

HB 1323-FN - AS INTRODUCED

2026 SESSION

26-2985  
09/08

HOUSE BILL            **1323-FN**

AN ACT                relative to parental alienation.

SPONSORS:            Rep. Rice, Hills. 38; Rep. Kofalt, Hills. 32; Rep. Markell, Rock. 18; Rep. Packard, Rock. 16; Rep. DeSimone, Rock. 18; Rep. Osborne, Rock. 2; Rep. Nelson, Rock. 13; Rep. Bryer, Rock. 1; Sen. Avard, Dist 12; Sen. Sullivan, Dist 18; Sen. Abbas, Dist 22; Sen. Lang, Dist 2

COMMITTEE:          Children and Family Law

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ANALYSIS

This bill defines parental alienation to mean a pattern of behavior, conduct, or speech which would damage the relationship of the child and a parent, resulting in the child's fear, negative perception, rejection, or hostility toward their other parent, and adds standards for considering claims of parental alienation in certain cases involving children and parental rights.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty-Six*

AN ACT relative to parental alienation.

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

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

3 IV-a. "Parental Alienation" means a pattern of behavior, conduct, or speech that would  
4 damage the relationship of the child and a parent, resulting in the child's fear, negative perception,  
5 rejection, or hostility toward their other parent. This includes, but is not limited to, communicating  
6 disparaging remarks to a child about their other parent, using tactics to manipulate or coerce a  
7 child, and unjustified interference with parenting time. "Parental alienation" shall not include  
8 protective actions taken in good faith based on reasonable belief of abuse or neglect under RSA 169-  
9 C.

10 2 Parental Rights and Responsibilities; Judicial Enforcement of Parenting Plan; Family Access  
11 Motion. Amend RSA 461-A:4-a, I to read as follows:

12 I. In the event of **parental alienation or** substantial and material noncompliance with a  
13 court approved parenting plan under this chapter, relative to denying or interfering with parenting  
14 time without good cause, the aggrieved parent may file a family access motion for enforcement of the  
15 parenting plan. The motion shall state the specific facts which constitute a violation of parenting  
16 time from the parenting plan.

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

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

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

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

1 5 Parental Rights and Responsibilities; Determination of Parental Rights and Responsibilities.  
2 Amend RSA 461-A:6, I(j)-(m) to read as follows:

3 (j) **Any evidence of parental alienation, as defined in RSA 461-A:1, and the**  
4 **impact of parental alienation on the child and on the relationship between the child and**  
5 **the parents.**

6 (k) Any evidence of abuse, as defined in RSA 173-B:1, I or RSA 169-C:3, II, and the  
7 impact of the abuse on the child and on the relationship between the child and the abusing parent.

8 ~~(k)~~ (l) If a parent is incarcerated, the reason for and the length of the incarceration,  
9 and any unique issues that arise as a result of incarceration.

10 ~~(l)~~ (m) The policy of the state regarding the determination of parental rights and  
11 responsibilities described in RSA 461-A:2.

12 ~~(m)~~ (n) Any other additional factors the court deems relevant.

13 6 Parental Rights and Responsibilities; Modification. Amend RSA 461-A:11, I(b) to read as  
14 follows:

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

20 7 Parental Rights and Responsibilities; Grandparents' Visitation Rights. Amend RSA 461-A:13,  
21 II(b) to read as follows:

22 (b) Whether **allegations of parental alienation exist or if** such visitation would  
23 interfere with any parent-child relationship or with a parent's authority over the child.

24 8 Parental Rights and Responsibilities; Attorneys' Fees in Contempt Cases. Amend RSA 461-  
25 A:15 to read as follows:

26 461-A:15 Attorneys' Fees in Contempt Cases. In any proceeding under this chapter in which a  
27 party alleges, and the court finds, that the other party has failed without just cause to obey a prior  
28 order, **including cases of parental alienation**, the court shall award reasonable costs and  
29 attorneys' fees to the prevailing party.

