Bill as Introduced

HB 298 – AS INTRODUCED

2003 SESSION

03-0650
05/10

HOUSE BILL *298*

AN ACT relative to the award of joint physical custody of children.

SPONSORS: Rep. Bickford, Straf 68

COMMITTEE: Children and Family Law

ANALYSIS

This bill requires that, in cases where the parties' request for joint physical custody of the children is denied, the court shall state in its decision the reasons why joint physical custody is not deemed most conducive to the benefit of the children.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

03-0650
05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to the award of joint physical custody of children.

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

1 Findings. The legislature finds and declares that it is the public policy of this state to assure minor children frequent and continuing contact with both parents after the parents have separated or dissolved their marriage and that it is in the public interest to encourage parents to share the rights and responsibilities of child rearing in order to effect this policy.

2 Domestic Relations; Support and Custody of Children; Joint Physical Custody Awards. Amend RSA 458:17, III to read as follows:

III. For the purposes of RSA 458:17, II "joint legal custody" shall include all parental rights with the exception of physical custody which shall be awarded as the court deems most conducive to the benefit of the children. ***If either or both parents request an award of joint physical custody and the court does not award joint physical custody, the court shall state in its decision the reasons why joint physical custody is not most conducive to the benefit of the children.***

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

HB 298 – AS AMENDED BY THE HOUSE

25mar03... 0609h

2003 SESSION

03-0650
05/10

HOUSE BILL *298*

AN ACT relative to physical child custody decisions.

SPONSORS: Rep. Bickford, Straf 68

COMMITTEE: Children and Family Law

AMENDED ANALYSIS

This bill provides that, upon the request of either party, the court shall make findings relative to the basis for a physical child custody decision.

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 298 – AS AMENDED BY THE HOUSE

25mar03... 0609h

03-0650
05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to physical child custody decisions.

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

1 Findings. The legislature finds and declares that it is the public policy of this state that frequent and continuing contact between minor children and both parents after the parents have separated or dissolved their marriage is ordinarily beneficial to the children. The legislature also finds that it is in the public interest to encourage parents to share the rights and responsibilities of child rearing in order to effect this policy.

2 Domestic Relations; Support and Custody of Children; Joint Physical Custody Awards. Amend RSA 458:17, III to read as follows:

III. For the purposes of RSA 458:17, II "joint legal custody" shall include all parental rights with the exception of physical custody which shall be awarded as the court deems most conducive to the benefit of the children. ***Upon the request of either party, the court shall make findings relative to the basis for an award of physical custody.***

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

Amendments

Rep. Gargasz, Hills. 46
March 13, 2003
2003-0695h
05/01

No Vote

Amendment to HB 298

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

AN ACT relative to physical child custody decisions.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings. The legislature finds that it is usually in the best interest of the child to have contact with both parents.

2 Domestic Relations; Support and Custody of Children; Joint Physical Custody Awards. Amend RSA 458:17, III to read as follows:

III. For the purposes of RSA 458:17, II "joint legal custody" shall include all parental rights with the exception of physical custody which shall be awarded as the court deems most conducive to the benefit of the children. ***Upon the request of either party, the court shall make findings relative to the basis for an award of physical custody.***

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

Committee Minutes

Judiciary Committee

Hearing Report

To: Members of the Senate

From: Susan Duncan
Senior Legislative Aide

Re: **HB 298** – *AN ACT relative to physical child custody decisions.*

Hearing date: April 24, 2003

Members present: Senators Peterson, Foster, Clegg and Roberge

Members absent: Senator Sapareto

Sponsor(s): Representative Bickford

What the bill does: This bill provides that, upon the request of either party, the court shall make findings relative to the basis for a physical child custody decision.

Who supports the bill:
Representative Bickford
Representative Gargasz
Mike Smith
Gary Gagnon, Ossipee
Jeffrey D. Oliguy

Who opposes the bill:
Linda Griebsch, NHCADSV
Erin MacJaggart, NH Women's Lobby Intern and PSC student

Summary of testimony received:

- This legislation was filed in order to put in writing the findings relative to the basis for award of physical custody.
- Many articles and papers have been written on the benefits of joint physical custody, or shared parenting.
- The wording contained in HB 298 is the current policy of the courts.
- Amendment #0695h was offered to simplify the language.
- It was also suggested that the matter of deciding this could be given to the Task Force on Family Law.

- The State of California adopted a joint custody statute only to subsequently repeal it because they determined the children were being shuttled back and forth constantly.
- The current adversarial process in the court only serves to further anger those involved in a divorce / custody situation.
- The written findings are very important so that a record is preserved (especially where parties can end up with different judges and/or masters during the course of their hearings).
- In the cases of domestic abuse and domestic violence, this should not even be a consideration.
- The State of Maine has a presumption of joint physical custody.
- The father has an important, documented role in the establishment of a healthy self esteem in daughters.
- According to testimony received, fathers who are able to share their children and the lives of their children are more likely to pay child support willingly and in a timely manner.

Funding: No financial impact

Future action: The committee took the bill under advisement.

sfd
[file: HB 298 report]
Date: April 28, 2003

Date: April 24, 2003
Time: 4:30 p.m.
Room: State House, Room 105-A

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

HB 298 (New Title) relative to physical child custody decisions.

Members of Committee present: Senator Peterson
Senator Foster
Senator Clegg
Senator Roberge

The Chair, Senator Andrew R. Peterson, opened the hearing on HB 298 and called on Representative David Bickford, prime sponsor, to introduce the legislation.

Representative David Bickford: It's good to be back. Thank you. My name is Representative David Bickford, representing Grafton 68. I am here to present HB 298.

This is a bill that has two points in it. One is a legislative finding dealing with physical custody of children and the other is about findings. Now, the very first part, which is findings, was something I originated from New Jersey and Maine and that is on that handout that I have for you with the yellow on it. **Please see information from State of New Jersey, attached hereto and referred to as Attachment #1.**

They have done that in New Jersey and they did it, word for word, in Maine also, that legislative finding. I thought it was really good and I thought we should do the same thing in New Hampshire. We, the committee and subcommittee that looked at this, felt that it went a little too far and wanted to tone it down a bit. I like what they did come back with, the amendment, and I think the change was, let's see, minor children with frequent continuing contact with both parents after parents have separated and dissolved their marriage and that it is in the public interest to encourage parents to share

the rights and the responsibilities of child rearing in order to effect this policy.

Now, we go over to the other one. The amended version says the Legislature finds and declares that it is the public policy of this state that frequent and continuing contact between minor children and both parents after the parents have separated and dissolved their marriage is ordinarily beneficial to the children. I think that change was very acceptable to us. There are situations. You can't say that about every situation. But, as a public policy, in general, it probably is best. I certainly think it is.

Senator Andrew R. Peterson, D. 11: Could you please clarify for me which bill you are in favor of. Are you in favor of the amended version by the House or are you going to recommend changes?

Representative Bickford: No, I'm in favor of the bill itself.

Senator Andrew R. Peterson, D. 11: The original bill or as amended by the House?

Representative Bickford: I was just trying to give you an idea where we came from. I am in favor of the amended bill as it comes from the Family Law Committee that I also sit on.

