to Senator, and I'll report to you what in fact did happen in those cases.

Senator Squires: And could you elaborate a bit on sanctions, severe sanction? What does that mean?

Judge Maher: Well they could be fined. Certainly you could fine them or report them to the professional conduct team. It all depends on what the issues were, relating to why that person didn't show. If it in fact was determined that a notice didn't go out to the person, so that they didn't have notice of it, that's another issue sir. I just don't know enough. But as I said, I don't dispute what Chief Wrenn has said, I just, I'll have to find out about it. That was the first time I had heard that.

Senator Trombly: I just have one technical question, with the domestic violence restraining orders. Will Marital Masters be able to issue them, given that we have been told that can't give them the authority to do that? I mean, excuse me, contempt.

Judge Carbon: Marital Masters are not given contempt authority under this bill either.

Senator Trombly: So how will they enforce orders not. If a Marital Master is given an order on, say, an abuse/neglect or to someone to counsel them, juvenile case, they order the parents to counseling.

Judge Carbon: The same issue would go before the judge, just as it would in any other.

Senator Trombly: It would, then it's just procedure, that contempt would be transferred in front of a judge.

Judge Carbon: Oh Sure. Normally there has to be a judge who approves every Marital Masters order anyway, and typically it would be that judge who's been overseeing that case.

Senator Trombly: Okay it was just a scheduling question, thank you. Any other questions?

Senator Gordon: I'm just trying to figure out this financial issue, budget issue. I guess what I'm hearing you say is that (without saying it as obviously as I might say) is that right now there is competition for this type of jurisdiction in the court system. And as long as there's competition, there

is no incentive for the competing parties to share their largess with the family division, to make it work. And therefore you need to separately identify those monies in order to.

Judge Maher: Yep. Or you can get full time people to serve. I don't have any superior court people serving; I've asked. And I've said would you please help out? And they say: "we'll get back to you." So I'm the low end of the totem.

Senator Gordon: The issue of, even if (in particular given the circumstances of the court right now) even if we didn't make a separate line of appropriate for the family division, the very fact that we're, as a legislature, saying that we want to expand it certainly tells the court that this is a legislative priority and it's something that they need.

Judge Maher: I think as soon as you take the term "pilot project" off of it, I'm going to find a lot more full-time people saying "Okay, let's do it." But until there's a chance to cut off the oxygen supply, I'm not seeing that.

Judge Carbon: I want to echo that. I think that the most important thing you can do is to eliminate the term "pilot." Because there has been a sense that, is it for sure? Or is it not? Is it real? Or is it not? Do we all need to buy in; do we not? That kind of thing, it leaves that sense of uncertainty about it. After four years I think it would be wonderful to have that sense of permanence about it.

I also want to go on record to back up what Judge Maher said concerning Judge Kelly, whose support for the family division has been extraordinary. And that his report has lent all the resources they have available to the program to make it work.

Judge Maher: You know when I call him and say: "Ed I need some help," he says: "well how can we do it, how can we do it." So let's work something to sort judge days out. So I always get a good feeling when I'm dealing with him.

Senator Gordon: Why can't family division, and I apologize as you may have addressed this already, but why can't the family division operate in each of the district court locations individually?

Judge Maher: I don't know that that is not possible I just think that this was (that's a good question) this was the blueprint the plan that was created. If you take us off the term "pilot project" I fully expect to work with Judge Kelly and others to see how we can make it work. I don't think that this the last design. The concept of one judge one family in all of those cases makes a lot of sense.

Senator Gordon: But are you saying that having had the experience of Rockingham, that with Grafton County where, it was made clear to me before this started, that we better have this in every district court location or were going to have problem. And I'm sure that if we didn't put it in Woodsville, I'd be hearing from the chief in Woodsville and people up there that they're very unhappy. But we put it in every district court location, we've haven't had those jurisdictional issues in Grafton County. And what I'm hearing is that we have jurisdictional issues in Rockingham County and what I'm saying is: why don't we make as a matter of policy, the fact that the family division will be in each district court location?

Judge Carbon: Senator Gordon I think you could do that. It was the legislature that determined that it was going to be four locations in the two counties in the pilot.

Senator Gordon: Well is that what you want to do?

Judge Carbon: No. No, and what I'm saying is that ...[interrupted]

Senator Gordon: Okay, well if that's not what you want to do then I'm just asking why.

