

# Bill as Introduced

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HB 609-FN - AS INTRODUCED

2011 SESSION

11-0574

09/01

HOUSE BILL

**609-FN**

AN ACT

establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.

SPONSORS:

Rep. G. Richardson, Merr 4; Sen. Houde, Dist 5; Sen. Morse, Dist 22

COMMITTEE:

Judiciary

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ANALYSIS

This bill establishes the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.

This bill was requested by the supreme court.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eleven*

AN ACT establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.

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

1 1 New Chapter; Circuit Court. Amend RSA by inserting after chapter 490-E the following new  
2 chapter:

3 CHAPTER 490-F  
4 CIRCUIT COURT

5 490-F:1 Purpose. The general court hereby organizes, constitutes, and establishes the  
6 New Hampshire circuit court. The goals of the circuit court are the respectful treatment of all  
7 individuals, the prompt and fair resolution of all issues within its jurisdiction, the use of alternative  
8 dispute resolution to reduce the adversarial nature of proceedings, the effective use of technology  
9 and the assignment of judicial and nonjudicial staff specially selected for their commitment to these  
10 goals.

11 490-F:2 Circuit Court; General. The circuit court shall be a court of record with statewide  
12 jurisdiction. Each circuit court location shall have the authority to hear all cases within the subject  
13 matter jurisdiction of the circuit court. Subject to part 1, article 17 of the New Hampshire  
14 constitution, nothing in this chapter shall prohibit the reassignment of cases within the circuit court  
15 as justice or efficiency require in the discretion of the administrative judge of the circuit court.

16 490-F:3 Circuit Court Divisions. The circuit court shall consist of 3 divisions: a probate  
17 division, a district division, and a family division. The circuit court shall have the jurisdiction,  
18 powers, and duties conferred upon the former probate and district courts and upon the former  
19 judicial branch family division by RSA 547, RSA 502-A, and RSA 490-D.

20 490-F:4 Circuit Court Locations. The judicial districts for the district and family divisions shall  
21 be as set forth in RSA 502-A:1 and RSA 490-D:4, respectively, and each county shall be a judicial  
22 district for the probate division. The supreme court may, from time to time, establish other locations  
23 for each of the divisions. The probate court records shall be maintained at the circuit court site at  
24 each county seat. The circuit courts shall be as follows:

- |    |                      |                |
|----|----------------------|----------------|
| 25 | I. Coos county       | first circuit  |
| 26 | II. Grafton county   | second circuit |
| 27 | III. Carroll county  | third circuit  |
| 28 | IV. Belknap county   | fourth circuit |
| 29 | V. Sullivan county   | fifth circuit  |
| 30 | VI. Merrimack county | sixth circuit  |

- 1 VII. Stafford county seventh circuit
- 2 VIII. Cheshire county eighth circuit
- 3 IX. Hillsborough county ninth circuit
- 4 X. Rockingham county tenth circuit

5 490-F:5 Circuit Court Judges and Masters; Appointment; Tenure.

6 I. On the effective date of this chapter, the circuit court shall consist of those justices and  
7 masters previously appointed and commissioned by the governor and council as prescribed by the  
8 constitution and the laws of the state of New Hampshire. The tenure of office of persons serving as  
9 justices or special justices of the district and probate courts or marital masters in the judicial branch  
10 family division and superior court shall not be affected hereby, and they shall continue in office as  
11 judges or masters respectively of the circuit court.

12 II. Judicial and master appointments to fill vacancies which exist on the effective date of  
13 this chapter in the former probate and district courts and in the former judicial branch family  
14 division shall be to the New Hampshire circuit court. No judicial officer appointed to the circuit  
15 court shall be appointed to a particular location; however, the assignment of a circuit court judge to a  
16 particular location shall be within the discretion of the administrative judge of the circuit court who  
17 shall take into account the weighted caseload and judicial need of that location.

18 490-F:6 Circuit Court Judges and Masters; Assignment; Certification.

19 I. Circuit court judges and masters shall be assigned to one or more circuits or locations in  
20 the discretion of the administrative judge of the circuit court after considering population, judicial  
21 time and efficiency, available judicial resources, and the needs of the public.

22 II. The assignment of a circuit court judge to a division within the circuit court shall be  
23 based upon the judge's knowledge of, commitment to, and expertise in the subject matter of the  
24 division.

25 III. For purposes of part 2, articles 80 and 81 of the New Hampshire constitution, a judge of  
26 probate shall be any circuit court judge assigned to the probate division.

27 IV. Judges and marital masters appointed prior to the effective date of this chapter shall be  
28 initially assigned within the circuit court as follows:

29 (a) Judges of the former probate court shall be initially assigned to the probate division  
30 of the circuit court;

31 (b) Judges of the former district court shall be initially assigned to the district division of  
32 the circuit court;

33 (c) Judges certified in the former family court division shall be initially assigned to the  
34 division that corresponds with their initial appointment and to the family division of the circuit  
35 court; and

36 (d) Masters appointed to the former judicial branch family division or superior court  
37 shall be permanently assigned to the family division of the circuit court.

1 V. The assignment of a circuit court judge to a division following initial assignment shall be  
2 within the discretion of the administrative judge; provided, however, the circuit court judge shall be  
3 certified by the supreme court to hear cases coming within the newly assigned division prior to such  
4 assignment. A judge initially assigned to a division within the circuit court pursuant to paragraph I  
5 shall be deemed certified in the division of initial assignment.

6 VI. Thereafter, judges appointed to the circuit court shall be assigned to a division at the  
7 discretion of the administrative judge subject to the following considerations:

8 (a) The knowledge, commitment to, and expertise of the judge in the subject matter of  
9 the particular division to which the judge is to be assigned;

10 (b) The division in which the judicial vacancy resulting in the new appointment exists,  
11 and

12 (c) The judicial needs of a particular circuit court location as determined by the  
13 administrative judge.

14 VII. Judges may be certified in all divisions of the circuit court pursuant to rules adopted by  
15 the supreme court.

16 VIII. Nothing in this section shall prohibit the administrative judge from assigning judges to  
17 a division as justice and efficiency require.

18 IX. The judges and masters shall be entitled to receive their actual personal expenses when  
19 absent from their assigned court in the performance of their official duties. The judges and masters  
20 shall not be reimbursed for mileage to commute from the judge's residence to his or her assigned  
21 court except for any mileage in excess of 50 miles each way.

22 490-F:7 Circuit Court Judges; Number.

23 I. Except as provided in paragraphs II and III, the number of judges and masters in the  
24 circuit court shall not be less than the number of authorized judicial and master positions in the  
25 former district court, probate court, and judicial branch family division, as well as any superior court  
26 judicial officer or marital master equivalent not yet transferred to the former judicial branch family  
27 division on the effective date of this chapter but necessary to complete the family division  
28 implementation as set forth in RSA 490-D.

29 II. Upon the retirement, resignation, disability, or removal of a part-time justice or special  
30 justice of the former probate or district courts, the position shall be eliminated, unless within 30 days  
31 of such retirement, resignation, disability, or removal the supreme court certifies in writing to the  
32 governor that due to population, caseload, and available judicial resources, the position needs to be  
33 continued in the circuit court.