Senator Andrew R. Peterson, D. 11: Thank you.

Representative Bickford: I'm sorry for that.

Senator Andrew R. Peterson, D. 11: It helps me because we do have so many different incarnations of language with these kinds of bills and, you are the sponsor and I would like to know what your view is.

Representative Bickford: Thank you. I was just trying to give you some direction as to where I came from and where I pulled this information from.

Senator Andrew R. Peterson, D. 11: It is where you ended up.

Representative Bickford: Just where we ended up. I'm happy to do that. The second sentence is that the Legislature also finds that it is in the public interest to encourage parents to share the rights and responsibilities of child rearing in order to effect this policy.

What I like about that finding is that it very closely assimilates what the child impact seminars teach. We can go to one of their booklets that they use

in the child impact seminars which people are supposed to be required to take before they get their divorce. It talks about co-parenting. In fact, I think it mentions co-parenting thirteen times in here. Sometimes people use the model of a business relationship to redesign the relationship between co-parents and on and on and on. They say the term co-parent focuses on the continued relationship as parents. So, this gives us that same flavor that the Legislature is in agreement that co-parenting is the route to try to go down.

Now, the second part of the bill merely asks for the court to put in writing its findings relative to the basis of an award of physical custody. You don't always get that. You do sometimes, but there are times when you just get a determination of how it is going to be and the parent didn't get the custody award expected, has not been there and consequently nothing to go to the Supreme Court with even. So, originally, I came in with that only joint physical custody that that would be done, but the Children and Family Law Committee decided to go even further and, in all cases that are contested, and they want to know what happen, they can get it in writing. Now, I looked up to see what that would amount to and it looks like, in 2001, the number of contested cases was two hundred and seven. So, it doesn't look like it would be too tough for them to put it in writing.

That's my testimony.

Senator Andrew R. Peterson, D. 11: Thank you, Representative. Are there questions from the Committee? Representative, could you delineate for us the difference between joint legal custody and joint physical custody?

Representative Bickford: There is a big difference. They are not tied at all. Joint legal custody, you might have the ability to make a decision on your children going to a private school, say, involved in that decision. But, you have no say about where the children are, aside from their physical custody. Today, they don't even use that term too much any more. They use primary physical residence and they designate that. I think more and more they are starting to use, for the other parent, custodial time, rather than using the word visitation, even though the statutes call it visitation. So, it is your physical presence is physical custody, but legal is not terribly meaningful because, as some people may say, possession is 90% of the law. There are people who can probably explain that a little better than I can.

Senator Andrew R. Peterson, D. 11: Are there other questions from the Committee? Hearing none, thank you for bringing the bill. I will call Mike Smith. Oh, I'm sorry, if you could suspend for a moment. I call Representative Carolyn Gargasz, who wishes to speak in favor of the bill. Welcome, Representative Gargasz.

Representative Carolyn Gargasz: Thank you, Mr. Chairman. For the record, I am Carolyn Gargasz, representing Hillsborough District 46. I was Chair of the subcommittee on this bill.

We did make a considerable change to what came in and, as you have before you, where it says number two, domestic relations and then three under that, as I understand it, that is the policy of the court now that we have now put into legislation.

When our subcommittee met, we had two proposals for the wording on findings. The one was moved and voted and passed, the one that you have. There was a split vote. I am only offering for your consideration the other wording on findings, which is a very simple sentence that says, "The Legislature finds that it is usually in the best interest of the child to have contact with both parents". The reason that was kept simple was, as has been discussed earlier, allowing the court the greatest leeway in determining what is the best interest of the child. So, that is basically what I want to share with you. I only have a couple of copies of that, but it is very simple. **Please see Representative Gargasz's 2003-0095h proposed Amendment to HB 298, attached hereto and referred to as Attachment #2.**

Senator Andrew R. Peterson, D. 11: Your preference would be the simple version?

Representative Gargasz: Yes, that's what I wrote.

Senator Andrew R. Peterson, D. 11: Not the version your committee passed?

Representative Gargasz: Right.

Senator Andrew R. Peterson, D. 11: Thank you. Are there questions from the Committee? Is it true statistically that it is ordinarily beneficial to the children to have contact with both parents?

Representative Gargasz: I think that's desirable.

Senator Andrew R. Peterson, D. 11: I suspect that it is. I just wondered if that was...

Representative Gargasz: Yes, I think there are other people who are going to testify who are more involved in situations where it is not in the best interest of a child. There are some other people who...

Senator Andrew R. Peterson, D. 11: However, it is a true statement to your knowledge that ordinarily, it is?

Representative Gargasz: Yes.

Senator Andrew R. Peterson, D. 11: Thank you. Other questions? Senator Foster?

Senator Joseph A. Foster, D. 13: As you may be aware, we passed legislation to set up a commission that is going to be dealing with child support and custody issues. This was passed in the Senate and went on over to the House. I don't know whether the House has passed on it or not.

My question was that, while I don't think I have particular concern with the findings, it looks like a commission would be looking at exactly these types of findings. I was wondering whether, with that in mind, whether you think it is appropriate for us to, I'm talking about section one of the bill, to be making those findings now and then perhaps have the commission make a recommendation perhaps six months down the road?

Representative Gargasz: No. Well, there is something else that is currently in existence, which is the Task Force on Family Law, which is also looking at these similar issues. So, if you had any questions and wanted to have the Task Force consider it, that's another place where it could go. That is in existence now; it is not in a committee of conference.

Senator Joseph A. Foster, D. 13: Thank you.

Senator Andrew R. Peterson, D. 11: Thank you. Further questions? Seeing none, thank you for being here. I call Mike Smith, who wishes to speak in favor of the bill. Welcome.

Mike Smith: Mike Smith, representing myself. Real quickly, I'm in favor of the bill. Anything that would enhance the possibility that children could have two parents, as far as I'm concerned, is a positive. I gave you folks earlier, I'm sorry, you Senators, earlier the document which somebody here might find offensive as far as the tone. If it does, I hope it does because, frankly, that's the way I see the world. I don't think I'm that far off base. I feel a bit like Rosa Parks sitting before the judicial commission in Alabama, to be honest, as far as the way I feel treated by this state. Okay?

However, to go into the particular deal, as far as this bill, until you enforce parental interference with visitation, the contact with the children, all this paper is just that. It is paper. Okay? I dealt with three different marital masters. As far as I'm concerned, they looked at me as nothing more than a check, nothing more. Nothing more than a person that was "angry". Let me define anger. Let me talk about some people that should have been in anger management. Rosa Parks, George Washington, John Stark. When you are upset because you have been unjustly treated, when you are upset because your attorney who supposedly represents you is more interested in making the judge or marital master happy because he has fifty cases down the road that he has to deal with this person, doesn't present your e-mails that show that she is uncooperative and angry herself. Okay? Doesn't present that to the court to show how cooperative I have been, in terms of even before the judge or marital master got involved. Letting the kids be with their mother on Christmas, arranging to not having the kids of Thanksgiving, but having them the next day and how basically I get chastised for the kids coming back with the kids fifteen minutes late on something that I had voluntarily done. That never makes it to the court because a lot of these attorneys, as far as I'm concerned, that represent fathers, never bring this stuff up.