Judge Carbon: Well, I think that by virtue of the fact that you have the study committee built into this, that's one of the issues that the study committee would look at to determine if you could have it. We've been in effect kind of limited by virtue of the legislation.

Judge Maher: Let me just say this and I think Chief Wrenn would back me up on this, that let's take the divorce situation if we could, or more importantly the juvenile situation, there are no conference rooms at all in the Hampton District Court. Is that correct?

Chief Wrenn: That's correct, the current condition of the Hampton District Court.

Judge Maher: It's really not suitable for anybody. I mean it's totally handicapped inaccessible. You have to walk up the stairs, and then up the stairs again. So that's one of the reasons we didn't pick Hampton. That's one of the reasons why I think that people in Hampton should jump on board, because we could have a plan to put together a good court with Exeter, that is presently in the cellar of the police station in Exeter.

Senator Gordon: But I guess the issue is, were juvenile matters handled in Hampton up until the time we created the family division?

Judge Maher: Yes.

Senator Gordon: And then, so it didn't seem to be a problem until that point in time. We create the family division and then move it out.

Judge Maher: With the added jurisdiction of divorces and the probate component. I've often said to Judge Carbon and to Judge Kelly and others, I didn't see this as the final design. If you want to just say in this bill that the Supreme Court will be able to designate family division sites wherever they. That's what I've done by the way, in this legislation that you proposed about the Hampton district. Let them be where they want to be.

Senator Gordon: Well I might like to take the other presumption that says they will be in each district location unless there is a reason not to have them. That's fine with us.

Senator Trombly: Any other questions? Thank you Judges.

Judge Maher: I know you're running late but if you could just hear the Chief for a minute.

Senator Trombly: Chief English, and Chief D'Allesandro? Want to come up together; do you mind coming up together? We're doing this two at a time if you don't mind.

Chief English: May I start off? I would like to wish everyone good morning thank you for hearing us. I support the family division I support the

idea. There have been problems; we have suffered problems. Chief Wrenn is not off base when he talks about his problems in Hampton and Portsmouth, because we've had the same problems in Derry as far as scheduling. We haven't had a defense attorney not show up. That's one I haven't had yet.
But I'm in favor of the project, I'm in favor of the move for us from Derry to Brentwood. And it's a question of economics for us. Certainly we're a small agency with only five full-time officers. It's a question of scheduling, keeping the shifts full when we only have to part time officers. So when it comes to paying overtime, and scheduling, and traveling, and budget constraints the move to Brentwood is just economically feasible for us.

I want to see this project succeed. I don't want to get into money. I understand there are problems with funding. But I think the project, as Judge Maher has talked about (and I see an enthusiasm in Judge Maher, and I see a vision with Judge Maher) and I see this becoming successful over the years.

And Senator Gordon I totally agree with you, if we could have one in every district court. We have our criminal trials in Auburn District Court and right now we have our juveniles and other matters in Derry District Court. I would like to see it in every district court, in the two counties. And maybe later on you expand to two more counties, and the money is found somewhere. Then you can go and put it in the district courts in the other two counties.

So I think there's a lot to think about. I'm optimistic, I think this is going to succeed; I think it's going to get better. I've been in law enforcement in New Hampshire 24 years, and I don't want to go back to the old days, the tablet and stone days, you know. I don't want to go back to that. I think this is something that will succeed, thank you.

Chief D'Allesandro: I'd just like to say I agree with Chief English 100 percent on this. Two of the biggest issues that I have also had, in Northwood, Northwood being the furthest town in Rockingham County. It was taking myself and the officers almost an hour to travel to the town of Derry for court. It put a big big burden on my overtime budget and manpower. But since meeting with Judge Maher and moving us over to Brentwood that would cut our time in half.

We discussed a variety of issues that we had concerns with which I feel very strongly they will be taken care of by Judge Maher. So I think just with that alone would be a big help. And I am in favor also of the bill. Thank You

Senator Pignatelli: Thank you for your testimony any further questions? Senator Wheeler?

Senator Wheeler: The legislation, this amendment, is necessary in order for you to go to Brentwood instead of Derry.

Chief: Correct. Thank you.

Senator Pignatelli: Are you Fred? Okay, I think I met you in Senator Hollingworth's office a few weeks ago. Welcome to the committee.

