

CHAPTER 104
HB 327-FN – FINAL VERSION

04/18/13 1214s

2013 SESSION

13-0333
09/04

HOUSE BILL **327-FN**

AN ACT relative to payment of attorneys' fees for indigent parents in termination of
parental rights cases.

SPONSORS: Rep. Rowe, Hills 22

COMMITTEE: Children and Family Law

ANALYSIS

This bill requires the judicial council to pay attorneys' fees for indigent parents in termination of
parental rights cases.

This bill was requested by the supreme court.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to payment of attorneys' fees for indigent parents in termination of parental rights cases.

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

1 104:1 Hearing. Amend RSA 170-C:10 to read as follows:

2 170-C:10 Hearing. Cases under this chapter shall be heard by the court sitting without a jury.
3 The hearing may be conducted in an informal manner and may be adjourned from time to time. The
4 general public and any member of the news media shall be excluded, and only such persons admitted
5 whose presence is requested by any person entitled to notice under RSA 170-C:7 or as the judge shall
6 find to have a direct interest in the case or in the work of the court; provided that persons so
7 admitted shall not disclose any information secured at the hearing which would identify an
8 individual child or parent who is involved in the hearing. The court may require the presence of
9 witnesses deemed necessary to the disposition of the petition. When termination of the parent-child
10 relationship is sought, the parent shall be notified at the same time notice is given pursuant to
11 RSA 170-C:7 of his right to counsel, and if counsel is requested and the parent is financially unable
12 to employ counsel, counsel shall be provided by the court ***and shall be paid for by the judicial***
13 ***council in accordance with RSA 170-C:13, III.*** The court's finding with respect to grounds for
14 termination shall be based upon clear and convincing evidence, provided that relevant and material
15 information of any nature, including that contained in reports, studies or examinations, may be
16 admitted and relied upon to the extent of its probative value. When information contained in a
17 report, study or examination is admitted in evidence, the person making such a report, study or
18 examination shall be subject to both direct and cross-examination if he ***or she*** is residing or working
19 within the state, or if he ***or she*** is otherwise reasonably available.

20 104:2 Fees and Court Costs. Amend RSA 170-C:13, III to read as follows:

21 III. When appointment of counsel is made by the court pursuant to RSA 170-C:10 for a
22 parent determined to be financially unable to employ counsel, the court shall use a financial
23 eligibility guideline established by the office of cost containment to determine if the party is indigent.
24 Upon determination that the party is indigent, the court may appoint counsel, subject to an order of
25 repayment through the office of cost containment. The judicial council shall bear ~~[no]~~ ***the*** financial
26 responsibility for the payment of ~~[appointed attorney]~~ costs ~~[in such cases where the state is not the~~
27 ~~moving party for the termination of parental rights. The court shall pay for the appointment of~~
28 ~~counsel for an indigent parent made]~~ ***for attorneys appointed pursuant to RSA 170-C:10*** in
29 accordance with the financial eligibility guideline established by the office of cost containment.

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2 104:3 Effective Date. This act shall take effect July 1, 2013.

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4 Approved: June 24, 2013

5 Effective Date: July 1, 2013