

# Senate Judiciary Committee

*Brendan Bunnell 271-4063*

**AMENDMENT # 2026-1173s, AN ACT relative to marriage registration forms and delayed certificates of marriage and relative to the confidentiality of divorce records. to HB 1260-FN**, relative to marriage registration forms and delayed certificates of marriage.

**Hearing Date:** March 24, 2026

**Time Opened:** 1:08 p.m.

**Time Closed:** 1:17 p.m.

**Members of the Committee Present:** Senators Gannon, Abbas, Altschiller and Reardon

**Members of the Committee Absent:** Senator Carson

**Bill Analysis:** This bill permits marriage applicants to complete the marriage application in advance, establishes a fee for filing a delayed marriage certificate, and updates all relevant statutory language in the chapter to be gender neutral.

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**Sponsors:**

Rep. Dargie

Rep. Petrigno

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**Who supports the amendment:** Senator Tara Reardon, Representative Paul Dargie, and Cory Stone.

**Who opposes the amendment:** None.

**Who is neutral on the amendment:** Representative Timothy Horrigan.

**Summary of the testimony presented:**

**Senator Tara Reardon (SD-15)** introduced the non-germane amendment to House Bill 1260-FN, and explained that under current New Hampshire law, requests to seal divorce records are rarely granted due to case law, including the 1977 case *Thompson v. Cash* and subsequent rulings such as one involving the Keene Sentinel, which emphasize the constitutional principle of public access to government records under Part I, Article 8 of the New Hampshire Constitution. She noted that this provision states that public access to governmental proceedings and records should not be unreasonably restricted.

- She explained that the amendment is narrowly tailored to allow limited sealing of certain financial information in divorce cases where there are no minor children, the divorce is uncontested, and both parties agree to the sealing. She emphasized that this would not seal the fact of the divorce itself, including the date, court, or decree, but would instead redact sensitive financial information such as financial affidavits, tax returns, financial statements, property settlements, exhibits, and details about assets, liabilities, and account numbers.
- Highlighted that current law allows extensive financial details to become publicly accessible, which she argued is increasingly problematic in the digital age. She noted that unlike in 1977, when the controlling case law was decided, information is now easily accessible online from anywhere in the world. She warned that this creates risks not only of identity theft and fraud, but also unfair advantages in business dealings, such as someone accessing detailed financial information about a recently divorced individual before entering into a transaction with them.
- Explained that the amendment preserves transparency by keeping core divorce records public while limiting access to sensitive financial details, and it includes a standard derived directly from *Thompson v. Cash* requiring a compelling public interest for disclosure, that the request be narrowly tailored, and that no reasonable alternative exists.
- She also noted that the amendment grants rulemaking authority to the courts and allows individuals divorced within the past 15 years to request redaction of their financial information.
- Senator Gannon asked whether sealing such financial information could disadvantage creditors who might otherwise rely on divorce records to assess a person's assets.
  - Senator Reardon responded that creditors already have other means to obtain relevant financial information, such as registry of deeds records, but that divorce records uniquely provide detailed information like mortgage balances and ownership percentages that are not otherwise readily available.
  - She argued that making such detailed information public creates an unfair exposure for individuals going through divorce and increases vulnerability to fraud and impersonation, which she identified as the primary concern the amendment seeks to address.

**Representative Timothy Horrigan** stated that he signed in as neutral on the amendment. He explained that the amendment is complex and represents a significant change to existing law, and he expressed that he is somewhat agnostic on whether it is ultimately a good policy.

- He acknowledged that the underlying concern addressed by the amendment regarding the privacy of financial information in divorce records is valid, but suggested that there may be alternative ways to address those concerns without changing the law.
- Emphasized that his primary concern relates to the legislative process rather than the substance of the amendment. He noted that the underlying bill has broad bipartisan support and that adding a substantial amendment at this stage could complicate its passage. He stated that, from his perspective as someone involved in advancing the original bill, it would be preferable for the bill to proceed without amendments so it can move directly to the governor rather than going through a conference committee.
- He also stated that while the amendment may have merit, his preference would be for it to be introduced as a standalone bill in a future session so it can receive full consideration through the legislative process in both chambers. He reiterated that he is neither in favor of nor opposed to the amendment, but was offering his perspective as a member of the other legislative body.

BMB

Date Hearing Report completed: March 27, 2026