

THE STATE OF NEW HAMPSHIRE
SUPREME COURT

No. 2022-0664

In re Guardianship of J.H.

Appeal Pursuant to Rule 7 from Judgment of the
Ninth Circuit - Family Division - Merrimack

BRIEF FOR [REDACTED], APPELLANT

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15 minutes Oral Argument

TABLE OF CONTENTS

QUESTIONS PRESENTED6
TEXT OF RELEVANT AUTHORITIES7
STATEMENT OF THE CASE9
STATEMENT OF THE FACTS10
SUMMARY OF ARGUMENT15
ARGUMENT17
 I. THE TRIAL COURT’S ORDER ENJOINING ██████████ FROM
 ENGAGING IN PUBLIC SPEECH VIOLATED HER FEDERAL
 AND STATE CONSTITUTIONAL RIGHT TO THE FREEDOM
 OF EXPRESSION.....17
 A. The trial court’s order is an unconstitutional prior
 restraint on speech.17
 B. The trial court’s order is an unconstitutional
 viewpoint-based restriction on speech.....20
 C. The trial court’s order is an unconstitutional speaker-
 based restriction on speech.22
 II. THE COURT EXCEEDED ITS AUTHORITY UNDER RSA
 463 WHEN IT ENJOINED ██████████ AND HER HUSBAND
 FROM SPEAKING AGAINST ██████████’S RELEASE FROM
 PRISON.24
CONCLUSION26
REQUEST FOR ORAL ARGUMENT.....27
CERTIFICATION OF ADDENDUM OF APPEALED DECISION
.....27
CERTIFICATION OF COMPLIANCE WITH WORD LIMIT27
CERTIFICATION OF SERVICE.....28

TABLE OF AUTHORITIES

Cases

<u>Appeal of Cole</u> , 171 N.H. 403 (2018)	26
<u>Citizens United v. FEC</u> , 558 U.S. 310 (2010).....	23, 24
<u>Iancu v. Brunetti</u> , 139 S. Ct. 2294 (2019).....	21, 23
<u>In re N.B.</u> , 169 N.H. 265 (2016)	18, 19, 20
<u>In the Matter of Gray & Gray</u> , 160 N.H. 62 (2010).....	8, 17
<u>Lamb’s Chapel v. Center Moriches Union Free School Dist.</u> , 508 U.S. 384 (1993)	21
<u>Maldini v. Maldini</u> , 168 N.H. 191 (2015)	17, 26
<u>Matal v. Tam</u> , 137 S. Ct. 1744, (2017)	21, 22, 23
<u>Mortgage Specialists v. Implode-Explode Heavy Indus.</u> , 160 N.H. 227 (2010).....	19, 20
<u>Mortgage Specialists</u> , 160 N.H. at 242	19
<u>Near v. Minnesota ex rel. Olson</u> , 283 U.S. 697 (1931)	20
<u>Organization for a Better Austin v. Keefe</u> , 402 U.S. 415 (1971)	19, 20
<u>Reed v. Town of Gilbert</u> , 576 U.S. ___, ___, 135 S.Ct. 2218 (2015)	22
<u>Rosenberger v. Rector and Visitors of the University of Virginia</u> , 515 U.S. 819 (1995)	21, 22

<u>State v. Biondolillo</u> , 164 N.H. 370 (2012)	16, 21
<u>State v. Chong</u> , 121 N.H. 860 (1981)	19
<u>Vance v. Universal Amusement Co.</u> , 445 U.S. 308 (1980)	20
<u>W. Va. State Bd. Of Educ. V. Barnette</u> , 319 U.S. 624 (1943)	24

Statutes

RSA 463:10.....	25
RSA 463:12.....	25
RSA 463:13.....	26
RSA 463:15.....	26
RSA 463:16.....	26
RSA 463:7.....	25
RSA 463:8.....	25
RSA 490-D:1	25
RSA 490-D:2, VII	25
RSA 492-D:2.....	25

Other Authorities

Bloom, Jr. Lackland, “The Rise of the Viewpoint-Discrimination Principle,” 72 SMU L. Rev. F. 20, 21 (2019)5, 22	
Kagan, Michael, “Speaker Discrimination: The Next Frontier of Free Speech,” 42 Fla. St. U.L. Rev. 765 (2015)	23

Constitutional Provisions

N.H. CONST. pt. I, art. 22	18
U.S. CONST. Amend. I	18
Administrative Rules	
<u>N.H. Admin. Rules</u> , Par 203.03.....	23

QUESTIONS PRESENTED

1. Whether the court's order enjoining [REDACTED] from speaking against the release of the ward's father from prison at any parole or other similar hearing without first obtaining leave from the court, violated [REDACTED] right to freedom of expression under the First Amendment to the United States Constitution and Part I, Article 22 of the New Hampshire Constitution.

Issue preserved by [REDACTED]'s motion for reconsideration, AD32-36¹, [REDACTED] objection, A10-12, [REDACTED] response to [REDACTED] objection, A8-9 , and the court's order denying the motion for reconsideration, AD35.