Fred Muscara: Thank you. Thank you for the opportunity to let me speak today. I'm the local opponent of the family court system as it was in Portsmouth when we had our first meeting last April at the high school. When I called police chiefs and other educational people together at the high school to discuss the possibility of a plan to bring the court back to Hampton, unfortunately, Senator Hollingworth got the impression that it was the family court. It was the court; we wanted the court back because, the way we used to have it, I would file a petition and seven days later (within seven days actually) the student was in front of a judge. If the student screwed up, or violated the court order, he or she was back in front of the court within a day, or two days, with the parent's permission.

So that worked quite well, and the students saw immediate consequences for their discrepancy, for doing something wrong. Which I think with children is the most important. The meeting took place in April, and then I was invited to a meeting I think it was October, and ....since Judge Brock was there and some other dignitaries and I was quite in awe of. Especially being an immigrant and meeting all those people, was scary in some ways, but I'm 57 and it still shakes me up, even to be in here today. As I said, I'm an immigrant and this is something new.

I do not disagree with the concept of the family court. I think it's the best thing the legislature and the court could ever have done, and I say this because I am a result of the family court system in a place called Austria. Why I am asked to heard all the problems, pertaining to youth, divorces, and

so forth. And I'm a product of the system because my family's divorced. So I have no problem with the concept.

I have a problem because of the time constraints. However since 1998 Judge Korbey has increased judge time in Portsmouth one day. We used to have only Tuesdays. When you go to court every Tuesday and you sit there and you sit there from 8:30 in the morning 'til 2:30 in the afternoon and you walk away with the feeling that nothing's getting done, something has to change. We got another day time frame, a little shorter but not enough.

We have Judge Maher we had a meeting with him a couple of weeks ago at the high school. We will meet again 15 May, we will try to improve the system. Finally something is happening. That's why my opposition to going to Portsmouth has changed in some ways. I still would like to have the court back closer, because of travel time and so forth, but you can't have everything. But as long as we communicate, and we try to improve the system, I think we have an obligation to change.

One of the biggest problems I find in education these days nobody wants to change, everybody's afraid of change, and that's wrong. So Senator Hollingworth was quite taken back by the fact that I signed the paper and checked off that I support the bill, and rightfully so. I should have communicated to her, not just her communicating to me, that I'm in favor of the bill, with some changes.

The legislation or court system, somebody has to fund the program fully in order for it to be successful. There's a cost involved but look who the cost is for, in my case, it's my case.

The court system works for most kids. I'll give you a good example I had a student last year from 16 ½ to 17 years, 6 months, she finally did what she was supposed to do at school and at home. The minute she left the court system, she became an adult to the state of New Hampshire, back to the same problem. Had I had that kid in the court system for another year, for example, at age 18 she would have graduated.

So there's other problems besides that. I believe that Judge Maher is on the right track, by making changes in the system, by holding judges accountable, holding lawyers to be there, and if that all happens, we're good to go.

Senator Pignatelli: Thank you for your testimony [tape change] I want to call Representative Gilmore. I'm sorry that I didn't uh...

Representative Gilmore: It's alright...I'll be quick. I just had a few things to say. I'm really grateful to the Senators for bringing this legislation back, it's somewhat untimely demise in the Senate Finance Committee this winter. I'm also heartened to see so many Senators' names at the top of the list because it certainly gives me a very warm feeling that so many of you did take the time to look at this and to consider bringing it back.

And I think that the heart of the legislation is spoken of in the intent. And that is basically to reduce the adversarial nature of these proceedings. And I don't think we have to look much further than Judy Thayer and Stephen Thayer's divorce to look at the wrenching, vicious nature of divorce in New Hampshire. A divorce that is now, you know, threatening the entire entirety of the Supreme Court itself. And today you read the Manchester paper, and a number of other prominent judges' wives have come forward and said that they could not get a divorce in New Hampshire in a fair manner. And this is, as they hint also in that article, that a number of prominent lawyers' wives are about to come forward and offer that same proof.

So to say there isn't a problem I think would be to totally put blinders over our hands over our ears and contend that we don't have problems. And when we speak to what has happened what can work. Certainly we know that the family court has worked in other states, and certainly it seems to be working in Grafton County. And obviously outside of some matters with children and from a ..., it seems to be working with divorce.

