

HB 1265 - AS AMENDED BY THE HOUSE

10Mar2022... 0619h

2022 SESSION

22-2335

04/11

HOUSE BILL

1265

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

SPONSORS: Rep. Gay, Rock. 8; Rep. Stapleton, Sull. 5; Rep. Rung, Hills. 21; Rep. Harley, Rock. 20; Rep. Bernardy, Rock. 16; Rep. Greeson, Graf. 16; Rep. Langley, Hills. 8; Rep. Kofalt, Hills. 4; Rep. DiLorenzo, Rock. 17; Rep. Post, Hills. 4; Sen. Reagan, Dist 17

COMMITTEE: Children and Family Law

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.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 the waiver of rules in family court proceedings and requiring the establishment of a family division rule waiver database.

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

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

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

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

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

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

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

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

25 2 Effective Date. This act shall take effect January 1, 2023.