SB 92-FN - AS AMENDED BY THE SENATE

02/09/2023 0398s

2023 SESSION

23-1017
04/05

SENATE BILL ***92-FN***

AN ACT relative to the authority of registers of probate.

SPONSORS: Sen. Gray, Dist 6

COMMITTEE: Election Law and Municipal Affairs

ANALYSIS

This bill establishes specific authority and duties of the registers of probate.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 92-FN - AS AMENDED BY THE SENATE

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23-1017
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the authority of registers of probate.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Section; Information About Probate Court Filings; Registers of Probate; Authority. Amend RSA 548 by inserting after section 1 the following new section:

548:1-a Information About Probate Court Filings.

I. Registers of probate may provide information to parties regarding probate process governed under state statute using information provided by the probate division regarding an overview of probate process and court information.

II. In order to qualify to be elected as register of probate, or to qualify to fill a vacancy, the candidate shall be an active volunteer with the court probate navigator program, and must continue to participate as an active volunteer with the court probate navigator program throughout the term as a register of probate. This paragraph shall not apply if the judicial branch does not have a probate navigator program at the time of the election or appointment, or if the probate navigator program is discontinued during the register of probate's term of office.

III. Registers of probate may provide assistance with process issues such as assistance in logging into and navigating the court electronic filing process and provide other assistance consistent with their training. Nothing in this section shall be construed to authorize registers of probate to give legal advice or otherwise engage in the unauthorized practice of law. Nothing in this section shall be construed to give registers of probate the status of judicial branch employees.

IV. Registers of probate shall not charge a fee or receive any compensation for services provided under this section other than what is authorized under RSA 548:17.

V. In the event that a register of probate stops participating in the court navigator program, the county commissioners shall have the ability to fill the position with a candidate who is qualified under paragraph II of this section. Failure to continue to participate in the program throughout the term shall disqualify the person to be a candidate for register of probate in the next election. This paragraph shall not apply if the judicial branch does not have a probate navigator program at the time of the election or appointment, or if the probate navigator program is discontinued during the register of probate's term of office.

2 Effective Date. This act shall take effect January 1, 2025.

LBA
23-1017
Amended 3/6/23

SB 92-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2023-0398s)

AN ACT relative to the authority of registers of probate.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	$0	Indeterminable Increase	Indeterminable Increase
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

METHODOLOGY:

This bill establishes specific authority and duties of the registers of probate. The Judicial Branch makes the following assumptions regarding the fiscal impact of the bill:

- The bill would authorize Registers of Probate to provide parties with information provided by the Circuit Court Probate Division and to assist parties with the Court's electronic filing process and provide other assistance consistent with their training.
- The bill would require Registers of Probate to be active volunteers in the Circuit Court's probate navigator program prior as a condition to qualify for the position of Register of Probate, and to continue as a volunteer throughout their term.
- The Judicial Branch would not be responsible for providing space, equipment or supplies to Registers of Probate.

The Judicial Branch indicates the fiscal impact on the Branch is indeterminable but is not expected to be significant. The Branch would prepare materials for Registers of Probate to distribute to parties. The costs of training and monitoring Registers of Probate who would also be volunteers in the Court's navigator program would be funded within the budget of the Court's probate navigator program. While there may be some additional time and expense associated with the preparation of materials, the Judicial Branch anticipates the majority of those costs would be incurred in the first year of implementation (FY 2025) and would not be significant.

AGENCIES CONTACTED:

Judicial Branch