So, the point I'm trying to make is this. The laws are great, but we've gotta change some attitudes as well and the way to start is basically start looking at parents as both being just as valuable. For the primary caregiver, I say, basically... Thank you.

Senator Andrew R. Peterson, D. 11: Thank you for your testimony. Although I can well understand how anger can result from circumstances that people are in personally and want to convey that I personally sympathize with that. I would like to have our comments focused on the legislation before us. The reason for that is because our great opportunity here in these hearings is to do something in law which may send a message which resonates in a greater sphere.

Mr. Smith: May I comment on that, sir?

Senator Andrew R. Peterson, D. 11: Yes, you may. If I may finish what I'm saying first. I am trying my best at least in this room to show respect to the people who come here and wish to express an opinion and I hope that that is understood by those who are here and I want to convey that to you. Now, of course, you may comment.

Mr. Smith: Just quickly, sir. If you look at the statistics I gave you, in 2001 references "Non-Custodial Parent" paying child support. The State of New

Hampshire has a virtual aperture to chase fathers to get money. Just trying to be a father, you get one one-hundredth of the attention from a marital master or judge in reference to seeing your kids. I missed a soccer tournament, which my attorney at the time said I didn't have to go to based on the divorce decree. I got held in contempt. The tourney was two hours away in Maine. I would have to travel three days. I have two other children. I have a disabled wife, who is now on disability. That did not matter. Okay? I stopped seeing my children subsequently because I was so disgusted with the system, so disgusted. And, since that time, every time I bring interference stuff, it's not filled out properly or it's basically delayed. In the last six weeks, I have had five phone calls to my ex-wife, arranged by the court. If I basically veered slightly when I called, I'm sure I would have gotten chastised or sanctions. The first call was on time and she answered it and I got to talk to the children. The next four calls we arranged. She sent me e-mail. I provided them, I sent them to the court. Did anything happen? No. The judge changes the time of the call because apparently it doesn't work. Does anything happen? No. She's not there. What a shock! She has no reason to be there. The court doesn't care. Thank you.

Where is the non-harassing parent poster with all the mothers who basically chased all these fathers down to make compliance for child support 40% as opposed to 90% who do see their kids? Where is that poster?

Please see "Non-Custodial Parent" submitted by Mike Smith, attached hereto and referred to as Attachment #3.

Senator Andrew R. Peterson, D. 11: Well, I think I am going to leave it at that for now and call Erin MacTaggart, who wishes to speak in opposition to the legislation. Has she gone? I call Linda Griebsch, who wishes to speak in opposition. Welcome to you.

Linda Griebsch: Thank you, Mr. Chair and members of the Committee. My name is Linda Griebsch. I am with the New Hampshire Coalition Against Domestic and Sexual Violence and I am here to speak in opposition to the bill for a number of reasons. I do have written testimony as well, which I can distribute to the Committee. I will try to keep it short because we have all been here for a very long time.

But, I do want to point out, as Representative Gargasz mentioned earlier, that we do have the Task Force on Family Law. So, the timeliness of this bill is sort of a contrast to the work we are trying to do on that committee.

We also have, and I think the court said, I have been here all afternoon so I have heard the hearings on several other bills, and one of the things that I

noticed that people brought up earlier, is that there a lot of things that are being changed in the State right now. We do have a state board now for certifying and for monitoring and a grievance process eventually for Guardian ad Litems, which have a lot to do with custody cases. As I say, we have the Task Force on Family Law. We have a bill that is enabling courts to offer mediation as an option to the adversarial process and none of these things have had a chance to even, well, in the case of the Task Force on Family Law, to even make recommendations. In the case of the other two, to have an impact yet before we move forward on this.

So, that is one the things I would like the Committee to consider in lieu of passing this bill. I think that this bill would work in an ideal world where people behaved in a civilized and mature manner, but of course, in an ideal world, divorce probably wouldn't be an issue. So, we are not dealing with that and, while I agree in principle with Representative Bickford, the practice is considerably different.

Each family breakdown is individual and there is a range of contributing factors and possible outcomes. So, we can't have a cookie cutter solution or statement of policy here. Where parents can agree and cooperate and work on parenting plans, a successful arrangement can be made and this is the optimal situation. But, there are a lot of other situations that happen in divorce and the cooperative arrangement is possible right now and when that works, that's great. But, I don't think we can impose that on a high conflict situation, situations where there is domestic violence, situations where there is child abuse obviously would not fall into that situation. So, I think that we need to consider that before make a finding. I think divorce, by its very nature, suggests dysfunction and less than healthy communication.

In states such as California, where they were a leader in passing legislation that wanted joint physical custody, they found that the reverse of all their stated objectives occurred and they did end up repealing the law. There was not less litigation; in fact, there was more because even the most mundane daily decision now had to go the courts rather than going through other means. The children were not happier, nor were they more secure. But, by their own testimony, they felt homeless, they were shuttled from one makeshift bedroom to the other and they had to keep their belongings in a suitcase or a backpack, obviously not in the best interest of children.

I have several questions about this bill that I hope that you will be thinking about as you have your deliberations. First of all, I don't know where this finding goes. There is no reference put into it and I'm not sure where a finding such as this if there is a place where we keep these findings or what is the purpose and placement of the finding. I also have the question would

this in effect change a longstanding policy to provide for the best interest of the child or, in the reverse, doesn't the best interest standard cover the finding in this bill, but only when it is applicable and not when it is not applicable?

Third, would this prevent a parent with children from moving closer to a much-needed support system such as their family? Would this policy force a parent or a child to be placed constantly in a potentially dangerous situation?

My hope with this bill, my first option would be ITL. But, if that is not the direction that the Committee seeks to go, I do ask that you accept Representative Gargasz's amendment as opposed to the current findings. My third option is that I have an amendment of my own that I would like to add to the finding statement, which I brought with me. There may have to be a different reference, as I said. Since I don't know where the finding goes, I made reference to 458 and put it in related to the paragraph, paragraph C, Roman II. If in fact it doesn't go as part of 458:17, then we will have to add that to the amendment. So, I would submit that to the Committee.

Senator Andrew R. Peterson, D. 11: Thank you. We appreciate that you submit that so that we have it as part of the file. We appreciate your bringing it.

Ms. Griebsch: I also brought, for those of you who are unfamiliar with the organization, I brought a couple of brochures.

Please see New Hampshire Coalition Against Domestic and Sexual Violence Comments on HB 298 and Amendment to HB 298, attached hereto and respectively referred to as Attachment #4 and #5.

Senator Andrew R. Peterson, D. 11: Thank you. Senator Foster for a question.

Senator Joseph A. Foster, D. 13: You had a lot of testimony on Section 1 of the bill. Do you have any comment on Section 2 of the bill? Asking a judge to make a finding or when she makes a custody award, as opposed to just...(inaudible)...

