



**STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR**

CHRISTOPHER T. SUNUNU
Governor

July 19, 2019

Governor's Veto Message Regarding House Bill 696

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 19th, 2019, I have vetoed House Bill 696, establishing a protective order for vulnerable adults.

As passed by the Legislature, HB 696 establishes a new civil restraining order for certain adult victims of abuse, described as vulnerable adults. The stated intent of protecting this population is laudable and a concept that I fully support. However, as drafted, this bill potentially reduces the protections available to domestic violence victims who are vulnerable adults, by creating a tool that includes far fewer protections than current law.

Under current state law, when a victim of domestic violence goes to court to file for a protective order, they are presented with two options: either a domestic violence protective order under RSA 173-B, or a stalking protective order under RSA 633:3-a. Because this legislation so closely mirrors the domestic violence protective order statute, and does not clearly delineate that it is only intended for vulnerable individuals and is not appropriate for victims of domestic violence, we run the risk of those who are statistically in most imminent physical danger attaining the wrong protective order and not receiving the critical protections they truly need.

However, the Legislature passed the bill without this clarifying language to make clear that victims of domestic violence should not be seeking relief under this new civil order. In failing to add such an amendment, adult victims of domestic violence will now be presented with a new option for a "restraining order" when they appear at the circuit court to seek protection from abuse. Although legislators argued that the courts should be responsible for helping a victim to choose between a "domestic violence protective order" or a new "vulnerable adult protective order", court clerks are prohibited from giving legal advice and therefore frequently do not provide guidance to victims regarding which petition is appropriate to file. Per NH court statistics, we know that 88% of individuals seeking protective orders are representing themselves pro se. Pro se victims, who are frightened and in immediate danger, will be left to determine which order will be safest for them on their own.

HB 696 has the potential to endanger victims of domestic violence and their children by providing victims of domestic violence with a false sense of security and, ultimately, putting them at grave risk.

Of particular concern is the fact that HB 696 does not contemplate protections for a vulnerable adult's minor children. When judges grant protective orders under the domestic violence statute, RSA 173-B, temporary relief from the court can include protections for minor

children. Specifically, RSA 173-B:4 (4) states that temporary relief from the court may include: "Awarding custody of minor children to either party or, upon actual notice, to the department when it is in the best interest of a child." It goes on to include considerations around defendant visitation of minor children, including ordering supervised visitation, and requires the court to consider the best interests of the child. HB 696 is entirely silent on protections or even considerations for minor children.

Additionally, HB 696 does not provide explicit direction restraining the defendant from entering the plaintiff's place of employment or school. Under RSA 173-B, relief explicitly includes: "Restraining the defendant from contacting the plaintiff or entering the plaintiff's place of employment, school, or any specified place frequented regularly by the plaintiff or by any family or household member." HB 696 is entirely silent regarding place of employment or school.

HB 696 does not allow for appointment of guardians ad litem to represent best interests of minor children involved. RSA 173-B allows for the assignment of a court-appointed guardian ad litem to represent the interests of the children of either or both parties. HB 696 only contemplates the appointment of guardians ad litem to represent the interests of the vulnerable adult, with no mention of children involved. Safety provisions for minor children are not guaranteed.

Finally, 173-D:11(I)(a) of the legislation raises the real possibility that an individual's Second Amendment constitutional rights could be violated without judicial oversight. Other advocates have raised legitimate concerns regarding 4th Amendment considerations.

I appreciate the many and diverse stakeholders who worked hard to make HB696 a good piece of legislation. I know that their intentions were sincere but in the end the legislation is not ready to become law. I pledge to work with them again next year to again attempt to craft a bill that accomplishes the goal of protecting vulnerable adults that does not carry unintended consequences.

For the reasons stated above, I have vetoed House Bill 696.

Respectfully submitted,



Christopher T. Sununu
Governor