2. Whether the court unlawfully exceeded its statutory authority under RSA 463 when it enjoined [REDACTED] and her husband from speaking against the release of the ward's father from prison at any parole or other similar hearing without first obtaining leave from the court,

Issue raised for the first time on appeal. See In the Matter of Gray & Gray, 160 N.H. 62, 65 (2010).

¹ Citations to the record are as follows:

"AD" refers to the addendum to this brief;

"A" refers to the appendix to this brief;

"Sealed A" refers to the Sealed Appendix to this brief;

"T" refers to the transcript of the review hearing, held on September 28, 2022.

TEXT OF RELEVANT AUTHORITIES

UNITED STATES CONSTITUTION

AMENDMENT I - Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

NEW HAMPSHIRE CONSTITUTION

PART I, ARTICLE 22 – Free speech and Liberty of the press are essential to the security of Freedom in a State: They ought, therefore, to be inviolably preserved.

Section 463

463:7 Ex Parte and Temporary Orders. – A1-2.

463:8 Conduct of Hearing. – A2-3.

463:10 Who May be Appointed Guardian. – A4.

463:12 Powers and Duties of Guardians of the Person of the Minor. – A4-5.

463:13 Order for Support for the Benefit of a Minor Under Guardianship and Visitation. – A5-6.

463:15 Termination of Guardianship. – A6-7.

463:16 Modification of Guardianship. – A7.

PART Par 203 PAROLE HEARINGS

Par 203.06 Witnesses.

(a) The inmate may have family members, friends, professional persons, employers, or other witnesses present to discuss the case with the board, provided their names and relationship to the inmate are filed with the executive assistant. The board shall order removed from the hearing room any witness whose conduct disrupts the parole hearing.

(b) Pursuant to RSA 651-A:11, the board shall invite or permit the attendance of any other witnesses, including but not limited to, the county attorney or designee, and chief of police from the jurisdiction in which the offense was committed.

(c) The victim or victim's next of kin if the victim is dead, may speak at a parole hearing, either personally or through counsel, pursuant to RSA 651-A:11-a.

STATEMENT OF THE CASE

The Appellant, [REDACTED] is the maternal grandmother and appointed guardian of [REDACTED]. A 129, 133, 136. The child's father, [REDACTED], is an inmate at the New Hampshire State Prison. T 9, 17. After a review hearing in the guardianship matter, the trial court (Derby, J.) issued an order wherein it enjoined [REDACTED] and her husband, from speaking against the release of [REDACTED] from prison at any paroles hearings or other similar hearings. AD31. This was not discussed during the review hearing. T 3-52.

[REDACTED] filed a motion to reconsider, which [REDACTED] objected to. AD32-36. [REDACTED] argued, among other things, that the court's order violated her state and federal right to the freedom of expression. AD32. The trial court denied the order, finding that the best interests of the child outweighed [REDACTED] right to free speech. AD36. This appeal followed.

STATEMENT OF THE FACTS

██████████, hereinafter (J.H.) is the child of ██████████ and ██████████. A 129, 130. On March 5, 2019, the Appellant, ██████████, J.H.'s maternal grandmother, filed a Petition for Guardianship and an Ex Parte Motion for Guardianship over J.H. and his estate. A 130-137. J.H.'s mother was killed three days earlier by an intimate partner (not Zieroff). A 14, 129, 136. At the time of the filing, ██████████ was an inmate at the Hillsborough County House of Corrections and restrained from having contact with J.H. Id. ██████████'s incarceration was related to a pending domestic violence matter and it was documented that he had a lengthy history of drug use and criminal activity, including domestic violence against J.H.'s mother. A110.

On March 6, 2019, ██████████'s ex parte motion was granted. A124-126. The trial court (Derby, J.) found that that "an emergent [sic] guardianship is in the ward's best interest and necessary to prevent immediate and irreparable harm." A125. The court scheduled a hearing for April 3, 2019, at which time the court extended the guardianship order to June 4, 2019. A115-117.

On June 4, 2019, the court appointed Attorney ██████████ ██████████ as guardian ad litem for J.H. A112-114. The GAL filed a report with the court on October 18, 2019. A108-111. The

GAL recommended that that [REDACTED] have no contact with J.H. A110.

In January 2020, the GAL filed a supplemental report. A106-107. Therein, she stated that she supported [REDACTED] being permitted to send J.H. letters, cards, pictures, and books once a week, and progress to Skype calls twice a month. A107. [REDACTED] objected to this recommendation, arguing that [REDACTED] has an extremely violent criminal record, abused J.H.'s mother during his relationship with her, and had assaulted her on one occasion while J.H. was in her arms. A103-105. The court determined that the pandemic rendered the issue moot. A102.

As the case progressed, [REDACTED], and [REDACTED]'s parents engaged in litigation over the amount of contact [REDACTED] and [REDACTED] parents could have with J.H. See, e.g. A94-101, A84-87, A88-93, A72-77, A69-71, A66-68, A60-65, A53-56, A49-52. In May 2021, [REDACTED] filed a petition to terminate Zieroff's parental rights. A98. [REDACTED] accused [REDACTED] of alienating J.H. as part of their intent to terminate his parental rights. A96-99. [REDACTED] countered that [REDACTED] was a domestic abuser who played no role in J.H.'s life before his incarceration and, despite having the ability to have some engagement with the child while incarcerated, failed to do so. A103-104. [REDACTED] also argued that [REDACTED]'s parents were

causing the child psychological harm by discussing with J.H. who his “real mommy and real daddy” were. A75.

