

HB 495 - AS INTRODUCED

2021 SESSION

21-0622

05/04

HOUSE BILL **495**

AN ACT relative to restraining orders issued in a parenting case.

SPONSORS: Rep. DeSimone, Rock. 14; Rep. Baldasaro, Rock. 5; Sen. Birdsell, Dist 19

COMMITTEE: Children and Family Law

ANALYSIS

This bill provides that the court shall not issue an order in a parenting case that infringes on a party's constitutional rights unless the court determines there is no less restrictive means to achieve a compelling government interest.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Twenty One

AN ACT relative to restraining orders issued in a parenting case.

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

1 1 New Paragraph; Parental Rights and Responsibilities; Restraining Orders. Amend RSA 461-
2 A:10 by inserting after paragraph I the following new paragraph:

3 I-a. If any order issued regarding the determination of parental rights and responsibilities,
4 other than one brought under RSA 173-B, infringes on any right or rights a party may have as
5 enumerated under either the federal or state constitution, the court shall identify the right or rights
6 being infringed and, the compelling government objective to be achieved by the infringement. The
7 court shall make written findings that there is no less restrictive way to achieve the compelling
8 government objective. Any party aggrieved by any order not meeting this standard may petition the
9 court to have the order modified or vacated.

10 2 Effective Date. This act shall take effect January 1, 2022.