So, I think that there is ample reason for this bill to go forward, and certainly none that we shouldn't. The issue here should be one of resolving problems, working with people much in the spirit of what Judge Maher spoke of in that, making the system work. And we really can't go back to the way it was, and we shouldn't. We've got much more to offer to our constituents than the way the system is right now; so I strongly urge its passage.

Senator Pignatelli: Thank you very much Representative Gilmore, any questions? Do you have time for questions?

Representative Gilmore: Oh of course.

Senator Pignatelli: Are there any questions?...Thank you very much.

Representative Gilmore: Thank you.

Senator Pignatelli: Okay, all right then we have Cathy Shanelaris? Welcome.

Cathy Shanelaris: Madame Chairman, members of the committee thank you for hearing me this morning. My name is Cathy Shanelaris and I am the chief staff attorney with the division of child support services. I just would like to start by saying that the division is very supportive of the family division legislation. We've had an excellent working relationship with the courts, with the court clerks, with the court clerks' offices, and we have had few problems in working out our schedules and things of that nature with the courts. And when there have been problems, the judges and the clerks have been very responsive to our concerns.

That being said, the division is concerned that there is no fiscal note attached to this bill. Currently when the Rockingham County, for example, pilot project went in we experienced a slight rise in our case-load. That is not what is of concern to us. Prior to the family division, one attorney could cover, for example, 20 cases in one day in the Rockingham County Superior Court. Family division now there are 5 court locations, and those 20 cases are spread between the 5 different locations which requires (now) more. We have about 3 attorneys trying to cover those locations on different days, making sure all the hearings are covered.

It is the same experience with our support enforcement officers. We have 28 support enforcement officers who cover show cause hearings. There're approximately 470 show cause hearings per month. There are, right now, 19 court locations. If you increase the family division to be in every district court location there could be an excess of 40 locations which would require an enormous increase in staff for the division.

I head up the legal unit at the division, right now I have 13 attorneys working with me and we have approximately 340 hearings every month in the 19 court locations. If they were, the courts, were to increase to the district courts we would have to have additional attorneys [&] paralegal staff, in order to cover the different days those locations are going to cover. We spend, my unit alone, spends approximately 25 thousand dollars a year

in in-state travel expenses. And having 40 locations, for example, would significantly increase our travel costs.

That being said, I just want to reiterate that we are in support of the family division, and we would love to work with the study committee in helping to work out the details of trying to decide locations. I think also our costs would be impacted by where the locations were. Smaller counties, Belknap county has one district court. That would not have a significant fiscal impact for us. But if you were to, for example, put Hillsboro County in first, that would have a significant impact. Not that I'm here to speak on behalf of DCYF but they have, they will have similar concerns to us, the same limited number of attorneys limited number of JSOs being able to travel to court.

I also just have one comment on the legislation itself. On page 2 line 28, the legislation talks about issues being able to be framed and heard by a jury. And the division is limited by federal law, which will not permit us to have jury trials in paternity cases. So I don't know if maybe we need an amendment to the legislation which would exempt us out for that. And that's all I had, and thank you.

Senator Pignatelli: Senator Trombly has a question.

Senator Trombly: Thank you. Just conceptually, my experience with the child support enforcement cases, they usually schedule about 20 of these folks at 8:30. They show up, the division shows up, and you go up and talk. And it seems like 90% of them get resolved that way, very few go in front of the master or the judge. And I was just wondering if there's any prohibition, or something that would keep us from exploring making the support enforcement more like license hearings officers, where you're noticed to go to the division first, prior to the division filing the act in the court, whereby you bring them in and you go through that process, and only then do you go to the court if that doesn't solve it.

Cathy Shanelaris: We actually do that. They schedule was is called a pre-cause hearing, a notice goes out, and only when they don't respond, or don't call, or don't appear for their appointment at the district office, then we request the show cause hearing.

Senator Pignatelli: Senator Squires?

Senator Squires: This is a curiosity question. You mention that there's a federal law precluding a jury trial in a paternity suit. That's the first I have heard of that. Are there other types of cases where you cannot have a jury trial because of a federal law?

Cathy Shanelaris: Not that I'm aware of. That federal law is the Personal Responsibility and Work Opportunity Act, Reconciliation Act of 1996 which is the welfare reform act, which made a lot of changes to paternity establishment, and having paternity affidavits, and in hospital paternity. And one of the prohibitions in that statute is that they do not permit jury trials in paternity cases, and I'm not aware of any other legislation.