On November 19, 2021, the court issued an order awarding ██████ the ability to communicate with J.H. by mail once a week and then, after twelve weeks of written communication, bi-weekly video calls. A69-71. However, the court noted that ██████ continued to break the law and act in ways that undermined his ability to parent. A69. The court observed that while in prison, ██████ pleaded guilty to possession of controlled drugs, worked with his brother to smuggle suboxone strips into the prison, and continued to have anger issues. A69.

As the case proceeded, the parties continued to have multiple disputes over contact between J.H. and ██████ and his parents. In April and May 2022, the dispute over contact with J.H. centered around recorded prison calls between ██████ and his mother. A18-44. ██████ believed that ██████ mother was allowing J.H. to speak with ██████ on the phone during the child’s visit with her. A40. ██████ objected to releasing his call records, arguing that there was no evidence of any such contact with J.H. A33-36. The court ordered that the calls be produced to the GAL. A17, A25. After reviewing the calls and determining that ██████ was having contact with J.H. during the child’s visit with ██████ mother, the court

temporarily suspended J.H.'s visits with the paternal grandmother. A13.

On July 1, 2022, the court ordered that continuing to develop a relationship with ██████ was in J.H.'s best interests. A14. The court reasoned that the possibility the child could have one parent in his life outweighed the potential harm that could result if the reunification process failed. *Id.* Bi-weekly video visits were ordered to commence immediately. *Id.* The court ordered that in addition to ██████ supervising the video visits, the visits would be audio and video recorded. *Id.*

The court held a review hearing on September 28, 2022, during which ██████ provided an update from her perspective. T6-14. ██████ reported that ██████ was transferred from the Men's Prison in Concord to the Northern Correctional Facility in Berlin after being spotted by a guard concealing a white pill. T11-13. ██████ also expressed concern for starting video visits due to the lack of impulse control exhibited by ██████ T13.

The court next inquired of ██████ status at the prison, and expectation for possible release dates. T14-18. ██████ expressed uncertainty as to whether he would be released prior to the expiration of his maximum sentence. T16-17. ██████ represented his belief that if he did not complete required programming at the prison, he would serve an additional two and a half years before his sentence was

served in full. T18. The guardian ad litem reported the maximum end date of [REDACTED] sentence was January 5, 2026.² T19.

The paternal grandparents, as intervenors, gave a lengthy update to the court. T20-27. The primary purpose of the update was to convince the court to allow them to resume contact with J.H. Id., 34-36, 38. [REDACTED] objected. T28-29, 30-33, 39-40. The guardian ad litem also expressed her concerns about the paternal grandparents having contact with J.H. T41-43.

After a brief discussion about the prior relationship between the paternal grandparents and J.H., T44-48, the court discussed listening to recorded phone calls between the paternal grandparents and [REDACTED] f, T48-52, and then concluded the hearing. T52. At no time did anyone discuss or object to [REDACTED] speaking against [REDACTED]s release from prison before the parole board or at any similar hearings. T1-53.

On September 28, 2022, the court (Derby, J.) issued an order regarding the review hearing. AD30-31. Therein, the court enjoined [REDACTED] and her husband, who is not a party to the case, “from testifying against father’s release at ay parole or similar hearing without first seeking leave of the court.” AD31. [REDACTED] filed a timely motion to reconsider which the court denied. AD32-36. This appeal followed.

² The Defendant was first eligible for parole January 7, 2020. T19.

SUMMARY OF ARGUMENT

The freedom of expression is a fundamental constitutional right in the United States. Both the United States Supreme Court and this Court have closely guarded the right to free speech, consistently striking down laws and court orders that infringe on this right. Prior restraints, defined as orders that prohibit future speech, viewpoint-based restrictions, and speaker-based restrictions, are presumptively unconstitutional under both the Federal and State Constitutions.

In this case, the trial court enjoined both [REDACTED] and her husband, not a party to the case, from speaking against J.H.'s father's release from prison at any parole or similar hearing without first obtaining permission from the court. This order constituted three separate types of unlawful restrictions on speech: a prior restraint, a viewpoint-based restriction, and a speaker-based restriction.

The order runs afoul of longstanding precedent of the United States Supreme Court and this Court and violated [REDACTED] right to freedom of expression under the First Amendment to the United States Constitution and Part I, Article 22 of the New Hampshire Constitution. Where this issue presents a question of law, the Court's review of the trial court's order is *de novo*. State v. Biondolillo, 164 N.H. 370, 373 (2012).

