

HB 652-FN - AS INTRODUCED

2025 SESSION

25-0295

09/11

HOUSE BILL **652-FN**

AN ACT abolishing the family division, creating the office of family mediation, and reassigning the jurisdiction of the family division.

SPONSORS: Rep. Bernardy, Rock. 36; Rep. Sabourin, Rock. 30; Rep. DeRoy, Straf. 3; Rep. Post, Hills. 42

COMMITTEE: Children and Family Law

ANALYSIS

This bill abolishes the family division, creates the office of family mediation, and reassigns the jurisdiction of the family division.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT abolishing the family division, creating the office of family mediation, and reassigning the jurisdiction of the family division.

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

1 1 New Paragraph; Office of Mediation and Arbitration; Duties. Amend RSA 490-E:2 by
2 inserting after paragraph V the following new paragraph:

3 VI. The duties in this section shall not apply to cases assigned to the office of family
4 mediation pursuant to RSA 490-E:8.

5 2 Office of Mediation and Arbitration. Amend RSA 490-E:3 through 490-E:6 to read as follows:

6 490-E:3 Administration.

7 **I.** The office of mediation and arbitration shall be administered by the judicial branch
8 administrative council.

9 **II. *The office of family mediation shall be administered by the board of family***
10 ***mediator certification.***

11 490-E:4 Mediation and Arbitration Fund.

12 I. There is hereby established in the state treasury a separate fund to be known as the
13 mediation and arbitration fund, which shall be used to help fund paid mediation and arbitration in
14 the judicial branch and support the operation of the office of mediation and arbitration ***and the***
15 ***office of family mediation.*** The fund shall consist of:

16 (a) All moneys collected pursuant to RSA 461-A:7, X, RSA 490:27, II, RSA 490-D:12, III,
17 RSA 503:4, II, and RSA 502-A:28, III.

18 (b) Any moneys appropriated to the fund by the general court.

19 (c) Any moneys collected by the office of mediation and arbitration ***and the office of***
20 ***family mediation*** from fees, grants, and other contributions, gifts, bequests, and donations.

21 II. Moneys in the mediation and arbitration fund shall be nonlapsing and continually
22 appropriated to the office of mediation and arbitration for costs of mediation and arbitration
23 programs ***and the office of family mediation for costs of family mediation.***

24 **III. *Moneys in the fund shall be identifiable as those relating to the office of***
25 ***mediation and arbitration separately from the office of family mediation.***

26 490-E:5 Immunity From Civil Liability. No mediator ***from either office***, arbitrator, or other
27 neutral party involved in dispute resolution under contract with the New Hampshire judicial branch
28 or qualified intern acting under the direct supervision of a supervisor under contract with the New
29 Hampshire judicial branch shall be held liable for civil damages for any aspect of judicial branch
30 dispute resolution processes, unless such person acted willfully.

1 490-E:6 Quality Assurance Program.

2 I. The office of mediation and arbitration **and office of family mediation** ~~may~~ **shall**
3 establish a quality assurance program to support the administration of **family mediation and**
4 alternative dispute resolution programs in all courts. The program may include, but is not limited
5 to:

6 (a) Investigating and resolving complaints about **family mediation and** alternative
7 dispute resolution programs in all courts, including services or assistance provided by the office **of**
8 **mediation and arbitration** or a neutral party approved by the judicial branch; and

9 (b) Monitoring and evaluating the appropriateness of alternative dispute resolution
10 services provided by ~~the~~ **either** office or a neutral party approved by the judicial branch so that
11 problems or trends in the delivery of services are identified and steps to correct problems can be
12 taken.

13 II. The office of **family mediation or the office of** mediation and arbitration may request
14 information about an alternative dispute resolution program in the courts. Any information received
15 by the office may be shared only within the judicial branch and such information shall otherwise be
16 confidential and privileged as provided by law, rule, or order.

17 III. Records of ~~the~~ **either** office's quality assurance program, including records of
18 interviews, internal reviews or investigations, reports, statements, minutes, and other
19 documentation, shall be confidential and shall be protected from direct or indirect discovery,
20 subpoena, or admission into evidence in any judicial or administrative proceeding.

21 IV. No person who provides information as part of the quality assurance program shall be
22 held liable in any action for damages or other relief arising from such provision of information.

23 3 New Sections; Office of Mediation and Arbitration. Amend RSA 490-E by inserting after
24 section 6 the following new sections:

25 490-E:7 Office of Family Mediation Established. There is hereby established within the judicial
26 branch an office of family mediation.