Ms. Griebsch: I have no particular feeling on that either way. I know that now currently the statute, under joint legal custody. So, I don't particularly have an objection. I think it might be wiser to say upon the request of both parties because you can guarantee that this will require in every single court situation. You know, that even may not be a bad idea. I will say that I have heard testimony to the fact in the course of other bills and also the GAL

Board, that sometimes written findings get used as a club by one parent over another and they have the affect of being written in stone. So, if the court would make a finding against a certain parent, that parent may have trouble in the future if they want to make a change. So, it may not be in the best interests of the parent for the parent where the finding is against them, to have it written down.

Senator Andrew R. Peterson, D. 11: Senator Foster for a follow up.

Senator Joseph A. Foster, D. 13: Could the parent against whom the decision is adverse, shouldn't they have the right to make that decision as to whether they want to know the reasons, even if it is something they may not want to hear?

Ms. Griebsch: I think they should be advised of the consequence of having it written as a court finding, but then, yes.

Senator Andrew R. Peterson, D. 11: Thank you. I think that interlocutory covered a lot of what I was wondering as well about your feelings about the bill. You mention that abuse can often be involved in situations and these difficult situations are individual, exasperating, as this hearing can be. The question would be why then would a simple award of physical custody be preferential to a written finding if one party indeed wishes to have it? If the party requesting it is the party that receives the negative consequence of it being in writing, then that would strike me as a decision that they made as an adult.

Ms. Griebsch: Okay.

Senator Andrew R. Peterson, D. 11: Do you have any objection to that?

Ms. Griebsch: I don't. As I said, it is already in practice with joint legal custody. So, given that the understanding is that they know this could have a negative impact on the future. There was one thing that you said that triggered something, that I think is gone again. I think it is just as well. It's late enough as it is.

Senator Andrew R. Peterson, D. 11: Thank you for your testimony.

Ms. Griebsch: Thank you, Senator.

Senator Andrew R. Peterson, D. 11: I believe I skipped over Gary Gagnon, who wishes to speak. I apologize for that and welcome.

Gary Gagnon: My name is Gary Gagnon. I am from Ossipee, New Hampshire and I travel quite a distance to attend these hearings as I do find them of great importance.

I am a parent that a shared custody arrangement with my daughter and I find it works very well. The decree was handed down two years ago and I wanted to note to the Committee that just the other day I was speaking to my ex for about forty minutes just trying to work out some details and point out the fact that we were communicating very well and how the fact that I have continued contact, at least on an equal basis, has helped that and has kept that open because I consider that a fair judgment. Our case was very difficult while we were going through the process. The court process is extremely adversarial and it caused us to nit pick at each other and it is horrible. I just want to point out that when this was all said and done, the tension is gone. We are both able to speak to each other. An example is the forty minutes we were talking just the other day.

It is just amazing to me and I hear all this other testimony from people who are extremely angered by the system and I can understand that, especially if I was not able to see my daughter at least on a half time basis. She lives at my house for about half the week and she has a bedroom just like she did before. It is working wonderful. I am ten minutes from the school and her Mom is ten minutes from the school. Quite frankly, I think that when two parents separate, that they should stay together in the area if there is no abuse.

Of course, I would like to point out, if there is abuse, well then, these circumstances don't really apply. I think we need to be looking at the majority of cases, not the minority and I don't really think that abuse occurs in the majority of cases. I think that that is kind of an exception and there are a lot of people that are left hanging without their children. I think there are very few things in life that we need to treasure and a relationship between our children is one of those things that is very important.

I wanted to comment on the second half of the bill and point out that the judge should issue a finding. I think that this is extremely important. The courts are often switching masters due to a lack of resources and you are getting a new one every time you go in. If the master before you or the judge does not put down a finding, then how are you to actively, the next one, to really know what the circumstances were that led up to this? If the case was brought before them again or before a new master, how are they supposed to know? I think that's all.

Senator Andrew R. Peterson, D. 11: Well, thank you for being here. Are there questions from the Committee? None. I can tell you from my own experience, sir, with over twenty years in the real estate business where the three main causes are death, divorce and desire, it has been my experience that there are many cases where people work it out quite well, as you relate today. I thank you for your testimony on this.

I have no others who have signed up to testify on this bill and, as a result, we will close the hearing at this time. Did you sign up? Oh, I'm sorry, you did put down to speak. I apologize. Please come forward.

Jeffrey Oligny: My name is Jeffrey Oligny from East Hampstead, New Hampshire.

Senator Andrew R. Peterson, D. 11: Welcome. I apologize for missing that.

Mr. Oligny: Thank you, Mr. Chairman and Committee members. I'll be brief. The reason I will be brief is because I will be picking up my son and daughter at 6:00 in East Hampstead and I wouldn't want to be late for that.

I think, to address issue one of the frequent and continuing contact, almost daily I see evidence, I could fill a room, pull in a wheelbarrow and fill the room with articles that show, I think what one of the Committee members here said, seem like common sense that two parents involved in the lives of a child after a divorce is probably the best for that child. Is it possible for a child to turn out okay without that? Sure it is. There's exceptions to every rule. I think, as Mr. Gagnon stated, abuse is an exception. If that occurs, I guess what we are talking about doesn't really apply. I don't think there is anybody that would argue that an abusive parent deserves the parents as a non-abusive parent. So, I don't think we really need to discuss that. Also, I would like to say very briefly on the abuse and the domestic violence, there's two sides of every coin and there is abuse of the domestic violence system. We call it the silver bullet and it is used daily.

In brief, our sister or brother state of Maine has a presumption of joint legal custody and there is another state legislature, I'm not exactly sure which state it is, that is considering it as well. The majority of the family law bills that you discuss relate to splitting the children between the parents; relate to modifying the law in the event of a particular situation. We heard today that every divorce, every situation is unique and needs to be dealt with on its merits. I don't think you will ever create rules that are boilerplate that will fit every situation. Given that we have an overloaded family court system and I don't know that there is much objection to that statement, and much of your time is dealt with how you should split custody between parents, I think

that a presumption of joint custody, which I would very much like to see this state go and, in support of section one of this bill, would save a lot of time, energy and increase the efficiency of this entire process.

Having said that, you have probably heard of Lifetime for Women, which is a very good TV show. I watch it all the time. Well, they have a *Lifetime Magazine* and I read just today that in *Lifetime Magazine* they recognize the benefit of fathers in daughters' lives to build their self-esteem. I think, if you talk to any Guardian ad Litem or psychiatrist or psychologist that has to do with children, you will know that one of the major problems with children, unfortunately, often with female children is low self-esteem, which can result in a myriad of unwell situations.

Removal of this need to split the children in support of joint custody will remove the lottery ticket of the divorce process. The lottery ticket is child support, often referred to as tax-free alimony. There is a bill pending to have a committee to study child support. Child support in New Hampshire is not based on any objective evidence of what it costs to raise a child. I won't go into that. But, this support of joint custody would reduce the complexity of divorces. It would dramatically reduce the acrimonious debates that go on and it will reduce the use of children as pawns. It will get us closer to two parents for the children getting past the divorce so they can work it out and be parents. They don't have to be married, but they have to be parents. That's all I have to say.

Senator Andrew R. Peterson, D. 11: Thank you for being here. Are there questions? Yes. Are others now going to come forward to speak on this bill? We've got a list here to sign up. If you could suspend before speaking a second time, I would appreciate it and this gentleman, if you could come forward. If people could please not repeat what's been said. I don't feel that has been happening, by the way. I think people have offered new information, so don't get me wrong. I just ask that you try to respect that.

