

HB 1717-FN - AS INTRODUCED

2026 SESSION

26-3237

09/08

HOUSE BILL            ***1717-FN***

AN ACT                relative to the jurisdiction of the circuit court, family division.

SPONSORS:            Rep. Sabourin dit Choiniere, Rock. 30; Rep. Bernardy, Rock. 36; Rep. Comtois, Belk. 7; Rep. DeRoy, Straf. 3; Rep. D. Kelley, Hills. 32; Rep. Perez, Rock. 16; Rep. Potenza, Straf. 19; Rep. Sirois, Hills. 32

COMMITTEE:          Children and Family Law

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ANALYSIS

This bill redefines the jurisdiction of the judicial branch family division, now known as the circuit court, family division, including replacing marital masters with administrative law judges and providing additional duties to the administrative judge of the circuit court.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty-Six*

AN ACT relative to the jurisdiction of the circuit court, family division.

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

1 1 Family Division; Establishment. RSA 490-D:1 is repealed and reenacted to read as follows:  
2 490-D:1 Judicial Branch Family Division Established. The general court hereby organizes,  
3 constitutes, and establishes the judicial branch family division. The judicial branch family division  
4 is a statutory court, not constitutional. The goals of the family division are the respectful treatment  
5 of all citizens by administrative law judges, that must strictly comply to policies/statutes that have  
6 been legislatively delegated to the judicial branch family division and ensures all litigants shall  
7 receive full judicial/constitutional review of all recommendations made by the administrative law  
8 judge. All administrative law judges shall provide the prompt and fair resolution of family issues  
9 and shall be trained to deal effectively with such issues. The use of alternative dispute resolution to  
10 reduce the adversarial nature of proceedings involving families may be used with guarantees of full  
11 judicial/constitutional review of all recommendations to ensure that the correct legal standards were  
12 applied. The assignment of all family matters of a single family shall be assigned to only one family  
13 division administrative law judge, located in a family division court that is geographically accessible  
14 to the family.

15 2 Family Division; Jurisdiction. Amend the introductory paragraph of RSA 490-D:2 to read as  
16 follows:

17 490-D:2 Jurisdiction.

18 ~~[Notwithstanding any law to the contrary and except for the limited need to allow an existing~~  
19 ~~case to proceed with the same judge who had presided over it before the implementation of the~~  
20 ~~judicial branch family division, following implementation of the division at a division site in~~  
21 ~~accordance with RSA 490-D:5,]~~ Jurisdiction over the following matters shall be exclusively exercised  
22 through the judicial branch family division as procedurally jurisdiction was previously exercised in  
23 the superior, district, and probate courts:

24 3 New Paragraph; Family Division; Jurisdiction. Amend RSA 490-D:2 by inserting after  
25 paragraph X the following new paragraph:

26 XI. Matters relating to jurisdiction in paragraphs I-IX in the judicial branch family division  
27 shall have full judicial/constitutional review to ensure the appropriate legal standard was applied to  
28 ensure that the clearly established rights and fundamental liberties of all New Hampshire children  
29 and parents are not infringed under inferior state legislated policy or statutes.

30 4 Family Division; Equity Jurisdiction. RSA 490-D:3 is repealed and reenacted to read as  
31 follows:

1           490-D:3 Equity Jurisdiction. – Notwithstanding any law to the contrary, the judicial branch  
 2 family division shall have the powers of a court of equity in cases where subject matter jurisdiction  
 3 lies with the judicial branch family division. Suits in equity where subject matter jurisdiction lies  
 4 with the judicial branch family division including, but not limited to, petitions for divorce, nullity of  
 5 marriage, alimony, custody of children, support, and other similar proceedings may be heard upon  
 6 oral testimony or depositions, or both, or when both parties consent, or service having been made  
 7 and a notice of the time and place of the hearing having been given, when both parties appear. Prior  
 8 to any hearing, the judicial branch family division administrative law judges shall on the record get  
 9 verbal consent from all parties, acknowledging that they understand they are in an administrative  
 10 hearing and not before a judicial/constitutional judge of general jurisdiction. Such suits shall be  
 11 heard by a single administrative law judge of the judicial branch family division at any time, but  
 12 nothing contained in this section shall be construed as limiting the power of the judicial branch  
 13 family division to have issues of fact framed and tried by a jury, in the superior court of general  
 14 jurisdiction to ensure that full due process, equal protections, and judicial/constitutional review shall  
 15 be afforded to all citizens when clearly established natural rights and fundamental liberty interests  
 16 are at stake.