27 490-E:8 Office of Family Mediation Duties.

28 I. The office of family mediation shall provide mediation services concerning:

29 (a) Petitions for divorce, nullity of marriage, alimony, custody of children, support,
30 parental time, grandparental time, and establishment of paternity;

31 (b) Actions for support, custody, parental time and grandparental time for children of
32 unwed parties.

33 II. The services of the office must be voluntarily elected by all parties; otherwise, the cases
34 shall be adjudicated in the superior court. If all issues cannot be fully mediated, a partial agreement
35 shall be created and the unresolved issues shall be referred to superior court. All mediation services
36 under this chapter shall be provided by family mediators pursuant to RSA 328-C.

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1 4 Circuit Court; Circuit Court Divisions; Family Division Abolished. Amend RSA 490-F:3 to
2 read as follows:

3 490-F:3 Circuit Court Divisions. The circuit court shall consist of ~~[3]~~ **2** divisions: a probate
4 division~~[,]~~ **and** a district division~~[, and a family division]~~. The circuit court shall have the
5 jurisdiction, powers, and duties conferred upon the former probate and district courts ~~[and upon the~~
6 ~~former judicial branch family division]~~ by RSA 547~~[,]~~ **and** RSA 502-A~~[, and RSA 490-D]~~.

7 5 Circuit Court; Circuit Court Locations. Amend the introductory paragraph of RSA 490-F:4 to
8 read as follows:

9 490-F:4 Circuit Court Locations. The judicial districts for the district and family divisions shall
10 be as set forth in RSA 502-A:1 ~~[and RSA 490-D:4, respectively]~~, and each county shall be a judicial
11 district for the probate division. The supreme court may, from time to time, establish other locations
12 for each of the divisions. The probate court records shall be maintained at the circuit court site at
13 each county seat. The circuit courts shall be as follows:

14 6 Circuit Court; Circuit Court Judges; Number. Amend RSA 490-F:7, I to read as follows:

15 I. Except as provided in paragraph II, the number of judges and masters in the circuit court
16 shall not be less than the number of authorized judicial and master positions in the former district
17 court, probate court, and judicial branch family division,~~[as well as any superior court judicial~~
18 ~~officer or marital master equivalent not yet transferred to the former judicial branch family division~~
19 ~~on the effective date of this chapter but necessary to complete the family division implementation as~~
20 ~~set forth in RSA 490-D]~~.

21 7 Superior Court; Jurisdiction. Amend RSA 491:7 to read as follows:

22 491:7 Jurisdiction. The superior court shall take cognizance of civil actions and pleas, real,
23 personal, and mixed, according to the course of the common law, ~~[except such actions as are required~~
24 ~~to be brought in the family division under RSA 490-D,]~~ district courts under RSA 502-A, or the
25 probate courts under RSA 547; of writs of mandamus and quo warranto and of proceedings in
26 relation thereto; of petition and appeals relating to highways and property taken therefor and for
27 other public use; of actions commenced in the probate or district courts where a right to jury trial is
28 guaranteed by the constitution; of actions commenced in a district court which are transferable by
29 statute to the superior court; of suits in equity under RSA 498:1; of petitions for new trials; of
30 petitions for the redemption and foreclosure of mortgages; of all other proceedings and matters to be
31 entered in, or heard at, said court by special provisions of law; and of all other proceedings and
32 matters cognizable therein for which other special provision is not made.

33 8 New Section; Superior Court; Exclusive Jurisdiction of Former Circuit Court Family Division
34 Cases. Amend RSA 491 by inserting after section 7-b the following new section:

35 491:7-c Exclusive Jurisdiction Over Certain Former Circuit Court Family Division Cases. The
36 superior court shall have exclusive jurisdiction over the following cases which were previously within
37 the jurisdiction of the circuit court family division:

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1 I. Petitions for divorce, nullity of marriage, alimony, custody of children, support, and to
2 establish paternity, except that the parties may first seek to have their case resolved by the office of
3 family mediation pursuant to RSA 490-E:8.

4 II. Actions for support or custody for children of unwed parties, except that the parties may
5 first seek to have their case resolved by the office of family mediation pursuant to RSA 490-E:8.

6 III. Actions under RSA 169-B, relating to delinquent children except for concurrent
7 jurisdiction with the circuit court to enter temporary detention orders under RSA 169-B:11, III and
8 169-B:12, IV(b).