The court also erred when it exceeded its statutory authority by enjoining [REDACTED] from expressing her views in a public forum. RSA 463 sets forth the family division's authority over guardianship of the person of a minor. The statutory scheme does not however authorize the court to restrict the guardian, or their spouse, or mandate them to act in a particular way in their personal lives. By enjoining [REDACTED] and her husband from speaking at parole or similar hearings, the court acted outside of its jurisdiction and unlawfully placed a restriction on [REDACTED] personal actions. While not raised in the trial court, a party may raise subject matter jurisdiction at any time in the proceedings. In the Matter of Gray & Gray, 160 N.H. at 65. Whether the trial court had subject matter jurisdiction is a question of law reviewed by the Court *de novo*. Maldini v. Maldini, 168 N.H. 191, 194 (2015).

ARGUMENT

I. THE TRIAL COURT’S ORDER ENJOINING ██████████ FROM ENGAGING IN PUBLIC SPEECH VIOLATED HER FEDERAL AND STATE CONSTITUTIONAL RIGHT TO THE FREEDOM OF EXPRESSION.

The right to the freedom of expression is deeply ingrained in American society and guaranteed by both the Federal and New Hampshire Constitutions. U.S. CONST. Amend. I (“Congress shall make no law . . . abridging the freedom of speech”; N.H. CONST. pt. I, art. 22 (“Free speech and Liberty of the press are essential to the security of Freedom in a State: They ought, therefore, to be inviolably preserved.”)). These constitutional protections are important because they allow Americans to exercise their right to participate in the public square and, relevant to this case, voicing their opinions at parole or sentencing hearings when allowed by law.

The trial court’s order violates the constitutional guarantee to freedom of expression for three reasons. First, it is a prior restraint on speech. Second, it is an impermissible viewpoint-based restriction on speech. Third, it is an impermissible speaker-based restriction on speech.

A. The trial court’s order is an unconstitutional prior restraint on speech.

A judicial order that restricts speech is classified as a prior restraint. See, In re N.B., 169 N.H. 265, 270 (2016); Mortgage Specialists v. Implode-Explode Heavy Indus., 160 N.H. 227, 240 (2010) (invalidating a court injunction prohibiting republication of a loan chart, as the petitioner’s interests in protecting its privacy and reputation did not justify this extraordinary remedy of imposing prior restraint). “Temporary restraining orders and permanent injunctions – i.e. court orders that actually forbid speech activities – are classic examples of prior restraints.” Id., citing, Mortgage Specialists, 160 N.H. at 241 (internal quotations omitted).

This Court has observed that “[p]rior restraints are inherently suspect because they threaten the fundamental right to free speech.” Id., citing State v. Chong, 121 N.H. 860, 862 (1981) (internal quotations omitted). The Court has characterized prior restraints as “the most serious and the least tolerable infringement on First Amendment rights.” Mortgage Specialists, 160 N.H. at 241. For this reason, “[a]ny prior restraint on expression comes . . . with a heavy presumption against its constitutional validity.” Mortgage Specialists, 160 N.H. at 242, citing Organization for a Better Austin v. Keefe, 402 U.S. 415, 419 (1971) (internal quotations omitted). Typically, “prior restraints may be issued only in rare and extraordinary circumstances, such as when necessary to prevent the publication of obscene material, and

to prevent the overthrow of the government.” Id. at 241. Even then, prior restraints have consistently been struck down by the United States Supreme Court and this Court. See, Near v. Minnesota ex rel. Olson, 283 U.S. 697, 701 (1931) (invalidating court order that enjoined named party from producing any future “malicious, scandalous, or defamatory” publication); Organization for a Better Austin, 402 U.S. at 415 (vacating order “enjoining petitioners from distributing leaflets anywhere in the town of Westchester, Illinois.”); Vance v. Universal Amusement Co., 445 U.S. 308,311 (1980) (striking down Texas statute that authorized courts to issue an injunction prohibiting future exhibition of films that had not yet been found to be obscene); Mortgage Specialists, 160 N.H. at 240; In re N.B., 169 N.H. at 273 (striking down court order requiring civil suit to be filed as confidential as unconstitutional prior restraint).

Here, the trial court’s order prohibited [REDACTED] and her husband from engaging in speech at future parole hearing or court proceedings where [REDACTED] sentence could be reduced, suspended, or otherwise modified so as to permit his release from prison. This restriction is a textbook case of a prior restraint. Moreover, this restriction does not fit in with any of the rare and extraordinary examples of permissible restrictions under the precedent of this Court and the United

States Supreme Court. Thus, this Court vacate the trial court's order as unconstitutional.

B. The trial court's order is an unconstitutional viewpoint-based restriction on speech.

"The government may not discriminate against speech based on the ideas or opinions it conveys." Iancu v. Brunetti, 139 S. Ct. 2294, 2299 (2019). "[T]he First Amendment forbids the government to regulate speech in ways that favor some viewpoints or ideas at the expense of others[.]" Matal v. Tam, 137 S. Ct. 1744, 1757 (2017)(internal quotations omitted). "Viewpoint discrimination is ... an egregious form of content discrimination. The government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction. Rosenberger v. Rector and Visitors of the University of Virginia, 515 U.S. 819, 829 (1995); see also, Lamb's Chapel v. Center Moriches Union Free School Dist., 508 U.S. 384, 394 (1993) ("[T]he First Amendment forbids the government to regulate speech in ways that favor some viewpoints or ideas at the expense of others"); State v. Biondolillo, 164 N.H. at 373 (2012) ("The right of free speech under the State constitution may be subject to reasonable time, place and manner regulations that are *content-neutral*")(citation and quotation omitted, emphasis added).