Senator Pignatelli: Did you have a question Senator Gordon?

Senator Gordon: Yes, has nothing to do with the family division other than I also practice occasionally in Belknap county. And one of the things that I have noticed in Belknap county is, what will happen is, that they'll bring everybody in along with all the other marital matters that are going on that day because the Marital Master is probably sitting that day. And they give priority to the division, which means they'll do all the division cases first while everybody else out there in the world waits. And I'm just wondering, are there courts where they specially schedule these things so that they're not going to conflict with everybody else in the world who gets called on the list?

Cathy Shanelaris: The courts have been wonderful; they usually schedule us a half an hour before the other cases, so that we can get there, because there's so many. Most of the attorneys have an average of 10-12 hearings on a day so they schedule us for example half an hour early. We can then meet with people, obtain their financial affidavits. And lots of them do, as Senator Trombly mentioned, settle out, where we come to an agreement and those agreements are submitted. So they try to do that first, just because of the sheer volume of the cases, yes.
Senator Gordon: The point I was making is I think maybe even in Belknap County they may schedule them at 8:30, but by the time they're done with them its 10:00. In the meantime everybody's been called at 9:00 and they're waiting for these things to be complete.

Senator Pignatelli: Any further questions? Thank you Cathy.

Cathy Shanelaris: Thank you.

Senator Pignatelli: Eileen Fox?

Eileen Fox: Thank you. For the record my name is Eileen Fox I'm counsel for the New Hampshire Supreme Court. I will try to be brief this morning. The Supreme Court supports this bill in part, and opposes the bill in part.

It very much supports the concept of the family division, and expansion of the current pilot program. It believes that the pilot program has demonstrated the value of having a court with limited but comprehensive jurisdiction over family issues, and for all of the reasons Judge Carbon and Judge Maher have talked about today. We think that that system has worked well, and that they're continuing to make improvements in the program. I think the result of the Court's evaluations, the Court's surveys, and the audit performed by the LBA all show that there is an increased level of satisfaction among family court users about the services they received.

The Court's concern about the bill is the lack of funding for expansion. The intent section of the bill recognizes that the family division provides an enhanced level of services, and the enhanced level of service comes at some cost, as the LBA audit itself recognized. It's due to the fact that there's a higher level of staffing in family division courts. Including case managers, who assist unrepresented parties in understanding the process and completing forms. The Court's four-year history with this project has demonstrated that there is a higher cost to this program, but we firmly believe that the cost is justified by the improved level of services that it has provided to citizens.

The Court is concerned that without adequate funding the family division in its current form cannot continue to be successful, and it's concerned that (if) without adequate funding for expansion the system will fail. Without an appropriation this biennium the Court does not believe it will be in a position to expand the family division to two more counties as this bill would allow it to do.

And so if the committee and the legislature's view is that the family division should be expanded, and that's certainly the Court's view, we think that it is appropriate for the legislature to demonstrate that commitment by appropriating funds for the expansion. In passing this bill, the legislature is

saying that you are committed to expanding the family division state-wide, and appropriating money to expand the system state-wide. Which I think is a major commitment and I think that it's an appropriate on, but it's a serious commitment on the part of the legislature.

There were a couple of comments, I think, or questions raised by Senator Trombly, one about the court's budget process. My understanding is that the court's budget, when it is submitted, is a line by line budget. The legislature then appropriates funds, which is usually a reduction from the Court's request. The Court then reallocates that among the different line items, but I believe that there are funds appropriated on a line item basis for the different courts. And so there is not total discretion within the judicial branches how to spend the funds.

The Court does have some authority to go back to the fiscal committee to ask for funds to be reallocated among certain line items. But it is limited in how it can spend the funds. And I think in response to a question by Senator Gordon, it is not (in the Court's view) that the other courts are not interested in cooperating with the family division pilot program. The other courts, the court system as a whole feels that it is funded fairly leanly. And so everyone, all of the courts I think, feel some pressure, financial pressure, to perform the tasks that are assigned to them. So it's not that courts are unwilling to assist each other, it's that they often don't feel that have sufficient funds themselves to do what they're supposed to do.

And another, I think, question raised by Senator Gordon was about the possibility of expanding the family division to every district court. And while I think that this would provide better service too, particularly in juvenile cases, I would just caution that I think that this would come at some expense to the legislature and the court system. There are, as I mentioned, higher costs associated with the family division, due to the increased level of staffing. So if you expand it to every district court, you would have a higher level of staffing and all district court locations.