34 III. Upon the retirement, resignation, disability, or nonrenewal of appointment of a marital  
35 master, the position shall be converted to a full-time judicial position, provided that the fiscal  
36 committee of the general court approves and further provided that sufficient funds have been  
37 appropriated for the salary and benefits of the full-time judicial position. Once converted to a full-

1 time judicial vacancy, the governor may nominate and the council may confirm any qualified person  
 2 pursuant to part 2, article 46 of the New Hampshire constitution. If the fiscal committee of the  
 3 general court does not approve, or if there are not sufficient funds available to fund the salary and  
 4 benefits of the full-time judicial position, the master position shall not be eliminated, and a new  
 5 master may be appointed pursuant to RSA 490-D:7.

6 IV. The supreme court, after reviewing population, caseload, judicial time, and efficiency,  
 7 available judicial resources, the needs of the circuit court, and other relevant criteria may request  
 8 the governor and council to designate a sitting part-time judge as a full-time judge. The court may  
 9 recommend certain judges; however, the governor and council shall not be bound by that  
 10 recommendation. Upon designation, that judge shall become full-time. Prior to making its request,  
 11 the supreme court shall receive the approval of the fiscal committee of the general court and there  
 12 shall be funds in the court's budget specifically appropriated for the salary and benefits of an  
 13 additional full-time circuit court judge.

14 490-F:8 Circuit Court Judges; Retired Judges.

15 I. Nothing in this chapter shall limit the ability of retired judges of the former district and  
 16 probate courts or of the circuit court to elect senior active status or to serve as a judicial referee  
 17 pursuant to RSA 493-A.

18 II. Judges who have elected senior active status, are eligible to elect senior active status, or  
 19 are eligible to serve as a judicial referee on the effective date of this chapter shall maintain such  
 20 eligibility.

21 II. The assignment and certification provisions of this chapter shall apply to senior active  
 22 judges and retired judges acting as judicial referees.

23 490-F:9 Disqualifications of Judges. No judge or clerk of the circuit court shall be retained or  
 24 employed as an attorney in any action, complaint, or proceeding pending in a division of the circuit  
 25 court or circuit court site in which that judge or clerk has been certified or assigned. No attorney  
 26 shall be permitted to practice before any division of the circuit court where any justice, associate  
 27 justice, or special justice is associated with such attorney in the practice of law.

28 490-F:10 Full-Time Circuit Court Judges. A circuit court judge designated to be full-time under  
 29 RSA 491-A:3, IV shall not be permitted to engage in the practice of law to any degree. Full-time  
 30 judges shall receive the salary specified in RSA 491-A:1.

31 490-F:11 Judicial Branch Budget Request. For the purpose of calculating the biennial budget  
 32 request and judicial salaries as well as the number of judicial positions required in the circuit court,  
 33 the supreme court shall establish and revise as needed a weighted case value, relating to the judicial  
 34 time required for each type of case included in the court's jurisdiction, which when multiplied by the  
 35 caseload of each court will produce the number of weighted case units for that court. Any revisions  
 36 to the weighted case values shall be approved by the fiscal committee of the general court. The  
 37 number of weighted case units shall be calculated by the administrative office of the courts in

1 October of each year, using caseload statistics for the preceding 12-month period. Said weighted  
2 case units shall serve as the basis for determining the salary of part-time judges for the next  
3 calendar year.

4 490-F:12 Part-Time Judges; Salary Calculation. The salary of judges who were part-time judges  
5 in the district and probate courts shall be calculated each year based on the weighted caseload of the  
6 former jurisdiction less any weighted values for case types that are no longer within the jurisdiction  
7 of the circuit court or judicial branch.

8 490-F:13 Circuit Court Clerks; Appointment. The administrative judge of the circuit court shall  
9 appoint a clerk with responsibility for each circuit court site. In the interest of the effective  
10 administration of justice, any such clerk may have responsibility for one or more circuit court  
11 locations. Circuit court clerks shall have the same duties as clerks of the former district court and  
12 judicial branch family division and as registers of probate with the exception of RSA 15-B, RSA 456-  
13 B, RSA 548, RSA 653, RSA 655, and RSA 661 which shall remain as duties of the registers of  
14 probate. Circuit court clerks shall hold office at the pleasure of the administrative judge of the  
15 circuit court.

16 490-F:14 Staff. The administrative judge of the circuit court shall identify a mechanism by  
17 which to assign and transfer existing staff in the probate and district courts and in the judicial  
18 branch family division to operate the circuit court. The number of circuit court staff shall be based  
19 upon a review of anticipated caseload, population, available staff resources, and other relevant  
20 criteria, including information from any weighted caseload system.

21 490-F:15 Referees. The circuit court, with the consent of the parties shall, and without the  
22 consent of the parties may, commit to one or more referees any cause at law or in equity, or the  
23 determination of any question of fact pending in the court wherein the parties are not, as matter of  
24 right, entitled to a trial by jury; and with the consent of the parties shall in the same manner commit  
25 any other cause or the determination of any other question of fact.

26 490-F:16 Alternative Dispute Resolution. Alternative dispute resolution shall be utilized in the  
27 circuit court when practicable to reduce the adversarial nature of proceedings.

28 490-F:17 Existing Procedure Applicable. All provisions of law, not inconsistent herewith,  
29 relating to procedure in civil or criminal matters and practice in the former probate and district  
30 courts and the former judicial branch family division shall remain in full force and apply to the  
31 circuit courts hereby established.

32 490-F:18 Statutory References. During the implementation of the circuit court, references in  
33 statutes involving the jurisdiction of the circuit court to the probate or district courts or to the  
34 judicial branch family division shall be deemed to include the circuit court. Following the full  
35 implementation of the circuit court, those references shall be deemed to be to the New Hampshire  
36 circuit court where it has exclusive jurisdiction of a subject matter and to the superior court and  
37 circuit court where the circuit court has concurrent jurisdiction with the superior court.

1 490-F:19 Implementation Plan. On the effective date of this chapter, the New Hampshire  
2 circuit court shall be operational based upon a plan of implementation developed by the  
3 administrative judge of the circuit court in consultation with the supreme court.

4 2 Family Division; Nominations and Appointments of Marital Masters. Amend RSA 490-D:7 to  
5 read as follows:

6 490-D:7 Nominations and Appointments of Marital Masters.

7 I. The administrative judge of the [~~judicial branch family division~~] *circuit court*  
8 *established in RSA 490-F*, with the concurrence of the supreme court, shall recommend persons to  
9 the governor and council for initial appointment as marital masters. In recommending candidates  
10 for initial appointment as marital masters under this chapter, the division shall utilize the  
11 procedures and standards described in the rules of the judicial branch family division, except as  
12 otherwise provided in this chapter.

13 II. For appointments of new marital masters, the administrative judge of the [~~judicial~~  
14 ~~branch family division~~] *circuit court*, with the concurrence of the supreme court, shall submit to the  
15 governor the name of a nominee. The governor may accept the candidate nominated by the  
16 administrative judge and submit the candidate to the council for confirmation or may reject the  
17 candidate submitted by the administrative judge, and request a new nominee. If the council rejects  
18 a candidate for confirmation, the governor shall request a new nominee.

19 III. Marital masters shall serve an initial term of 3 years. Subsequent reappointments shall  
20 be made in accordance with judicial branch family division rules. During appointment terms, the  
21 authority and responsibility to conduct annual performance reviews, and termination, if necessary,  
22 shall be with the administrative judge of the [~~judicial branch family division~~] *circuit court*.

