

CHAPTER 163  
HB 426 – FINAL VERSION

6Mar2013... 0410h  
02/06/14 0165s

2014 SESSION

13-0573  
09/01

HOUSE BILL           **426**

AN ACT               relative to payment of costs and fees in guardianship cases.

SPONSORS:          Rep. Weber, Ches 1; Rep. Wall, Straf 6

COMMITTEE:        Judiciary

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AMENDED ANALYSIS

This bill establishes criteria for payment of certain fees and court costs in guardianship cases.

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                          Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fourteen*

AN ACT                   relative to payment of costs and fees in guardianship cases.

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

1           163:1 Guardianship Cases; Costs and Fees. RSA 464-A:43, I and II are repealed and reenacted  
2 to read as follows:

3           I. Except in cases in which the petitioner filed the petition in bad faith, the court costs,  
4 expenses, and fees for counsel for the proposed ward and any resource person shall be borne by the  
5 proposed ward. In cases in which the petitioner acted in bad faith, the petitioner shall bear all such  
6 costs, expenses, and fees of the proceeding. The court may allow for payment of the costs, expenses,  
7 and fees of counsel for the petitioner from the assets of the ward, provided:

8                   (a) The court has granted the petition to establish the guardianship;

9                   (b) The awarding of costs, expenses, and legal fees from the assets of the ward will not  
10 cause undue financial hardship to the ward; and

11                   (c) The costs, expenses, and legal fees incurred are reasonable and were necessary to  
12 protect the health, safety, welfare, or other personal; property, or financial interests of the ward or  
13 the ward's estate.

14           II. If the proposed ward is indigent, the costs, expenses, and legal fees for counsel for the  
15 proposed ward and any resource person incurred that are related to the petition for guardianship  
16 proceeding shall be borne by the state.

17           163:2 Effective Date. This act shall take effect January 1, 2015.

18 Approved: July 11, 2014

19 Effective Date: January 1, 2015