9 IV. Actions under RSA 169-C, relating to abused and neglected children except for
10 concurrent jurisdiction with the circuit court to enter orders under RSA 169-C:6, VI and RSA 169-
11 C:6-a.

12 V. Actions under RSA 169-D, relating to children in need of services except for concurrent
13 jurisdiction with the circuit court to enter orders under RSA 169-D:8, I, RSA 169-D:9-a, and RSA
14 169-D:10.

15 VI. Actions under RSA 173-B, relating to protection of persons from domestic violence except
16 for concurrent jurisdiction with the circuit court to enter temporary protective orders under RSA
17 173-B:4.

18 VII. The change of names of persons who apply therefor in matters relating to the
19 jurisdiction established in this section, except that the parties may first seek to have their case
20 resolved by the office of family mediation pursuant to RSA 490-E:8 if they have elected to proceed in
21 front of the office of family mediation.

22 9 New Subparagraphs; Judges of Probate and Their Jurisdiction; Jurisdiction. Amend RSA
23 547:3, I by inserting after subparagraph (n) the following new subparagraphs:

24 (o) The adoption of children in abuse and neglect cases pursuant to RSA 169-C,
25 termination of parental rights cases pursuant to RSA 170-C, and guardianships of the person of
26 minors pursuant to subparagraph (p), as well as private, agency, and international adoptions.

27 (p) The guardianship of the person of minors and cases involving the guardianship of
28 both the person of a minor and the estate of the same minor.

29 (q) The termination of parental rights.

30 10 New Paragraph; Family Mediators; Definitions; Definition Added. Amend RSA 328-C:2 by
31 inserting after paragraph VIII the following new paragraph:

32 IX. "APFM" means the Academy of Professional Family Mediators.

33 11 Family Mediators; Board. Amend RSA 328-C:4, I(a)-(b) to read as follows:

34 (a) One judge ***of the superior court, appointed by the chief justice of the supreme***
35 ***court*** [~~who regularly sits in the circuit court family division, appointed by the administrative judge~~
36 ~~of the circuit court. Their term length shall be at the discretion of the administrative judge~~].

1 (b) [~~One member~~] **Three members** of the public, appointed by the governor with the
2 consent of the council. The public members shall be residents of the state of New Hampshire who
3 are not, and never have been, members of the family mediation profession or the spouse of any such
4 person. The public members shall not have, and shall never have had, a material financial interest
5 in either the provision of family mediation services or an activity directly related to family
6 mediation, including the representation of the board or its predecessor or the profession for a fee at
7 any time during the 5 years preceding the date of appointment.

8 12 Family Mediators; Board. Amend RSA 328-C:4, III(c) to read as follows:

9 (c) A quorum shall be [~~3~~] **4** members.

10 13 Family Mediators; Duties of the Board. Amend RSA 328-C:4-a, III and IV to read as follows:

11 III. Establish eligibility requirements for the certification, renewal certification, and
12 reinstatement certification of family mediators and family mediator training programs. **APFM**
13 **certification requirements shall be the minimum requirements adopted. All mediators**
14 **shall hold a bachelor's or advanced degree from an accredited institution in a discipline**
15 **relevant to family issues as judged by the board.**

16 IV. Establish family mediator training and continuing education requirements. **All**
17 **training standards shall be approvable by the APFM.**

18 14 Family Mediators; Qualifications. Amend RSA 328-C:5, I through III to read as follows:

19 I. To be eligible for certification, conditional certification, reinstatement of certification,
20 renewal of certification and temporary renewal of certification as a family mediator, an applicant
21 shall be of good character. **The board shall conduct an open public hearing to take testimony**
22 **regarding the character of any candidate for mediator certification.**

23 II. To be eligible for certification or conditional certification as a family mediator, an
24 applicant shall meet the following requirements:

25 (a) Satisfactory completion of a program of instruction approved by the board,
26 **compliant with APFM standards**, and at least 48 hours in length, including at least 8 hours in
27 domestic violence, and components in family dynamics and relevant law.

28 (b) Completion of an internship approved by the board and at least 20 hours in length
29 with a certified family mediator or certified family mediation program.

30 (c) Submission of a completed application to the board.

31 (d) Submission of at least 3 recommendations satisfactory to the board from persons who
32 have participated with the applicant in family mediation work. These recommendations shall meet
33 any additional requirements established by rules adopted by the board pursuant to RSA 541-A.