23 3 Judicial Branch Family Division Clerks, Fees. Amend RSA 490-D:12, II and III to read as  
24 follows:

25 II. Fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of  
26 the [~~judicial branch family division~~] *applicable circuit court established in RSA 490-F* for the  
27 benefit of the state. The clerk shall set aside 7 percent of each entry fee paid into the court for  
28 deposit into a special escrow account established under RSA 490:26-c and 14 percent of each entry  
29 fee paid into the court for deposit into the judicial branch information technology fund established  
30 under RSA 490:26-h. The proceeds of fees for motions to appear in court pro hac vice shall be paid  
31 into the law library revolving fund established in RSA 490:25, III.

32 III. The sum of \$5 shall be added to each entry fee collected [~~in the judicial branch family~~  
33 ~~division~~] *by the circuit court clerk* on cases which, prior to the establishment of the judicial branch  
34 family division, would have been filed in the probate court. Sums collected under this paragraph  
35 shall be deposited in the mediation and arbitration fund established under RSA 490-E:4.

36 4 Sessions in Towns Within District. Amend RSA 502-A:2, II to read as follows:



1 II. The administrative judge of the [~~district courts~~] *circuit court established in RSA 490-*  
 2 *F* shall have the authority to and shall, on an annual basis, establish the number of court sessions  
 3 and the hours and days of operation required for each district court. The administrative judge shall  
 4 consider the convenience of each court's users, caseload, resources, and security. Each court shall  
 5 submit a plan for flexible scheduling to the administrative judge that meets the needs of the  
 6 community served by that court which may include evening, early morning, and/or weekend sessions  
 7 and other alternative sessions. In evaluating the community need for alternative sessions, the  
 8 administrative judge and local courts shall evaluate separately civil suits, small claims, order of  
 9 notice, motor vehicle matters, and criminal cases to determine the needs of the community. [~~The~~  
 10 ~~administrative judge shall file an annual report on the progress of implementing flexible schedules~~  
 11 ~~in the district courts with the chairpersons of the house and senate judiciary committees on or before~~  
 12 ~~November 1 of 2000, 2001, 2002, and 2003.~~]

13 5 Duties of Clerks; Disposition of Fines. Amend RSA 502-A:8 to read as follows:

14 502-A:8 Duties of Clerks; Disposition of Fines.

15 I. The clerk of the *applicable circuit court established in RSA 490-F* shall receive all  
 16 fines and forfeitures paid into the district court from any source. The clerk of any district court may  
 17 accept payment of the fine by credit card in lieu of cash payment. Any transaction costs assessed by  
 18 the issuer of the credit card shall be paid out of the portion of the fine amount which is deposited  
 19 with the treasurer and not out of the penalty assessment charged by a district court. The clerk shall  
 20 forward fines collected for violations of title XXI to the treasurer for deposit in the highway fund and  
 21 fines collected for violations of title LXII and all other statutes to the treasurer for deposit in the  
 22 general fund within 14 days. The clerk shall separately indicate which fines were for violations of  
 23 title XXI. Fines and forfeitures collected by the clerk for violations of municipal ordinances, codes, or  
 24 regulations, except those adopted pursuant to RSA 31:39, I(g); RSA 41:11; RSA 47:17, IV, VI, VII, or  
 25 VIII; and RSA 105:6 through RSA 105:7, shall be remitted monthly to the treasurer of the  
 26 municipality prosecuting said violations, for the use of the municipality. All expenses related to the  
 27 processing of parking violations and the administrative collection of parking fines shall be the  
 28 responsibility of the local unit of government, and all fines collected shall be retained in their  
 29 entirety by the local unit of government.

30 II. *Nothing in this section shall prevent the court from transferring the collection*  
 31 *of fines to a centralized location. Any fines collected by the central location shall be*  
 32 *distributed as indicated in paragraph I. References to duties and responsibilities of clerks*  
 33 *contained in paragraph I shall be deemed to include the central fine collection center as*  
 34 *appropriate.*

35 6 Criminal Cases; District Courts. Amend RSA 502-A:11 to read as follows:

36 502-A:11 Criminal Cases, District Courts. Each district court shall have the powers of a justice  
 37 of the peace and quorum throughout the state and shall have original jurisdiction, subject to appeal,

1 of all crimes and offenses committed within the confines of the district in which such court is located  
 2 which are punishable by a fine not exceeding \$2,000 or imprisonment not exceeding one year, or  
 3 both, including all violations of the provisions of RSA 266:16 and 266:25 pertaining to vehicles  
 4 exceeding permitted size or weight, regardless of whether the defendant is a natural person or any  
 5 other person[; provided, however, that any town which may vote to continue its municipal court in  
 6 accordance with the provisions of RSA 502-A:35 shall have exclusive jurisdiction over offenses  
 7 committed within the confines of that town, in accordance with the provisions of RSA 502:18, until  
 8 such municipal court is subsequently abolished under the provisions of RSA 502-A:35].

9 7 Jury Trial. Amend RSA 502-A:15 to read as follows:

10 502-A:15 Jury Trial.

11 [~~I.~~] In cases in which the damages claimed exceed \$1,500 or the title to real estate is  
 12 involved, if the defendant, upon the entry of any action for damages under RSA 502-A:14, II or II-a,  
 13 within 7 days of the return date of the action or within such additional time as the district court for  
 14 good cause may allow, files a written request for trial by jury, the cause shall be at once transferred  
 15 to the superior court [~~or to the regional jury trial district court, as provided in paragraph II,~~] for the  
 16 county or judicial region in which the court is located, to be heard and tried as if originally entered in  
 17 the transferee court. The original entry fee and cost of transferring the action shall be paid by the  
 18 moving party but shall be recoverable as costs if the moving party prevails in the action. If, after  
 19 transfer for trial by jury, the moving party waives the right to jury trial, the cause shall at once be  
 20 remanded to the district court of original jurisdiction.

21 [~~II. The supreme court shall have the same authority to designate regional jury trial district~~  
 22 ~~courts to hear and determine civil causes as under RSA 502-A:12-a. In any region so designated, the~~  
 23 ~~case to be transferred shall be transferred to the regional jury trial district court and heard and tried~~  
 24 ~~as if originally entered there. Questions of law may be appealed therefrom to the supreme court.]~~

25 8 District Court Fees. Amend RSA 502-A:28, I to read as follows:

26 I. Fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of  
 27 each [~~district~~] **applicable circuit court established in RSA 490-F** for the benefit of the state.

28 9 Other Fees. Amend RSA 502-A:29 to read as follows:

29 502-A:29 Other Fees. For other certificates or papers which he *or she* is authorized to make or  
 30 certify, the clerk of a [~~district~~] **circuit court** shall receive the same fees as a clerk of the superior  
 31 court.

32 10 Probate Court Fees. Amend RSA 490:27, I to read as follows:

33 I. Probate court fees as established by the supreme court under RSA 490:26-a shall be paid  
 34 to the [~~register~~] **clerk of the applicable circuit court established in RSA 490-F** for the benefit of  
 35 the state.

36 11 Seal. RSA 547:1 is repealed and reenacted to read as follows:

1       547:1 Seal. The court of probate is a court of record for all purposes, and each probate court  
2 shall be provided with a seal bearing upon its face the name of the court and the name of this state.

