

# The Courthouse Steps

A NEWSLETTER FOR NEUTRALS WHO SERVE THE NEW HAMPSHIRE JUDICIAL BRANCH

April 4, 2023

Tuesday



## Table of Contents

1. **Introducing Carissa Carkuff**
2. **S. Ct. 48-B, Comment Period Open**
3. **Help us create resources to assist you with Trauma and Bias**
4. **Updated Unbundled Legal Services List**
5. **Navigating Divorce/Parenting mediation with Domestic Violence**
6. **Non-Judicial Branch Training**

### **Introducing Carissa Carkuff**

Carissa Carkuff is a new addition to the ADR Office! She says "I am originally from the West Coast but have been living in New England for most of my life. I have three children, one of which, (my middle) will be heading off to college in the Fall. I love the outdoors and hanging out with my family. I started my career with the Judicial Branch at the Hooksett Circuit Court part-time in 2019 and advanced to a Court Assistant III at the Candia Circuit Court. I am excited for my new role as a Court Service Rep and look forward to working with you all in the near future!"

Please welcome Carissa!!

### **S. Ct. Rule 48-B Changes – Comment Period Open**

The ADR Office has submitted amendments to S. Ct. Rule 48-B to the Supreme Court. The NH Supreme Court has issued an order soliciting public comment on the suggested amendments:

<https://www.courts.nh.gov/sites/g/files/ehbemt471/files/documents/2023-02/2-16-23-order-soliciting-public-comment-to-suggested-amendments-to-circuit-court-e-filing-rules-and-supreme-court-rule-48-b.pdf>

### **Help us Create Resources to Assist you with Trauma and Bias**

The NH ADR Office is a pilot partner with the CUNY Dispute Resolution Center and MH mediate. They will be create resources for mediators to be able to be empowering and impartial when handling difficult situations and working with people of diverse backgrounds.

**Please complete this short three-question survey by April 14** for the CUNY Dispute Resolution Center to collect your scenarios and use them when developing resources: <https://docs.google.com/forms/d/e/1FAIpQLSdFjUHMe-rRoZDQ2BruxLsQ2xWLTGHW2pdaEvEARhGB-Xlg/viewform>

### **Updated Unbundled Legal Services List**

The Unbundled Legal Services contact list has been updated for 2023. It is attached to this email. Please provide the list to parties who may benefit from unbundled legal services and may not be able to afford full representation. The list will also be updated on the ADR Professionals webpage.

### **Navigating Divorce/Parenting Mediation with Domestic Violence**

#### **When do restraining orders need to be modified such that the parties can attend mediation?**

Mediation is considered a court hearing for the purposes of RSA 173-B:5-a (II) (b): "A no-contact provision in a protective order issued pursuant to RSA 173-B:4 or RSA 173-B:5 shall not be construed to... prevent a party from appearing at a scheduled court or administrative hearing." RSA 461-A:7 and RSA 458:15-c state "The court shall not order mediation if there is a finding of domestic violence as defined in RSA 173-B:1, unless all parties agree to mediation." So the requirement for mediation when there is a finding of domestic violence is that "all parties agree to mediation."

- **Domestic Violence Protective Orders** are between the parties, and so if all parties to the DVPO agree to mediation, then the mediation can proceed without modification of the order.

- **Criminal Bail Protective Orders** however, would also require consent of the state/prosecuting entity for the parties to participate in mediation. So for cases where there is a CBPO, we do require modification of the CBPO for the mediation to proceed.

**Remote or In-person?**

Circuit Court Family Division Rule 2.13(c) "If there is a finding of domestic violence as defined in RSA 173-B:1, and if the parties agree to mediate despite the existence of the protective order, **all mediation sessions shall occur at the courthouse.**"

The rule is definitive for where a mediation must take place when there is a finding of domestic violence. If the judge orders that mediation occur over Zoom, then we leave that in the judge's discretion under Circuit Court Rule 1.2.

**Non-Judicial Branch Training**

**DHHS – Initial Training on Addiction and Recovery**

May 11, 2023 8:30am-4pm

NH Audobon

*Free training* for people in any helping profession whose daily work encounters and engages people with substance use disorders.

More information here: <https://www.nhadaca.org/event-4950649>

**DHHS – Families and Addiction**

May 12, 8:30am - noon

NH Audobon

*Free training approved by FMCB.* This workshop explores how the addiction of the individual affects the entire family system, with special attention paid to the effects of the children in the family. Participants are encouraged to take the Initial training prior to taking this one.

More information here: <https://www.nhadaca.org/event-4950652>

*To preserve the rule of law and to protect the rights and liberties guaranteed by the US and NH Constitutions, the Court will provide accessible, prompt, and efficient forums for the fair and independent administration of justice, with respect for the dignity of all we serve*