

HB 516 - AS INTRODUCED

2015 SESSION

15-0707
05/01

HOUSE BILL **516**

AN ACT relative to the determination of parental rights based on the best interest of the child and relative to grounds for modification of an order regarding parental rights and responsibilities.

SPONSORS: Rep. Oigny, Rock 34; Rep. Welch, Rock 13; Rep. Pantelakos, Rock 25; Rep. K. Rice, Hills 37; Rep. Abrami, Rock 19; Rep. Verschueren, Straf 13; Sen. Avard, Dist 12

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT relative to the determination of parental rights based on the best interest of the child and relative to grounds for modification of an order regarding parental rights and responsibilities.

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

1 1 Determination of Parental Rights and Responsibilities; Best Interest of the Child. RSA 461-
2 A:6, I is repealed and reenacted to read as follows: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) In the absence of an agreement between the parties, the court shall issue an order
15 that provides for frequent and continuing contact between each parent and the minor child or
16 children and for the sharing of responsibilities of child-rearing and encouraging the love, affection,
17 and contact between the minor child or children and the parents regardless of marital status, unless
18 the court makes an explicit finding that such contact is not in the best interest of the child. There
19 shall be a rebuttable presumption that equal joint parental rights and responsibilities are in the best
20 interest of the 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. The court shall place in the record the specific factors and findings which justify any
24 parenting arrangement not agreed to by both parents. This provision may be waived at the request
25 of either party.

26 2 Modification of Parental Rights and Responsibilities. Amend RSA 461-A:11 by inserting after
27 paragraph I the following new paragraph:

28 I-a. The court may issue an order modifying an order concerning parental rights and
29 responsibilities if the court finds by clear and convincing evidence that modification of the order is in

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1 the best interests of the child. Modification of a parenting order under this paragraph may be
2 requested by either party not more than once every 3 years.

3 3 Repeal. RSA 461-A:6, VII, relative to an explanation of court decisions, is repealed.

4 4 Effective Date. This act shall take effect 60 days after its passage.