

HB 578 – AS INTRODUCED

2013 SESSION

13-0367
05/09

HOUSE BILL **578**

AN ACT relative to the determination of parental rights based on the best interest of the child.

SPONSORS: Rep. Oigny, Rock 34; Rep. Burt, Hills 6; Rep. Lambert, Hills 44; Rep. Sapareto, Rock 6; Rep. Itse, Rock 10

COMMITTEE: Children and Family Law

ANALYSIS

This bill revises the standard for determining parental rights and responsibilities based on the best interest of the child.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the determination of parental rights based on the best interest of the child.

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

1 1 Determination of Parental Rights and Responsibilities; Best Interest. RSA 461-A:6, I is
2 repealed and reenacted to read as follows:

3 I.(a) The court shall make a determination as to the parental rights and responsibilities for
4 each child. In determining parental rights and responsibilities, the court shall be guided by the best
5 interests of the child, and shall consider the following factors:

6 (1) Any arrangement agreed to by the parties.

7 (2) A court finding by clear and convincing evidence of:

8 (A) Abuse, as defined in RSA 173-B:1, I or RSA 169-C:3, II, and the impact of the
9 abuse on the child and on the relationship between the child and the abusing parent.

10 (B) Neglect, as defined in RSA 169-C:3, XIX.

11 (C) Parental kidnapping or interference with custody or visitation.

12 (D) If a parent is incarcerated, the reason for and the length of the incarceration,
13 and any unique issues that arise as a result of incarceration.

14 (b) The court shall issue an order that provides for frequent and continuing contact
15 between each parent and the minor child or children and for the sharing of responsibilities of child-
16 rearing and encouraging the love, affection, and contact between the minor child or children and the
17 parents, regardless of marital status, unless the court makes an explicit finding that such contact is
18 not in the best interest of the child. There shall be a rebuttable presumption that joint parental
19 rights and responsibilities and approximately equal parenting time are in the best interest of the
20 child or children.

21 (c) An objection by one parent to a proposed parenting arrangement shall not be the sole
22 basis for refusing the entry of an order that the court determines is in the best interest of the minor
23 child.

24 2 Effective Date. This act shall take effect January 1, 2014.