3       12 Transfer to Superior Court. RSA 547:11-d is repealed and reenacted to read as follows:

4       547:11-d Transfer to Superior Court. In cases where a right to jury trial is guaranteed by the  
5 constitution or granted by statute, a plaintiff desiring a jury trial shall file the action in the superior  
6 court, and filing the action in the probate court where there is concurrent jurisdiction shall  
7 constitute a waiver of a jury trial by the plaintiff. If the defendant desires a jury trial, the defendant  
8 shall indicate the request for a jury trial at the time of the defendant's initial pleading with the  
9 court. Failure to timely request a jury trial shall constitute a waiver by the defendant thereof. If a  
10 jury trial is requested by the defendant, the matter shall be transferred to the superior court.

11       13 New Sections; Dockets and Index; Records; Probate Court Entry Fees. Amend RSA 547 by  
12 inserting after section 27 the following new sections:

13       547:27-a Docket and Index. The probate court shall keep a docket of all cases and matters, and  
14 an index thereto which shall be open to public inspection at all reasonable times.

15       547:27-b Records.

16       I. The probate court shall appropriately retain all wills and their probate; all proceedings  
17 with regard to real estate; all accounts settled, and all orders, decisions and appointments from  
18 which an appeal may be claimed.

19       II. The probate court, subject to the approval of the supreme court, shall establish and  
20 implement retention and destruction schedules for those original files, papers and records in cases  
21 and matters disposed of by the court.

22       547:27-c Probate Court Entry Fees.

23       I. Entry fees as established by the supreme court under RSA 490:26-a shall be paid to the  
24 clerk of each applicable circuit court established in RSA 490-F for the benefit of the state.

25       II. The clerk shall set aside 7 percent of each entry fee paid into the court for deposit into a  
26 special escrow account established under RSA 490:26-c and 14 percent of each entry fee paid into the  
27 court for deposit into the judicial branch information technology fund established under RSA 490:26-  
28 h. The proceeds of fees for motions to appear in court pro hac vice shall be paid into the law library  
29 revolving fund established in RSA 490:25, III.

30       14 Residence. Amend RSA 548:1 to read as follows:

31       548:1 Residence, etc. The register of probate shall dwell in the county in which the probate  
32 records are required to be kept, ~~and shall be present at the probate office on all days when that~~  
33 ~~office shall be required to be kept open or, in lieu of such presence, shall employ a competent clerk~~  
34 ~~who shall dwell in said county and shall be present in the place of the register]. If a register shall~~  
35 dwell in any other county and continue so dwelling for 30 consecutive days, the office shall be  
36 deemed vacant.

37       15 Preservation of Files. RSA 548:5 is repealed and reenacted to read as follows:

1 548:5 Preservation of Files. The register of probate shall be responsible for coordinating with  
2 the administrative judge of the circuit court established in RSA 490-F the preservation of any closed  
3 files having the potential for historical significance. The register may recommend that these files be  
4 given to any public historical society or corporation organized for the preservation of historical  
5 documents, or be sent to the records center established under RSA 5.

6 16 Salaries. Amend RSA 548:17 to read as follows:

7 548:17 Salaries. The annual salaries of the registers of probate shall be established by the  
8 supreme court in accordance with the compensation system established by the supreme court. [~~The  
9 register shall set the salary of the deputy register and all nonjudicial court support staff being  
10 directly supervised by the register consistent with the personnel procedures and compensation  
11 system established by the supreme court.~~]

12 17 Acting as Counsel. Amend RSA 548:24 to read as follows:

13 548:24 Counsel Acting As. [~~He~~] *The register* shall not act as counsel or advocate in any  
14 proceeding in, or to be brought into, the *probate* court of which [~~he is~~] *the register was elected*, nor  
15 receive any fee for such service.

16 18 Acting as Appraiser. Amend RSA 548:25 to read as follows:

17 548:25 Appraiser, or Commissioner, Acting As. [~~He~~] *The register* shall not be appointed nor act  
18 as appraiser or commissioner on any estate under administration in the *probate* court of *the county*  
19 *in which* [~~he is~~] *the register was elected*.

20 19 Publication of Notice in Newspaper or Electronic Media. RSA 550:10 is repealed and  
21 reenacted to read as follows:

22 550:10 Publication of Notice in Newspaper or Electronic Media.

23 I. Notwithstanding any other provision of law, whenever notice is required to be published  
24 by the probate court, the clerk of the applicable circuit court established in RSA 490-F shall cause  
25 such notice to be published 2 weeks successively in a newspaper which circulates in the town or city  
26 in which the person whose estate is involved last resided, or in the county whose court has  
27 jurisdiction, or shall cause such notice to be made available to the public by electronic media for no  
28 less than 2 weeks, or otherwise as ordered by the judge.

29 II. The clerk may select the newspaper or electronic media for publication, provided only  
30 that it is a newspaper or electronic media in the English language, unless the judge shall otherwise  
31 order. The clerk may publish a notice in a newspaper or electronic media in other than the English  
32 language, provided that the same notice is published in the English language at the same time. If in  
33 a newspaper, the first such publication shall be at least 2 weeks before the day or thing of which  
34 notice is given and the second publication shall be at least 7 days before the day or thing of which  
35 notice is given, unless otherwise ordered by the judge. If published by electronic media, such  
36 publication shall commence no later than 2 weeks before the day or thing of which notice is given,  
37 unless otherwise ordered by the judge.

1           III. The clerk may publish in one notice the necessary information pertaining to more than  
2 one estate, provided, however, that each separate subject matter such as the appointment of a  
3 fiduciary, a hearing on an account, a hearing on a license to sell real estate, or any other designated  
4 subject matter shall have a specific designation within each such notice.

5           IV. Prior to such publication, the fiduciary of the estate concerned shall advance and pay to  
6 the clerk the cost of such publication as determined by the clerk, and a fee to the clerk as established  
7 by the supreme court under RSA 490:27. The fiduciary shall be allowed said sums so paid to the  
8 clerk in the account.

9           20 New Section; Record of Decedent's Real Estate. Amend RSA 554 by inserting after section 14  
10 the following new section:

11           554:14-a Record of Decedent's Real Estate. Whenever it appears from the inventory or any  
12 other instrument pertaining to real estate filed with the court in connection with the administration  
13 of any estate that the estate contains real estate located in another county within the state, the court  
14 shall notify, within 15 days, the register of deeds of the county in which the real estate lies of the  
15 name and date of death of the decedent. A register of deeds who receives such a notice shall record  
16 in the grantor's index of the register's office the name of the decedent, the decedent's date of death,  
17 and the county in which the estate is being probated. The cost for filing said notice shall be assigned  
18 to the estate.

19           21 New Section; Notice to Fiduciaries. Amend RSA 554 by inserting after section 26 the  
20 following new section:

21           554:26-a Notice to Fiduciaries.

22           I. A fiduciary appointed by the probate court shall file, as required by law, an inventory  
23 within 90 days after the date of appointment, or an account of administration within one year after  
24 the date of appointment. If a fiduciary fails to file an inventory within 30 days after the required  
25 filing date, or an account of administration within 90 days after the required filing date, the  
26 fiduciary is in default. The clerk of the applicable circuit court established in RSA 490-F shall give  
27 notice of the default to the fiduciary by first class mail within 10 days after the default. In the case  
28 of any inventory, account, annual report, statement of voluntary administration, or waiver of  
29 administration affidavit, the fiduciary shall either file the inventory, account, annual report,  
30 statement of voluntary administration, or waiver of administration affidavit, or show good cause for  
31 the failure to file, within 30 days after notice of the default from the clerk. If the fiduciary fails to  
32 file or to show good cause, the judge of probate shall issue a citation to the fiduciary to appear before  
33 the judge pursuant to RSA 550:2. The fiduciary shall pay default and citation fees as established by  
34 the supreme court under RSA 490:26-a to the clerk, pursuant to RSA 490:27. The requirements of  
35 this section shall apply to fiduciaries previously appointed as the judges of probate may prescribe by  
36 rules adopted pursuant to RSA 547:33.

