

Senate Children and Family Law Committee

Declan Donahue 271-3324

HB 1323-FN, relative to parental alienation.

Hearing Date: March 19, 2026

Time Opened: 10:11 a.m.

Time Closed: 11:22 a.m.

Members of the Committee Present: Senators Abbas, Sullivan and Long

Members of the Committee Absent : None

Bill Analysis: This bill defines parental alienation to mean a pattern of behavior, conduct, or speech which would damage the relationship of the child and a parent, resulting in the child's fear, negative perception, rejection, or hostility toward their other parent, and adds standards for considering claims of parental alienation in certain cases involving children and parental rights.

Sponsors:

Rep. Rice
Rep. Packard
Rep. Nelson
Sen. Sullivan

Rep. Kofalt
Rep. DeSimone
Rep. Bryer
Sen. Abbas

Rep. Markell
Rep. Osborne
Sen. Avar
Sen. Lang

Who supports the bill: Rep. Jim Kofalt, Hon. Cody Belanger, Debra Childs, Rep. Debra DiSimone, Rep. Kim Rice, Matthew Bliar, Steven Bliar, Diane Arsenault, Sherly Harianto, and Gayle Drobat.

Who opposes the bill: 67 people signed in opposing this bill. For the full list, please contact Declan Donahue (declan.donahue@gc.nh.gov).

Who is neutral on the bill: Donald Gilbert

Summary of testimony presented:

Rep. Jim Kofalt (Hillsborough District 32)

- Parental alienation is when one parent engaged in a pattern of behavior aimed at alienating a child from their other parent, grandparents, or other loved ones.
- The child suffers when pressured to reject a parent, are forced to participate in a conflict they did not create, and are traumatized when taught love is conditional.

- Meaningful relationships with both parents is essential for the child's development.
- Judges often hear claims of parental alienation, this law would give them an objective standard to act swiftly and in the child's best interest and directs them to weigh alienation in custody hearings.
- This definition would exclude good faith protective action a parent may take to shield them from abuse and neglect.
- Rep. Kofalt supports the housekeeping amendment.
- Senator Long asked if protective action could be withholding visitation from an inebriated parent.
 - It would be up to the judge to determine if there is a reasonable belief there could be the danger for abuse or neglect.
- Senator Long stated the courts already take too long in determining alienation cases, and asked about a 60 day requirement mentioned by Rep. Kofalt that didn't appear in the bill.
 - That 60 day requirement is already in law.

Honorable Cody Belanger

- Formerly a Representative on the Children and Family Law Committee from the town of Epping.
- Parental Alienation Syndrome is not in the Diagnostic and Statistical Manual Fifth Edition (D.S.M. V) for a reason, but the absence of a D.S.M. diagnosis does not mean the underlying behaviors shown aren't already evaluated in legal standards.
- Parental alienation is a pattern of undermining the relationship with the other parent, with a number of examples already having being given, and a continued pattern of conduct with an observable impact on the child.
- Courts routinely show that support of the relationship with the other parent is in the best interest of the child.
- Parental alienation is not dependant on formal diagnoses, but documented behaviors and their impact.
- Studies have shown disruption of a child's relationship with a parent leads to an increased risk of many psychological and social traumas.
- There is a difference between neutral and inappropriate conduct that undermines that relationship. Statements of fact are not inappropriate.
- HB 1323 does not require courts to rely on disputed clinical diagnosis, but that these get incorporated into child's best interest framework.

Mary Krueger (Supervising Attorney, New Hampshire Legal Assistance)

- Attorney Krueger supervises the Domestic Violence Project at New Hampshire Legal Assistance.
- This bill increases the litigiousness of family law cases in New Hampshire.
- Parental Alienation Syndrome is not in the bill and was invented in the 1900s to show how mothers will try and alienate children against their fathers.

- These laws are used as an affirmative defense against abuse allegations, and result in domestic violence victims losing custody of their children 43% of the time.
- We already have the best interest provisions that would allow the court to account for the type of behavior described in this bill.
- This bill puts parental alienation and domestic violence on equal footing.
- There is nothing to indicate whether the behaviors described here would actually result in alienation, as children may be acting in ways that indicate alienation because they have actually been abused by that parent.
- Senator Abbas asked where this bill details an affirmative defense.
 - It is like an affirmative defense in a civil context. The bill defines parental alienation then puts it into the best interest standard, family access motion, and decision making hearings.
- Senator Abbas responded that in any form of litigation it is allowed to be brought up, and asked what would this allow to be raised that couldn't currently be raised in a custodial case.
 - They can. This names it in statute, elevating it to be a thing that is highly disputed and controversial. If it is proved, it allows for the gaining of sole decision making and creates an incentive for abusers to allege alienation. Domestic violence survivors are told that they will lose custody and decision making because the actions of their child are attributed to them alienating that parent instead of abuse.
- Senator Abbas highlighted that domestic violence is underreported and that victims seldom recover, then asked where in this definition an abuser can weaponize this policy if it is already something they can raise.
 - Joint decision making is presumed unless there is domestic violence, now it is unless there is domestic violence or alienation. This bill forces courts to consider alienation when it comes to residential responsibility.
- Senator Abbas asked if this were to become law, why the court wouldn't still take into consideration the history of domestic violence and prior restraining orders, then stated he doesn't see where in the law those factors are getting dismissed. He suggested an amendment that would spell out domestic abuse being considered.
 - Or that alienation is not used at all if there is abuse.
 - This breathes life into something already present, and will be utilized even more if codified.
 - Why are we giving parental alienation credibility if you are trying to demonstrate domestic violence? It can already be challenging for the court even when there is a finding of abuse.
- Senator Sullivan asked is "without good cause" would cover underlying issues like abuse.
 - That is a parental access motion, trying to demonstrate there has been interference with parenting time. That section does not carve out a domestic violence exception.
- Senator Long asked if abusers that have been deemed abusers file this alienation claim and on some occasions still receive custody of their child?

