Bill as Introduced

HB 268 – AS INTRODUCED

2003 SESSION

03-0919
05/09

HOUSE BILL ***268***

AN ACT relative to motions for contempt of court orders regarding custody, visitation, or nonpayment of child support.

SPONSORS: Rep. Gargasz, Hills 46

COMMITTEE: Children and Family Law

ANALYSIS

This bill provides that, after reviewing a motion for contempt regarding child custody, visitation, or child support, the court shall take appropriate action, including scheduling necessary hearings, as soon as practicable.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 268 – AS INTRODUCED

03-0919
05/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to motions for contempt of court orders regarding custody, visitation, or nonpayment of child support.

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

1 Annulment, Divorce and Separation; Support and Custody of Children; Judicial Response to Motion for Contempt. Amend RSA 458:17, XVI to read as follows:

XVI. Any motion for contempt of a court order regarding physical custody or visitation or nonpayment of child support, if filed by a parent who has custodial or visitation rights pursuant to the court order, shall be reviewed by the court within 30 days. ***Following such review, the court shall take such action as deemed appropriate, including the scheduling of any necessary hearing, as soon as practicable.***

2 Effective Date. This act shall take effect January 1, 2004.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 268 Date 2/5/03

Committee Children & Family Law

** Please Print All Information **

Name	Address	Phone	Representing	(check one) Pro	Con
Jim O'Brien	Seabrook		Self	✓	✓
M Beaudoin	New Castle	436 8810	NCFC	✓	
Sheila Evans	Concord	224-9105	NH Women's Lobby	✓	
Linda Griebsch / NHCADSV	PO Box 353 Concord	224-8893		✓	

Hearing Minutes

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 268

BILL TITLE: relative to motions for contempt of court orders regarding custody, visitation, or nonpayment of child support.

DATE: Feb. 5, 2003

LOB ROOM: 206 **Time Public Hearing Called to Order:** 1:00 p.m.

Time Adjourned: 1:20 p.m.

(please circle if present)

Committee Members: Reps. Moran, McRae, J. Brown, Arnold, Bickford, Greenberg, D. Bouchard, Itse, Furman, Gargasz, Dokmo, Ouellette, Hallyburton, J. Allen, E. Blanchard, Grassie, B. Richardson, Allison, I. Pratt, L. Johnson and Gile.

Bill Sponsors: Rep. Gargasz

TESTIMONY

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

Rep. Gargasz, prime sponsor- She introduced this bill at the request of the court.

Joan Bishop, NH Superior Court- Supports. This bill simplifies the language allowing the court to review the motions and then schedule a hearing. An issue of interpretation of what the word "review" meant is the reason for this bill. There should be no misunderstanding of "review." The word review in the statute had seemed to be interpreted as a hearing. The pressure is not on to have a hearing within 30 days.

Jim O'Brien, Seabrook- He wants the truth. He says the court wants to drag things out. He has 37 independent motions sitting in the court for nearly 200 days with no action. (He checked both "support" and "oppose" for this bill.)

Jeffrey Oligny, E. Hampstead- Opposes. He spoke of a lack of efficiency in the court process. He believes it is a back log problem. He would rather see efforts at increasing efficiency.

Subcommittee Appointed:
Chairman: Rep. Hallyburton
Rep. Dokmo
Rep. Itse

Respectfully Submitted,

Barbara Hull Richardson

Rep. Barbara Hull Richardson, Clerk

Sub-Committee Actions

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

SUBCOMMITTEE WORK SESSION ON HB 268

BILL TITLE: relative to motions for contempt of court orders regarding custody, visitation, or nonpayment of child support.

DATE: March 18, 2003

Subcommittee Members: Reps. Johnson, Dokmo, Itse

Comments and Recommendations:
The bill should pass.

