

Amendment to HB 1265

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

2

3 AN ACT relative to the waiver of rules in family court proceedings and requiring the
4 establishment of a family division rule waiver database.

5

6 Amend the bill by replacing all after the enacting clause with the following:

7

8 1 New Section; Judicial Branch Family Division; Judicial Waiver of Family Division Rules.

9 Amend RSA 490-D by inserting after section 3 the following new section:

10 490-D:3-a Judicial Waiver of Family Division Rules.

11 I. If a judge or referee waives a rule of the circuit court family division, pursuant to family
12 court rule 1.2, the judge or referee shall enter into the court record the rule waived by number and
13 title, the reason for which the rule was waived, and who the waiver favored by identifying if it was
14 the plaintiff or the defendant.

15 II.(a) Not more than 60 days after the effective date of this section, the chief justice of the
16 circuit court, or designee, shall develop and implement a family division rule waiver database. At a
17 minimum, the database shall contain the family division in which the rule was waived, the judge or
18 referee who waived the rule, the rule that was waived by name and title, and the cause for which the
19 rule was waived and for whom the rule change favored.

20 (b) The clerk of the family division in which the rule was waived, or his or her designee,
21 shall enter the rule waiver information required in subparagraph (a) into the database not more
22 than 30 days after the hearing in which the rule was waived. The clerk shall be responsible for
23 ensuring the information is entered into the database accurately.

24 III. The circuit court family division shall have access to the database of rule waivers. The
25 speaker of the house of representatives, the senate president, and the chairpersons, vice-
26 chairpersons, and clerks of the house and senate judiciary committees, the house children and family
27 law committee, and the office of legislative services shall also have access to the database.

28 IV. The chief justice of the circuit court, or designee, shall submit a quarterly report on the
29 status of the family division rule waiver database to the speaker of the house of representatives,
30 senate president, and the chairpersons of the house and senate judiciary committees and the
31 chairperson of the house committee on children and family law.

32 2 Effective Date. This act shall take effect January 1, 2023.

Amendment to HB 1265
- Page 2 -

2022-0619h

AMENDED ANALYSIS

This bill requires the circuit court family division to establish a family division rule waiver database containing all rule waivers granted in the family division courts.