- o Yes, there was a study showing 43% of the time the victimized parent loses custody when alienation was asserted.

Donna Soucy (New Hampshire Association for Justice)

- Parental alienation is a complex issue not best dealt with in a quick turnaround as is mandated by this bill.
- Back in 2024, HB 1006 passed creating and rewriting the entirety of RSA 461a:4-a family access motion legislation.
- There hasn't been enough time to make an effective analysis of this new process and how it's working.
- The only proof in these cases is from the child, and we don't want to be interrogating children directly as that could cause additional trauma.
- The number of complaints this would create in addition to the new process could bog down the courts.
- Senator Long asked if Ms. Soucy has an opinion on the effective date being 30 days after passage.
 - o To the extent to which this is creating a whole other category, the concern is that without having enough experience already with the petitions this pace is too accelerative.
- Senator Abbas asked if Ms. Soucy has any thoughts about the issues raised about domestic violence as raised by the prior witness.
 - o Ms. Soucy stated she would get that information to the committee shortly.

Debra Childs (Executive Director, Time to Put Kids First)

- Ms. Childs has a doctorate studying parental alienation specifically.
- HB 1323 has a clear legal definition and incorporates it into the relevant areas of law.
- Every child deserves the support of both of their parents, parental alienation robs them of that.
- Opponents suggest this legal definition could be misused, but other definitions guide the law and provide judicial consistency.
- Judges already use this term but have to apply it to statute where it is not defined.
- When citizens understand parental alienation they can recognize, correct, and call out the behavior.
- Calling a behavioral legal term "junk science" misuses both terms. This is not a diagnosis, but documented harm and behavior. Courts regularly define terms not in the D.S.M.
- Statutes already use the term alienation, as do attorneys and judges, yet there is no definition for judges to refer to.
- Senator Sullivan asked if this bill protects children from abusive parents.
 - o Absolutely.
- Senator Abbas stated that this is often a pattern of behavior, often seen as animosity toward a parent or entire side of the family, where the explanation for

the behavior is not present or not proportional to the animosity, then asked if there are other behaviors.

- o Without a starting point or definition, judges do not know which behaviors to look for.

Representative Debra DiSimone (Rockingham District 18)

- Rep. DiSimone opened by reading prepared testimony by the bill's prime sponsor, Rep. Kim Rice.
 - o Parental alienation causes affection to become conditional and forces children to carry adult conflict, producing a number of psychological problems.
 - o This bill is not punitive, but instead preventative and corrective.
 - o When alienation occurs, the system responds too late or none at all.
- Alienation begins years before divorce, when children are questioned by parents.
- Children aren't having to testify because the G.A.F. is a neutral party designated to understand the concerns of the child.

Matthew Bliar

- Despite being a domestic violence survivor, he was told that if he filed for divorce his then wife would keep their child.
- He was assaulted by his ex-wife and her mother in front of his daughter and has been fighting ever since to see his daughter.
- Mr. Bliar's last text from his daughter was "I love you" in 2022.
- He lost a friend to suicide because of parental alienation.
- Hearing opponents say it wouldn't help children goes against his experience. It would help domestic abuse survivors.
- The D.S.M. has a number of terms that are adjacent to and resulting from parental alienation.

Steven Bliar

- Parental alienation is a form of emotional kidnapping of the child.
- He has personally witnessed the harmful and costly cause and effect of brainwashing children.
- Mr. Bliar has witnessed even parenting deteriorate to 1-3 supervised hours per week.
- Parental alienation should be punishable by jail time.

Donald Gilbert (Volunteer Executive Director, New Hampshire Family Justice)

- This bill would need to be amended on page 3, lines 17-23, as D.C.Y.F. should not have the unilateral authority to determine parental alienation.

- While it would help to have a clear definition, it could give D.C.Y.F. too much authority to use it against someone just because they don't share the same cultural beliefs.
- Mr. Gilbert has seen an alienating behavior increase in his D.C.Y.F. case review.
- The abuser is the one that is alienating.
- There is a need for protection so the victim can use this statute to protect against alienation by that abuser.

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Date Hearing Report completed: March 27, 2026