

TITLE XLIII

DOMESTIC RELATIONS

CHAPTER 458-D

CHILD CUSTODY AND SUPPORT IMPACT SEMINARS

Section 458-D:1

458-D:1 Purpose. – The purpose of this chapter is to establish a program which would provide a 4-hour mandatory session for married or unmarried parents of minor children who are involved in custody and other issues which involve the children so that the adverse impact on the children of the litigation process and the family's separation will be minimized.

Source. 1993, 282:1, eff. Aug. 20, 1993.

458-D:2 Seminar Required; Court Referral. – In the event of any action before the superior court where the parties are involved with child custody and support issues, and upon the establishment of the program described in this chapter, the clerk of the superior court shall, no later than the defendant's or respondent's filing of an appearance, require the parties to attend a 4-hour information session. This session shall be a seminar on how to help the children deal with the issues surrounding divorce, separation, and custody.

Source. 1993, 282:1, eff. Aug. 20, 1993.

D:3 Seminar. –

I. The seminar shall consist of the following:

(a) The seminar shall be conducted by a certified family therapist or other persons certified by the superior court, to inform the parents of the best way to address problems which the children face as the result of the divorce or separation. Presenters shall be a male and a female.

(b) Up to 1/2 hour of the session may be a segment on divorce options such as arbitration, mediation, and litigation.

II. The session shall be tailored to those issues concerning the children which may be of particular concern during the divorce or separation process including, but not limited to:

(a) Understanding the process of divorce or separation: interaction between parent and child, areas of adjustment, and areas of concern.

(b) Understanding how children react to the divorce or separation, how to spot problems, what to tell them about divorce or separation, how to keep communication open, and answering questions and concerns they may have about the process.

(c) How parents can help their children during the divorce or separation: specific strategies, ideas, tools, and resources for assistance.

(d) How parents can help children after the divorce or separation: new family structures, and how to deal with different sets of rules.

(e) Making clear that the general goal of cooperation between parents may sometimes be inappropriate, particularly in cases of domestic violence.

Source. 1993, 282:1, eff. Aug. 20, 1993.

Seminar Schedule. – The court shall encourage the presenters to schedule courses so that the seminar is available twice monthly in each county unless the county's population warrants otherwise. One parent need not attend the same seminar as the other parent. In the case of domestic violence, parents shall attend separate sessions. The seminar shall be completed within 45 days of service of the original complaint upon the original defendant.

Source. 1993, 282:1, eff. Aug. 20, 1993.

458-D:5 Disciplinary Action. – Upon a party's failure to complete the seminar pursuant to this chapter, the assigned judge may take appropriate action including, but not limited to, actions for contempt.

Source. 1993, 282:1, eff. Aug. 20, 1993.

458-D:6 Attendance. –

I. An alphabetical list of all parties eligible for the seminar shall be provided to the presenters prior to each seminar. The list may be utilized by the presenters and the court. As parties report to the seminar selected by them, they will provide the presenters with identification, and they will be recorded as present.

II. Each person completing the seminar will be given a certificate of attendance to present to the judge at the time of that person's court appearance.

Source. 1993, 282:1, eff. Aug. 20, 1993.

458-D:7 Costs. –

I. Persons attending the seminar shall pay a seminar fee to the presenter. Fees charged by the presenter shall be fair and reasonable as directed by the chief justice of the superior court.

II. Presenters shall accept recipients of need-based assistance programs at reduced or no cost and, upon request of the court, shall produce evidence of having done so.

III. On the commencement of any custody or support proceeding for which a fee is required, including petitions for divorce with minor children, the court shall charge and collect an additional fee of \$2 from the petitioner. These fees shall be in addition to any other fee required by law. These fees shall be deposited into the general fund.

Source. 1993, 282:1, eff. Aug. 20, 1993. 2004, 114:3, eff. May 17, 2004.

458-D:8 Waiver. – In order to be exempted from attending a seminar, parties may fill out an exception affidavit in which they shall indicate that they meet one of the exceptions below. The affidavit may be obtained from the clerk of court and may be submitted at any time. Attendance at the seminar shall be waived under the following circumstances:

I. A party is incarcerated.

II. A party has previously attended the seminar.

III. The office of child support enforcement services has brought an action to enforce or modify an existing order.

IV. The court finds good cause to grant a waiver on any basis it deems appropriate, including, but not limited to, domestic violence, transportation or child care. Time extensions may be granted.

Source. 1993, 282:1, eff. Aug. 20, 1993.

458-D:9 Rulemaking. –

I. The chief justice of the superior court, subject to approval by the supreme court, shall designate the counties for the pilot programs and may establish such rules and orders of practice

as are appropriate to effectuate this chapter and administer this program including, but not limited to:

(a) Beginning the program statewide on April 1, 1997, after pilot sessions, which shall be conducted in 2 or more counties beginning January 1, 1994, and in Grafton and Rockingham counties beginning July 1, 1996, and shall continue indefinitely to test operation, curriculum, and format. At least one of the pilot programs shall be conducted in a rural county, and one of the pilot programs shall be conducted in an urban county.

(b) Certifying public or nonprofit providers to lead the seminar.

(c) The form and content of presentation security.

(d) Any additional factors deemed necessary.

II. The chief justice shall utilize such in-state services as the university of New Hampshire cooperative extension, Child and Family Services of New Hampshire, and other agencies or individuals necessary to effectuate the program.

Source. 1993, 282:1. 1995, 134:22; 308:88, eff. July 1, 1995.

458-D:10 Report. – The chief justice shall submit a report on or before January 15, 1995, detailing his findings and any recommendations for changing or repealing this chapter, to the speaker of the house, the senate president, and the governor.

Source. 1993, 282:1, eff. Aug. 20, 1993.