

HB 168 – AS INTRODUCED

2015 SESSION

15-0582
05/06

HOUSE BILL **168**

AN ACT relative to grounds for divorce for persons with minor children.

SPONSORS: Rep. Groen, Straf 10; Rep. Hopper, Hills 2

COMMITTEE: Children and Family Law

ANALYSIS

This bill permits no fault divorce based on irreconcilable differences only if the parties do not have minor children.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to grounds for divorce for persons with minor children.

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

1 1 Causes for Divorce; Irreconcilable Differences; Limited to Cases Without Minor Children.

2 Amend RSA 458:7-a to read as follows:

3 458:7-a Absolute Divorce, Irreconcilable Differences. ***If the parties do not have minor***
4 ***children***, divorce from the bonds of matrimony shall be decreed, irrespective of the fault of either
5 party, on the ground of irreconcilable differences which have caused the irremediable breakdown of
6 the marriage. In any pleading or hearing of a petition for divorce under this section, allegations or
7 evidence of specific acts of misconduct shall be improper and inadmissible, except [~~where parental~~
8 ~~rights and responsibilities are an issue and such evidence is relevant to establish that a particular~~
9 ~~allocation of parental rights and responsibilities would be detrimental to the child or~~] at a hearing
10 where it is determined by the court to be necessary to establish the existence of irreconcilable
11 differences. If, upon hearing of an action for divorce under this section, both parties are found to
12 have committed an act or acts which justify a finding of irreconcilable differences, a divorce shall be
13 decreed and the acts of one party shall not negate the acts of the other nor bar the divorce decree.
14 The court's findings and decree may be based on oral testimony or written stipulations of the parties.

15 2 Effective Date. This act shall take effect January 1, 2016.