“The First Amendment guards against laws ‘targeted at a specific subject matter,’ a form of speech suppression known as content based discrimination. Matal 137 S. Ct. at 1776, citing, Reed v. Town of Gilbert, 576 U.S. ___, ___, 135 S.Ct. 2218 (2015). “A law found to discriminate based on viewpoint is an ‘egregious form of content discrimination,’ which is ‘presumptively unconstitutional.’” Id. at 1776, citing Rosenberger 515 U.S. at 829-30 (Kennedy, concurring); see also, Bloom, Jr. Lackland, “The Rise of the Viewpoint-Discrimination Principle,” 72 SMU L. Rev. F. 20, 21 (2019)(“As a matter of free speech law, content discrimination is very troublesome, generally giving rise to strict scrutiny. Viewpoint discrimination is significantly worse, often leading to per se invalidation.”)

The trial court’s order discriminates against a pro-incarceration viewpoint and promotes a pro-release viewpoint. See, Matal, 137 S. Ct. at 1776 (“the test for viewpoint discrimination is whether – within the relevant subject category – the government has singled out a subset of messages for disfavor based on the views expressed.” (Kennedy, concurring) (citation omitted). While [REDACTED] and her husband are prohibited from speaking against [REDACTED] release at parole or similar hearings, they would not be prohibited from speaking at these public proceedings if their viewpoint supported his release. Thus, the order serves to

silence █████ and her husband's speech based on their viewpoint.³ Because the order discriminates based on viewpoint, it cannot survive a First Amendment challenge and must be vacated. Iancu, 139 S. Ct. at 2297, citing Matal, 137 U.S. at 1744 (laws that discriminate on the basis of viewpoint are unconstitutional).

C. The trial court's order is an unconstitutional speaker-based restriction on speech.

"Quite apart from the purpose or effect of regulating content, moreover, the Government may commit a constitutional wrong when by law it identifies certain preferred speakers." Citizens United v. FEC, 558 U.S. 310, 340 (2010); see also, Kagan, Michael, "Speaker Discrimination: The Next Frontier of Free Speech," 42 Fla. St. U.L. Rev. 765 (2015). "By taking the right to speak from some and giving it to others, the Government deprives the disadvantaged person or class of the right to use speech to strive to establish worth, standing, and respect for the speaker's voice." Citizens United, 558 U.S. at 340-41. "As

³ Not only does this order infringe on their right to freedom of expression but it also interferes with the function of the parole board and/or superior court justice(s), who are tasked with determining whether Zieroff should be released from prison. See e.g. N.H. Admin. Rules, Par 203.03 (outlining the parolee's broad right to witnesses, the victim's right to speak, and the parole board's discretion to invite or permit attendance of witnesses).

instruments to censor, these categories are interrelated: Speech restrictions based on the identity of the speaker are all too often simply a means to control content.” Id. at 340.

Speaker discrimination was at the forefront of the Supreme Court’s holding in Citizens United, where the Court considered the constitutionality of a federal statute prohibiting corporations and unions from using their general treasury to make expenditures for communications that expressly advocated for the election or defeat of a clearly identified candidate and done so outside the candidate’s campaign, party, agents, etc. and without consultation or coordination with the same. Citizens United, 558 U.S. at 318. The Court observed, “We find no basis for the proposition that, in the context of political speech, the Government may impose restrictions on certain disfavored speakers.” Id. at 342. The Court further observed that “the First Amendment generally prohibits the suppression of political speech based on the speaker’s identity.” Id. at 350. See also, W. Va. State Bd. Of Educ. V. Barnette, 319 U.S. 624, 642 (1943) (“If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion ...”).

In this case, only [REDACTED] and her husband are enjoined from speaking against [REDACTED] release. Any other member of

the community is free to appear at [REDACTED] parole or similar hearings and speak. This includes other members of the community who may wish to speak against [REDACTED] release. As the parents of the victim to [REDACTED] crimes however, they have a unique perspective which the trial court has suppressed through its order.

II. THE COURT EXCEEDED ITS AUTHORITY UNDER RSA 463 WHEN IT ENJOINED [REDACTED] AND HER HUSBAND FROM SPEAKING AGAINST [REDACTED] RELEASE FROM PRISON.

The judicial branch family division was created by the legislature in 2005. RSA 490-D:1. The court's jurisdiction is set forth in RSA 492-D:2. The family division exercises exclusive jurisdiction over guardianship of the person of minors. RSA 490-D:2, VII.

Guardianships of the person of a minor are governed by RSA 463. The powers of the court in a guardianship of the person of a minor is set forth in the statute. RSA 463:7 (permitting court to issue orders for ex parte and temporary guardianship); RSA 463:8 (granting court broad authority to admit evidence "it considers relevant and material," appoint a guardian ad litem, appoint a guardian); RSA 463:10 (setting forth who the court may appoint as guardian); RSA 463:12 (setting forth powers and duties of a guardian and the court's abilities to "limit or restrict the powers of the guardian or impose additional duties if it deems them desirable in the

best interests of the minor.”); RSA 463:13 (authorizing court to enter orders of support and visitation for the parent(s) of the minor); RSA 463:15 (authorizing court to terminate guardianship); RSA 463:16 (authorizing court to modify guardianship).

