HB 1293-FN - AS INTRODUCED

2018 SESSION

18-2119
04/08

HOUSE BILL ***1293-FN***

AN ACT establishing the complex divorce court within the judicial branch family division.

SPONSORS: Rep. Itse, Rock. 10; Rep. Hoell, Merr. 23; Sen. Reagan, Dist 17

COMMITTEE: Children and Family Law

ANALYSIS

This bill establishes the complex divorce court within the judicial branch family division.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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18-2119
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT establishing the complex divorce court within the judicial branch family division.

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

1 New Section; Complex Divorce Court. Amend RSA 490-D by inserting after section 15 the following new section:

490-D:16 Complex Divorce Court.

I. Within the family division there shall be a complex divorce court to resolve divorces containing frivolous or copious motions, which extend well beyond the average time required to resolve a divorce, or are otherwise determined by the court to be unusually adversarial.

II. The complex divorce court shall adjudicate any case designated by the administrative judge of the judicial branch family division as a complex divorce.

III. The complex divorce court may amend or overturn orders from previous hearings that contain or result from administrative or procedural errors.

IV. Judges siting on the complex divorce court outside his or her county of residence shall be eligible for mileage compensation.

2 Effective Date. This act shall take effect January 1, 2018.

LBAO
18-2119
10/18/17

HB 1293-FN- FISCAL NOTE
AS INTRODUCED

AN ACT establishing the complex divorce court within the judicial branch family division.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

METHODOLOGY:

The Judicial Branch states this bill would establish the complex divorce court within the family division of the circuit court. Cases would be designated for assignment to the complex divorce court by the administrative judge of the family division. The complex divorce court would be for divorces containing frivolous or copious motions, which extend well beyond the average time required to resolve a divorce, or that are otherwise determined by the court to be universally adversarial. The complex divorce court would have appellate powers and be able to amend or overturn orders from previous hearings that contain or result from administrative errors. Proposed RSA 490-D:16, IV provides for the payment of mileage reimbursement in certain circumstances for judges sitting on the complex divorce court.

In 2014 the administrative judge of the circuit court established a family division complex case docket by administrative order. Since this court handles cases involving high-conflict issues and particularly litigious parties including the cases set forth in the proposed bill, the Branch assumes this requirement would have no fiscal impact. The power of the complex divorce court to amend or overturn orders from previous hearing provided in proposed RSA 490-D:16, III could add additional hearings to the processing of a divorce and result in additional costs. The Branch has no basis on which to estimate the additional cost, but believes the cost will exceed $10,000 a year. Finally, the provision to pay mileage compensation will have little or no fiscal impact because judges currently receive mileage compensation consistent with current law.

AGENCIES CONTACTED:

Judicial Branch