

Senate Children and Family Law Committee

Joshua Schauer 271-3077

HB 486-FN, relative to grandparents' visitation rights.

Hearing Date: April 3, 2025

Time Opened: 12:38 p.m.

Time Closed: 1:08 p.m.

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

Bill Analysis: This bill expands criteria for a court's consideration of grandparent visitation.

Sponsors:

Rep. Nelson

Rep. Ball

Rep. DeSimone

Rep. Markell

Rep. Panek

Rep. Post

Rep. Rice

Rep. Seidel

Who supports the bill: 121 people signed in support of the legislation. Please contact the legislative aide for a full list. (Joshua.Schauer@gc.nh.gov)

Who opposes the bill: 14 people signed in opposition of the legislation. Please contact the legislative aide for a full list. (Joshua.Schauer@gc.nh.gov)

Summary of testimony presented in support:

Representative Nelson: Rockingham District-13

- She introduced the bill and said there have been situations where grandparents are not given rights to their grandchildren and that there is a lack of visitation laws for them.
- She stated that there were themes among many stories about the lack of rights that grandparents have so she wanted to create legislation that rectify this.
- She added new language so that it includes “separate living situations” in order for grandparent’s to be awarded visitation rights if the child’s parents are separated but not divorced.
- She explained that temporary guardianship to grandparents is mostly because of drug abuse, but that the goal is always reunification of parents and children. It also includes language from current legislation in other states, that is seen on lines 15-17.

- She stated that there are estimates of around 12,000 grandparents in the state of New Hampshire are caregivers and or temporary guardianship of their grandchildren.
- She said that children develop an attachment to their caregiver and the law must include mechanisms to continue relationships with the child's kinship caregiver and that includes grandparents.

Rep. DeSimone: Rockingham District-18

- She stated that she is a grandmother and could not imagine being without them. If anything were to happen and she was not able to see them or them not be able to see her, it would be traumatic and heart-breaking for the children.
- She added that the State needs to encourage families to stay in-tact and keep familial safeguards for children which includes grandparents.

Stacey Torosian:

- Ms. Torosian read her personal testimony. She referred to the court system and her visitation rights case being dismissed after 18 months of preparation and litigation.
- She said that there was a change of Judges and that the former Judge knew her case well, but the new judge did not and went forward with a dismissal and she lost her visitation rights.
- She expressed that she is a support system for her grandchildren but cannot even see them because there is no divorce involved. Her daughter was married, but separated with her husband.
- She explained that the judge had no standing to grant her any visitation rights and said, "as the law stand now, I have no rights to see my grandchildren ever again".

Frank Kurland:

- He said that he has never heard of "grandparent's visitation rights" and stated that he is one of seventeen grandchildren.
- He referred to the *Kauble v. Kauble* case which allows grandparents to petition for visitation rights under specific conditions. One key condition is that the grandparents' "access to the child must not have been restricted prior to or contemporaneous with certain events", such as divorce.
- He talked about the case. And how it relates to their situation. Says that it should be reconsidered, and they love their grandkids and should be allowed to obtain visitation rights because they were not awarded any rights because there was no divorce involved.

Debra Cmar: Bow

- Ms. Cmar spoke in support of the legislation and said that she has 3 grandchildren that lived with them but now moved away and she hasn't been able to visit them.
- She said that her granddaughters are being alienated against them and there is no hope of seeing her grandkids or having visitation rights as the law is written now.

Betty Gay: Former Representative

- She pointed to Lines 5-6 and said that it can be a vague interpretation. She continued to say that if it stayed in the bill, it would nullify the intent of the bill.
- She added that while cases are in family court, they should keep the same judge during the course of their case.
- She said that if these changes are made, it will fix the system so that a person will not have to file for contempt.

Senator Sullivan asked if Ms. Gay brought these concerns up in the House hearing?

Ms. Gay said she had not because she was unaware of it until now.