And that's due to the addition of case managers, and also to court security, because in many of the district courts we do not have security present. But with the addition of divorce cases the court system believes that it is necessary, because of the nature of those cases, to have security present. So if you expand this to all district courts I think that cost of the program would

be significantly higher. So I would just ask you to consider that. Thank you.

Senator Pignatelli: Senator Fernald?

Senator Fernald: I apologize if this was discussed earlier, but what I'm understanding is that the marital masters are paid through federal funding and my question is: if we expand the family division is there a possibility of hiring more marital masters through that funding?

Eileen Fox: My understanding, and Attorney Shanelaris (if she's here) may be able to explain it better than I, is that a portion of the marital masters cost is reimbursed by the federal government to the extent that they hear, I believe it's, child support cases. And so I'm not sure how that would be affected if you, whether there would be a possibility of increasing that. She may have more of an understanding, and field that.

Cathy Shanelaris: There's a match made of 66% from the federal government every time a marital master works on what's called a 4D agency case, which is one of our cases. So if it's a child support matter or a paternity establishment case they, the masters, keep a log of the type of cases they work on and they get reimbursed every time they do child support work. So if your going to expand (because we only have realized a slight increase in our case load in the two counties) I mean if you hire more marital masters, but they are hearing the same number of child support cases, then there may not be an increase in that funding.

Senator Trombly: Can I ask a question?

Senator Pignatelli: Senator Trombly has a question for you Cathy.

Senator Trombly: Is that child support in the first instance through a divorce decree, or enforcement of a pre-existing court order?

Cathy Shanelaris: It doesn't matter, as long as it has to do with our agency. So for example, if someone's getting divorced and they receive public assistance and we intervene in the divorce matter to recover public assistance, the marital master would be reimbursed for working on that case, because it involved the division.

Senator Trombly: What if it's a divorce where the division is simply the collection agency?

Cathy Shanelaris: No.

Senator Trombly: That doesn't matter?

Cathy Shanelaris: No

Senator Trombly: So it's reimbursement of public funds, is what it is.

Cathy Shanelaris: Yes

Senator Trombly: It's not child support in general; it's child support for people receiving public funds.

Cathy Shanelaris: Yes you're correct.

Senator Pignatelli: Senator Fernald?

Senator Fernald: So do you know what the total funding is from the federal government on the marital masters?

Cathy Shanelaris: I think, I'm not correct about the last years' or 2000 figures now, but I think 1999 it was somewhere around $750,000.00, that's the reimbursement part.

Senator Pignatelli: Thank you, any further questions? Is there anyone else who would like to testify on this bill?

Eileen Fox: May I just be recorded in favor Madame Chair? Thank you.

Senator Gordon: I have a follow up for Eileen, and this is just a follow up on Senator Trombly's question about appropriating funds for the court. And when we do appropriate funds, do we do that on a line item basis by court or do we appropriate funds to the court system and they allocate it among their various enterprises.

Eileen Fox: My understanding (and I'm not the best person to speak about this) I can check with Don Goodnow and get back to you. But my

understanding is that the budget request admitted by the court system is on a line item basis, that the legislature typically approves a lump sum and then the court system is required to come back in a certain period of time and tell (I assume) the fiscal committee how the money is allocated among those line items, and then those line items are set for the biennium. Unless the court system comes in and requests a reallocation to the fiscal committee, which it can do in some circumstances, although I don't think that's unlimited.

Senator Gordon: So we approve a bottom line, a lump sum, and the Court decides how it is to be distributed, comes back with a budget that it works under, and it wouldn't change unless it meets the approval of the fiscal committee, is that correct?

Eileen Fox: I believe that's correct but I would check with Don Goodnow and confirm that.

Senator Gordon: And I guess the follow up to that is, in that circus dance, it's really the court system that's deciding how monies that are given are allocated, to the family division, or the superior court.

Eileen Fox: I'd say that's essentially true, that it's based on what was submitted originally (the request which comes from the courts) and there's a budget request developed by all the courts.

Senator Gordon: So I guess the reason that I asked that is when you say: "we need to have money for the family division." What you're saying is we need to give you more money, because unless we give you more money the Court isn't going to allocate more money to the family division.

