

DISTRICT COURT AND FAMILY DIVISION
IMPACT OF POSSIBLE \$640,000 CUT IN JUDGE TIME

- The District Court and Family Division handle 84 percent of the trial court caseload, including divorce, juvenile delinquents, abuse and neglect cases, etc.
- If the Judicial Branch is forced to cut another \$4 million from its FY11 budget, it would include \$640,000 reduction in funds for a total of 13 “per diem” judges who sit day to day in the District Court, the Family Division, or both. In addition to earlier budget cuts, that is a 32% reduction of judge time in the Family Division and a 27 % reduction in District Court. That cut is the equivalent of 15 fulltime judges. (+2 reflects part-time salaried judges who also serve some per diem days).
- The result would be scheduling delays and slowdowns that would have the greatest impact on the families who come to our courts because they are in trouble, especially involving children in divorce cases, abuse and neglect and juvenile offenders.
- These cuts and slowdowns would also severely undermine the intent of the state legislature when it voted to expand the Family Division statewide to meet the important needs of families in crisis.

FAMILY DIVISION

- The Family Division, relies heavily on part time judges who are paid for each day they sit in court—they do not receive a set salary and they do not receive state benefits and they do not receive any paid vacation time. This group of “*per diem*” judges provides valuable service at lower cost than fulltime judges and allows scheduling flexibility so that the needs of New Hampshire families, from the busy Family Division in Manchester to the smallest family division in Colebrook can be met efficiently and economically.
- The \$640,000 reduction will mean these judges will be unavailable to sit in the Family Division. These judges hear approximately 21% of all the cases in the Family Division statewide.
- If all “per diem” payments were stopped the impact on the Family Division would be great because it relies everyday on “per diem” judges to meet the need for Family Division judges around the state. While marital masters also work in the Family Division, the law requires that a judge preside at many Family Division hearings, such as juvenile delinquency, termination of parental rights, and any parental rights and responsibilities hearings involving potential incarceration.

- **In the following family division locations, the only judge in the court will no longer be available.** This will require judges to be transferred from all over the state to provide basic coverage:

DERRY -- the 5th largest Family Division site in the state will be without a full time judge available (Judge Paul Moore, who now sits in that court 5 days a week on a "per diem" basis, would no longer sit)..

--**All of Strafford County** (Rochester and Dover Family Division sites). Judge Susan Ashley who now sits 5 days a week in Strafford, would no longer sit.

--**Merrimack County:** Hooksett, Concord and Henniker Family Divisions, which account for approximately 75% of the caseload in Merrimack , based on year- end 2008 data.

- These 3 courts serve 20 communities. They address over 3000 family cases per year.
- Assuming that each case has an average of 3 family members involved – 9,000 people would be negatively impacted by the unavailability of judges at just these 3 courts.

CONCORD: Serves Bow, Canterbury, Chichester, Concord, Dunbarton, Epsom, Hopkinton, Loudon, Pittsfield

Approx. 1950 total cases per year

Approx. 650 must be heard by a judge

Adoptions

Termination of Parental Rights

Juvenile Delinquency (approx 400)

Child Support Show Cause (possible incarceration cases)

Assuming each case has an average of 4 hearings, without an available judge approximately 2600 hearings at this court will either not be held or will be significantly delayed.

HENNIKER: Serves Antrim, Bennington, Bradford, Deering, Henniker, Hillsborough, Warner and Windsor

500 total cases per year (approx)

150 must be heard by a judge (approx)

Adoptions

Termination of Parental Rights

Juvenile Delinquency (approx 100)

Child Support Show Cause (possible incarceration cases)

Assuming each case has an average of 4 hearings, without an available judge approximately 600 hearings at this court will either not be held or will be significantly delayed.

HOOKSETT: Serves Allenstown, Hooksett, and Pembroke

585 total cases per year (approx)

175 must be heard by a judge (approx)

Adoptions

Termination of Parental Rights

Juvenile Delinquency (approx 100)

Child Support Show Cause (possible incarceration cases)

Assuming each case has an average of 4 hearings, without a judge approximately 700 hearings at this court will either not be held or will be significantly delayed.

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--**LEBANON, HAVERHILL AND LITTLETON** which make up 75% of the Grafton County family caseload will be without a judge available to hear those cases requiring a judge;

All of Coos County (Colebrook, Berlin, and Lancaster Family Division sites);

--Other sites will have to share judges from around the state on a dramatically reduced schedule

- We will seriously impair, if not lose, all of the strides we have made in scheduling family matters and assuring the children and families involved in these cases that they will receive their hearings and orders in a timely way.
- Statutory timeframes in important cases involving Juveniles, Domestic Violence and the Termination of Parental Rights will be given priority on the docket, causing other important matters without statutory timeframes such as divorces and parenting actions to fall significantly behind. By not scheduling divorces and parenting actions in a timely manner, it is anticipated that the level of acrimony and ex parte filings will increase.

DISTRICT COURTS

- The District Courts are the community courts which are located in cities and towns throughout the state. Those courts handle misdemeanor offenses, arraignments in felony cases, landlord tenant, small claims, traffic etc.
- The District Court has part time judges who are paid by the day (*per diem*) and who sit the equivalent of 4.5 full time judges around the state. They also serve as the replacement judges that are needed to make up the court time lost as a result of the 4 vacant full time and 4 vacant part time judicial positions.
- If judge time is reduced through the proposed budget cut, the courts will schedule all criminal matters subject to constitutional speedy trial protections and those matters with timeframes imposed by statute before all others, causing significant delays in processing and scheduling those cases; other types of cases, such as landlord-tenants, traffic and small claims would necessarily be delayed while available judges handle criminal cases and other cases with deadlines.
- Judges will be re-assigned to courts around the state to cover severely limited sessions where no judge is available.

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