

Amendment to HB 1323-FN

1 Amend the bill by replacing section 1 with the following:

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3 1 New Paragraph; Parental Rights and Responsibilities; Definition Added. Amend RSA 461-A:1
4 by inserting after paragraph IV the following new paragraph:

5 IV-a. "Parental alienation" means a pattern of behavior, conduct, or speech that would
6 damage the relationship of the child and a parent, resulting in the child's fear, negative perception,
7 rejection, or hostility toward their other parent. This includes, but is not limited to, communicating
8 disparaging remarks to a child about their other parent, manipulating or coercing a child, and
9 unjustified interference with parenting time. "Parental alienation" shall not include protective
10 actions taken in good faith based on reasonable belief of abuse or neglect under RSA 169-C, a
11 petition for a restraining order filed in good faith pursuant to RSA 458:16 or RSA 461-A:10, or a
12 petition filed in good faith for a civil protection order pursuant to RSA 633:3-a or RSA 173-B.

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14 Amend the bill by replacing sections 3-4 with the following:

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16 3 Parental Rights and Responsibilities; Judicial Enforcement of Parenting Plan; Family Access
17 Motion. Amend the introductory paragraph of RSA 461-A:4-a, IV to read as follows:

18 IV. Upon a *written* finding by the court pursuant to a motion for a family access order, *a*
19 *motion alleging parental alienation*, or a motion for contempt that its order for parenting time
20 has been substantially and materially violated, without good cause, the court shall order a remedy,
21 which may include, but not be limited to:

22 4 Parental Rights and Responsibilities; Decision-making Responsibility. Amend RSA 461-A:5,
23 III to read as follows:

24 III. Where the court finds that abuse as defined in RSA 173-B:1, I, *or parental alienation*
25 *as defined in RSA 461-A:1, IV-a*, has occurred, the court shall consider such abuse *or parental*
26 *alienation* as harmful to children and as evidence in determining whether joint decision-making
27 responsibility is appropriate. In such cases, the court shall make orders for the allocation of
28 parental rights and responsibilities that best protect the children or the abused spouse or both. If
29 joint decision-making responsibility is granted despite evidence of abuse *or parental alienation*,
30 the court shall provide written findings to support the order.

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32 Amend the bill by replacing section 6 with the following:

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1 6 Parental Rights and Responsibilities; Modification. Amend RSA 461-A:11, I(b) to read as
2 follows:

3 (b) If the court finds **by a preponderance of the evidence that parental alienation**
4 **has occurred or** repeated, intentional, and unwarranted interference by a parent with the
5 residential responsibilities of the other parent, the court may order a change in the parental rights
6 and responsibilities [~~without the necessity of~~] **upon a** showing **of** harm to the child, if the court
7 determines that such change would be in accordance with the best interests of the child.

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

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11 8 Parental Rights and Responsibilities; Attorneys' Fees in Contempt and Parental Alienation
12 Cases. Amend RSA 461-A:15 to read as follows:

13 461-A:15 Attorneys' Fees in Contempt **and Parental Alienation** Cases. In any proceeding
14 under this chapter in which a party alleges, and the court finds, that the other party has failed
15 without just cause to obey a prior order, **including cases of parental alienation**, the court shall
16 award reasonable costs and attorneys' fees to the prevailing party.

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18 Amend the bill by replacing section 12 with the following:

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20 12 Effective Date. This act shall take effect January 1, 2027.