“Subject matter jurisdiction is jurisdiction over the nature of the case and the type of relief sought: the extent to which a court can rule on the conduct of persons or the status of things.” Appeal of Cole, 171 N.H. 403, 408 (2018). “A court lacks power to hear or determine a case concerning subject matter over which it has no jurisdiction.” Id. Subject matter jurisdiction may be challenged by a party “at any time during the proceeding, including on appeal.” Id. (citation omitted). Whether the trial court had subject matter jurisdiction is a question of law reviewed by the Court *de novo*. Maldini, 168 N.H. at 194.

Notwithstanding the broad powers of the family division in guardianship of a minor cases, such power is not unlimited. Rather, the court’s authority is limited to issuing orders relative to the guardianship of the minor. The court is not authorized to reach beyond the guardianship matter and dictate how the guardians should live their lives, including what views they may hold and how and when they may express those views.

The family division was no more empowered to enjoin ██████ in this matter from speaking against the release of her daughter's abuser, any more than it was empowered to enjoin her from voting for a political candidate or eating an unhealthy diet. In doing so, the court exceeded its statutory authority.

Furthermore, the statutory scheme does not give the family division the power in a guardianship matter to order non-parties, here, ██████ spouse to engage or refrain from private activities. Here, the court's order that ██████ husband refrain from speaking against the release of ██████— was beyond its statutory authority.

CONCLUSION

For the foregoing reasons, this Court should reverse and vacate the trial court's order enjoining ██████ and her husband from speaking against ██████ release from prison at parole or other similar hearing.

REQUEST FOR ORAL ARGUMENT

██████████ requests that her counsel, Attorney Anthony J. Naro, be allowed fifteen (15) minutes for oral argument because the issues presented here regarding the First Amendment and Part I, Article 22 are novel in this jurisdiction and of importance to the public.

Respectfully submitted,
██████████,
By and through her attorneys,
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CERTIFICATION OF ADDENDUM OF APPEALED DECISION

Counsel hereby certifies that each appealed decision that is in writing is being submitted at the time of brief filing pursuant to New Hampshire Supreme Court Rule 16(3)(i) and are included in the Addendum at pages 30-31 and 36.

CERTIFICATION OF COMPLIANCE WITH WORD LIMIT

Counsel hereby certifies that pursuant to New Hampshire Supreme Court Rule 26(7), this brief complies with New

Hampshire Supreme Court Rule 26(2)-(4). Further, this brief complies with New Hampshire Supreme Court Rule 16(11), which states that “no other brief shall exceed 9,500 words exclusive of pages containing the table of contents, tables of citations, and any addendum containing pertinent texts of constitutions, statutes, rules, regulations, and other such matters.” Counsel certifies that the brief contains 5369 words (including footnotes) from the “Questions Presented” to the “Conclusion” sections of the brief.

/s/ Anthony J. Naro

Anthony J. Naro

CERTIFICATION OF SERVICE

I hereby certify that on this date a copy of the foregoing Brief and Appendix for the Appellant, [REDACTED], is being filed on this day through the Supreme Court’s electronic filing service, which “satisfies the requirement in the Supreme Court Rule 26(2) that a filer provide to all other parties a copy at or before the time of filing.” Sup. Ct. 2018 Supp. R. 18(a). Brittney White, Esquire, counsel for [REDACTED], Kimberly Shaughnessy, Esquire, counsel for the intervenors, and [REDACTED], Esquire, Guardian ad Litem, are receiving a copy of this filing through the Court’s electronic filing system on this date.