17           5 Family Division; Administrative Law Judges. Amend RSA 490-D:7 through 490-D:9 to read as  
 18 follows:

19           490-D:7 Nominations and Appointments of ~~[Marital Masters]~~ **Administrative Law Judges.**

20           I. The administrative judge of the judicial branch family division, with the concurrence of  
 21 the supreme court, shall recommend persons to the governor and council for initial appointment as  
 22 ~~[marital masters]~~ **administrative law judges.** In recommending candidates for initial  
 23 appointment as ~~[marital masters]~~ **administrative law judges** under this chapter, the division shall  
 24 utilize the procedures and standards described in the rules of the judicial branch family division,  
 25 except as otherwise provided in this chapter.

26           II. For appointments of new ~~[marital masters]~~ **administrative law judges,** the  
 27 administrative judge of the judicial branch family division, with the concurrence of the supreme  
 28 court, shall submit to the governor the name of a nominee. The governor may accept the candidate  
 29 nominated by the administrative judge and submit the candidate to the council for confirmation or  
 30 may reject the candidate submitted by the administrative judge, and request a new nominee. If the  
 31 council rejects a candidate for confirmation, the governor shall request a new nominee.

32           III. ~~[Marital masters]~~ **Administrative law judges** shall serve an initial term of 3 years.  
 33 Subsequent reappointments shall be made in accordance with judicial branch family division rules.  
 34 During appointment terms, the authority and responsibility to conduct annual performance reviews,  
 35 and termination, if necessary, shall be with the administrative judge of the judicial branch family  
 36 division.

1           **IV. The administrative judge of the judicial branch family division shall post all**  
2 **complaint process, procedures, and administrative rules that the judicial branch family**  
3 **division administrative laws judges shall strictly adhere to, to ensure natural and clearly**  
4 **established liberties are not infringed.**

5           490-D:8 Qualifications of [~~Marital Masters~~] **Administrative Law Judges.**

6           I. [~~Marital masters~~] **Administrative law judges** shall possess the following qualifications:

7           (a) Professional experience in family law matters, **with a minimum of 10 years where**  
8 **no less than 50 percent of the practice is family law matters.**

9           (b) Legal and personal qualities including, but not limited to:

10           (1) Knowledge of family matters, including related matters such as tax and pension  
11 law;

12           (2) Personal maturity so as to understand and make decisions on matters before the  
13 court; and

14           (3) Personal qualities of patience and understanding of the difficult personal matters  
15 which are the subject of divorce and a willingness to deal with complex family matters in a non-  
16 adversarial manner.

17           II. Each [~~marital master~~] **administrative law judge** shall complete a course in court  
18 process and procedures and mediation and negotiation **and psychological maltreatment.**

19           **III. Each administrative law judge shall follow their oath as a public servant**  
20 **pursuant to New Hampshire constitution part 2, article 84 ensuring all clearly established**  
21 **rights, fundamental liberties, and natural rights are not infringed under inferior state**  
22 **statutes.**

23           **IV. Each administrative law judge shall purchase and maintain liabilities bonds.**

24           490-D:9 Recommendations of [~~Marital Masters~~] **Administrative Law Judges.** – All  
25 recommendations of [~~marital masters~~] **administrative law judges** shall be signed by a  
26 **constitutional** judge. The **constitutional** judge signing such recommendations shall certify that  
27 he or she has read the recommendations and agrees that the [~~marital master~~] **administrative law**  
28 **judge** has applied the correct legal standard to the facts determined by the [~~marital master~~]  
29 **administrative law judge.**

30           6 New Section; Duties of the Administrative Judge of the New Hampshire Judicial Branch.  
31 Amend RSA 490-D by inserting after section 15 the following new section:

32           490-D:16 Duties of the Administrative judge of the New Hampshire Judicial Branch.

