

An Act Relative to the Extension of Restraining Orders Under the Domestic Violence Protection Act

Senator Robert E. Clegg, Jr. (R-District 14)

Senator Sylvia B. Larsen (D-District 15)

General Summary of the Act

This bill will permit the court to extend a domestic violence protective order for 5-year period under such terms as are necessary to provide for the safety of the petitioner.

Relevant Specifics of the Act

1) Protection of Persons from Domestic Violence; Extension of Protective Order. Amend RSA 173-B:5, VI to read as follows:

VI. Any order under this section shall be for a fixed period of time not to exceed one year, but may be extended by order of the court upon a motion by the plaintiff, showing good cause, with notice to the defendant, *for one year after the expiration of the first order and thereafter each extension may be for up to 5 years, upon the request of the plaintiff and at the discretion of the court. The court shall review the order, and each renewal thereof and shall grant such relief as may be necessary to provide for the safety and well-being of the plaintiff.* A defendant shall have the right to a hearing on the extension of any order under this paragraph to be held within 30 days of the extension. The court shall state in writing, at the respondent's request, its reason or reasons for granting the extension. The court shall retain jurisdiction to enforce and collect the financial support obligation which accrued prior to the expiration of the protective order.

2) New Paragraph; Stalking; Extension of Protective Order. Amend RSA 633:3-a by inserting after paragraph III-b the following new paragraph:

III-c. Any order under this section shall be for a fixed period of time not to exceed one year, but may be extended by order of the court upon a motion by the plaintiff, showing good cause, with notice to the defendant, for one year after the expiration of the first order and thereafter each extension may be for up to 5 years, upon the request of the plaintiff and at the discretion of the court. The court shall review the order, and each renewal thereof and shall grant such relief as may be necessary to provide for the safety and well-being of the plaintiff. A defendant shall have the right to a hearing on the extension of any order under this paragraph to be held within 30 days of the extension. The court shall state in writing, at the respondent's request, its reason or reasons for granting the extension. The court shall retain jurisdiction to enforce and collect the financial support obligation which accrued prior to the expiration of the protective order.

3) Effective Date. This act shall take effect January 1, 2006.

Current Status

This bill was passed by the Senate on February 10, 2005.

This bill was passed with an amendment by the House of Representatives on March 30, 2005.