1 II. The clerk shall contemporaneously with the issuance of any citation pursuant to  
2 paragraph I and RSA 550:2 send a copy of such citation by first class mail to the following:

3 (a) Any surety for the fiduciary;

4 (b) Any person who has filed an appearance; and

5 (c) Any residuary beneficiary, and the director of charitable trusts in cases involving  
6 charitable dispositions and trusts.

7 22 Name Change. Amend the following RSA provisions by replacing “register of probate” and  
8 “register” with “clerk:” 5-C:32, 7:29, 21-J:14, 87:21, 87:22, 87:26, 135-C:38, 170-B:16 170-B:22, 171-  
9 B:6, 401:1, 457:28-b, 464-A:12, 464-A:20, 464-A:26, 464-A:28, 464-A:33, 464-A:35, 464-A:36, 505:11,  
10 553:25, 553:32, 554:1, 561:19, 564:4, 564:12, 568:30, 568:35, and 568:54.

11 23 Waiver in Lieu of Court Appearance; Default. Amend RSA 262:44 to read as follows:

12 262:44 Waiver in Lieu of Court Appearance; Default. Any person charged with a violation of the  
13 provisions of title XXI on vehicles, excluding a violation of **RSA 263:1**, RSA 263:1-a, RSA 265:79,  
14 RSA 265-A:2, RSA 265-A:3, RSA 265:115, RSA 265:117, a speeding offense under RSA 265:60 for  
15 which the defendant must appear in court, and any offense which is a misdemeanor or felony, may  
16 plead guilty, nolo contendere, or not guilty by mail in the following manner:

17 I. Such defendant shall receive, in addition to the summons, a uniform fine schedule entitled  
18 “Notice of Fine, Division of Motor Vehicles” which shall contain the normal fines for violations of the  
19 provisions of title XXI on vehicles for which a plea may be entered by mail. The defendant shall be  
20 given a notice of fine indicating the amount of the fine plus penalty assessment at the time the  
21 summons is issued; except if, for cause, the summoning authority wishes the defendant to appear  
22 personally *at the bureau of hearings or, in those cases in which the offense is related to a*  
23 *case outside the jurisdiction of the bureau, in court.* Defendants summoned to appear  
24 personally shall do so on the [arraignment] date specified in the summons, unless otherwise ordered  
25 by the court *or bureau based upon the designated location of the personal appearance.*  
26 Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo  
27 contendere shall enter their plea on the summons and return it with payment of the fine plus  
28 penalty assessment to the director of the division of motor vehicles within 30 days of the date of the  
29 summons. The director of the division of motor vehicles may accept payment of the fine by credit  
30 card in lieu of cash payment. Any transaction costs assessed by the issuer of the credit card shall be  
31 paid out of the portion of the fine amount which is credited as agency income and not out of the  
32 penalty assessment [~~charged by the district court~~]. The director of the division of motor vehicles  
33 shall remit the penalty assessments collected to the police standards and training council for deposit  
34 in the police standards and training council training fund and to the state treasurer to be credited  
35 and continually appropriated to the victims’ assistance fund and the judicial branch information  
36 technology fund in the percentages and manner prescribed in RSA 188-F:31. Fines shall be paid

1 over to the state treasurer, and shall be credited as agency income by the department of safety  
2 within 14 days of their receipt.

3 II. If the defendant wishes to enter a not guilty plea, he shall enter such plea on the  
4 summons and return it to the division of motor vehicles within 30 days of the date of the summons.  
5 The division shall transmit the plea to the [~~appropriate court and the court shall~~] *bureau of*  
6 *hearings* to schedule a trial. *If the offense is related to a case outside the jurisdiction of the*  
7 *bureau, the division shall transmit the plea to the appropriate court and the court shall*  
8 *schedule a trial.* [~~Upon the conclusion of the trial, the court shall transmit the result of the trial to~~  
9 ~~the division for division records.~~] *A hearings examiner shall conduct the trial according to the*  
10 *Saf-C 200 rules. The commissioner of the department of safety shall adopt rules, pursuant*  
11 *to RSA 541-A, relative to duties for the conduct of such trials.*

12 III.(a) Whenever a defendant:

13 (1) Does not enter a plea-by-mail with the director of the division of motor vehicles  
14 within 30 days of the date of the summons or, if required to appear in court *or at the bureau*  
15 personally, does not appear personally or by counsel at the court *or bureau* on or before the  
16 required date or move for a continuance; or

17 (2) Fails to pay a fine or other penalty in connection with a conviction of a title XXI  
18 offense or payment of such fine or other penalty is uncollectible or unacceptable pursuant to  
19 RSA 6:11-a, the defendant shall be defaulted. In cases where the defendant has failed to enter a  
20 plea-by-mail with the director, the director of designee shall determine what the fine would be upon  
21 a plea of guilty or nolo contendere and shall impose an administrative processing fee in addition to  
22 the fine and penalty assessment. In cases where the defendant has defaulted on a court obligation,  
23 the court shall determine what the fine would be upon a plea of guilty or nolo contendere and shall  
24 impose an administrative processing fee in addition to the fine and penalty assessment. In any case,  
25 the defendant's driving privileges shall be suspended as provided in RSA 263:56-a.

26 (b) Whenever a defendant otherwise fails to appear for a scheduled *trial or other*  
27 *hearing related to an offense within the jurisdiction of the department or a scheduled* court  
28 appearance in connection with a summons for any violation level offense [~~for which a defendant may~~  
29 ~~plea-by-mail~~], the court *or bureau* shall proceed to hear the state's evidence, by offer of proof or  
30 otherwise, and enter a finding in accordance therewith. If a finding of guilty is made, the court *or*  
31 *bureau* shall set the fine, and the clerk, *director, or designee* shall mail or deliver to the  
32 defendant's last known address a notice of finding and imposition of fine form approved by the  
33 administrative justice of the [~~district~~] *circuit* court, appointed under supreme court rule. Payment  
34 in full shall be required within 30 days from the date of the notice. Any defendant who fails to make  
35 the payment shall be subject to the provisions of RSA 262:44, III(a)(1)-(2). No finding made by the  
36 court shall be set aside except for cause.

1 (c) In defaulted court cases for violations of title XXI, the court shall notify the director  
 2 of the division of motor vehicles of the defendant's default, and the amounts of the fine and other  
 3 penalties, on a form prescribed by the director or by electronic means. The amount of the  
 4 administrative processing fee shall be [~~determined by the New Hampshire supreme court in~~  
 5 ~~accordance with the provisions of RSA 502-A:19-b, V~~] **changed only by statute** and shall be  
 6 retained by the court for the benefit of the state in those cases in which the fee is assessed by the  
 7 court. In other cases, the fee shall be retained by the department of safety for the benefit of the  
 8 state.