30 9 Guardianship of Minors and Estates of Minors; Statement of Purpose. Amend RSA 463:1 to  
31 read as follows:

32 463:1 Statement of Purpose.

33 **I.** It is the purpose of this chapter to secure for a minor an environment of stability and  
34 security by providing for the appointment of a guardian of the person when such appointment is in  
35 the best interests of the minor; and to provide for the appointment of a guardian of the estate for the  
36 proper management of the property and financial affairs of the minor.

1           **II.** This chapter is designed to provide procedural and substantive safeguards for the rights  
2 of parents and their minor children. Implicit in this chapter shall be the recognition that the  
3 interests of a minor are generally best promoted in the minor's own home unless the best interests of  
4 the minor require substitution or supplementation of parental care and supervision.

5           **III. For purposes of determining the best interest of the child under this chapter,**  
6 **the court shall consider the factors set forth in RSA 461-A:6.**

7           10 Child Protection Act; Purpose. Amend RSA 169-C:2, I to read as follows:

8           **I.(a)** It is the primary purpose of this chapter, through the mandatory reporting of  
9 suspected instances of child abuse or neglect, to provide protection to children whose life, health or  
10 welfare is endangered. The best interest of the child shall be the primary consideration of the court  
11 in all proceedings under this chapter.

12           **(b) For purposes of determining the best interest of the child under this chapter,**  
13 **the court shall consider the factors set forth in RSA 461-A:6.**

14           **11 Termination of Parental Rights; Purpose.** Amend RSA 170-C:1 to read as follows:

15           170-C:1 Purpose.

16           **I.(a)** The purpose of this chapter is to provide for the involuntary termination of the parent-  
17 child relationship by a judicial process which will safeguard the rights and interests of all parties  
18 concerned and when it is in the best interest of the child.

19           **(b) For purposes of determining the best interest of the child under this chapter,**  
20 **the court shall consider the factors set forth in RSA 461-A:6.**

21           **II.** Implicit in this chapter is the philosophy that whenever possible family life should be  
22 strengthened and preserved, and that the parent-child relationship is to be terminated only when  
23 the adoption of that child may be contemplated.

24           12 Effective Date. This act shall take effect 30 days after its passage.

**HB 1323-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to parental alienation.

**FISCAL IMPACT: This bill does not provide funding.**

<b>Estimated State Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures*</b>	\$0	Indeterminable Increase \$100,000 to \$200,000	Indeterminable Increase \$100,000 to \$200,000	Indeterminable Increase \$100,000 to \$200,000
<i>Funding Source(s)</i>	General Fund			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

**METHODOLOGY:**

This bill defines “parental alienation” and requires courts to consider evidence of such behavior in determining parental rights and responsibilities, decision-making authority, and guardianship of minors. It also expands the availability of “family access motions” to include allegations of parental alienation and establishes a 60-day timeline for court action on such motions.

The Judicial Branch states this bill will increase General Fund expenditures starting in FY 2027 by an indeterminable amount as the bill expands family law and guardianship case requirements, which is expected to increase the number and complexity of filings in the Family Division. The new 60-day response requirement for family access motions would require additional case management and staff support to ensure compliance.

To administer this bill as written, the Branch states they need one case manager at labor grade 22, step 3, with an estimated cost of a \$89,000 starting in FY 2027. In addition, one senior court operations specialist at labor grade 19, step 3, would be required, at a cost of \$84,000 in FY 2027 and forward. The combined cost for these two positions is therefore estimated at approximately \$173,000 in FY 2027 and forward. These amounts include salary, benefits, and equipment.

The Branch notes there may be additional minor costs associated with judicial and staff training, case form revisions, and updates to case processing manuals. While the overall fiscal impact cannot be precisely determined, it is expected to exceed \$100,000 annually but remain below \$200,000.

It is assumed the Branch will include the costs of the two positions in their FY 2028 and FY 2029 budget request.

**AGENCIES CONTACTED:**

Judicial Branch