

# Senate Children and Family Law Committee

*Joshua Schauer 271-3077*

**HB 273**, relative to a parent's access to their minor child's library records.

**Hearing Date:** April 24, 2025

**Time Opened:** 11:51 a.m.

**Time Closed:** 12:38 p.m.

**Members of the Committee Present:** Senators Abbas, Sullivan and Long

**Members of the Committee Absent :** None

**Bill Analysis:** This bill allows parents to access all of their minor child's library records.

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## **Sponsors:**

Rep. Drago

Rep. Noble

Rep. Perez

Rep. Litchfield

Rep. Colcombe

Rep. Sirois

Rep. Osborne

Sen. Murphy

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**Who supports the bill:** 153 people signed in support of this piece of legislation. If you would like a full list of sign-ins, please email [Joshua.schauer@gc.nh.gov](mailto:Joshua.schauer@gc.nh.gov).

**Who opposes the bill:** 172 people signed in opposition of this piece of legislation. If you would like a full list of sign-ins, please email [Joshua.schauer@gc.nh.gov](mailto:Joshua.schauer@gc.nh.gov).

**Who is neutral on the bill:** Denise Van Zanten

## **Summary of testimony presented in support:**

### **Representative Mike Drago, Rockingham – District 4**

- Representative Drago introduced HB 273 as a bill that provides parents access to their child's library records.
- Representative Drago shared a story about how he had ordered books from his local library using his daughter's account. When he was notified that one of the books came in, his access to the name of the book was restricted because the order was submitted under his daughter's account.
- Representative Drago proposed a scenario where his daughter would accrue a late charge or potentially lose a book, and he would be unaware of this because he was unable to view her account record. However, as the parent, he would

have to reimburse the library for these costs despite not having access to the account.

- Representative Drago questioned how parents were supposed to be able to monitor the content of their child's reading without access to their account, and expressed concerns related to the exposure of adult materials.

**Senator Abbas** asked Representative Drago to clarify if he was unable to view the books that he had ordered because he had ordered them through his daughter's online library account.

**Representative Drago** confirmed that it was through his daughter account.

**Senator Long** asked if Representative Drago authorized the library to give her that card and account.

**Representative Drago** replied yes, he did, and the moment that he signed for her to have the account, he signed away his rights to view her account.

**Senator Long** asked if that was what would happen in statute, because his understanding was the opposite.

**Representative Drago** cited RSA 201, stating that the only way an individual can get a library record of another person is through a court order.

### **Mellisa Litchfield, Rockingham – District 32**

- Representative Litchfield stated that this bill would undermine the relationship between a child and their parent.
- She implored that parents should have access to their child's account to protect them from adult materials.

**Senator Long** asked if Representative Litchfield would agree that this takes rights away from divorced parents who do not share the same address as their child due to the language of the bill.

**Representative Litchfield** responded that is correct, however, she thought this legislation is better than the current law. She stated that she would support an amendment providing access for both parents of the child, in the case of a divorce.

### **Representative Jay Markell, Rockingham - District 18**

- Representative Markell shared similar sentiments to the importance of the bill for parental rights. He proposed similar concerns with custodial parent rights, and suggested an amendment.
- Representative Markell stated that he did not see in the current RSA any language that was intended to prevent parental access to their child's library record.

- He claimed that this proposed statute would not cause undue burden on libraries due to the marginal number of record requests that libraries receive.
- Representative Markell explained that the proposed legislation does not specify how libraries should comply to requests or how much time they have to comply.

**Summary of testimony presented in opposition:**

**D.J. Withee, Windham**

- Mr. Withee stated that constitutional rights are not something an individual grows into, they are granted when an individual is born. He said that parents, under RSA 201, are able to receive a library record through the court.
- He cited eight different ways that a parent could get access to their child's library record: parent's control of when or if their minor child can get a library card, a parent can be a co-owner of the account, parents can ask or require for their child to show them the account, parents can ask or require the password for the account, the child can consent to share their library record, the parent can use a court order, a subpoena, or other state statute.
- Mr. Withee claimed that this bill seems to appeal to parents who are unsatisfied with the current tools for gaining access to their child's library account.
- He explained that this bill would cause direct costs to the library such as more staffing, automating the library account process, and the frequency of parent requests to view their child's record.
- Mr. Withee proposed criticisms to the mechanisms of the bill, time frame for which librarians must respond to these record requests, and the background research of potential effects of the bill.
- Mr. Withee explained that an indirect cost of this bill would be forcing libraries to perform tasks outside of their specialization.
- Mr. Withee expressed concerns with the bill only proposing library record rights to the custodial parent of the child and that this could become an issue for divorced families.

