

Amendment to HB 1006-FN

1 Amend the bill by replacing section 1 with the following:

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3 1 Parental Rights and Responsibilities; Judicial Enforcement of Parenting Plan. RSA 461-A:4-a
4 is repealed and reenacted to read as follows:

5 461-A:4-a Judicial Enforcement of Parenting Plan; Family Access Motion.

6 I. In the event of noncompliance with a court approved parenting plan under this chapter,
7 relative to denying or interfering with parenting time without good cause, the aggrieved parent may
8 file a family access motion for enforcement of the parenting plan. The motion shall state the specific
9 facts which constitute a violation of parenting time from the parenting plan.

10 II. The court shall develop a simple form for pro se motions by the aggrieved person, which
11 shall be provided to the person by court staff. The cost of filing the motion shall be the standard
12 court costs otherwise due for instituting a civil action in the circuit court.

13 III. Within 10 business days after the filing of the family access motion pursuant to
14 paragraph I, the clerk of the court shall issue a summons pursuant to applicable state law, and
15 applicable local or supreme court rules. A copy of the motion shall be personally served upon the
16 respondent by personal process server as provided by law or by any sheriff.

17 IV. Upon a finding by the court pursuant to a motion for a family access order or a motion
18 for contempt that its order for parenting time has not been complied with, without good cause, the
19 court shall order a remedy, which may include, but not limited to:

20 (a) A compensatory period of visitation at a time convenient for the aggrieved party, of
21 not less than the period of time denied;

22 (b) Participation by the violator in counseling to educate the violator about the
23 importance of providing the child with a continuing and meaningful relationship with both parents;

24 (c) Assessment of a fine of up to \$500 against the violator payable to the aggrieved party;

25 (d) Requiring the violator to post bond or security to ensure future compliance with the
26 court's access orders; and

27 (e) Ordering the violator to pay the cost of counseling to reestablish the parent-child
28 relationship between the aggrieved party and the child.

29 V. The reasonable expenses incurred as a result of denial or interference with parenting
30 time, including attorney's fees and costs of a proceeding to enforce parenting time, shall be assessed,
31 if requested and for good cause, against the parent or party who unreasonably denies or interferes

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1 parenting time. In addition, the court may utilize any and all powers relating to contempt conferred
2 on it by law or rule of the court.

3 VI. Final disposition of a motion for a family access order filed pursuant to this section shall
4 take place not more than 60 days after the service of such motion, unless waived by the parties, or as
5 determined to be in the best interest of the child.

6 VII. If the case is closed at the time relief is sought, an equivalent family access petition for
7 enforcement of the parenting plan may be filed. Motions or petitions filed pursuant to this section
8 shall not be deemed an independent civil action from the original action pursuant to which the
9 judgment or order sought to be enforced was entered.