

**HB 443 - AS INTRODUCED**

2015 SESSION

15-0222  
09/01

HOUSE BILL            **443**

AN ACT                clarifying the equity jurisdiction of the judicial branch family division.

SPONSORS:            Rep. Itse, Rock 10; Rep. Hoell, Merr 23; Rep. Ingbretson, Graf 15; Rep. Baldasaro, Rock 5; Rep. Kappler, Rock 3; Rep. Oligny, Rock 34; Rep. Hagan, Rock 4; Rep. Weyler, Rock 13; Rep. Hansen, Hills 22; Rep. K. Rice, Hills 37; Sen. Reagan, Dist 17; Sen. Cataldo, Dist 6; Sen. Avard, Dist 12

COMMITTEE:          Judiciary

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ANALYSIS

This bill clarifies the equity jurisdiction of the judicial branch family division.

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                                Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                   clarifying the equity jurisdiction of the judicial branch family division.

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

- 1           1 Judicial Branch Family Division; Equity Jurisdiction. Amend RSA 490-D:3 to read as follows:  
2           490-D:3 Equity Jurisdiction. [~~Notwithstanding any law to the contrary,~~] The judicial branch  
3 family division shall have the powers of a court of equity in cases where subject matter jurisdiction  
4 lies with the judicial branch family division ***and where no other special provision has been***  
5 ***made by law***. Suits in equity where subject matter jurisdiction lies with the judicial branch family  
6 division including, but not limited to, petitions for divorce, nullity of marriage, alimony, custody of  
7 children, support, and other similar proceedings may be heard upon oral testimony or depositions, or  
8 both, or when both parties consent, or service having been made and a notice of the time and place of  
9 the hearing having been given, when both parties appear. Such suits may be heard by any justice of  
10 the judicial branch family division at any time, but nothing contained in this section shall be  
11 construed as limiting the power of the judicial branch family division to have issues of fact framed  
12 and tried by a jury, according to the rules in equity, or the course of such proceedings at common  
13 law.  
14           2 Effective Date. This act shall take effect January 1, 2016.