Bill as Introduced

HB 1307 - AS INTRODUCED

2010 SESSION

10-2102
09/10

HOUSE BILL ***1307***

AN ACT relative to appointments and reappointments of marital masters.

SPONSORS: Rep. Rowe, Hills 6; Rep. W. O'Brien, Hills 4; Rep. Emiro, Rock 3; Rep. Nixon, Hills 17; Sen. Letourneau, Dist 19

COMMITTEE: Judiciary

ANALYSIS

This bill requires the executive council to hold a public hearing prior to its confirmation of the appointment of a marital master. The bill requires the governor and council to review the performance of a marital master and hold a public hearing prior to his or her reappointment. The bill also clarifies that reappointed marital masters shall serve for 3-year terms.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 1307 – AS INTRODUCED

10-2102
09/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to appointments and reappointments of marital masters.

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

1 Appointments and Reappointments of Marital Masters. Amend RSA 490-D:7, II and III to read as follows:

II. For appointments of new marital masters, the administrative judge of the judicial branch family division, with the concurrence of the supreme court, shall submit to the governor the name of a nominee. The governor may accept the candidate nominated by the administrative judge and submit the candidate to the council for confirmation or may reject the candidate submitted by the administrative judge, and request a new nominee. ***Prior to confirmation, the council shall hold a public hearing.*** If the council rejects a candidate for confirmation, the governor shall request a new nominee.

III. Marital masters shall serve an initial term of 3 years. Subsequent reappointments shall be made in accordance with judicial branch family division rules. ***Prior to reappointment of a marital master, the governor and council shall review the performance of the marital master and hold a public hearing. Marital masters who are reappointed shall serve 3-year terms.*** During appointment terms, the authority and responsibility to conduct annual performance reviews, and termination, if necessary, shall be with the administrative judge of the judicial branch family division.

2 Effective Date. This act shall take effect January 1, 2011.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1307 Date 1-14-10

Committee Judiciary

** Please Print All Information **

Name	Address	Phone	Representing	(check one) Pro	Con
Rep Steve Packard	House Republican Office		271-3665	X	
Rep Carl Seidel	NASHUA	5982795	Hillsb 20	X	
Sen. Letourneau		271-2118	District 19	X	
Greg Brede	152 N. Hinsdale	Chesterfield, NH	363 4150	X	
Rep. William O'Brien	Hillsborough Dist. 4			X	

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 1307

BILL TITLE: relative to appointments and reappointments of marital masters.

DATE: January 14, 2010

LOB ROOM: 208 Time Public Hearing Called to Order: 12:48 pm

Time Adjourned: 1:23 pm

(please circle if present)

Committee Members: Reps. D Cote, Wall, Potter, Hackel, P. Preston, G. Richardson, L. Weber, B. Browne, Nixon, Thompson, Watrous, Rowe, N. Elliott, DiFruscia, W O'Brien, Hagan, L. Perkins, Silva, W. Smith and Meader Read.

Bill Sponsors: Rep. Rowe, Hills 6; Rep. W. O'Brien, Hills 4; Rep. Emiro, Rock 3; Rep. Nixon, Hills 17; Sen. Letourneau, Dist. 19

TESTIMONY

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

Rep. Robert Rowe, co-sponsor
This relates to the Executive Council, which has authority for contracts over $5000 or for over a year. Masters are contract employees. Believe there is a public hearing before appointment, but should also be a public hearing before renewal. Good feedback and good for public perception.

Rep. David Cote: No reappointment hearings now? Ans. No.

Rep. Frank Emiro - supports
Bill gives Executive Council appropriate time to review appointments and reappointments. Also wants masters to be required to live in the state of New Hampshire.

David Johnson, Londonderry - supports
Victims of bad marital masters are not easily reached by current noticing procedure. There should be a public hearing because the public is being affected.

Rep. Al Baldasarro - supports
Legislature is turning its back on family issues addressed by marital masters. Legislative oversight is necessary. Executive Council has to take evidence from public.

Michael Prieto, Derry - supports
Martial Masters must be held to some form of review. Complains of inability to speak and cites conduct within court that a lawyer would not tolerate. He is a 'pro se' litigant. Wants notice of public hearing for marital master reappointment in local paper,

Nina Gardner, Judicial Council - opposed (had to leave)

Denice Marie McIntosh, paralegal - supports
A public hearing would expose biases of the marital master candidate. It would also expose repeated legal abuses. If the public is not happy with marital master, they should not be reappointed.

Howard Zibel - opposed
Re-appointment is done by the administrative judge with traditional reviews. RSA 490-D: Court system gives names to Governor, who chooses candidate and submits to Council.
1. This bill undoes delicate compromise (appointment by Executive Council and review by Judicial Branch) in the appointment process.
2. Marital masters give up a practice. People who deserve the appointment may not come forward for just a three-year job. At a public hearing, the people who are happy will not show up, complainers will.
3. Constitutional issue because Executive Branch is making appointment of judicial employees. What about review and reappointment by Executive Branch? Don't know answer. Agrees that there is not vast public notice.

