

HB 1458-FN - AS INTRODUCED

2022 SESSION

22-2326

07/04

HOUSE BILL ***1458-FN***

AN ACT limiting harassing or intimidating court filings in family court proceedings.

SPONSORS: Rep. Gay, Rock. 8; Rep. Stapleton, Sull. 5; Rep. Bernardy, Rock. 16; Rep. Greeson,
Graf. 16; Rep. Langley, Hills. 8; Rep. Rung, Hills. 21

COMMITTEE: Children and Family Law

ANALYSIS

This bill prohibits excessive and harassing legal filing in divorce, annulment, or parental rights and responsibilities cases.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT limiting harassing or intimidating court filings in family court proceedings.

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

1 1 New Paragraph; Annulment, Divorce, and Separation; Temporary Relief and Permanent
2 Restraining Orders; Harassment Prohibited. Amend RSA 458:16 by inserting after paragraph III
3 the following new paragraph:

4 IV. No party to a case controlled by this section shall engage in excessive or harassing legal
5 filing against another party. If, upon the consideration by the court of any such filing controlled by
6 this section, it clearly appears to the court that the action or any defense is frivolous or intended to
7 harass or intimidate the prevailing party, then the court, upon motion of the prevailing party or on
8 its own motion, may award the amount of costs and attorneys' fees incurred by the prevailing party
9 plus \$1,000 to be paid to the prevailing party, provided such costs and fees are reasonable. The trial
10 judge shall also report such conduct to the supreme court committee on professional conduct.

11 2 New Paragraph; Parental Rights and Responsibilities; Procedure and Jurisdiction;
12 Harassment Prohibited. Amend RSA 461-A:3 by inserting after paragraph III the following new
13 paragraph:

14 IV. No party to a case controlled by this chapter shall engage in excessive or harassing legal
15 filing against another party. If, upon the consideration by the court of any such filing controlled by
16 this section, it clearly appears to the court that the action or any defense is frivolous or intended to
17 harass or intimidate the prevailing party, then the court, upon motion of the prevailing party or on
18 its own motion, may award the amount of costs and attorneys' fees incurred by the prevailing party
19 plus \$1,000 to be paid to the prevailing party, provided such costs and fees are reasonable. The trial
20 judge shall also report such conduct to the supreme court committee on professional conduct.

21 3 Effective Date. This act shall take effect January 1, 2023.

**HB 1458-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT limiting harassing or intimidating court filings in family court proceedings.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill prohibits excessive and harassing legal filing in divorce, annulment, or parental rights and responsibilities cases.

The Judicial Branch indicates this bill would add to cases filed under RSA 458 and 461-A a prohibition on filing excessive or harassing legal filing against another party. The bill provides that, if it appears to the court that the action or defense of a party is frivolous or is intended to harass or intimidate the prevailing party, the court may award reasonable costs, attorney's fees and \$1,000 to the prevailing party. The trial judge would also be required to report the conduct to the Attorney Discipline Office. The Branch assumes this process would result in an increase in litigation in some cases filed under RSA 458 and RSA 461-A. The Branch is unable to determine how many additional filings would result or how much judicial and court staff time would be taken through such additional litigation.

AGENCIES CONTACTED:

Judicial Branch