9 IV. The court may, in its discretion, issue a bench warrant for the arrest of any defendant  
 10 who:

11 (a) Has defaulted as provided in RSA 262:44, III; or

12 (b) Fails to pay a fine or other penalty imposed in connection with a conviction of any  
 13 offense which a court has determined the defendant is able to pay, or payment of a fine or other  
 14 penalty is uncollectible or unacceptable, pursuant to RSA 6:11-a; or

15 (c) Fails to comply with a similar court order of the director or a court on any matter  
 16 within the director's or court's jurisdiction.

17 V. For cause, the court *or bureau* in its discretion may refuse to accept a plea by mail and  
 18 may impose a fine other than that prescribed by the uniform fine schedule. The court may order the  
 19 defendant to appear personally in court for the disposition of the case.

20 VI. The uniform fine schedule referred to in paragraph I shall be [~~developed pursuant to~~  
 21 ~~RSA 502-A:19-b, V~~] **changed only by statute**.

22 VII. The commissioner of the department of safety shall adopt rules, pursuant to RSA 541-A,  
 23 relative to the forms and procedures required for the division of motor vehicles and department of  
 24 safety to carry out their duties and responsibilities under this section.

25 VIII. The commissioner of the department of safety shall make an annual report to the  
 26 legislative fiscal committee on fines and fines in default, paid and unpaid, for each year beginning  
 27 with 1993.

28 24 New Section; Appeal. Amend RSA 262 by inserting after section 44 the following new  
 29 section:

30 262:44-a Appeal.

31 I. Any person aggrieved by a decision of the department under 262:44, after the  
 32 administrative trial or review, may appeal the decision as provided in this section.

33 II. After a guilty finding, a person shall have the right to file a petition in the circuit court in  
 34 the jurisdiction in which he or she was cited to review the final order by the director or the director's  
 35 authorized agent within 30 days of the date of the final order. Jurisdiction to hear such appeals is  
 36 vested in the circuit court.



1 III. At the earliest practical time, the court shall review the record as developed before the  
 2 director or authorized agent, together with any written legal argument presented to the court.  
 3 Based on that review, the court may affirm or reverse the decision of the director or agent or order  
 4 that oral argument be held. As justice may require, the court may remand the case to the director or  
 5 authorized agent for further findings or rulings. The petition for appeal shall set forth all the  
 6 grounds upon which the final order is sought to be overturned. Issues not raised by the appellant  
 7 before the director or agent shall not be raised before the circuit court. The burden of proof shall be  
 8 upon the appellant to show that the decision of the director or agent was clearly unreasonable or  
 9 unlawful, and all findings of the director or agent upon all questions of fact properly before him or  
 10 her shall be deemed to be prima facie lawful and reasonable. The order or decision appealed from  
 11 shall not be set aside or vacated except for errors of law, unless the court is satisfied, by a clear  
 12 preponderance of the evidence before it, that the order is unjust or unreasonable.

13 IV. No new or additional evidence shall be introduced in the circuit court, but the case shall  
 14 be determined upon the record and evidence transferred, except that in any case, if it shall be  
 15 necessary in order that no party shall be deprived of any constitutional right, or if the court shall be  
 16 of the opinion that justice requires the reception of evidence of facts which have occurred since the  
 17 hearing, or which by reason of accident, mistake, or misfortune could not have been offered before  
 18 the director or authorized agent, it shall remand the case to the director or authorized agent to  
 19 receive and consider such additional evidence.

20 25 New Subparagraph; Department of Safety; General Functions. Amend RSA 21-P:2, II by  
 21 inserting after subparagraph (i) the following new subparagraph:

22 (j) Conducting motor vehicle trials for non-must appear (plea by mail) motor vehicle  
 23 violations.

24 26 New Paragraph; Department of Safety; Bureau of Hearings. Amend RSA 21-P:13 by  
 25 inserting after paragraph II the following new paragraph:

26 III. The bureau of hearings shall conduct motor vehicle trials for non-must appear (plea by  
 27 mail) motor vehicle violations.

28 27 New Paragraph; Rulemaking; Commissioner of Safety. Amend RSA 21-P:14 by inserting  
 29 after paragraph IX the following new paragraph:

30 X. The commissioner of safety shall adopt rules, pursuant to RSA 541-a, for conducting  
 31 motor vehicle trials for non-must appear (plea by mail) motor vehicle violations. Such trails may be  
 32 conducted based on hearsay evidence and by video teleconference. The burden of proof shall be by  
 33 the preponderance of the evidence.

34 28 Suspension for Nonpayment of Fines. Amend RSA 263:56-a to read as follows:

35 263:56-a Suspension or Revocation for Default, Noncompliance, or Nonpayment of Fine.

36 I. Whenever any defendant:

1 (a) Defaults on an arraignment or other scheduled court appearance in connection with a  
2 charge or conviction of any offense, or

3 (b) Fails to pay a fine or other penalty imposed in connection with a conviction of any  
4 offense which a court *or the bureau of hearings* has determined he is able to pay, or issues a bad  
5 check in payment of a fine or other penalty; or

6 (c) Fails to comply with a similar order of the director or a court *or the bureau of*  
7 *hearings* on any matter within the director's or court's *or bureau's* jurisdiction, his driver's license  
8 or resident or nonresident driving privilege and in any motor vehicle case or related case the resident  
9 plates and motor vehicle registration shall be suspended or revoked only upon written consent of the  
10 director, effective 30 days after such default or failure, except as provided in subparagraph I(d) of  
11 this section.

12 (d) If a defendant receives a summons in hand from a law enforcement officer, no further  
13 notification to such defendant is required before the suspension of his driving privileges occurs as  
14 provided in subparagraph I(c). If a defendant receives a summons in any manner other than in hand  
15 by a law enforcement officer, the court or director, as applicable, shall notify such defendant by  
16 certified mail at his last known address that his driving privileges shall be suspended 30 days after  
17 the mailing of such notification.

18 (e) Is a sexual offender as defined in RSA 651-B:1, IV or an offender against children as  
19 defined in RSA 651-B:1, VI, and fails to comply with the registration requirements under RSA 651-B,  
20 and where the failure to comply persists for more than 30 days, the offender's driver's license or  
21 resident or nonresident driving privileges shall be suspended or revoked by the director under this  
22 section, provided, that the department shall first attempt to notify the offender in person, or by first  
23 class mail, return receipt requested, sent to the offender's last known address, that he or she is in  
24 violation of the registration requirements and that his or her driving privileges will be suspended or  
25 revoked if he or she fails to comply with the registration requirements within 15 days of the  
26 department's attempted notice of noncompliance.

27 I-a. The department shall cause written notice to be sent to any driver licensed by or person  
28 whose vehicle is registered by the state of New Hampshire who defaults as otherwise provided in  
29 this section on an appearance, summons, or court order issued in this state. Any person who  
30 defaults as provided in subparagraph I(c) shall be required to produce proof of satisfaction of the  
31 default either in hand or through the court to the department.

32 II.(a) If such defendant fails to appear, pay the fine or comply with an order within the  
33 applicable period, as provided in subparagraph I(c) or (d) of this section, or fails to demonstrate that  
34 the defendant is financially unable to pay the fine or to comply with the order within the applicable  
35 period, the director shall suspend such defendant's driver's license or resident or nonresident driving  
36 privilege effective from the applicable date for an indefinite period and mark the defendant's files  
37 accordingly.