Rep. Lawrence Perkins: Have marital masters have not been re-appointed. Ans. Don't know. Q. How would someone complain at renewal? Ans. Contact Judge Kelly who will pay attention.

Rep. William Smith: Ans: Initial appointment by Executive Council after public hearing. A re-appointment hearing would be fair process and would discourage lawyers from serving as marital masters.

Rep. Lawrence Perkins: No committee to review complaints? Ans. Discourteous behavior previous in hearing would go to Judicial Conduct Committee.

Rep. Amy Perkins - supports
Describes her own experience with 2 marital masters with different procedures. Parenting plan over her signature was a fraud, referred to JCC. Nothing can be done by someone who has been wronged by a marital master. Child's father failed to pay, but she will not appear until a new marital master is appointed.

Rep. Dan Itse - supports
The Executive Council would have to filter out dissatisfaction from illegal or inappropriate conduct by a marital master. Many dissatisfactions are the result of not following the law.

Denise Marie McIntosh - supports (not in room when called)

John McIntosh - opposed (no testimony)

Michael Prieto - supports (again)
Could a person at the proposed public hearing have a way to quantify a person's dissatisfaction?

Respectfully submitted,

Philip Preston, Clerk

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 1307

BILL TITLE: relative to appointments and reappointments of marital masters.

DATE: 1-14-10

LOB ROOM: 208 **Time Public Hearing Called to Order:** ~~1:30~~ 12:48

Time Adjourned: 1:23

(please circle if present)

Committee Members: Reps. D. Coto, Wall, Potter, Hackel, P. Preston, G. Richardson, L. Weber, B. Browne, Nixon, Thompson, Watrous, Rowe, N. Elliott, DiFruscia, W. O'Brien, Hagan, L. Perkins, Silva, W. Smith and Mead. Read, R

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TESTIMONY

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

FROM: Rep. Philip Preston, Clerk

DATE: Public hearing January 14, 2010

SUBJECT: Meeting minutes on HB 1307, relative to appointments and reappointments of marital masters.

HB 1307 relative to appointments and reappointments of marital masters

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Denice Marie McIntosh, para-legal - supports
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Could a person at the proposed public hearing have a way to quantify a person's dissatisfaction?
1:23 p

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 1307

BILL TITLE: **relative to appointments and reappointments of marital masters.**

DATE: February 4, 2010

LOB ROOM: 208

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. Richardson

Seconded by Rep. Wall

Vote: 9-9 (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE: NO

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Philip Preston, Clerk

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 1307

BILL TITLE: relative to appointments and reappointments of marital masters.

DATE: ~~{Type DATE}~~ February 4, 2010

LOB ROOM: 208

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. Richardson

Seconded by Rep. Wall

Vote: 9/9 (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

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

~~CONSENT CALENDAR VOTE:~~

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Philip Preston, Clerk

OFFICE OF THE HOUSE CLERK 2010 SESSION

JUDICIARY

Bill #: HB 1307 Title: _____

PH Date: ____/____/____ Exec Session Date: 02/04/10

Motion: ITL Amendment #: _____

MEMBER	YEAS	NAYS
Cote, David E, Chairman	Y	
Wall, Janet G, V Chairman	Y	
Potter, Frances D	Y	
Hackel, Paul L	Y	
Preston, Philip, Clerk	Y	
Richardson, Gary B	Y	
Weber, Lucy M	Y	
~~Howe, Brenda S~~ Read, Robin	Y	
Nixon, David L		N
Thompson, Robert B	Y	
Watrous, Rick H		N
Rowe, Robert H		N
Elliott, Nancy J		N
DiFruscia, Anthony R abs		
Mead, Robert D		N
O'Brien, William L		N
Hagan, Joseph M abs		
Perkins, Lawrence B		N
Silva, Peter L		N
Smith, William B		N
TOTAL VOTE:	9	9

Printed: 12/18/2009

Committee Report

REGULAR CALENDAR

February 10, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on JUDICIARY to which was referred HB1307,

AN ACT relative to appointments and reappointments of marital masters. Having considered the same, report the same with the following Resolution: RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Gary B Richardson

FOR THE MAJORITY OF THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

MAJORITY
COMMITTEE REPORT

Committee:	JUDICIARY
Bill Number:	HB1307
Title:	**relative to appointments and reappointments of marital masters.**
Date:	February 10, 2010
Consent Calendar:	NO
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

lily has majority blurb... pulled need
without recommendation and
statement in favo of .....