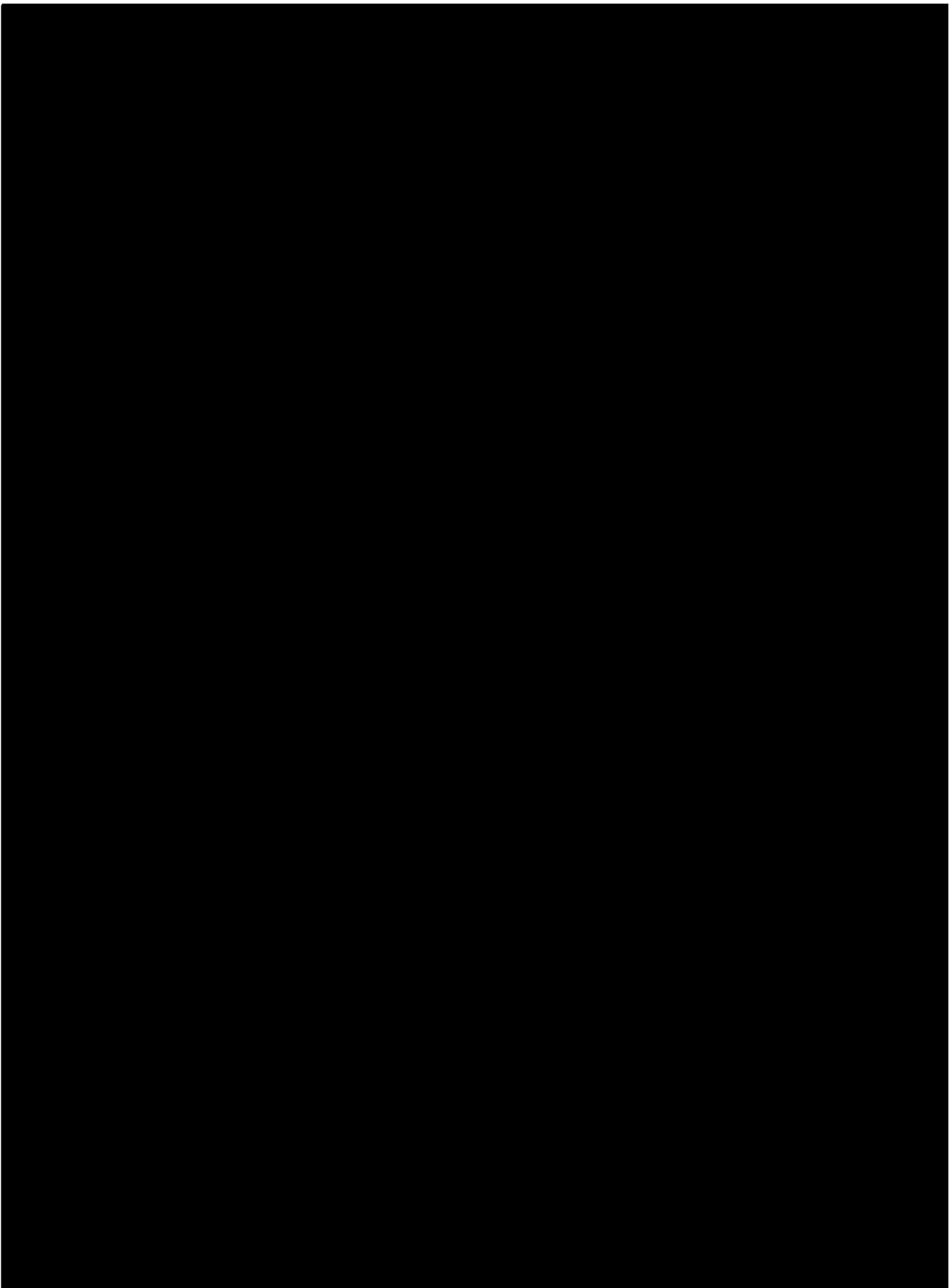
/s/ Anthony J. Naro

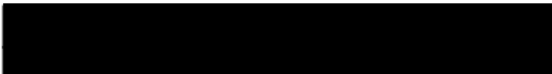
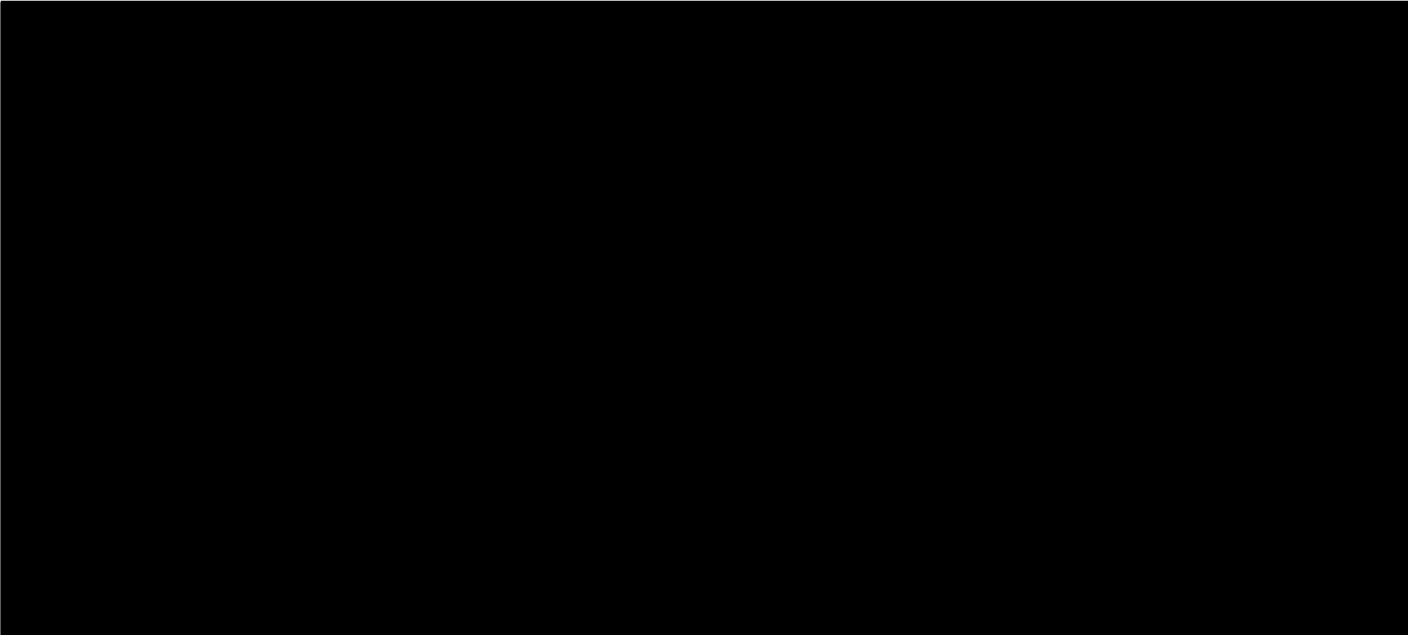
Anthony J. Naro

