

HB 1236 – AS AMENDED BY THE HOUSE

12Mar2014... 0718h

2014 SESSION

14-2217
05/08

HOUSE BILL **1236**

AN ACT relative to the use of metal detection devices at supervised visitation centers and establishing a commission to study supervised visitation centers.

SPONSORS: Rep. Schuett, Merr 20; Rep. Shurtleff, Merr 11; Rep. Gale, Hills 28; Rep. J. Schmidt, Hills 28; Rep. Copeland, Rock 19; Rep. Davis, Merr 20; Rep. Kelly, Merr 20; Rep. Bouchard, Merr 18; Rep. Huot, Belk 3; Sen. Carson, Dist 14

COMMITTEE: Children and Family Law

AMENDED ANALYSIS

This bill permits that the court to limit visitation to supervised visitation centers that use metal detection devices and have trained security personnel on-site. The bill also establishes a commission to study supervised visitation centers.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the use of metal detection devices at supervised visitation centers and establishing a commission to study supervised visitation centers.

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

1 1 Protection of Persons from Domestic Violence; Temporary Relief; Visitation. Amend RSA 173-
2 B:4, I(a)(5) to read as follows:

3 (5) Denying the defendant visitation, **ordering that visitation shall take place**
4 **only at a supervised visitation center that uses a metal detection device and has trained**
5 **security personnel on-site**, ordering that visitation shall be supervised, or ordering a specific
6 visitation schedule. Visitation shall only be ordered on an ex parte basis where such order can be
7 entered consistent with the following requirements. In determining whether visitation can be safely
8 ordered, the court shall consider the following factors:

9 (A) The degree to which visitation exposes the plaintiff or the children to
10 physical or psychological harm.

11 (B) Whether the risk of physical or psychological harm can be removed by
12 ordering supervised visitation **or by ordering supervised visitation at a center that uses a**
13 **metal detection device and has trained security personnel on-site.**

14 (C) Whether visitation can be ordered without requiring the plaintiff and
15 defendant to have contact regarding the exchange of children.

16 2 Protection of Persons from Domestic Violence; Relief; Visitation. Amend RSA 173-B:5, I(b)(6)
17 to read as follows:

18 (6) Establishing visitation rights with regard to the parties' minor children. The
19 court shall consider, and may impose on a custody award, conditions necessary to assure the safety
20 of the plaintiff and minor children. This may include orders denying visitation, ~~or~~ requiring
21 supervised visitation **that shall take place only at a visitation center that uses a metal**
22 **detection device and has trained security personnel on-site, or requiring supervised**
23 **visitation**, where such order can be entered consistent with the following requirements. In
24 determining whether visitation shall be granted, the court shall consider whether visitation can be
25 exercised by the non-custodial parent without risk to the plaintiff's or children's safety. In making
26 such determination, the court shall consider, in addition to any other relevant factors, the following:

27 (A) The degree to which visitation exposes the plaintiff or the children to
28 physical or psychological harm.

29 (B) Whether the risk of physical or psychological harm can be removed by

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1 ordering supervised visitation *or by ordering supervised visitation at a center that uses a*
2 *metal detection device and has trained security personnel on-site.*

3 (C) Whether visitation can be ordered without requiring the plaintiff and
4 defendant to have contact regarding the exchange of children.

5 3 New Paragraph; Parental Rights and Responsibilities; Supervised Visitation. Amend RSA
6 461-A:4 by inserting after paragraph IV the following new paragraph:

7 V. If the court orders supervised visitation, it may order that such visitation shall take place
8 only at a visitation center that uses a metal detection device and has trained security personnel on-
9 site.

10 4 New Section; Protection of Persons from Domestic Violence; Commission to Study Supervised
11 Visitation Centers. Amend RSA 173-B by inserting after section 25 the following new section:

12 173-B:26 Commission to Study Supervised Visitation Centers. There is established a
13 commission to study supervised visitation centers.

14 I. The members of the commission shall be as follows:

15 (a) Three members of the house of representatives, appointed by the speaker of the
16 house of representatives, one of whom shall be a member of the criminal justice and public safety
17 committee, one of whom shall be a member of the children and family law committee, and one of
18 whom shall be a member of the executive departments and administration committee.

19 (b) One member of the senate, appointed by the president of the senate.

20 (c) The commissioner of the department of health and human services, or designee.

21 (d) A representative from the department of justice, appointed by the attorney general.

22 (e) A representative from the circuit court, appointed by the circuit court administrative
23 judge.

24 (f) A representative from the New Hampshire Association of Chiefs of Police, appointed
25 by the president.

26 (g) A representative from the New Hampshire Coalition Against Domestic and Sexual
27 Violence, appointed by the executive director;

28 (h) A representative from the New Hampshire Court Appointed Special Advocates,
29 appointed by the executive director.

30 II. Legislative members of the commission shall receive mileage at the legislative rate when
31 attending to the duties of the commission.

32 III. The commission shall study:

33 (a) The availability of supervised visitation centers throughout the state, the range of
34 services offered, and extent to which there is an unmet need for services in the state.

35 (b) The criteria used by the courts and the division of children, youth and families
36 (DCYF) to determine whether supervised visitation should be required in any particular case and, if
37 required, when supervised visitation is no longer necessary.

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1 (c) The policies and procedures currently in place at visitation centers to ensure the
2 safety of staff and clients, to include those addressing intake and screening, security, and training
3 and qualification of staff, and whether those policies and procedures are consistent with best
4 practices in the field.

5 (d) Whether supervised visitation centers should be licensed.

6 IV. The commission shall solicit information from current providers of visitation services,
7 including county-based programs, private centers, and non-profit programs, and may solicit advice
8 and input from any individual, agency, or organization with information or expertise relevant to the
9 commission's duties.

10 V. Commission members shall be appointed within 30 days after the effective date of this
11 section.

12 VI. The members of the commission shall elect a chairperson from among the members. The
13 first meeting of the commission shall be called by the first-named house member. The first meeting
14 of the commission shall be held within 15 days after all members have been appointed. A majority of
15 the members of the commission shall constitute a quorum.

16 VII. The commission shall report its findings and any recommendations for proposed
17 legislation to the speaker of the house of representatives, the president of the senate, the house
18 clerk, the senate clerk, the governor, and the state library on or before November 1, 2014.

19 5 Repeal. RSA 173-B:26, relative to the commission to study supervised visitation centers, is
20 repealed.

21 6 Effective Date.

22 I. Section 5 of this act shall take effect November 1, 2014.

23 II. The remainder of this act shall take effect upon its passage.