34 III. Notwithstanding subparagraphs II(a) and (b), the board may accept applicants found to
35 have training and internship experience equivalent to the programs of instruction and internship
36 approved by the board, **only if consistent with APFM standards.**

1 15 Parental Rights and Responsibilities; Mediation of Cases Involving Children. Amend RSA
2 461-A:7, II to read as follows:

3 II. The mediator *from either office* has no authority to make a decision or impose a
4 settlement upon the parties. The mediator shall attempt to focus the attention of the parties upon
5 their needs and interests rather than upon their positions. Any settlement is entirely voluntary. In
6 the absence of settlement, the parties lose none of their rights to a resolution of their dispute
7 through litigation.

8 16 Delinquent Children; Definitions. Amend RSA 169-B:2, III to read as follows:

9 III. "Court" means the ~~[district]~~ *superior* court, unless otherwise indicated.

10 17 Delinquent Children; Definitions. Amend RSA 169-B:2, IV-b to read as follows:

11 IV-b. "Court approved diversion program" means a program that has been approved by the
12 ~~[administrative judge of the judicial branch family division]~~ *chief justice of the superior court*
13 and has been approved to accept court referrals. An approved diversion program is a community
14 based alternative to the formal court process that integrates restorative justice practices, promotes
15 positive youth development, and reduces juvenile crime and recidivism.

16 18 Delinquent Children; Juvenile Diversion. Amend RSA 169-B:10, II-a to read as follows:

17 II-a. The ~~[administrative judge of the judicial branch family division]~~ *chief justice of the*
18 *superior court* shall have the authority to approve diversion referral procedures for use in all
19 juvenile matters throughout the state.

20 19 Child Protection Act; Definitions. Amend RSA 169-C:3, IX to read as follows:

21 IX. "Court" means the ~~[district]~~ *superior* court, unless otherwise indicated.

22 20 Child Protection Act; Appeals. Amend RSA 169-C:28, II to read as follows:

23 II. This section shall apply to all appeals under this chapter, including appeals in
24 proceedings before the ~~[family division of the courts]~~ *superior court*.

25 21 Children in Need of Services; Definitions. Amend RSA 169-D:2, IV to read as follows:

26 IV. "Court" means the *superior* ~~[district]~~ court, unless otherwise indicated.

27 22 Review of Dispositional Orders in Juvenile Cases; Application for Review. Amend RSA 169-
28 G:2, I to read as follows:

29 I. The department of health and human services may file with the clerk of the district court
30 or ~~[the judicial branch family division court]~~ *superior court* where the dispositional order was
31 issued an application for review of the order by the review panel. The application shall be filed
32 within 7 days after the date of the dispositional order, but not thereafter except for good cause
33 shown. The filing of an application for review shall stay the implementation of the dispositional
34 order.

35 23 Review of Dispositional Orders in Juvenile Cases; Review Procedure. Amend RSA 169-G:3,
36 II to read as follows:

1 II. The review panel may require the production of any records, documents, exhibits, or
2 other things connected with the proceedings. The district court and the ~~judicial branch family~~
3 ~~division]~~ **superior court** shall by rule establish forms for review under this chapter and may by rule
4 make such other regulations of procedure relative to such review, consistent with law, as justice
5 requires.

6 24 Review of Dispositional Orders in Juvenile Cases; Records. Amend RSA 169-G:5 to read as
7 follows:

8 169-G:5 Records. The secretary-clerk shall attend all sittings of the review panel; shall record
9 all appointments to the panel, notifying the clerks of the district courts or ~~judicial branch family~~
10 ~~division courts]~~ **superior courts** of such appointments; and shall record the proceedings of the
11 panel.

12 25 Services for Children, Youth, and Families; Department; Powers and Duties. Amend RSA
13 170-G:4, XXII to read as follows:

14 XXII. Encourage cities, towns, counties, and non-governmental organizations to develop and
15 maintain court-approved diversion programs for juveniles. The amount to be distributed to the
16 diversion programs shall be not more than \$600,000 for the biennium ending June 30, 2021, from
17 which the sum of \$30,000 in each year of the biennium shall be reserved for newly approved
18 programs, with the remainder divided equally among existing, approved programs that make
19 application for such funding. The ~~judicial branch family division]~~ **superior court** shall establish
20 requirements for court-approved diversion programs under this section and RSA 169-B:10.