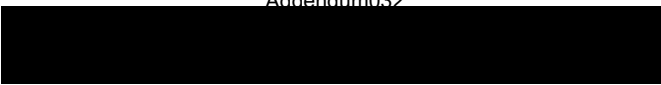
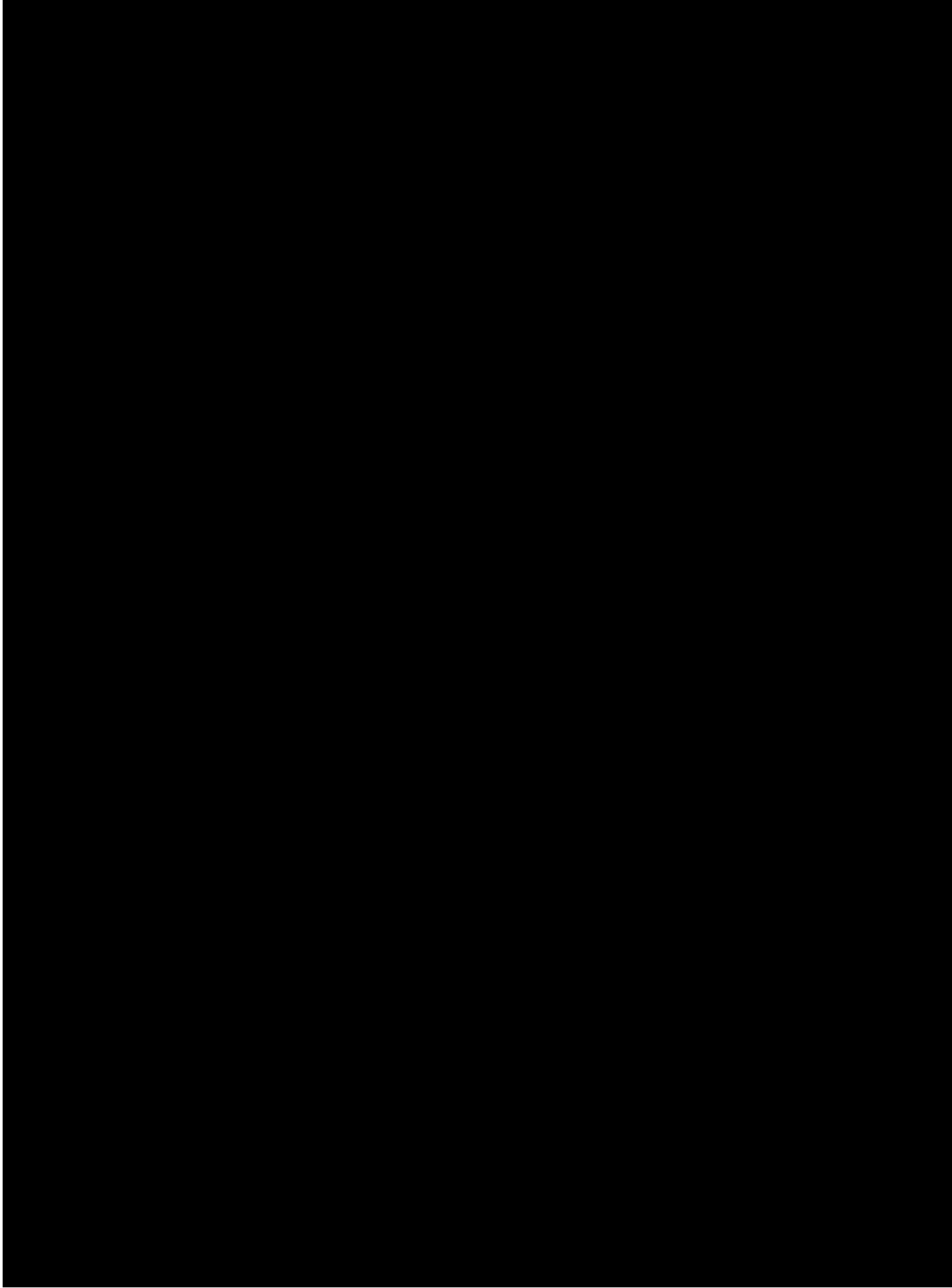
ADDENDUM TABLE OF CONTENTS

Order Following September 29, 2022 Review Hearing (Notice of Decision dated October 6, 2022)AD30-31

Order on [REDACTED] Motion for Reconsideration (Notice of Decision dated November 1, 2022).....AD32-36







9

1

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