Jim Ward: I'm in favor of the bill. I have gone through a divorce and I had two years...

Senator Andrew R. Peterson, D. 11: Would you please identify yourself for the record?

Mr. Ward: I am representing myself, Jim Ward.

Senator Andrew R. Peterson, D. 11: Welcome.

Mr. Ward: I'm in favor of this because I think it is better for the process and better for the children. I went through two years of informal shared custody, 50/50, with no instances whatsoever until I didn't agree to some of the terms of the divorce proceedings and settlement. My wife was screaming at me on the courtroom steps, "I'm going to take the kids and don't you think I can't" and that's not in the best interest of the children. There are many, many studies. I was here a few weeks ago. The children's rights advocate, the Health & Human Services say that children without their fathers involved are much more likely to attempt suicide. Child advocate groups support shared parenting. There is too much evidence that this is the right direction to go. Anything you can do that will make this more of a way to go rather than duke it out in court, it is going to make the process a lot smoother, less adversary between the parents.

Thank you.

Senator Andrew R. Peterson, D. 11: Thank you. Questions? Seeing none, would you like to come forward and speak? If you could identify yourself for the record again for this hearing, I would appreciate it.

Nicole Perry: Thank you, Mr. Chairman. I just wanted to make a brief statement regarding this. I have done some research. I'm Nicole Perry from Milton, New Hampshire. I have done some research on the internet.

The American Psychological Association puts out a monthly magazine and, in that magazine, they publish articles on the benefits of joint custody. They admit that the shuffling between the two households is preferable to the child being raised without one of their parents. I will bring that article in, the last one that I found, and submit it for you.

The other thing I wanted to say is that there is some effort, I believe, there may be some concerted effort to teach a parent not to get along with the other parent, not to be willing to co-parent because, by not being willing to co-parent in harmony, they will then be awarded sole, primary custody. So, if the parents cannot get along, then the judge needs to choose one of the parents and I believe that there are parents that are being, there are advocacy groups who are teaching one of the parents to not get along with the other parent so that they may in fact get primary physical custody. I think that is wrong and I think, if it can be proven that there is an advocacy group that is doing that, that they should be held accountable for making life more difficult for the children.

Senator Andrew R. Peterson, D. 11: Thank you. Are there questions? Hearing none, thank you for your testimony. Sir, did you wish to speak for a second time? Please come forward.

Mr. Gagnon: My name is Gary Gagnon. With all due respect to the Family Law Task Force, which there are several members here, I want to point out that there was some recommendation to either kill or postpone this bill until recommendations have been made from that Task Force. I have been attending many of the meetings on the Task Force and there is a position for the Commission on Status of Men when that is up and running and, due to some serious foot dragging on Governor Shaheen's part and possibly on the new Governor's part, there is no Commission on the Status of Men up and running yet, which was supposed to start last July. The recommendation possibly would eliminate without information from that Commission on the Status of Men if it was to be presented prematurely. I just wanted to make that known to this Committee.

Senator Andrew R. Peterson, D. 11: We're aware of that Commission. I was personally involved in the committees that reviewed the creation of that Commission. So, we are aware of the progress or the lack thereof. Thank you for bringing that.

Are there others who wish to testify on this bill? Seeing none, I will close the hearing at this point on HB 298.

Hearing concluded at 5:40 p.m.

Respectfully submitted,

L. Gail Brown
Senate Secretary
5/15/03

5 Attachments

ATTACHMENT #1

State of New Jersey

N.J.S.A. 9:2-4 : Legislative findings and declarations; parents' right to custody equal; custody order; factors; guardian ad litem; agreement as to custody

The Legislature finds and declares that it is in the public policy of this State to assure minor children of frequent and continuing contact with both parents after the parents have separated or dissolved their marriage and that it is in the public interest to encourage parents to share the rights and responsibilities of child rearing in order to effect this policy.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 19-A MRSA §1653, sub-§1, ¶C is enacted to read:

C. **The Legislature finds and declares that it is the public policy of this State to assure minor children of frequent and continuing contact with both parents after the parents have separated or dissolved their marriage and that it is in the public interest to encourage parents to share the rights and responsibilities of child rearing in order to effect this policy.**

Sec. 2. 19-A MRSA §1653, sub-§2, as amended by PL 1997, c. 415, §3 and affected by §5, is repealed.

Sec. 3. 19-A MRSA §1653, sub-§2-A is enacted to read:

2-A. Parental rights and responsibilities; order. This subsection governs parental rights and responsibilities and court orders for parental rights and responsibilities.

A. The court shall follow the following order of preference, in accordance with the best interest of the child, in ordering parental rights and responsibilities:

(1) To both parents jointly:

(a) When the parents have agreed to an award of shared parental rights and responsibilities or so agree in open court, the court shall make that award unless there is clear and convincing evidence that it should not be ordered. The court shall state in its decision the reasons for not ordering a shared parental rights and responsibilities award agreed to by the parents; or

(b) If the parents have not already agreed to an award, the court may require the parents to submit a plan for implementation of the award of parental rights and responsibilities upon finding that both parents are suitable parents;

ATTACHMENT #2

Rep. Gargasz, Hills. 46
March 13, 2003
2003-0695h
05/01

No Vote

Amendment to HB 298

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

AN ACT relative to physical child custody decisions.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings. The legislature finds that it is usually in the best interest of the child to have contact with both parents.

2 Domestic Relations; Support and Custody of Children; Joint Physical Custody Awards. Amend RSA 458:17, III to read as follows:

III. For the purposes of RSA 458:17, II "joint legal custody" shall include all parental rights with the exception of physical custody which shall be awarded as the court deems most conducive to the benefit of the children. ***Upon the request of either party, the court shall make findings relative to the basis for an award of physical custody.***

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

ATTACHMENT #3

2002

Non-Custodial Parent

$26,000 Earned Gross Income
$10,000 Disabled Wife's Social Security
$15,000 Child Support
$19,000 Medical Expenses (those actually paid)

Listed official as 'underemployed' that year because he was not even allowed by the marital master to present his offered job search. A letter from his employer indicating his pay was decreased recently primarily due to a nervous breakdown where his wife drove him home because he was crying no stopping and uncontrollably was also tossed aside, even though before the court trial even took place, he was attending counseling for anxiety and depression problems. Now unemployed and collecting unemployment after being let go after 40 days in a better compensated position. The only position for which he is being contemplated for an offer satisfactory to the court is a position located on Boylston St in Boston, MA, a perhaps 90-minute commute during normal commuting hours.

Custodial Parent's Income:

$92,400/yr as of almost 3 years ago, and probably more

~~Marital Master:~~ GAL:

Waited 2.5 years for one to be appointed. No counseling for the children yet despite requests over three years.

Visitation:

Given up after being found in contempt of court for not driving one child to a three-day soccer tournament in Maine. Motions and other efforts to get the NH Mother's Court's to address allegations of parental interference and child abuse ignored.

