

Amendment to SB 459-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT establishing a committee to study the child protection act; establishing a right to  
4 submit evidence and testimony in family court proceedings; relative to wage  
5 garnishment with child support payments; and relative to parenting coordinators in  
6 high-conflict cases.  
7

8 Amend the bill by replacing section 5 with the following:

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10 6 New Section; Judicial Branch Family Division; Evidence and Testimony. Amend RSA 490-D  
11 by inserting after section 3 the following new section:

12 490-D:3-a Evidence and Testimony. If the court admits evidence or testimony over the objection  
13 of one of the parties, or the court chooses not to admit evidence or testimony offered by one of the  
14 parties, the court shall note in the record the reason for its decision.

15 7 New Paragraph; Assignment of Income; Notice to Parties. Amend RSA 458-B:2 by inserting  
16 after paragraph I the following new paragraph:

17 I-a. At the time of the hearing the court shall notify each party that their income assignment  
18 of wages for child support will be automatic under RSA 458-B:2 unless both parties come to an  
19 agreement under another arraignment.

20 8 New Paragraph; Income Assignment. Amend RSA 458-B:3 by inserting after paragraph I the  
21 following new paragraph:

22 I-a. The circuit court family division shall develop a standard form, which may be an  
23 addendum to the child support calculation form, to be presented prior to the temporary hearing for  
24 waiving of garnishment of wages, with such form containing the following:

25 (a) The details of when garnishment of wages will become mandatory.

26 (b) Allowing for both parties to detail their preferred form of payment arrangement.

27 (c) Informing the payer that record keeping to prove payments in the event of a  
28 discrepancy is their responsibility.

29 (d) Informing the payee how to report missed payments by the payer.

30 9 New Section; Domestic Relations; Parental Rights and Responsibilities; Parenting  
31 Coordinators. Amend RSA 461-A by inserting after section 6 the following new section:

32 461-A:6-a Parenting Coordinators.

1           I. The court may appoint a parenting coordinator in high-conflict cases, upon agreement by  
2 both parties, to assist the parties in creating agreed-upon structured guidelines for implementing  
3 their parenting plan, to improve communication between the parties, to assist in minimizing conflict,  
4 and/or to develop a plan to deal with disputes.

5           II. A list of parenting coordinators shall be maintained by the circuit court. To be eligible to  
6 be included on the circuit court's list of parenting coordinators, a person must meet all of the  
7 following requirements:

8                 (a) Hold a bachelor's, master's, or doctorate degree in psychology, law, social work,  
9 counseling, or be a family practitioner in medicine.

10                (b) Have at least 3 years of related professional post-degree experience.

11                (c) Hold a current New Hampshire license in the parenting coordinator's area of  
12 practice.

13                (d) Participate in 24 hours of training in fields related to the developmental stages of  
14 children, the dynamics of high conflict families, the stages and effects of divorce, problem solving  
15 techniques, mediation, domestic violence, and legal issues.

16           III. Only upon agreement by both parties, the trial court may, at its discretion, appoint a  
17 parenting coordinator not meeting the requirements outlined in subparagraphs II(a)-(c).

18           IV. The appointed parenting coordinator shall disclose to each party, the attorneys of record,  
19 and the court any familial, financial, or social relationship that the appointed person has or has had  
20 with the child, either party, the attorneys of record, or the judicial officer and, if a relationship  
21 exists, the nature of the relationship. A party shall have 7 days from the date of the disclosure to  
22 object to the appointment based upon information contained in the disclosure. If a party objects to  
23 the appointment, the court shall appoint a different person within 7 days after the date of the party's  
24 objection. If no party timely objects to the appointment, then the appointment shall be deemed  
25 confirmed.

26           V. Fees and costs for a parenting coordinator shall be paid by the parties equally, unless the  
27 court enters an order directing otherwise. The parenting coordinator may recommend that one party  
28 pay all or more than half of the fees and costs based upon a party's failure to work in good faith with  
29 the parenting coordinator, the other party, or both, or for other good cause. For indigent parties, the  
30 court may order that funds be used from the mediation and arbitration fund, provided in RSA 490-  
31 E:4.

32           VI. Parenting coordinators shall file a report with the court as soon as practicable upon  
33 matters submitted to them, only upon signed agreement by each party. Absent the agreement by  
34 both parties, the parenting coordinator shall not testify nor produce records regarding any  
35 statement, conduct, or decision that occurred during the parenting coordinator's appointment to the  
36 same extent as a family mediator of this state acting in an official capacity, except when a parenting

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1 coordinator has material information alleging abuse or sexual abuse or neglect as defined by RSA  
2 169-C or RSA 173-B.

3 VII. A parenting coordinator appointed by the court pursuant to this section shall be  
4 immune from civil liability in any claim for injury that arises out of an act or omission of the  
5 parenting coordinator occurring during the performance of his or her duties or during the  
6 performance of any act that a reasonable parenting coordinator would believe was within the scope  
7 of his or her duties, unless the act or omission causing the injury was willful and wanton. Nothing  
8 in this paragraph shall be construed to bar a party from asserting a claim related to the  
9 reasonableness or accuracy of any fee charged or time billed by a parenting coordinator.

10 VIII. The supreme court shall establish rules and take such action as necessary to effectuate  
11 the purpose of this section, including a regulation of fees.

12 10 Effective Date.

13 I. Sections 7-9 of this act shall take effect January 1, 2025.

14 II. Section 6 of this act shall take effect 60 days after its passage.

15 III. The remainder of this act shall take effect upon its passage.

2024-1688h

AMENDED ANALYSIS

This bill:

- I. Establishes a committee to study the child protection act.
- II. Provides that parties in a family court proceeding shall have the right to present evidence and testimony.
- III. Adds restrictions to the circumstances for an income assignment.
- IV. Authorizes the use of parenting coordinators in high-conflict family court cases and sets qualifications and requirements for those acting as a parenting coordinator.