1 (b) The director shall purge the record of violations in default, related suspensions, and  
 2 all fees and fines assessed against these defaults and suspensions under this section that have been  
 3 on file for more than 7 years; provided, however, that the director shall not purge such records for a  
 4 violation of RSA 265:79, RSA 265-A:2, I, RSA 265-A:3, RSA 265:115, RSA 265:117, and any offense  
 5 which is a misdemeanor or felony during the defendant's lifetime until the defendant's driver's  
 6 license or driving privilege is reinstated. All courts shall notify the director of any such failure on a  
 7 form prescribed by the director.

8 (c) The director shall report the names of all persons whose driver's licenses and driving  
 9 privileges are suspended under this section to the National Driver Register administered by the  
 10 National Highway Traffic Safety Administration.

11 (d) The director may report the names of all persons whose driver's licenses and driving  
 12 privileges are suspended under this section, due to nonpayment, to a consumer reporting agency as  
 13 defined in RSA 359-B:3.

14 III. Except as provided in paragraph IV, the license or driving privilege of any defendant  
 15 whose license or privilege has been suspended pursuant to paragraph II shall be reinstated upon:

16 (a) Payment to the director of a fee of \$100, which shall be in lieu of any other  
 17 reinstatement fee and shall be deposited into the highway fund pursuant to RSA 260:23 and RSA  
 18 6:12, I(b)(5), provided, however, that in the event of a license suspension under RSA 263:14, a fee of  
 19 \$50 shall be paid to the director in lieu of the reinstatement fee under RSA 263:42, V and shall be  
 20 deposited into the highway fund pursuant to RSA 260:23 and RSA 6:12, I(b)(5); and

21 (b) Appearance by such defendant, payment of his fine, or compliance with the order of  
 22 the director *or bureau of hearings*, as applicable, or upon demonstration that such defendant is  
 23 financially unable to pay the fine or to comply with the order. Any court *or the bureau* which has  
 24 ordered a suspension or revocation pursuant to paragraph II shall vacate the order and so notify the  
 25 director and the affected defendant immediately after such defendant has appeared or paid his fine,  
 26 as applicable, or has demonstrated that he is financially unable to pay the fine or to comply with the  
 27 order.

28 IV. No license or driving privilege or plates suspended or revoked under this section shall be  
 29 reinstated before the expiration of any other period of suspension or revocation in effect.

30 V. Nothing shall prevent any person affected by this section from obtaining a prompt review  
 31 or hearing, upon showing just cause, before either the court or director *or the bureau of hearings*  
 32 for appropriate relief.

33 VI. The provisions of this section shall be the primary sanction for defendants who fail to  
 34 appear, pay a fine, or other penalty or comply with an order of the director or a court *or the bureau*  
 35 *of hearings*, but shall not exclude other provisions of law relative to sanctions for defendants who  
 36 fail to appear, pay a fine, or other penalty or comply with an order of the director or a court *or the*  
 37 *bureau*.

1 VII. Notwithstanding any other provision of law, upon application, the commissioner may,  
 2 as justice may require, waive the driver's license suspension of any New Hampshire resident whose  
 3 license or driving privileges have been suspended in this state or another state for a default on a  
 4 non-drug or alcohol-related offense, where the default is more than 5 years old. This paragraph shall  
 5 not apply to offenses which are misdemeanors or felonies.

6 29 Suspension by Justice for Cause. Amend RSA 263:57 to read as follows:

7 263:57 Suspension by Justice for Cause.

8 I. Any justice of a district or municipal court or of the superior court *or the bureau of*  
 9 *hearings* may suspend any license issued to any person, for a period not to exceed 30 days, after a  
 10 conviction of an offense under the provisions of this title, after due hearing, for any cause which he  
 11 may deem sufficient.

12 II. The court *or the bureau of hearings* may also suspend any license issued to any person  
 13 under the circumstances prescribed in, and in accordance with, RSA 634:2, VII.

14 30 Records; Reports. Amend RSA 263:60 to read as follows:

15 263:60 Records; Reports. A full record shall be kept by every court or justice *or the bureau or*  
 16 *hearings examiner* in this state of every case in which a person is charged with a violation of any  
 17 of the provisions of any law relative to motor vehicles, and an abstract of the record in cases of  
 18 conviction shall be sent within 7 days by the court or justice *or the bureau or hearings examiner*  
 19 to the department. Said abstracts shall be made upon forms prepared under authority of the  
 20 director and shall include all necessary information as to the parties to the case, the nature and date  
 21 of the offense, the date of the hearing, the plea and the judgment, and shall be certified by the clerk  
 22 of the court or by the justice *or the bureau or hearings examiner*. The department shall keep  
 23 such records in its office, and they shall be open to the inspection of any person.

24 31 Flagrant Cases. Amend RSA 263:61 to read as follows:

25 263:61 Flagrant Cases. Every court or justice *or hearings examiner* in this state shall  
 26 furnish to the director the details of any particularly flagrant cases which may be heard before said  
 27 court or justice *or hearings examiner*, upon said court or justice's *or hearing examiner's* own  
 28 initiative, or upon the request of the director or his agents. Said court or justice *or hearings*  
 29 *examiner* may make such recommendations as to the suspension or revocation of the licenses and  
 30 certificates of registration of the defendants in such cases as the court or justice *or hearings*  
 31 *examiner* shall determine.

32 32 Reference Change. Amend RSA 31:39-d, IV to read as follows:

33 IV. Civil penalties collected by the district court under this section shall be remitted to the  
 34 municipality issuing the citation. Whenever a defendant (a) does not enter a plea by mail prior to  
 35 the arraignment day and does not appear personally or by counsel on or before that date or move for  
 36 a continuance; or (b) otherwise fails to appear for a scheduled court appearance in connection with a  
 37 summons for any offense, the defendant shall be defaulted and the court shall determine what the

1 civil penalty would be upon a plea of guilty or nolo contendere and shall impose an administrative  
2 processing fee in addition to the civil penalty. Such fee shall be the same as the administrative  
3 processing fee under RSA ~~[502-A:19-b]~~ **262:44**, and shall be retained by the court for the benefit of  
4 the state.

5 33 Reference Change. Amend RSA 149-M:17, II(b) to read as follows:

6 (b) Notwithstanding RSA 31:39, III, towns are authorized to levy civil penalties up to  
7 \$3,000 for each act which violates the bylaws enacted pursuant to this paragraph. For violations for  
8 which any penalty provided in the bylaws is \$500 or less, the official designated in the bylaws as the  
9 enforcement authority may issue a summons and notice of fine as provided in RSA ~~[502-A:19-b]~~  
10 **262:44**, except that a copy of the fines for violations of the local bylaws shall be substituted for the  
11 uniform fine schedule. Defendants who are issued such summons and notice of fine may plead guilty  
12 or nolo contendere by mail by entering a plea as provided in RSA ~~[502-A:19-b]~~ **262:44**. If the plea is  
13 accepted by the court, the defendant shall not be required to appear unless directed by the court.

