

CHAPTER 235
HB 441 – FINAL VERSION

11Mar2015... 0614h
06/04/2015 1951s

2015 SESSION

15-0217
05/04

HOUSE BILL ***441***

AN ACT permitting the department of health and human services to share information in a termination of parental rights case with a foster parent who intends to adopt the child; and relative to financial affidavits submitted in hearings regarding child support, property settlement, and alimony.

SPONSORS: Rep. Itse, Rock 10; Rep. Hoell, Merr 23; Rep. Oigny, Rock 34; Rep. DeSimone, Rock 14; Rep. Kappler, Rock 3; Sen. Reagan, Dist 17; Sen. Cataldo, Dist 6; Sen. Avar, Dist 12

COMMITTEE: Children and Family Law

AMENDED ANALYSIS

This bill:

I. Permits the department of health and human services to share information regarding the status of a petition to terminate parental rights with a foster parent if the foster parent intends to adopt the child.

II. Provides that the financial affidavits submitted by the parties prior to a hearing regarding child support, property settlement, or alimony shall be accepted as prima facie evidence of their content.

III. Permits a party aggrieved by a false statement in a financial affidavit to bring a civil action for damages.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 235
HB 441 – FINAL VERSION

11Mar2015... 0614h
06/04/2015 1951s

15-0217
05/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT permitting the department of health and human services to share information in a termination of parental rights case with a foster parent who intends to adopt the child; and relative to financial affidavits submitted in hearings regarding child support, property settlement, and alimony.

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

1 235:1 Title. Section 2 of this act shall be known as “Christopher’s Law.”

2 235:2 Termination of Parental Rights; Confidentiality of Records. Amend RSA 170-C:14, I to
3 read as follows:

4 170-C:14 Confidentiality of Records. [~~Any other law concerning public hearings and records~~
5 ~~notwithstanding.~~]

6 I. All hearings held in termination proceedings shall be in closed court without admittance
7 of any person other than essential officers of the court, the parties, their witnesses, counsel, and
8 representatives of the agencies present to perform their official duties.

9 II. All papers and records, including birth certificates, pertaining to the termination,
10 whether part of the permanent record of the court or of a file in the department, in an agency or
11 office of the town clerk, or *in* the division of vital records administration are subject to inspection
12 only upon written consent of the court for good cause shown.

13 III. ***Notwithstanding paragraph II, if the New Hampshire department of health and***
14 ***human services has petitioned for termination of parental rights under this chapter and***
15 ***the child named in the petition resides with a foster parent who intends to adopt the child,***
16 ***the department may share information regarding the status of the case with the child’s***
17 ***foster parent.***

18 IV. If any person shall violate any of the provisions of this section, he ***or she*** shall be subject
19 to the following penalty:

20 (a) If the offense occurs prior to November 1, 1973, he ***or she*** shall be fined \$500 or be
21 imprisoned for 6 months, or both.

22 (b) If the offense occurs on or after November 1, 1973, he ***or she*** shall if a natural person
23 be guilty of a misdemeanor, and any other person shall be guilty of a felony.

24 235:3 Annulment, Divorce, and Separation; Financial Affidavits. Amend RSA 458:15-b, I to read
25 as follows:

26 I. ***Prior to a hearing regarding child support, property settlement, or alimony, both***

CHAPTER 235
HB 441 – FINAL VERSION
- Page 2 -

1 *parties shall submit financial affidavits. The financial affidavits shall be accepted as*
2 *prima facie evidence of the facts reflected therein unless challenged by a party. Any party*
3 *aggrieved by a false statement in a financial affidavit filed pursuant to this chapter may*
4 *file a civil action for money damages. In any such civil action, a party proving that the*
5 *other party made a knowing false statement on a financial affidavit shall be entitled to*
6 *receive treble damages and attorney's fees.*

7 *I-a.* Except as provided in paragraph III, all financial affidavits filed under this chapter
8 shall be confidential and accessible only to the parties, their attorneys, the guardian ad litem,
9 department of health and human services employees responsible for child support administration,
10 persons specified in RSA 161-B:7, III, and state and federal officials for the purpose of carrying out
11 their official functions.

12 235:4 Effective Date.

13 I. Section 3 of this act shall take effect January 1, 2016.

14 II. The remainder of this act shall take effect 60 days after its passage.

15

16 Approved: July 13, 2015

17 Effective Date: I. Section 3 shall take effect January 1, 2016

18 II. Remainder shall take effect September 11, 2015