

HB 1323-FN - AS AMENDED BY THE SENATE

04/23/2026 1339s

2026 SESSION

26-2985
09/08

HOUSE BILL ***1323-FN***

AN ACT relative to parental alienation.

SPONSORS: Rep. Rice, Hills. 38; Rep. Kofalt, Hills. 32; Rep. Markell, Rock. 18; Rep. Packard, Rock. 16; Rep. DeSimone, Rock. 18; Rep. Osborne, Rock. 2; Rep. Nelson, Rock. 13; Rep. Bryer, Rock. 1; Sen. Avard, Dist 12; Sen. Sullivan, Dist 18; Sen. Abbas, Dist 22; Sen. Lang, Dist 2

COMMITTEE: Children and Family Law

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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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

1 1 New Paragraph; Parental Rights and Responsibilities; Definition Added. Amend RSA 461-A:1
2 by inserting after paragraph IV the following new paragraph:

3 IV-a. "Parental alienation" means a pattern of behavior, conduct, or speech that would
4 damage the relationship of the child and a parent, resulting in the child's fear, negative perception,
5 rejection, or hostility toward their other parent. This includes, but is not limited to, communicating
6 disparaging remarks to a child about their other parent, manipulating or coercing a child, and
7 unjustified interference with parenting time. "Parental alienation" shall not include protective
8 actions taken in good faith based on reasonable belief of abuse or neglect under RSA 169-C, a
9 petition for a restraining order filed in good faith pursuant to RSA 458:16 or RSA 461-A:10, or a
10 petition filed in good faith for a civil protection order pursuant to RSA 633:3-a or RSA 173-B.

11 2 Parental Rights and Responsibilities; Judicial Enforcement of Parenting Plan; Family Access
12 Motion. Amend RSA 461-A:4-a, I to read as follows:

13 I. In the event of **parental alienation or** substantial and material noncompliance with a
14 court approved parenting plan under this chapter, relative to denying or interfering with parenting
15 time without good cause, the aggrieved parent may file a family access motion for enforcement of the
16 parenting plan. The motion shall state the specific facts which constitute a violation of parenting
17 time from the parenting plan.

18 3 Parental Rights and Responsibilities; Judicial Enforcement of Parenting Plan; Family Access
19 Motion. Amend the introductory paragraph of RSA 461-A:4-a, IV to read as follows:

20 IV. Upon a **written** finding by the court pursuant to a motion for a family access order, **a**
21 **motion alleging parental alienation**, or a motion for contempt that its order for parenting time
22 has been substantially and materially violated, without good cause, the court shall order a remedy,
23 which may include, but not be limited to:

24 4 Parental Rights and Responsibilities; Decision-making Responsibility. Amend RSA 461-A:5,
25 III to read as follows:

26 III. Where the court finds that abuse as defined in RSA 173-B:1, I, **or parental alienation**
27 **as defined in RSA 461-A:1, IV-a**, has occurred, the court shall consider such abuse **or parental**
28 **alienation** as harmful to children and as evidence in determining whether joint decision-making
29 responsibility is appropriate. In such cases, the court shall make orders for the allocation of
30 parental rights and responsibilities that best protect the children or the abused spouse or both. If

1 joint decision-making responsibility is granted despite evidence of abuse ***or parental alienation***,
2 the court shall provide written findings to support the order.

3 5 Parental Rights and Responsibilities; Determination of Parental Rights and Responsibilities.
4 Amend RSA 461-A:6, I(j)-(m) to read as follows:

5 (j) ***Any evidence of parental alienation, as defined in RSA 461-A:1, and the***
6 ***impact of parental alienation on the child and on the relationship between the child and***
7 ***the parents.***

8 (k) Any evidence of abuse, as defined in RSA 173-B:1, I or RSA 169-C:3, II, and the
9 impact of the abuse on the child and on the relationship between the child and the abusing parent.

10 ~~(l)~~ (l) If a parent is incarcerated, the reason for and the length of the incarceration,
11 and any unique issues that arise as a result of incarceration.

12 ~~(m)~~ (m) The policy of the state regarding the determination of parental rights and
13 responsibilities described in RSA 461-A:2.

14 ~~(n)~~ (n) Any other additional factors the court deems relevant.

15 6 Parental Rights and Responsibilities; Modification. Amend RSA 461-A:11, I(b) to read as
16 follows:

17 (b) If the court finds ***by a preponderance of the evidence that parental alienation***
18 ***has occurred or*** repeated, intentional, and unwarranted interference by a parent with the
19 residential responsibilities of the other parent, the court may order a change in the parental rights
20 and responsibilities ~~[without the necessity of]~~ ***upon a*** showing ***of*** harm to the child, if the court
21 determines that such change would be in accordance with the best interests of the child.