Eileen Fox: I think the Court unable to allocate more money to the family division due to the competing needs of other courts, yes.

Senator Fernald: This is for the division if I may.

Senator Pignatelli: Cathy Shanelaris?

Senator Fernald: If a judge hears a URESA case or a case from the division, is there any federal funding there?

Cathy Shanelaris: No, the reason being is that New Hampshire runs what the Federal Office of Child Support considers to be a quasi-judicial system. A lot of states have purely administrative systems that obtain their child support orders. Marital masters aren't considered judicial under those federal guidelines, but because they're quasi-judicial that allows us to be reimbursed for their time. We wouldn't be able to be reimbursed for judge time.

Senator Fernald: One more question, has there been any effort within the court system to channel all of the division cases to masters rather than judges in order to maximize our federal funds?

Cathy Shanelaris: I don't know the answer to that question.

Senator Pignatelli: That is why we had to remove that section of the original bill, because if we made them judicial officers we could no longer capture the money. Any further questions? Any further testimony?

Senator Gordon: Can I just testify very briefly, so I can be on the record?

Senator Pignatelli: Certainly, I'll write you down. You're in favor Senator Gordon?

Senator Gordon: I'm sorry I wasn't here for the beginning of the hearing and I just want to. For the record my name is Ned Gordon and I represent Senate District 2, and I just want to speak in support of the bill itself, the expansion of the family division. I suspect that what was suggested by Judge Maher is a good suggestion, and that is that we change the implementation date from 2001 (so it doesn't occur in this biennium) perhaps to 2002. And that way if in fact there are financial considerations, they can be addressed in the next biennial budget.

And I also have a proposed amendment that has already been discussed by Judge Maher having to do with jurisdictions, but I think that that's a practical issue and I think an issue we ought to give some thought to in addressing this bill. And that is, what we've done is, we've made the court less convenient for people and caused people problems by our desire to run a court operation in a particular way.

And I think this relates to issues having to do with the Jaffrey district court; what we've been seeing in the Capital Budget Committee. What we did was, we had an operation at Jaffrey district Court Peterborough/Jaffrey which was totally unacceptable, just an abominable situation. And what that did was, since that situation was so bad, it drove us to make an improvement, to come up with a solution to improve it. But what we've done with these other district courts is (instead of solving the problems with the district courts in the location themselves) what we've done is we've asked all the litigants all the police officers, everybody to travel further, to go to a different court system. And I think that's wrong because as long as you do that, you solve the problem that way you're never going to address the court itself.

And I think that we ought to, my preference is that we ought to say that unless there is some necessary reason not to, that each district court location should serve as a family court location. And those people in Hampton, I think, should be entitled to have the Hampton District Court service their court location. And if there's some reason why you can't be provided that way, then there ought to be some justification on the part of the court. But I think all district court locations should serve as family court locations. And perhaps like to amend the legislation to make that the case.

But I strongly support it as a matter of policy. I think we should go on record as saying: the family division has made an improvement in this state. It certainly has improved the quality of marital matters in Grafton County, and I would encourage you to support the bill.

Senator Pignatelli: Thank you very much Senator Gordon if I could just make a comment on your comments. If I had my way we would have the family court in every county of the state. I'm convinced of the merits of it. It concerns me though that we would amend this bill to have it in every district court by the end of the next biennium but I would be interested in supporting a bill the following year to do that.

Senator Gordon: I'm not suggesting we would have it in every district court by the next biennium. What I'm suggesting is if we put it into other counties it should be in every district court. Now in Belknap County, as was testified, that's not a problem because there is only one district court at this point in time in Belknap County. The Pittsfield Court was closed and melded into Concord I guess.

Senator Pignatelli: Thank you, anyone else like to testify on this bill? I don't see anyone, I would like to close the hearing on this bill. I would like to…[end of tape]

Judge Maher

Judicial Branch
Budgeted Appropriation Reduction History
Fiscal Years 1996 through 2001

Fiscal Year	Budget Request	Appropriation (1)	Reduction Amount	Net Appropriation	Total Appropriation (2)
1996	$40,536,425	$45,579,262	$2,000,000	$43,579,262	$43,837,483
1997	41,102,105	46,804,622	2,000,000	44,804,622	45,099,963
1998	48,704,654	48,704,650	2,000,000	46,704,650	47,619,044
1999	49,525,268	49,663,055	2,000,000	47,663,055	49,396,590
2000	56,020,109	55,950,461	4,563,000	51,387,461	52,254,841
2001	55,937,088	55,867,440	4,480,000	51,387,440	

(1) Section 1 of the Budget Act.