33           I. Ensure all judicial branch family division administrative law judges strictly adhere to the  
34 policies/statutes the legislature has established and delegated to them.

35           II. Ensure that all recommendations of all judicial branch family division administrative law  
36 judges have received judicial/constitutional review and that no clearly established fundamental  
37 liberty or natural right of New Hampshire children and parents has been infringed.

1           III. Ensure that no administrative law judge or clerk in the judicial branch family division  
2 denies any litigant the right to access the court by way of refusing to docket pleadings, removes  
3 pleadings from the case file, destroys any pleading or removes any pleading from the case file and  
4 returns it to any litigant without a ruling, or alters the record in any manner.

5           IV. Ensure that all litigants are provided a copy of all process, procedures and a list of all  
6 administrative rules by which the judicial branch family division is guided.

7           V. Ensure that all litigants are provided a copy of all complaint processes and procedures for  
8 the judicial branch family division administrative law judges and clerks.

9           VI. Ensure that all litigants are informed that the New Hampshire supreme court through  
10 their administrative authority has entered into a sole source agreement with the New Hampshire  
11 department of health and human services bureau of child support services ("NH-DHHS-BCSS")/Title  
12 IV-D for the administrative office of the courts (AOC) through its subcomponent the circuit court  
13 family division to carry out the expedited process program, formerly known as the marital master  
14 program.

15           VII. Ensure that all litigants are informed that circuit court family division clerks and  
16 administrative law judges log time on IV-D time study logs and IV-D reporting logs that are  
17 submitted to the administrative judge, and that the IV-D logs are then provided to NH-DHHS-  
18 BCSS/Title IV-D for the New Hampshire judicial branch to be reimburse.

19           VIII. Ensure that all litigants are informed that criteria outlined in state statutes to carry  
20 out the expedited process program for the executive branch NH-DHHS-BCSS/TITLE IV-D, is  
21 submitted to the federal Department of Health and Human Services Office of Child Support  
22 Enforcement as a condition to the receipt of federal funds under Title IV-D of the Social Security Act.

23           IX. Ensure that all litigants are informed that they may be forced to engage with any  
24 number of third-party contractors and may be forced into third party contracts with or without  
25 consent as a means for the state to receive maximized federal fundings back to the state.

26           7 Effective Date. This act shall take effect January 1, 2027.

**HB 1717-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to the jurisdiction of the circuit court, family division.

**FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.**

<b>Estimated State Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures*</b>	\$0	\$1,672,000	\$3,127,000	\$3,127,000
<i>Funding Source(s)</i>	General Fund			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

**METHODOLOGY:**

This bill restructures the Circuit Court Family Division by replacing marital masters with twelve administrative law judges (ALJs), expanding administrative and supervisory responsibilities within the Family Division, and requiring the Judicial Branch to train, outfit, and support a new group of ALJs.

The Judicial Branch states this bill will result in an increase in state General Fund expenditures beginning in FY 2027. The Branch explains that the 12 ALJs will assume responsibility for hearings currently performed by marital masters and that the Administrative Judge of the Family Division will take on expanded statutory duties requiring additional administrative and supervisory oversight. The ALJs will require training, orientation, outfitting, technology, courtroom support, and clerical assistance, and must be compensated in a manner consistent with judicial personnel standards. Because these responsibilities cannot be absorbed by existing staff, the Branch assumes that 12 new positions will be necessary and that all associated personnel, technology, and facility costs will fall to the Judicial Branch. Because this bill is effective January 1, 2027, the salary and benefits are calculated at half year with full fit up costs for FY 2027 and full benefits and salaries for FY 2028 and forward. Additionally, if these positions are authorized, it is assumed the Judicial Branch will include the positions and costs in their FY 2028 and FY 2029 budget request.

<b>Fiscal Year</b>	<b>Cost per Administrative Law Judge</b>	<b>Number of Positions</b>	<b>Total Cost (Rounded)</b>
FY 2027 (half year + fit-up)	\$139,299	12	\$1,672,000
FY 2028 and FY 2028	\$260,569	12	\$3,127,000

**AGENCIES CONTACTED:**

Judicial Branch