22 7 Parental Rights and Responsibilities; Grandparents' Visitation Rights. Amend RSA 461-A:13,
23 II(b) to read as follows:

24 (b) Whether ***allegations of parental alienation exist or if*** such visitation would
25 interfere with any parent-child relationship or with a parent's authority over the child.

26 8 Parental Rights and Responsibilities; Attorneys' Fees in Contempt and Parental Alienation
27 Cases. Amend RSA 461-A:15 to read as follows:

28 461-A:15 Attorneys' Fees in Contempt ***and Parental Alienation*** Cases. In any proceeding
29 under this chapter in which a party alleges, and the court finds, that the other party has failed
30 without just cause to obey a prior order, ***including cases of parental alienation***, the court shall
31 award reasonable costs and attorneys' fees to the prevailing party.

32 9 Guardianship of Minors and Estates of Minors; Statement of Purpose. Amend RSA 463:1 to
33 read as follows:

34 463:1 Statement of Purpose.

35 ***I.*** It is the purpose of this chapter to secure for a minor an environment of stability and
36 security by providing for the appointment of a guardian of the person when such appointment is in

1 the best interests of the minor; and to provide for the appointment of a guardian of the estate for the
2 proper management of the property and financial affairs of the minor.

3 **II.** This chapter is designed to provide procedural and substantive safeguards for the rights
4 of parents and their minor children. Implicit in this chapter shall be the recognition that the
5 interests of a minor are generally best promoted in the minor's own home unless the best interests of
6 the minor require substitution or supplementation of parental care and supervision.

7 **III. For purposes of determining the best interest of the child under this chapter,**
8 **the court shall consider the factors set forth in RSA 461-A:6.**

9 10 Child Protection Act; Purpose. Amend RSA 169-C:2, I to read as follows:

10 I.(a) It is the primary purpose of this chapter, through the mandatory reporting of
11 suspected instances of child abuse or neglect, to provide protection to children whose life, health or
12 welfare is endangered. The best interest of the child shall be the primary consideration of the court
13 in all proceedings under this chapter.

14 **(b) For purposes of determining the best interest of the child under this chapter,**
15 **the court shall consider the factors set forth in RSA 461-A:6.**

16 **11 Termination of Parental Rights; Purpose.** Amend RSA 170-C:1 to read as follows:

17 170-C:1 Purpose.

18 I.(a) The purpose of this chapter is to provide for the involuntary termination of the parent-
19 child relationship by a judicial process which will safeguard the rights and interests of all parties
20 concerned and when it is in the best interest of the child.

21 **(b) For purposes of determining the best interest of the child under this chapter,**
22 **the court shall consider the factors set forth in RSA 461-A:6.**

23 **II.** Implicit in this chapter is the philosophy that whenever possible family life should be
24 strengthened and preserved, and that the parent-child relationship is to be terminated only when
25 the adoption of that child may be contemplated.

26 12 Effective Date. This act shall take effect January 1, 2027.

HB 1323-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT # 2026-1339s)

AN ACT relative to parental alienation.

FISCAL IMPACT: This bill does not provide funding.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	Indeterminable Increase \$100,000 to \$200,000	Indeterminable Increase \$100,000 to \$200,000	Indeterminable Increase \$100,000 to \$200,000
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$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 defines “parental alienation” and requires courts to consider evidence of such behavior in determining parental rights and responsibilities, decision-making authority, and related family law matters. The bill also expands the availability of family access motions to include allegations of parental alienation and requires the court to award attorneys’ fees in certain cases.

The Judicial Branch states this bill will increase General Fund expenditures beginning in FY 2027 by an indeterminable amount as the bill expands family law case requirements and is expected to increase the number and complexity of filings in the Family Division. The expansion of family access motions to include allegations of parental alienation and additional procedural requirements will require increased case processing, judicial review, and staff support. The Branch states to administer this bill they need one case manager at labor grade 22, step 3, with an estimated cost of a \$89,000 starting in FY 2027. In addition, one senior court operations specialist at labor grade 19, step 3, would be required, at a cost of \$84,000 in FY 2027 and forward. The combined cost for these two positions is therefore estimated at approximately \$173,000 in FY 2027 and forward. These amounts include salary, benefits, and equipment.

The Branch notes there may be additional costs associated with judicial and staff training, case form revisions, and updates to case processing manuals. The Branch estimates the fiscal impact

on expenditures to be between \$100,000 to \$200,000 annually. It is assumed the Branch would include the costs of the two positions in their FY 2028 and FY 2029 budget request.

AGENCIES CONTACTED:

Judicial Branch