

HB 1253 - AS INTRODUCED

2022 SESSION

22-2330

07/04

HOUSE BILL **1253**

AN ACT relative to the choice of counselor to evaluate a child 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. Nutter-Upham, Hills. 33; Rep. Kofalt, Hills. 4; Rep. Rung, Hills. 21; Rep. Weyler, Rock. 13; Rep. Cushman, Hills. 2

COMMITTEE: Children and Family Law

ANALYSIS

This bill allows for parents to choose their counselor for counseling that is part of the parenting plan issued in a court order, as well as in any other counseling used in family court to evaluate a child. This bill also requires courts to select counselors that are participating providers in the parties' insurance networks.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to the choice of counselor to evaluate a child in family court proceedings.

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

1 1 Parental Rights and Responsibilities; Parenting Plans; Contents; Establishing Right to Choice
2 of Counselor. Amend RSA 461-A:4, III to read as follows:

3 III. ***If the parenting plan directs the parties to participate in counseling, the***
4 ***parents shall have the right to choose the counselor.***

5 ***III-a.*** If the parties are insured, ***do not choose a counselor***, and the parenting plan directs
6 the parties to participate in counseling, the court shall give due consideration to selecting a
7 counselor who [~~accepts direct payment from~~] ***is a participating provider in*** the parties' health
8 insurance carrier ***network***.

9 2 New Section; Judicial Branch Family Division; Counseling. Amend RSA 490-D by inserting
10 after section 490-D:15 the following new section:

11 490-D:16 Counseling. In the event that a court proceeding under this chapter requires a child
12 to be evaluated by a mental health practitioner, the parents of the child shall have the right to
13 choose the practitioner. If the parents do not choose a practitioner within one month of the issuance
14 of the order requiring the evaluation, the court shall choose an appropriate practitioner, while also
15 taking into account the parties' insurance coverage.

16 3 Effective Date. This act shall take effect January 1, 2023.