(2) Total appropriations included supplemental appropriations, such as cost of living salary increases, termination pay, judicial retirement warrants, and special legislation outside of the Budget Act.

Facilities expense was added to our FY 1996-1997 budget in the amounts of $4,885,000 and $5,541,000 respectively.

Speakers

SB 468 Senate Judiciary Hearing Sign In

APPEARING: IN FAVOR	APPEARING: TO OPPOSE	DATE: APRIL 12, 2000 TIME: 9:45 AM NAME / REPRESENTING	WISH TO SPEAK?
		Chief Wheeler, Hampstead P.D. (is planning late...)	✓
✓		SENATOR FRED KING	
✓		JUDGE SUSAN CARBON – GRAFTON CTY FAMILY DIVISION	✓
✓		Judy. Jo Mahan Rockingham Family Division	✓
✓		JOHN CAMERON / for CHILDREN IN THE COURTS STUDY COMMITTEE	
✓		Cathy Shanelaris – Div. of Child Support Services	✓
✓		Heidi Boyack – Administrator of the Family Division	
✓		PHILIP J ENGLISH / CHIEF OF POLICE, NOTTINGHAM NH	✓
✓		Michael D'Alessandro / Chief of Police Northwood, N.H.	✓
✓		FRED MUSCARA, ASSOCIATE PRINCIPAL, WINNACUNNET High School	–
✓		Brenda Hall	✓
✓	Virgant	Emily Fox, NH Supreme Court	✓
✓		GARY GRIFFIN	✓
✓	✓	Elizabeth Hager	✓
✓	✓	Marie Hollyburton	
✓	✓	Sen. Red Eldon	✓
✓		Senator Gloria Johnson	
✓		Linda Griebsch NHCADSV	

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: **APRIL 13, 2000**

THE COMMITTEE ON **Judiciary**

to which was referred **Senate Bill 468**

AN ACT *relative to the family division of the courts.*

file copy

VOTE: **7 / 0**

AMENDMENT # **00-4119s**

Having considered the same, report the same with the following amendment and recommend that the bill: **AS AMENDED OUGHT TO PASS.**

Senator Debora B. Pignatelli
For the Committee

SB468 Docket

Next|Prev|Results List|Main|Bill Status

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	Body	Description
3/23/2000	S	Introduced and Ref. to Judiciary; (See Perm. Journal)
4/4/2000	S	Hearing April 12, Room 103, SH, 9:45 a.m., SC21, Pg.12
4/13/2000	S	Sen. Pignatelli Moved Suspension of Rules for Report not Advertised in Calandar, 2/3, nec., MA, VV
4/13/2000	S	Ought to Pass with Amendment{4119}(New Title), AA, VV;[Rule 24] Refer to Finance; SJ 10, Pg.288-289
4/19/2000	S	Committee Report Ought to Pass, 4/20/2000; SC24
4/20/2000	S	Ought to Pass, MA, VV, OT3rdg, MA, VV; SJ 11, Pg.305
4/20/2000	H	Introduced and ref to Judiciary; HJ39, p1200
4/25/2000	H	Copy to Chairman on 4/25/2000 due Early f
4/25/2000	H	Hearing May 3 11:00 RM208,LOB (Note TIME CHANGE)
5/9/2000	H	Maj Report OTP/AM for May 18 (vote 9-3;Reg)
5/9/2000	H	Prop Comm Am{4434}; HC40, p1282
5/18/2000	H	Comm Am, AL VV; Passed RC(229-44); HJ46, p1478-1480 + 1485
5/18/2000	S	Enrolled Bill Am{4670}, Adopted; SJ 15, Pg.531-532
5/18/2000	H	Enrolled Am{4670}, Adopted; HJ46, p1497
5/31/2000	S	Enrolled Bill, Adopted; SJ 16, Pg.627
5/31/2000	H	Enrolled; HJ48, p1548
6/13/2000	S	Vetoed by the Governor;
7/12/2000	S	Notwithstanding the Governors Veto Shall the Bill Pass; RC 0y-22n; =VETO SUSTAINED=
7/24/2000	S	SJ 17, Pg.629-630

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