Vote 9-9

Rep. Gary B Richardson
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

JUDICIARY

HB1307, relative to appointments and reappointments of marital masters. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B Richardson for the **Majority** of JUDICIARY. lily has majority blurb... pulled need without recommendation and

statement in favo of ..... **Vote 9-9.**

Original: House Clerk

Cc: Committee Bill File

REGULAR STATEMENT IN FAVOR OF INEXPEDIENT TO LEGISLATE

HB 1307, relative to appointments and reappointments of marital masters.

RECOMMENDATION: INEXPEDIENT TO LEGISLATE

VOTE: 9-9

REP. GARY B. RICHARDSON

HB 1307 would require the governor and council to approve the appointment of marital masters and hold performance reviews and public hearings for the reappointment of marital masters every three years. Marital masters are not judicial officers under the constitution. They are employees of the judicial branch and subject to performance reviews by the judicial branch of government. We would all like to think that all parties to a divorce would leave the courthouse happy and satisfied with the decision. Unfortunately, that is rarely possible. Marital masters are required to make decisions in contentious cases between litigants who are sometimes bitter and acrimonious. In such cases, it is not unusual to blame the marital master when the decision is not to one's liking. To require marital masters to go through a public hearing every three years with the prospect of being criticized for making difficult decisions would not be in the public interest of attracting the best candidates to serve as marital masters. There was little evidence offered to the committee that the current system of judicial review of marital masters is not working effectively.

REGULAR CALENDAR

February 10, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on JUDICIARY to which was referred HB1307,

AN ACT relative to appointments and reappointments of marital masters. WITHOUT RECOMMENDATION

Original: House Clerk
Cc: Committee Bill File

MINORITY
COMMITTEE REPORT

Committee:	JUDICIARY
Bill Number:	HB1307
Title:	relative to appointments and reappointments of marital masters.
Date:	February 10, 2010
Consent Calendar:	NO
Recommendation:	WITHOUT RECOMMENDATION

STATEMENT OF INTENT

STATEMENT IN FAVOR OR OUGHT TO PASS
Marital cases represent the largest number of cases by far in the courts and they are the most difficult issues to resolve. Many cases reoccur in court year after year, mostly on issues of custody, visitation and support. It also must be remembered that 70 to 80 percent of these cases are not heard by a judge but rather a contract employee of the judicial branch, namely marital masters. Prior to a marital master's initial contract appointment for three years, there is a public hearing. Currently this is the only time the governor and executive council, and the public, see them and have an input. The contract renewal is handled by the judicial branch. The public never has an opportunity to express its views as to the quality of the marital master's work during the prior contract term. All this bill does is require an executive council public hearing prior to masters being reappointed for additional terms. This would result in five or less executive council hearings a year. This is not too many considering the importance of the masters' work and the effect it has on the lives, assets, and income of our citizens.

Rep. Robert H Rowe
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

JUDICIARY

HB1307, relative to appointments and reappointments of marital masters. **OUGHT TO PASS.** Rep. Robert H Rowe for the **Minority** of JUDICIARY. STATEMENT IN FAVOR OR OUGHT TO PASS

Marital cases represent the largest number of cases by far in the courts and they are the most difficult issues to resolve. Many cases reoccur in court year after year, mostly on issues of custody, visitation and support. It also must be remembered that 70 to 80 percent of these cases are not heard by a judge but rather a contract employee of the judicial branch, namely marital masters. Prior to a marital master's initial contract appointment for three years, there is a public hearing. Currently this is the only time the governor and executive council, and the public, see them and have an input. The contract renewal is handled by the judicial branch. The public never has an opportunity to express its views as to the quality of the marital master's work during the prior contract term. All this bill does is require an executive council public hearing prior to masters being reappointed for additional terms. This would result in five or less executive council hearings a year. This is not too many considering the importance of the masters' work and the effect it has on the lives, assets, and income of our citizens.

Original: House Clerk
Cc: Committee Bill File

REGULAR STATEMENT IN FAVOR OF OUGHT TO PASS

HB 1307, relative to appointments and reappointments of marital masters.

RECOMMENDATION: WITHOUT RECOMMENDATION

REP. ROBERT H. ROWE

Marital cases represent the largest number of cases by far in the courts and they are the most difficult issues to resolve. Many cases reoccur in court year after year, mostly on issues of custody, visitation and support. It also must be remembered that 70 to 80 percent of these cases are not heard by a judge but rather a contract employee of the judicial branch, namely marital masters. Prior to a marital master's initial contract appointment for three years, there is a public hearing. Currently this is the only time the governor and executive council, and the public, see them and have an input. The contract renewal is handled by the judicial branch. The public never has an opportunity to express its views as to the quality of the marital master's work during the prior contract term. All this bill does is require an executive council public hearing prior to masters being reappointed for additional terms. This would result in five or less executive council hearings a year. This is not too many considering the importance of the masters' work and the effect it has on the lives, assets, and income of our citizens.