

Senate Children and Family Law Committee

Joshua Schauer 271-3077

HB 187-FN, relative to restraining orders sought by a parent on behalf of a minor child.

Hearing Date: May 8, 2025

Time Opened: 2:00 p.m.

Time Closed: 2:12 p.m.

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

Members of the Committee Absent : None

Bill Analysis: This bill expands against whom a parent or guardian may seek a restraining order on behalf of a minor child where abuse is alleged.

Sponsors:

Rep. Belcher

Rep. Turcotte

Who supports the bill: 76 individuals signed in support of HB 187-FN. Contact joshua.schauer@gc.nh.gov for further details.

Who opposes the bill: 2 individuals signed in opposition of HB 187-FN. Contact joshua.schauer@gc.nh.gov for further details.

Summary of testimony presented in support:

Representative Mike Belcher, Carroll District-4

- Representative Belcher introduced the bill and said he was approached by a constituent who had a concern about the current law regarding the interpretation of restraining orders.
- He said that the constituent went through a terrible situation in which their child had to file for and argue on their own behalf in order to obtain a restraining order, for someone outside of their household, based on the law as it is currently written.
- He explained that this interpretation creates a circumstance where adults have a legal remedy under the law that are available to them but denied to children when they are seeking protection from abuse.

Senator Abbas said it was his understanding that in existing law it reads as a “*parent or guardian may file on behalf of minor*”. He then asked that if by striking the

last part of the language “*a member of the minor’s family’s household,*” if they are already doing this and what the court’s interpretation is.

Representative Belcher clarified that the court is currently interpreting the language to mean that the parent can file an order on behalf of child to a person inside that household, but not anyone outside of household. Therefore, for any person outside of the household, a child must file and argue for a restraining order on their own behalf without a parent.

Senator Abbas asked hypothetically if a 16 year-old minor, had a boyfriend who was abusing her and that person was outside of the “household”, that 16-year-old girl would have to file for an order on her own behalf.

Representative Belcher said that was correct under the present interpretation. A parent may not seek an order for their minor child.

Senator Sullivan asked if he could elaborate on the situation of the constituent he was referring to in his earlier testimony.

Representative Belcher said it was an awful circumstance and the constituent was here to testify on that.

Tracey Searles: East Wakefield

- Ms. Searles talked about her situation in which her child was being sexually abused by a friend's parent. She said that when police got involved they informed her to go file a protective order at the courthouse.
- She explained that when she went to file the order on her child's behalf, who she said was much younger than 16, she was denied.
- She then learned about the Child Protection Act RSA 169-C:7-A, only allows a parent to file on behalf of the child if the abuser is a member of the family or household.
- She said the reason she was unable to obtain a restraining order was because the person was not in the household nor a member of the family, which she said is outrageous.
- The way the law currently stands, a minor must do it themselves, and a parent or family member cannot do it on their behalf.
- She said that parents have a legal responsibility to protect their children, and a minor should not have to do these things on their own. She explained the difficulties of obtaining a protective order and the confusing legal jargon, she then asked how a child would understand this without a parent or legal guardian to assist them.
- She said that she has the right to file a protective order for herself but not her child yet children should have the same rights of protection as adults.

Senator Abbas asked when the court denied the protective order, what the grounds were? He also asked if it was because there was a lack of standing or was it the definition of abuse?

Ms. Searles said the court told her that the Judge was apologetic but that “their hands were tied” because the law, 169-C, only covers children abused from a person in the household. She explained that the abuser never lived in her home or was related in any way to her child and that is why the order was denied.

JS
Date Hearing Report completed: May 12, 2025