HB 438-FN - AS INTRODUCED

2023 SESSION

23-0715
06/04

HOUSE BILL ***438-FN***

AN ACT relative to the right of representation in family court.

SPONSORS: Rep. M. Pearson, Rock. 34; Rep. Moffett, Merr. 4; Rep. McMahon, Rock. 17; Rep. Nutter-Upham, Hills. 8; Rep. Palmer, Sull. 2; Rep. O. Ford, Rock. 3; Rep. Stapleton, Sull. 6; Rep. Cannon, Straf. 12; Rep. Love, Rock. 13; Sen. Ward, Dist 8

COMMITTEE: Children and Family Law

ANALYSIS

This bill permits a support person to be present in family court proceedings for parties that wish to have a support person.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the right of representation in family court.

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

1 Findings. The general court finds:

I. While New Hampshire Coalition Against Domestic and Sexual Violence (NHCADSV) "advocate" employees are great at helping in multiple ways, they are no substitute for a close relative or friend present and physically close to offer emotional support, even when the NHCADSV advocate is already in the room, during hearings and depositions.

II. Victims of abuse often cannot face testifying or deposing the devastating memories in the presence of their abuser or even otherwise without a support person close to them emotionally and physically.

III. This right must be offered to everyone at the beginning of family court proceedings or in deposition because if it is offered only after domestic abuse or PTSD is proven, then the alleged victims may end up emotionally unable to testify. When victims do not testify, then abusers have not been found guilty despite other testimony of their harm or threats of harm, which is a crime in itself. Therefore, this right must be granted before findings have been made against an alleged abuser.

2 New Paragraph; Protection of Persons from Domestic Violence; Commencement of Proceedings; Hearing; Establishing Right to Support Person. Amend RSA 173-B:3 by inserting after paragraph VIII the following new paragraph:

IX. A party in family court proceedings or in deposition shall be permitted a support person as physically close as the party chooses, including physically touching if desired. Such use of a support person shall not be denied by the presiding judge.

3 Effective Date. This act shall take effect January 1, 2024.

LBA
23-0715
1/8/23

HB 438-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the right of representation in family court.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than $10,000 in each of the fiscal years 2023 through 2026.

AGENCIES CONTACTED:

Judicial Branch