

HB 1511-FN - AS INTRODUCED

2022 SESSION

22-2334

07/04

HOUSE BILL

1511-FN

AN ACT relative to submitting officially authorized recordings of hearings for appeal of family court decisions.

SPONSORS: Rep. Gay, Rock. 8; Rep. Stapleton, Sull. 5; Rep. Bernardy, Rock. 16; Rep. Greeson, Graf. 16; Rep. Langley, Hills. 8; Rep. Kofalt, Hills. 4; Rep. Rung, Hills. 21; Rep. Weyler, Rock. 13; Rep. Post, Hills. 4

COMMITTEE: Children and Family Law

ANALYSIS

This bill allows for parties in a family court proceeding to submit officially authorized recordings of hearings for appeal of family court decisions.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to submitting officially authorized recordings of hearings for appeal of family court decisions.

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

1 1 New Section; Judicial Branch Family Division; Appeals. Amend RSA 490-D by inserting after
2 section 490-D:15 the following new section:

3 490-D:16 Appeals. In the event of an appeal of a decision from a court under this chapter, the
4 parties shall have the right to submit any recording or transcription of any relevant hearing to the
5 appellate court, and the appellate court shall decide which recordings or transcriptions may be used
6 as the basis for the appeal.

7 2 Effective Date. This act shall take effect January 1, 2023.

**HB 1511-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to submitting officially authorized recordings of hearings for appeal of family court decisions.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input type="checkbox"/> Other			

METHODOLOGY:

This bill allows for parties in a family court proceeding to submit officially authorized recordings of hearings for appeal of family court decisions.

The Judicial Branch is uncertain as to what types of cases are intended to be included by the reference to RSA 490-D, which is the chapter that establishes the Family Division, but does not describe particular proceedings. The Judicial Branch assumes the bill is intended to refer to all Family Division cases. The Branch indicates in 2019 there were 195 cases appealed to the Supreme Court and 184 cases appealed in 2020. Current rules and orders provide that the official record is the transcript certified by the transcriber authorized by the Supreme Court to be a true and accurate transcript of the recording. Current rules also allow the parties to enter an agreed statement of facts that can reduce or eliminate the need for transcripts. The bill includes no standards regarding the quality of the recording or transcript, which could result in poor quality recordings or non-professionally created transcripts to be submitted as the record on appeal. This could result in disputes regarding the content of the record and additional time spent by the Court to understand the entire record that is presented by the parties. Understanding the record from a recording of a multi-day hearing can take the judges and clerks significantly more time than from an accurate transcription of that same hearing. The Judicial Branch is unable to determine how many party-created recordings or transcripts would be submitted with the record nor can the Judicial Branch determine the fiscal impact, if any, that would result from the submission of those party-created recordings or transcripts.

AGENCIES CONTACTED:

Judicial Branch