2023 SESSION

23-0547
04/05

HOUSE BILL ***218-FN***

AN ACT relative to court rules and transcripts in the judicial branch family division.

SPONSORS: Rep. Bernardy, Rock. 36; Rep. O. Ford, Rock. 3; Rep. Stapleton, Sull. 6; Rep. Cannon, Straf. 12; Rep. Love, Rock. 13; Rep. Weyler, Rock. 14; Rep. Post, Hills. 42; Rep. Moffett, Merr. 4

COMMITTEE: Children and Family Law

ANALYSIS

This bill prohibits the waiver of family court rules, except for fees, and allows a party to a family court proceeding to create their own recording or transcript of the proceedings.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 218-FN - AS INTRODUCED

23-0547
04/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to court rules and transcripts in the judicial branch family division.

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

1 New Section; Judicial Branch Family Division; Judicial Waiver of Family Division Rules. Amend RSA 490-D by inserting after section 3 the following new section:

490-D:3-a Judicial Waiver of Family Division Rules. The judge, magistrate, or marital master in any family court proceeding shall not waive a family court rule except for rules related to fees.

2 New Section; Judicial Branch Family Division; Proceedings; Written Transcripts. Amend RSA 490-D by inserting after section 490-D:15 the following new section:

490-D:16 Proceedings; Written Transcripts. Each party in a family court proceeding under the jurisdiction of this chapter shall have the right to create their own recording and written transcript of the court proceedings for comparison with the official family court record. Each party's recording or transcript shall be accompanied by a document that identifies the places where the party's recording or transcript differs from the official recording or transcript. Each written transcript shall include all information necessary to provide references by time stamp and shall be admissible in an appeal where the proceeding is relevant. The appellate court shall review the differences in recordings and associated transcripts and determine which recordings and transcripts are complete and adequate for use in the appellate procedure.

3 Effective Date. This act shall take effect January 1, 2024.

LBA
23-0547
12/12/22

HB 218-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to court rules and transcripts in the judicial branch family division.

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	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

METHODOLOGY:

This bill prohibits the waiver of a family court rule, except for fees, and allows a party to a family court proceeding to create their own recording or transcript of the proceedings.

The Judicial Branch indicates this bill would result in an indeterminable increase in state expenditures. The Branch does not have information on how the inability to waive any rule would affect the number and length of court proceedings. The bill would also allow parties in Family Division proceedings to create their own recording and transcript of the court proceeding. The recording or transcript would be subject to review by the Supreme Court for differences in recordings and associated transcripts to determine which are complete and adequate for use in the appellate procedure. The Branch reports there are generally between 180-200 appeals from Family Division filed in the Supreme Court. It is unknown how many appeals would include requests for review of recordings to determine any differences between the official transcript and the recording. Any such requests would result in additional court resources to perform the comparison and a delay in the Court's proceedings.

AGENCIES CONTACTED:

Judicial Branch