Contact finally reinitiated after over a seven-month wait. In ~~July 14~~ April 4th, my attorney-in-fact, my disabled wife was forced to provide Petitioner's counsel on an anticipated child support adjustment before she left the courthouse, and of course no similar demand was made of the Petitioner. When attorney-in-fact requested that the judge discuss the matter of a trust fund return motion, the judge admonished us that we had no right to spend whatever other monies we may have been awarded via the divorce. He had no interest in hearing what was spent or why.

Worst of all the judge and GAL did not in any way sanction the mother who again interfered with the father's contact with his children. Of 5 court scheduled calls based on the alleged their mother statement of when the kids would be available to speak to their

father on the phone, the only call that happened as scheduled was the initial call. In short, 80% non-compliance. (This is the same court that never hesitated to find me in contempt for missing a soccer tournament 2 hours away in Maine; 90% compliance and a attorney's opinion that attendance at that tournament was not required per the divorce decree wasn't enough to avoid a contempt, and yet again, allegations of contempt and child abuse again get ignored yet again by the court. Further, the judge rescheduled such calls for Sundays at the same specified time. No surprise the phone rang and rang. (Now 83.% non-compliance on that issue alone.) I suppose it was because it was Easter, you know the holiday a marital master against the State Constitution and a related Supreme Court decision altered visitation for Easter that year because my children's mother is an alleged 'devout Catholic'.

Questions, for our alleged 'just' State that supposedly 'prides' itself of alleged gender 'equality'.

1. Why is it that the State abuses me when I continue to make full and timely payment of my child support, and give my and virtually every other mother a FREE PASS on parental interference? Curiously, 'bad daddies' get lambasted for not spending time with their children.

2. Where are the "Interfering Parent Posters"?

3. Since a House study has shown that so-called 'visitation' (a sexist and disgusting term) is more important that police-state tactics in collecting child support (about 90%+ compliance versus about 40% in 1991), when are the sexist zealots on the bench and in DCYS going to listen to fathers on matters of interference and abuse, as opposed to blowing them off?

JOINT PHYSICAL CUSTODY

Minimal child support required. Parents get what is best for them; two involved and loving parent.

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ATTACHMENT #4

Amendment to HB 298

1. Findings. The legislature finds and declares that it is the public policy of this state that frequent and continuing contact between minor children and both parents after the parents have separated or dissolved their marriage is ordinarily beneficial to the children. The legislature also finds that it is in the public interest to encourage parents to share the rights and responsibilities of child rearing in order to effect this policy. ,**except as provided in II sub paragraph (c).**

ATTACHMENT #5

NEW HAMPSHIRE COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE

P.O. Box 353
Concord, NH 03302-0353
Phone: (603)-224-8893
fax: (603)-228-6096

www.nhcadsv.org

MEMBERS:

RESPONSE to Sexual & Domestic Violence
Berlin
Colebrook
Lancaster

Women's Supportive Services
Claremont
Newport

Rape and Domestic Violence Crisis Center
Concord

Starting Point
Conway
Ossipee

Sexual Harassment and Rape Prevention Program (SHARPP)
University of New Hampshire
Durham

Women's Crisis Service of the Monadnock Region
Keene
Jaffrey

New Begininings: A Women's Crisis Center
Laconia

WISE (Women's Information Service)
Lebanon

The Support Center Against Domestic Violence and Sexual Assault
Littleton
Woodsville

YWCA Crisis Service
Manchester
Derry

Rape and Assault Support Services
Nashua
Milford

Task Force Against Domestic Violence and Sexual Assault
Plymouth

A Safe Place
Portsmouth
Rochester
Salem

Sexual Assault Support Services
Portsmouth
Rochester

Comments on HB 298
Linda Griebsch
Public Policy Director

HB 298 would work in an ideal world where all people behaved in a civilized and mature manner. Of course in an ideal world, divorce would not be an issue at all. I agree in principle with Representative Bickford, but not in practice. I have concerns stemming from the work I do and all the other divorce experiences that have touched my life, be it friends, relatives and neighbors.

Each family breakdown is individual, with a range of contributing factors and possible outcomes. Divorce does not qualify for a cookie cutter solution or a blanket statement of policy. Where parents can cooperate and agree on parenting plans, a very successful arrangement can be made. This should be and is possible under current law. Obviously in cases where there is a history of domestic violence or a history of child abuse, continuing contact between parent and child could be harmful, not beneficial. But less obviously, high conflict divorces also provide an unhealthy environment for children. In fact, research shows constant fighting and tension between parents is the worst setting for a child.

Divorce, by its very nature, suggests dysfunction and less than healthy communication. While this is not always the case, it is reasonable to start from that assumption. In states such as California, where they were a leader in passing legislation pushing joint physical custody, they found that the reverse of all stated objectives occurred. There was not less litigation, but more, as even the most mundane daily decision needed to be decided by the court. The children were not happier nor more secure, but by their own testimony felt homeless, being shuttled from one make shift bedroom to the other and having to keep their belongings in a suitcase or backpack.

I have several questions that this bill should create for you. 1) Where does the finding go? There is no reference as to its insertion. 2) Wouldn't this in effect change a long-standing policy to provide for the best interests of the child? Or in reverse, doesn't the "best interests" standard cover the finding in this bill, but only when it is applicable?
3) Would this prevent a parent with children from moving closer to a much-needed support system such as family? 4) Would this policy force a parent and or child to be placed constantly in a potentially dangerous situation?

Divorce is not a desirable experience and provides no easy answers. It makes us give up romantic notions of a perfect world and to deal with an often ugly reality. I don't think we should limit the options available, to the court or the parties, to find a solution that attempts to meet the best interests of the children.