21 26 Protection of Persons from Domestic Violence; Jurisdiction and Venue. Amend RSA 173-B:2,
22 I to read as follows:

23 I. The ~~[district division and the judicial branch family division of the circuit courts]~~
24 **superior court** shall have ~~[concurrent]~~ jurisdiction over all proceedings under this chapter, **except**
25 **for concurrent jurisdiction with the circuit court to enter temporary protective orders**
26 **under RSA 173-B:4.**

27 27 Parental Rights and Responsibilities and Child Support Impact Seminars; Seminar. Amend
28 RSA 458-D:3, I(a) to read as follows:

29 (a) The seminar shall be conducted by a certified family therapist or other persons
30 certified by the ~~judicial branch family division]~~ **circuit court probate division**, to inform the
31 parents of the best way to address problems which the children face as the result of the divorce or
32 separation. Presenters shall be a male and a female.

33 28 Parental Rights and Responsibilities and Child Support Impact Seminars; Seminar Schedule.
34 Amend RSA 458-D:4 to read as follows:

35 458-D:4 Seminar Schedule. The ~~judicial branch family division]~~ **circuit court probate**
36 **division** shall encourage the presenters to schedule courses so that the seminar is available twice
37 monthly in each county unless the county's population warrants otherwise. One parent need not

1 attend the same seminar as the other parent. In the case of domestic violence, parents shall attend
2 separate sessions. The seminar shall be completed within 45 days of service of the original petition
3 upon the original respondent.

4 29 Parental Rights and Responsibilities and Child Support Impact Seminars; Costs. Amend
5 RSA 458-D:7, I to read as follows:

6 I. Persons attending the seminar shall pay a seminar fee to the presenter. Fees charged by
7 the presenter shall be fair and reasonable as directed by the administrative judge of the ~~judicial~~
8 ~~branch family division~~ **circuit court** and may be paid to the court by credit card in lieu of cash
9 payment provided that the presenter agrees to accept, in full payment of the seminar fee, the fee less
10 credit card transaction costs incurred by the court.

11 30 Emancipation; Definitions. Amend RSA 461-B:1, II to read as follows:

12 II. "Court" means the ~~judicial branch family division~~ **circuit court probate division**,
13 unless otherwise indicated.

14 31 Parental Rights and Responsibilities and Child Support Impact Seminars; Rulemaking.
15 Amend the introductory paragraph of RSA 458-D:9, I to read as follows:

16 I. The administrative judge of the ~~judicial branch family division~~ **circuit court**, subject to
17 approval by the supreme court, may establish such rules and orders of practice as are appropriate to
18 effectuate this chapter and administer this program including, but not limited to:

19 32 Guardianship of Minors and Estates of Minors; Conduct of Hearing. Amend RSA 463:8, VI to
20 read as follows:

21 VI. A guardian ad litem appointed in a child custody proceeding in the probate court ~~or~~
22 ~~family division~~ shall be subject to the same standards, requirements, and rules as apply to
23 guardians ad litem appointed in divorce, nullity, or legal separation proceedings under RSA 458:17-
24 a.

25 33 Supreme Court; Emergency Powers. Amend RSA 490:6-a, I to read as follows:

26 I. The chief justice of the supreme court or, if the chief justice is unavailable, the most senior
27 associate justice available, shall have the power, upon the request of the governor, attorney general,
28 or the chief justice of the superior court or the administrative judge of the **circuit court** ~~district or~~
29 ~~probate court or the judicial branch family division~~, or on his or her own motion, in the event of a
30 declared state of emergency, as defined in RSA 4:45, to enter such order or orders as may be
31 appropriate to suspend, toll, or otherwise grant relief for a period of up to 21 calendar days from time
32 deadlines imposed by otherwise applicable statutes and rules of procedure regarding speedy trial
33 procedures in criminal and juvenile court proceedings, all civil and equitable court process and court
34 proceedings, and all appellate court time limitations. Such order or orders may be renewed by a
35 majority of the justices of the supreme court as justice may require; provided, however, that any
36 such renewal with respect to applicable statutes shall be effective only upon the concurrence of the
37 governor.

