

Amendment to HB 1260-FN

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT relative to marriage registration forms and delayed certificates of marriage and  
4 relative to the confidentiality of divorce records.

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6 Amend the bill by replacing all after section 12 with the following:

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8 13 New Sections; Annulment, Divorce, and Separation; Miscellaneous Provisions. Amend RSA  
9 458 by inserting after section 51-a the following new sections:

10 458:51-b Confidentiality of Certain Divorce Records.

11 I. For purposes of this section:

12 (a) "Uncontested divorce" means a divorce proceeding in which both parties agree to the  
13 dissolution of the marriage and all material terms of settlement and no evidentiary hearing on  
14 contested issues is required.

15 (b) "Sensitive financial information" means financial affidavits, tax returns, financial  
16 statements, bank records, retirement account information, investment accounts, credit reports,  
17 property valuations, debt schedules, or any document revealing personal financial account numbers  
18 or identifying financial data.

19 (c) "Financial settlement terms" means the terms of any agreement or court order  
20 allocating property, assets, debts, or financial obligations between the parties to a divorce.

21 II. In any uncontested divorce proceeding in which no minor children are involved, the  
22 following records shall be confidential and not available for public inspection unless otherwise  
23 ordered by the court pursuant to paragraph VI:

24 (a) Financial affidavits and supporting documentation.

25 (b) Tax returns and financial statements filed with the court.

26 (c) Property settlement agreements or stipulations containing financial settlement  
27 terms.

28 (d) Exhibits or documentation describing the assets, liabilities, or financial positions of  
29 the parties.

30 (e) Any filing containing personal financial account numbers or identifying financial  
31 data.

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1           III.(a) In an uncontested divorce that involves no minor children, any portion of a court  
2 decree, stipulation, or order that describes or incorporates the specific financial settlement terms  
3 between the parties shall be:

4                   (1) Filed under seal; or

5                   (2) Redacted from the publicly accessible version of the decree.

6           (b) A public version of the decree shall remain available stating only:

7                   (1) That the marriage is dissolved;

8                   (2) The date of the decree;

9                   (3) The court issuing the decree; and

10                  (4) Any nonfinancial terms of the order.

11           IV. Notwithstanding the provisions of this section, the following shall remain public records:

12                  (a) The case docket and case caption.

13                  (b) The filing date of the divorce petition.

14                  (c) The final decree of divorce, with confidential financial terms redacted where  
15 applicable.

16                  (d) Court orders unrelated to financial settlement terms.

17                  (e) Records necessary to demonstrate that the court exercised jurisdiction and issued a  
18 lawful decree.

19           V. This section shall not apply to:

20                  (a) Divorce proceedings involving minor children.

21                  (b) Divorce proceedings involving contested issues requiring judicial fact-finding.

22                  (c) Cases involving allegations of abuse, fraud, or misconduct affecting third parties.

23                  (d) Proceedings in which the court determines that disclosure of financial settlement  
24 terms is necessary to protect the public interest.

25           VI. A court may authorize disclosure of confidential records or financial settlement terms  
26 upon written motion and a finding that:

27                  (a) A compelling public interest requires disclosure;

28                  (b) The request is narrowly tailored to serve that interest; and

29                  (c) No reasonable alternative exists to protect the confidentiality of sensitive financial  
30 information.

31           VII. The judicial branch may adopt rules requiring:

32                  (a) Redaction of financial account numbers and identifying financial information in all  
33 divorce filings.

34                  (b) Procedures for filing confidential financial settlement documents under seal.

35                  (c) Maintenance of both public and confidential versions of decrees where appropriate.

36           VIII. Nothing in this section shall be construed to:

37                  (a) Limit the openness of court proceedings;

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- 1           (b) Restrict access to judicial rulings necessary for public oversight of the courts; or  
2           (c) Alter the constitutional principles of open courts as recognized by the supreme court.

3           IX. Records subject to confidentiality under this section shall be sealed or redacted only  
4 upon the written request and consent of both parties to the divorce. Where both parties jointly  
5 request the sealing or redaction of records under this section, the court shall grant such request  
6 unless it finds that:

- 7           (a) Compelling public interest requires that the records remain public; or  
8           (b) Sealing the records would impair the rights of a third party or the administration of  
9 justice.

10           458:51-c Petition to Seal Certain Prior Divorce Proceeding Records.

11           I. Any person who was granted a divorce within 15 years prior to the effective date of this  
12 section may petition the court to seal or redact records consistent with the provisions of RSA 458:51-

13 b. Upon joint request of both former spouses, the court shall order such records sealed or redacted in  
14 accordance with RSA 458:51-b unless the court finds that:

- 15           (a) A compelling public interest requires that the records remain public; or  
16           (b) Sealing the records would materially affect the rights of third parties.

17           II. Petitions filed pursuant to this section may be determined without a hearing unless the  
18 court determines that a hearing is necessary.

19           14 Effective Date.

20           I. Section 13 of this act shall take effect January 1, 2027.

21           II. The remainder of this act shall take effect 60 days after its passage.

2026-1173s

AMENDED ANALYSIS

This bill:

I. 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.

II. Establishes rules governing the confidentiality of records of divorce proceedings and allows for petitions to seal divorce records.