Speakers

SENATE JUDICIARY COMMITTEE

Date 4/24/03 Time 10:15 a.m. Public Hearing on Bill HB 298

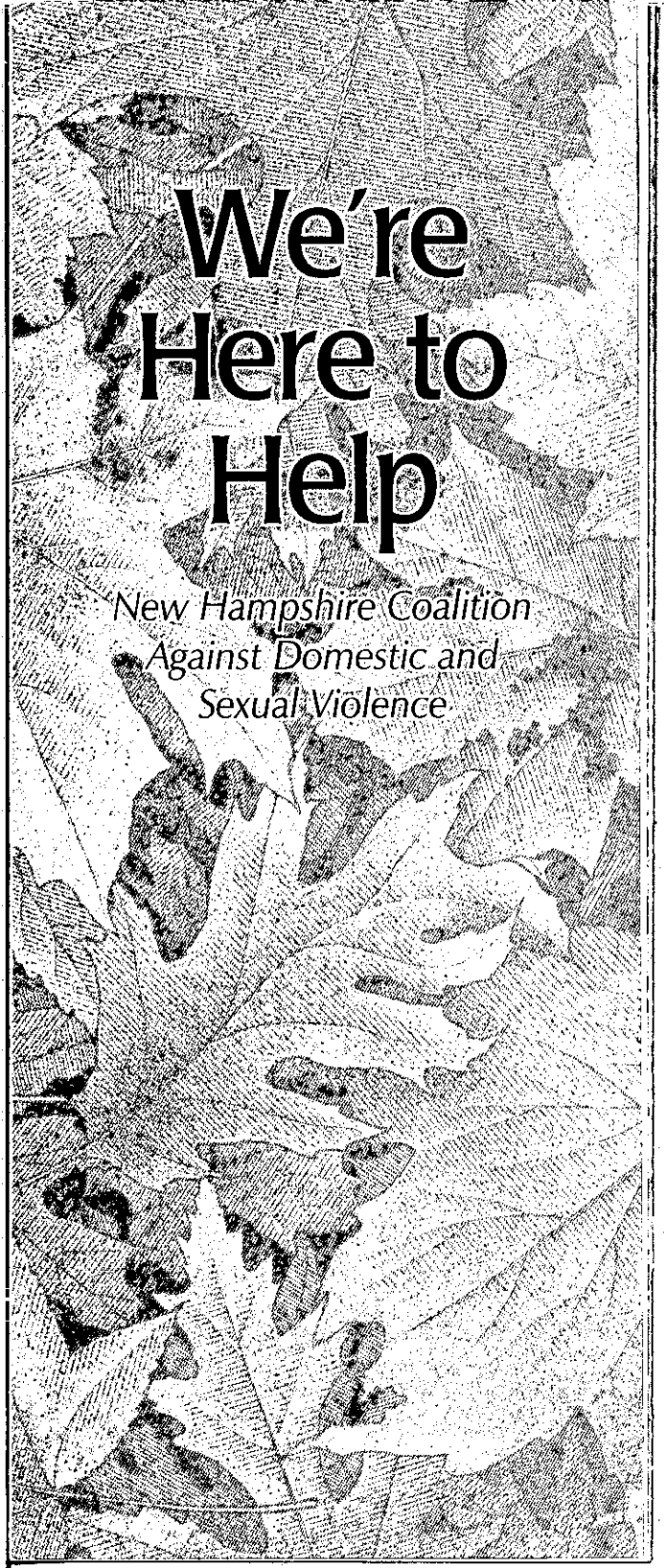
HB 298 - (New Title) relative to physical child custody decisions.

(Insert here the title of the Bill)

Please check box(es) that apply.

SPEAKING	FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
☐	☒	☐	NICOLE PERRY	SELF
☐	☐	☐	Mike Smith	Self
☐	☐	☐	Rep David A. Bickford	Stratford 6B
☐	☐	☐	Gary Gagnon JR	Self
☒	☐	☒	Erin MacTaggart	NH Women's Lobby
☒	☐	☒	LINDA GRIEBSCH	NHCADSV
☐	☐	☒	MARILYN MAHONEY	self
☐	☐	☐	Rep. Carolyn Gargasz	Dist 4b-Hills.
☐	☐	☐	Jeffrey V. Olney	Self
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Testimony



We're Here to Help

New Hampshire Coalition Against Domestic and Sexual Violence

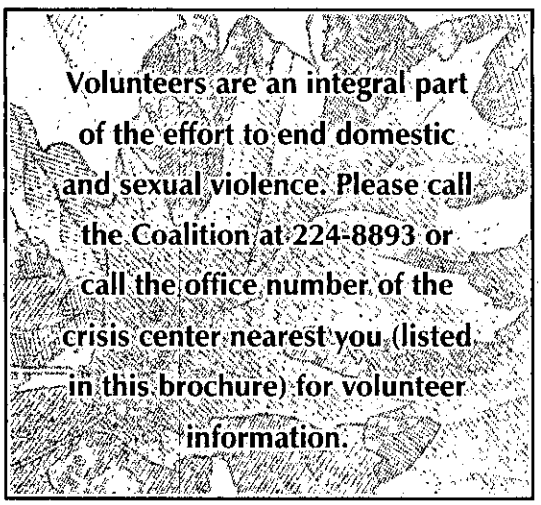
You Are Not Alone

If you are experiencing domestic or sexual abuse, whether the abuse is happening now or took place long ago, please know you are not alone.

Confidential services are available 24 hours a day 365 days a year, and include:

- 24-hour support and information hotlines
- Emergency shelter
- Assistance in obtaining restraining orders
- Hospital, police, and court accompaniment for rape and assault survivors
- Information and help in obtaining public assistance
- Support groups for victims.

You need not be in crisis to call a crisis line. Any time you want to talk, trained advocates are ready to listen.



Support Services in New Hampshire

Berlin, Colebrook, & Lancaster:	RESPONSE to Sexual & Domestic Violence 1-800-852-3388 crisis line 752-5679 Berlin office 237-8746 Colebrook office 788-2562 Lancaster office
Claremont & Newport:	Women's Supportive Services 1-800-639-3130 crisis line 543-0155 Claremont office 863-4053 Newport office
Concord:	Rape & Domestic Violence Crisis Center 1-800-852-3388 crisis line 225-7376 office
Conway & Ossipee:	Starting Point: Services for Victims of Domestic & Sexual Violence 1-800-336-3795 crisis line 356-7993 Conway office 539-5506 Ossipee office
Durham:	Sexual Harassment & Rape Prevention Program (SHARPP) 862-3494 crisis and office line
Keene & Jaffrey:	Women's Crisis Services of the Monadnock Region 352-3782 crisis line 352-3844 Keene office 532-6800 Jaffrey office
Laconia:	New Beginnings 1-800-852-3388 crisis line 528-6511 office
Lebanon:	Women's Information Service (WISE) 448-5525 crisis line 448-5922 office
Littleton & Woodsville:	The Support Center Against Domestic Violence & Sexual Assault 1-800-774-0544 crisis line 444-0624 Littleton office 747-2441 Woodsville office
Manchester & Derry:	YWCA Crisis Service 668-2299 crisis line 625-5785 Manchester office 432-2687 Derry office
Nashua & Milford:	Rape & Assault Support Services, Inc. 883-3044 crisis line 889-0858 Nashua office 672-9833 Milford office
Plymouth:	Voices Against Violence 536-1659 crisis line 536-3423 office
Portsmouth, Rochester & Salem:	A Safe Place (domestic violence) 436-7924 crisis line 436-7955 Portsmouth office 330-0214 Rochester office 890-6392 Salem office
Portsmouth & Rochester:	Sexual Assault Support Services 1-888-747-7070 crisis line 436-4107 Portsmouth office 332-0775 Rochester office

I would like to help stop domestic and sexual violence by:

- ❒ Making a tax-deductible contribution to NHCADSV, Enclosed is my check for $ _____
- ❒ Volunteering with a local domestic violence or sexual assault crisis center.
  Please contact me at _____
- ❒ Requesting a speaker on domestic violence, sexual assault, sexual harassment, or domestic violence in the workplace. Please contact me at _____

NEW HAMPSHIRE COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone number: _____ E-mail: _____

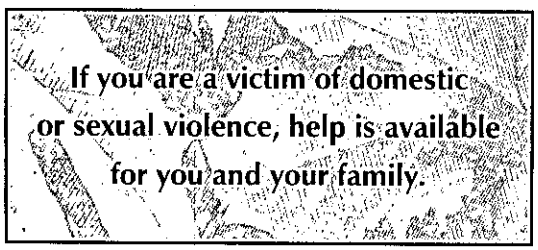
PO BOX 353 • CONCORD, NH 03302-0353
(603) 224-8893 • FAX: (603) 228-6096
WEB SITE: WWW.NHCADSV.ORG

What You Can Do to Help

Volunteer – There is a constant need for volunteers and they are essential to Coalition groups in providing services to domestic violence and sexual assault survivors. Please call 224-8893 for volunteer opportunities

Make a Donation – A financial contribution to the Coalition or its crisis center member programs will help ensure that services for domestic violence and sexual assault survivors in New Hampshire will continue. Donations of food, office supplies, and other staples are also welcome. Call your local crisis center to find out their most pressing needs.

