

Divorce cases at center of legal debate in NH

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(excerpt bolded)

A mountain of allegations is coming out of New Hampshire, parents and politicians are saying a legal system with little controls is victimizing children of divorce.

Republicans are pushing to change New Hampshire's constitution in November, but critics say the move would destroy the balance of Avarad in Granite State's government.

"They're murdering my daughter, and they're murdering me," David Johnson said in an interview regarding his divorce case.

It's no secret that divorces can get ugly, and too often children are caught in the middle.

Johnson has not seen his daughter in three years and is blaming the New Hampshire court system. He says the court won't even share with him the allegations leveled against him.

"If you become a despised litigant, which is someone who challenges the corruption in the court, than they really come down on you," Johnson stated.

State Representative Kevin Avarad says part of the problem is in an amendment to the state constitution that gives judges what he feels is complete autonomy, the ability to make their own rules in the courtroom.

"The courts have been guilty of child abuse by separating them children from good parents," Avarad said.

Avarad is one of many Republicans trying to change New Hampshire's constitution through an amendment on the ballot this coming November. It would give the House of Representatives the power to challenge administrative rules of the court.

"It's very important for the people to say, 'I've been abused by the court - I need to talk to somebody,'" Avarad said.

If the referendum passes, that somebody would be New Hampshire state representatives who could ultimately strike down a judge's actions if they violated someone's constitutional rights.

However, Rep. David Campbell, a Democrat, and others in his party tell a very different story.

"No I don't think there's a problem with corruption in the court system in New Hampshire certainly. I think we have one of the better court systems in the United States in terms of honesty and a hard-working judiciary," Campbell said.

Campbell points out that New Hampshire's judges are appointed, not elected. They are purposely kept separate from the legislature.

"I don't believe that the legislature, which I am a member of, should have say over the judiciary. I think in doing that we lose a basic check and balance of our country."

It is a fundamental question that will ultimately be decided in the voting booth in November. The decision will most certainly impact decisions made in New Hampshire's courtrooms.

It is important to note that the decision will not only impact family courts in New Hampshire, but all courts – civil and criminal.

FOX 25 reached out to the judicial branch for a comment, but they declined because some of the cases related to his story may still be pending in court.

See video of entire story at: <http://www.myfoxboston.com/story/19678867/2012/09/30/divorce-at-center-of-legal-debate-in-nh#.UHXqciPQitg.email>