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Lionel Johnson

Seconded by Rep. Cynthia J. Dokmo

Vote: 2-0

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

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Thomas I. Arnold Jr.
Subcommittee Chairman/Clerk

Voting Sheets

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 268

BILL TITLE: **relative to motions for contempt of court orders regarding custody, visitation, or nonpayment of child support.**

DATE: March 18, 2003

LOB ROOM: 206

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: (OTP) OTP/A, ITL, Interim Study (Please circle one.) **FAILED**

Moved by Rep. Cynthia J. Dokmo

Seconded by Rep. Thomas I. Arnold Jr.

Vote: 8-8 (Please attach record of roll call vote.)

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

Moved by Rep. Thomas I. Arnold Jr.

Seconded by Rep. David A. Bickford

Vote: 10-5 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 15-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Barbara Hull Richardson, Clerk

OFFICE OF THE HOUSE CLERK 2003 SESSION

CHILDREN AND FAMILY LAW

Bill #: HB 268 Title: relative to motions for contempt of court orders regarding custody visitation, or nonpayment of child support

PH Date: 2/5/03 Exec Session Date: 3/18/03

Motion: OTP (Fails) Amendment #:

MEMBER	YEAS	NAYS
Moran, Edward P, Chairman	✓	
McRae, Karen K, V Chairman		✓
Brown, Julie M		
Arnold, Thomas I		✓
Bickford, David A		✓
Greenberg, Gary C		✓
Bouchard, David M		✓
Itse, Daniel C		✓
Furman, Christine M		
Gargasz, Carolyn M		
Dokmo, Cynthia J	✓	
Ouellette, Robert O		✓
Hallyburton, Margaret D		
Allen, Janet F		✓
Blanchard, Elizabeth D	✓	
Pratt, Irene A	✓	
Allison, David C		
Richardson, Barbara Hull, Clerk	✓	
Johnson, Lionel W	✓	
Grassie, Anne C	✓	
Gile, Mary Stuart	✓	
	8	8
TOTAL VOTE:		

Printed: 2/5/2003

OFFICE OF THE HOUSE CLERK

2003 SESSION

CHILDREN AND FAMILY LAW

Bill #: HB 268 Title: relative to motions for contempt of court orders regarding custody, visitation, or nonpayment of child support.

PH Date: 2/5/03 Exec Session Date: 3/18/03

Motion: ITL Amendment #:

MEMBER	YEAS	NAYS
Moran, Edward P, Chairman		
McRae, Karen K, V Chairman	✓	
Brown, Julie M		
Arnold, Thomas I	✓	
Bickford, David A	✓	
Greenberg, Gary C	✓	
Bouchard, David M	✓	
Itse, Daniel C	✓	
Furman, Christine M		
Gargasz, Carolyn M		
Dokmo, Cynthia J		✓
Ouellette, Robert O	✓	
Hallyburton, Margaret D		
Allen, Janet F	✓	
Blanchard, Elizabeth D		✓
Pratt, Irene A		✓
Allison, David C		
Richardson, Barbara Hull, Clerk	✓	
Johnson, Lionel W		✓
Grassie, Anne C	✓	
Gile, Mary Stuart		✓
	10	5
TOTAL VOTE:		

Committee Report

COMMITTEE REPORT

COMMITTEE: **Children and Family Law**

BILL NUMBER: **HB 268**

TITLE: relative to motions for contempt of court orders regarding custody, visitation, or nonpayment of child support.

DATE: March 18, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

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

STATEMENT OF INTENT
(Include Committee Vote)

The committee felt that this was unnecessary legislation for a problem that is curable by better communication. It is anticipated the problem will be addressed by the Family Law Task Force.

Vote 10-5.

Rep. Thomas I. Arnold Jr.
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Children and Family Law

HB 268, relative to motions for contempt of court orders regarding custody, visitation, or nonpayment of child support. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas I. Arnold Jr. for Children and Family Law: The committee felt that this was unnecessary legislation for a problem that is curable by better communication. It is anticipated the problem will be addressed by the Family Law Task Force. **Vote 10-5.**

HB 268 Vote 10-5

The committee felt that this was unnecessary legislation for a problem that is curable by better communication. It is anticipated the problem will be addressed by the Family Law Task Force.

8 P.M.