

TO: The Honorable House of Representatives
FROM: Petitioner Representative Robert Luther, Belknap 3
DATE: November 25, 2014
SUBJECT: Grievance of Ann Marie Moynihan

Your Petitioner, Representative Luther, on behalf of Ann Marie Moynihan, hereinafter presents the following summary of her grievances involving the 10th Circuit Court Family Division in Brentwood and invokes the constitutional authority and duty of the Honorable House of Representatives pursuant to said Articles 31 and 32 to bring about redress:

Grievance involving the 10th Circuit Court Family Division for failing to act in the best interest of the children and causing financial devastation by issuing an order that the children were to remain in Hampstead, thereby denying the mother the right to relocate in order to return to work and restructure her finances although the relocation would not change the amount of time the children spent with their father; causing the mother to become a displaced homemaker under RSA 275-D, holding the mother in contempt for spending the summer in Gilford despite an email from her explaining the temporary nature of their stay and on the basis of where she and the children slept on specific nights; failing to recuse himself so her certified financial planner, the Judge's own business associate in private practice could testify; failing to recuse himself after granting the Guardian ad Litem's motion to withdraw due to "multiple ethical problems during the course of this case"; by finding of contempt denying the mother the ability to make day-to-day decisions that met the needs of the children and were neither in the best interest of the children nor in accordance with her financial plan; dismissing a stalking order against the father. after the father admitted stalking, on the grounds that he was creating evidence for a contempt hearing; ordering shared parenting as a sanction for perceived (not actual) contempt despite opposition by the Guardian ad Litem and contrary to the Judge's own findings of fact granted; endangering the welfare of the children; issuing an order suspending the mother's parenting time with her son based on evidence that did not meet the requisite burden of proof; causing the mother and her son to be wrongfully and illegally estranged for 2 years causing harm to the son that has left the father and son estranged; requiring the mother to pay child support based on imputed income and finding a displaced homemaker voluntarily unemployed after denying her the opportunity to return to the workforce and displacing her and the children despite her income below the minimum self-support reserve; finding of contempt for non-payment of child support after he displaced her, imputed her with income and after she exhausted all her resources to remain in compliance with his orders, gave up her own housing to comply and all her rental units went vacant prohibiting her from restructuring her finances so she could continue to invest in real estate, resume and develop her career in accordance with her financial plan in a matter prolonged for over 6 years which forced her and the children to flee 3 homes and causing substantial financial harm.

Wherefore, your Petitioner prays that the House of Representatives consider the proposed remedy:

- I. Determine whether there was maladministration on the part of Judge David G. LeFrancois and the 10th Circuit Court Family Division in Brentwood.
- II. Investigate to determine the cause of this matter and determine whether disciplinary action or impeachment proceedings should be initiated against Judge David G. LeFrancois.
- III. Propose legislation to require pre-employment screening for Judges.
- IV. Amend RSA 275-D, 'Displaced Homemakers' to establish that Displaced Homemakers are not voluntarily unemployed.

V. Amend RSA 458-C, 'Child Support Guidelines' to prohibit the imputation of Displaced Homemakers with income and to prohibit orders requiring Displaced Homemakers to pay child support hence eliminating the occurrence of a Displaced Homemaker being found in contempt for non-payment of child support.

VI. Amend RSA 461-A:11, 'Modification of Parental Rights and Responsibilities' to prohibit the Court from scheduling a hearing for Modification of Parental Rights and Responsibilities when parties submit agreed upon parenting plans to the Court unless both parties request a hearing.

VII. Amend RSA 461-A:12, 'Relocation of a Residence of a Child' to include a radius and application of the "real advantage" test.

VIII. Review RSA 491-A, 'Judicial Salaries' for the potential elimination of Judge's pay incentives based on caseloads.

IX. Amend RSA 633:3-a, 'Stalking' to prohibit the stalker from determining legitimate purpose.

X. Establish a legislative committee to propose legislation that establishes a new default conflict management and resolution system for parents and children.

XI. As deemed reasonable and just, propose legislation to provide redress for the Petitioner and the children, for losses and financial damages incurred due to detrimental orders issued by any Circuit Court Family Division.

Respectfully submitted by Petitioner Representative Luther on Behalf of Ann Marie Moynihan.