Speak Out – Do not accept violence in the home, community, or workplace. Learn the facts about domestic violence and sexual assault and talk to your friends and co-workers. Let your state and federal legislators know that you support legislation that provides funding for domestic violence and sexual assault programs, and insures that victims are protected from abuse. If you know someone who has experienced domestic or sexual violence, let her or him know you care and that there is help available.



Domestic Violence

Domestic violence is physical, sexual, verbal, or emotional abuse between present or former intimate partners. It can involve threats, pushing, punching, slapping, choking, sexual assault, and assault with weapons. Rarely a one-time occurrence, domestic violence usually escalates in frequency and severity over time.

Abusers batter to control or dominate their partners. Violence is a behavioral choice for which the batterer must take responsibility. No language or other act is provocation or justification for physical violence.

Sexual Violence

Sexual assault is forced, manipulated, or coerced sexual activity. It is a crime in which the assailant uses sex to inflict humiliation on the victim or to exert power and control over the victim.

The victim of sexual assault can be any age, race, or social background.

Rapists can be anyone. Most are married or have ongoing relationships. The rapist is motivated by the need for power and the need to dominate someone who is perceived as weaker.

In over half of all reported rapes, the victim and rapist know each other. Child victims know their rapist in 80% of all cases.

Printing of this brochure was funded in part or in whole by the New Hampshire Department of Health and Human Services and/or the United States Department of Health and Human Services. 2/02

The Coalition

Founded in 1977, the New Hampshire Coalition Against Domestic & Sexual Violence is an umbrella organization for a statewide network of 14 independent member programs committed to ending domestic and sexual violence. To that end we seek to:

- Ensure that quality services are provided to victims/survivors of domestic and sexual abuse;
- Prevent future violence by educating the public;
- Encourage the provision of services for perpetrators.

The Coalition supports its network by providing community education, coordination, training, resource sharing, and advocacy for legislative changes that affect victims of domestic and sexual violence.

We recognize that violence and oppression are connected. We promote social change by holding societal systems accountable for their responses to domestic and sexual violence, and through the empowerment of victims.

For 24-hour assistance in New Hampshire, call our state-wide toll-free hotlines at 1-866-644-3574 for domestic violence, or 1-800-277-5570 for sexual assault

1-800-RELAY NH (1-800-735-2964 / TTY/Voice)

NEW HAMPSHIRE COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE

PO Box 353 • Concord, NH 03302-0353
(603) 224-8893 • Fax: (603) 228-6096
Web site: www.nhcadsv.org

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~~Marital Master~~ GAL:

Waited 2.5 years for one to be appointed. No counseling for the children yet despite requests over three years.

Visitation:

Given up after being found in contempt of court for not driving one child to a three-day soccer tournament in Maine. Motions and other efforts to get the NH Mother's Court's to address allegations of parental interference and child abuse ignored.

Contact finally reinitiated after over a seven-month wait. In ~~July~~ April 14th, my attorney-in-fact, my disabled wife was forced to provide Petitioner's counsel on an anticipated child support adjustment before she left the courthouse, and of course no similar demand was made of the Petitioner. When attorney-in-fact requested that the judge discuss the matter of a trust fund return motion, the judge admonished us that we had no right to spend whatever other monies we may have been awarded via the divorce. He had no interest in hearing what was spent or why.

Worst of all the judge and GAL did not in any way sanction the mother who again interfered with the father's contact with his children. Of 5 court scheduled calls based on the alleged their mother statement of when the kids would be available to speak to their

father on the phone, the only call that happened as scheduled was the initial call. In short, 80% non-compliance. (This is the same court that never hesitated to find me in contempt for missing a soccer tournament 2 hours away in Maine; 90% compliance and a attorney's opinion that attendance at that tournament was not required per the divorce decree wasn't enough to avoid a contempt, and yet again, allegations of contempt and child abuse again get ignored yet again by the court. Further, the judge rescheduled such calls for Sundays at the same specified time. No surprise the phone rang and rang. (Now 83.% non-compliance on that issue alone.) I suppose it was because it was Easter, you know the holiday a marital master against the State Constitution and a related Supreme Court decision altered visitation for Easter that year because my children's mother is an alleged 'devout Catholic'.

Questions, for our alleged 'just' State that supposedly 'prides' itself of alleged gender 'equality'.

1. Why is it that the State abuses me when I continue to make full and timely payment of my child support, and give my and virtually every other mother a FREE PASS on parental interference? Curiously, 'bad daddies' get lambasted for not spending time with their children.

2. Where are the "Interfering Parent Posters"?

3. Since a House study has shown that so-called 'visitation' (a sexist and disgusting term) is more important that police-state tactics in collecting child support (about 90%+ compliance versus about 40% in 1991), when are the sexist zealots on the bench and in DCYS going to listen to fathers on matters of interference and abuse, as opposed to blowing them off?

JOINT PHYSICAL CUSTODY

Minimal child support required. Parents get what is best for them; two involved and loving parent.

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date:

THE COMMITTEE ON Judiciary

to which was referred House Bill 298

AN ACT (New Title) relative to physical child custody decisions.

VOTE: 4-0

Having considered the same, report the same with the following resolution:
Resolved, that it is: **INEXPEDIENT TO LEGISLATE.**

Senator Andrew R. Peterson
For the Committee

HB298 Docket

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Bill Title: (New Title) relative to physical child custody decisions.

Date	Body	Description
1/9/2003	H	Introduced and ref to Child & Fam Law; HJ 12, p190
1/21/2003	H	Copy to Chairman on 1/21/2003
1/29/2003	H	Hearing Feb 4 10:00 RM206,LOB
2/6/2003	H	Subcom Work Session Feb 12 3:00 RM206,LOB
3/3/2003	H	Subcom Work Session Mar 5 2:30 RM206,LOB
3/4/2003	H	Subcom Work Session Mar 6 10:00 RM206,LOB
3/18/2003	H	Maj Report OTP/AM for Mar 25 (Vote 13-2;Reg)
3/18/2003	H	Prop Comm Am{0609}(New Title); HC26, p689-690
3/25/2003	H	Comm Am, AA VV; Passed with Am VV; HJ 29-pt 1, p897 + pt 2, p967
4/10/2003	S	Introduced and Ref. to Juduciary; SJ 12, Pg.316
4/18/2003	S	Hearing; April 24, 2003, Room 105-A, SH, 1:00 p.m.; SC19
5/29/2003	S	Committee Report; Inexpedient to Legislate, [06/05/03]; SC25
6/5/2003	S	Inexpedient to Legislate, MA, VV === KILLED ===; SJ 19, Pg.633

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Docket Abbreviations