**Senator Abbas** asked if Mr. Withers was a library trustee of twenty-five years.

**Mr. Withee** clarified that he had been a New Hampshire Representative twenty-five years ago, and had been elected in March to be a library trustee for Windham.

**Senator Abbas** asked how often library records are being requested under the current law.

**Mr. Withee** responded that he could only answer in respect to the town of Windham, which has 8,000 library card members and they do not usually ask for library records due to a pre-established process for joint accounts.

**Senator Abbas** questioned how effective joint library accounts are, if once a child is twelve years old, they can receive their own library account without the consent of their parent.

**Mr. Withee** responded that the parent can then ask for information about the account.

**Senator Abbas** asked what would happen if the child does not consent to sharing their library account information.

**Mr. Withee** responded that parents have the ability to non-statutorily require this information from their child through forms of punishment. Mr. Withee stated that the parent always has the right to make their child provide them with information without the requirement of law.

**Senator Sullivan** asked if Mr. Withee would agree that there are occasions when an individual ages into a Constitutional right, like the right to bear arms.

**Mr. Withee** responded that he would agree with this but that argument is not relevant to this bill, because this bill deals with free speech.

**Senator Sullivan** questioned whether the freedom to read, under the freedom of speech, allows for a child to have access to pornography, and if there are consequences for an adult handing child pornography even if they've requested it under their First Amendment.

**Mr. Withee** responded that there is a legitimate concern for parents to have control over what their child is reading, however, his issue with this bill is the mechanism in which parents are allowed to view their child's library record.

**Senator Abbas** asked if it would be easier for a parent to have to consent to view their child's account until they turn eighteen.

**Mr. Wither** replied that he would agree and that is the process that some towns use for their libraries, but that is established on a town-by-town basis.

**Mr. Withee** stated that all information regarding access to a minor's account is in the library policy manual which can be looked at it before a parent registers their child for an account.

**Senator Long** asked if Mr. Withee would believe that in the matter of divorces, if both parents had the same home address on their license that they would have access to the bill.

**Mr. Withee** replied that is correct.

**Senator Long** asked if this bill would put a burden on smaller libraries to automate and update their systems.

**Mr. Withee** responded that it is difficult to say but he would agree that this would be a challenge.

**Nicole Gauvreau**

- Ms. Gauvreau stated that she was testifying on her own behalf, but she does currently work at a library as the youth assistant director.
- Ms. Gauvreau recalled from her experience that when a parent signs their child up for a library account, they have the option to retain access to their child's library record. She explained that it would be time consuming and tedious for non-automated libraries to retrieve library records for children.
- Ms. Gauvreau recalled how she gets asked to retrieve a child's library record multiple times a day from approved parents, which only takes a few minutes using an automated system, but for a non-automated system this would take significantly longer.
- Ms. Gauvreau explained that many libraries are short staffed for full-time employees, and part-time or volunteers do not have the same access to automated systems as full-time employees.
- She expressed concerns with misinformation on the Internet by biased sources or generative artificial intelligence. She explained her preference of children having the ability to go to the library instead, with a curated, trustworthy collection of information.

**Neutral Information Presented:**

**Denise Van Zanten, Vice President New Hampshire Library Association, Manchester Library Director**

- Ms. Van Zanten testified that she was present to answer questions on the proposed bill and the current law.

**Senator Long** asked what the potential costs to libraries would be if this bill were to pass.

**Ms. Van Zanten** responded that there will be an increase in staffing costs, automation costs, and time costs.

**Senator Abbas** asked how frequently parents are asking for their child's library records.

**Ms. Van Zanten** replied that it does not happen often at the Manchester Library.