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1 34 Supreme Court; Law Library; Cross-Reference Deleted. Amend RSA 490:25, III to read as
2 follows:

3 III. Receive and accept at any time funds from the sale or exchange of books, pamphlets,
4 maps, manuscripts, and other related material, or from the sale of data base services, barcodes,
5 cataloging records, magnetic tapes, laser discs, video tapes, or related or similar material, or from
6 fees and fines as established by the law library and approved by the supreme court. Any funds
7 accruing to the law library from such sources and as provided under RSA 490:24, I; ~~RSA 490-D:12,~~
8 ~~H;~~ RSA 499:18, II; RSA 502-A:28, II; and RSA 547:27-c, II shall be paid into the state treasury and
9 held in a continually appropriated fund which shall not lapse for the use of the law library upon
10 approval by the supreme court;

11 35 Judicial Salaries; District Court Judges; Salaries. Amend RSA 491-A:3, IV to read as follows:

12 IV. The supreme court, after reviewing population, caseload, judicial time and efficiency,
13 available judicial resources, ~~[the needs of the judicial branch family division,]~~ and other relevant
14 criteria may request the governor and council to designate a sitting part-time justice as a full-time
15 justice. The court may recommend certain justices; however, the governor and council shall not be
16 bound by that recommendation. Upon designation, that justice shall become full-time. Prior to
17 making its request, there shall be funds in the court's budget specifically appropriated for the salary
18 and benefits of an additional full-time district court justice.

19 36 Judicial Salaries; Probate Judges; Salaries. Amend RSA 491-A:4, IV to read as follows:

20 IV. The supreme court, after reviewing population, caseload, judicial time and efficiency,
21 available judicial resources, ~~[the needs of the judicial branch family division,]~~ and other relevant
22 criteria, may request the governor and council to designate a sitting part-time probate judge as a
23 full-time judge. The court may recommend certain judges; however, the governor and council shall
24 not be bound by that recommendation. Upon designation, that judge shall become full-time. Prior to
25 making its request, there shall be funds in the court's budget specifically appropriated for the salary
26 and benefits of an additional full-time probate judge.

27 37 Adequate Representation for Indigent Defendants in Criminal Cases. Amend RSA 604-A:7 to
28 read as follows:

29 604-A:7 Rules and Regulations. The supreme court, superior court, **and** district court~~[and~~
30 ~~judicial branch family division]~~ shall each have the authority to establish such rules and regulations
31 and prescribe such forms as may be deemed necessary or advisable for the performance of their
32 respective duties hereunder.

33 38 Repeal. The following are repealed:

34 I. RSA 461-A:7, III, relative to mediation.

35 II. RSA 490-D, relative to judicial branch family division.

36 III. RSA 490-F:7, III, relative to the retirement, resignation, disability, or nonrenewal of
37 appointment of a marital master.

- 1 IV. RSA 651-E:2, I(o), relative to membership of the administrative judge of the judicial
- 2 branch family division in the interbranch criminal and juvenile justice council.
- 3 39 Effective Date. This act shall take effect January 1, 2026.

HB 652-FN- FISCAL NOTE
 AS INTRODUCED

AN ACT abolishing the family division, creating the office of family mediation, and reassigning the jurisdiction of the family division.

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

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
<i>Revenue Fund(s)</i>	Mediation and Arbitration Fund			
Expenditures*	\$0	Indeterminable	Indeterminable	Indeterminable
<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 abolishes the family division of the circuit court, creates the office of family mediation, and reassigns the jurisdiction of the family division. This bill abolishes the family division within the circuit court, consolidating it into the probate and district divisions and establishes a separate Office of Family Mediation within the Judicial Branch, distinct from the existing Office of Mediation and Arbitration, to handle mediation in family-related cases such as divorce, child custody, and support disputes. It amends administrative oversight, assigning the Office of Family Mediation to the board of family mediator certification. Any cases not resolved by this new office will be adjudicated in superior court. Additionally, the Mediation and Arbitration Fund will now include any funds collected by the office of family mediation as well as appropriating monies from this fund to the office of family mediation for costs of family mediation.

The Judicial Branch is not able to estimate how this significant change in the law would affect costs. The Branch expects implementation may involve reappointing the circuit court judges as superior court judges using the same office space and staff. The Branch assumes the number of judges in Superior Court may need to be augmented to handle the increased work. The Branch indicates the annual cost of an additional judge is nearly \$350,000. The Branch notes that it is

not clear if the new Office of Family Mediation would be part of the Judicial Branch budget, but it does not anticipate that a second mediation office would result in fewer family law cases.

AGENCIES CONTACTED:

Judicial Branch