14 34 Reference Deleted. Amend RSA 151-A:15, I to read as follows:

15 I. If within 180 days after the date of a testate or intestate patient's death in any nursing  
16 home no petition for probate has been filed under any section of RSA 553 and the gross value of the  
17 personal property remaining at the nursing home belonging to the deceased, including any amount  
18 left in a patient account, is no more than \$2,500, the nursing home administrator shall file in the  
19 probate court in the county where the nursing home is located an affidavit for the purpose of  
20 disposing of such deceased patient's estate. The form of the affidavit, and the rules governing  
21 proceedings under this section, shall be provided by the probate court pursuant to RSA 547:33 ~~and~~  
22 ~~RSA 548:3~~. The nursing home administrator shall not file a death certificate with the probate court,  
23 but shall attest to the death in the affidavit. If the nursing home patient died testate and if the  
24 nursing home administrator has the will or a copy of the will, the nursing home administrator shall  
25 file the same in the probate court in the county where the nursing home is located. The probate  
26 court shall waive all filing fees.

27 35 Reference Change. Amend RSA 206:34, III to read as follows:

28 III. Any person charged with a violation of any provision of RSA title XVIII, excluding any  
29 offense for which the penalty is a misdemeanor or felony, may plead guilty or nolo contendere by  
30 mail by entering a plea as provided in RSA ~~[502-A:19-b]~~ **262:44**. If the plea is accepted by the court,  
31 the defendant shall not be required to appear as directed by the court.

32 36 Reference Change. Amend RSA 227-G:5-a, I and II to read as follows:

33 I. The commissioner shall recommend a uniform fine schedule for any forestry law violation,  
34 which shall be submitted to the supreme court for its use under RSA ~~[502-A:19-b, V]~~ **262:44**.

35 II. Any person charged with a violation of any provision of title XIX-A, excluding any offense  
36 for which the penalty is a misdemeanor or felony, may plead guilty or nolo contendere by mail by  
37 entering a plea as provided in RSA ~~[502-A:19-b]~~ **262:44**. If the plea is accepted by the court, the

1 defendant shall not be required to appear.

2 37 Reference Change. Amend RSA 231:132-a, IV to read as follows:

3 IV. If the administrative enforcement system established under paragraph II is unsuccessful  
4 at resolving alleged parking violations, or in the case of municipalities which have not established  
5 such a system, a summons may be issued as in the case of other violations of RSA title XXI, including  
6 the use of the procedure for plea by mail set forth in RSA ~~[502-A:19-b]~~ **262:44**. Notwithstanding any  
7 other provision of law, a complaint and summons for a parking offense may be served upon the  
8 defendant by postpaid certified mail, return receipt requested. Return receipt showing that the  
9 defendant has received the complaint and summons shall constitute an essential part of the service.  
10 If service cannot be effected by certified mail, then the court may direct that service on the defendant  
11 be completed as in other violation complaints.

12 38 Reference Change. Amend RSA 262:45, I(a) to read as follows:

13 (a) Periodically review the fines for motor vehicle violations established pursuant to  
14 RSA ~~[502-A:19-b, V]~~ **262:44**, considering the appropriateness of the fine amounts and the advisability  
15 of raising or lowering the fine amounts.

16 39 Reference Change. Amend RSA 270:11, I(d) to read as follows:

17 (d) A recommended uniform fine schedule for any boating violations, which shall be  
18 submitted to the supreme court for their use under RSA ~~[502-A:19-b, V]~~ **262:44**.

19 40 Reference Change. Amend RSA 270:11-a to read as follows:

20 270:11-a Waiver in Lieu of Court Appearance. Any person charged with a violation of the  
21 provisions of RSA 270; RSA 270-A; or RSA 270-E on boats, floats, and rafts, excluding any offense for  
22 which the penalty is a misdemeanor or felony, may plead guilty or nolo contendere by mail by  
23 entering a plea as provided in RSA ~~[502-A:19-b]~~ **262:44**. If the plea is accepted by the court, the  
24 defendant shall not be required to appear as directed by the court.

25 41 Reference Change. Amend the introductory paragraph of RSA 464-A:35, I to read as follows:

26 I. A guardian of the person shall file an annual report with the court within 90 days after  
27 the anniversary date of the guardian's appointment, or be in default. The register of probate shall  
28 give notice of the default to the guardian by first class mail within 10 days after the default. The  
29 register of probate shall issue a citation notice in accordance with RSA ~~[548:5-a]~~ **554:26-a**. The  
30 report shall contain a brief summary of the present status of the ward including, but not limited to:

31 42 Reference Change. Amend RSA 464-A:36, I to read as follows:

32 I. Subject to the provisions of RSA 464-A:26, V, a guardian of the estate shall file an annual  
33 account under oath with the court within 90 days after the anniversary date of the guardian's  
34 appointment, or be in default. The register of probate shall give notice of the default to the guardian  
35 by first class mail within 10 days after the default. The register of probate shall issue a citation  
36 notice in accordance with RSA ~~[548:5-a]~~ **554:26-a**.

37 43 Reference Change. Amend RSA 490:25, III to read as follows:

1 III. Receive and accept at any time funds from the sale or exchange of books, pamphlets,  
 2 maps, manuscripts, and other related material, or from the sale of data base services, barcodes,  
 3 cataloging records, magnetic tapes, laser discs, video tapes, or related or similar material, or from  
 4 fees and fines as established by the law library and approved by the supreme court. Any funds  
 5 accruing to the law library from such sources and as provided under RSA 490:24, I; RSA 490-D:12, II;  
 6 RSA 499:18, II; RSA 502-A:28, II; and RSA ~~[548:23-a, II]~~ **547:27-c, II** shall be paid into the state  
 7 treasury and held in a continually appropriated fund which shall not lapse for the use of the law  
 8 library upon approval by the supreme court;

9 44 Reference Change. Amend RSA 491-A:1 to read as follows:

10 491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

11	Chief justice, supreme court	\$151,477
12	Associate justices, supreme court	\$146,917
13	Chief justice, superior court and administrative judges	
14	appointed pursuant to supreme court rule 54	\$146,917
15	Associate justices, superior court	\$137,804
16	District court justices prohibited from practice	
17	pursuant to RSA <del>[521-A:21]</del> <b>490-F:9</b>	\$137,804
18	Probate judges prohibited from practice	
19	pursuant to RSA <del>[547:2-a]</del> <b>490-F:4</b>	\$137,804

20 45 Reference Change. Amend RSA 553:32, I to read as follows:

21 I. Notwithstanding any provision of law, whenever a deceased dies testate and the surviving  
 22 spouse or, if no spouse, an only child is named in the will as the sole beneficiary of the deceased's  
 23 estate and is appointed to serve as administrator; or whenever a deceased dies intestate and the  
 24 surviving spouse or, if no spouse, an only child is the sole heir of the deceased's estate and is  
 25 appointed to serve as administrator, there shall be no requirement for an inventory of the estate, no  
 26 requirement for a bond, and no requirement for an accounting for assets. Administration of the  
 27 estate shall be completed upon the administrator's filing, and the probate court's approval of an  
 28 affidavit of administration. Such filing shall occur not less than 6 months nor more than one year  
 29 after the date of appointment of the administrator. The affidavit of administration shall state that to  
 30 the best of the knowledge and belief of the administrator there are no outstanding debts or  
 31 obligations attributable to the deceased's estate and shall list all real estate owned by the decedent  
 32 at the time of death, including the location, book, and page. If the administrator fails to file the  
 33 affidavit of administration within the time prescribed above, the administrator is in default. The  
 34 register of probate shall give notice of the default to the administrator by first class mail within 10  
 35 days after the default. The register of probate shall issue a citation notice in accordance with  
 36 RSA ~~[548:5-a]~~ **554:26-a**.

37 46 Reference Change. Amend RSA 554:1 to read as follows:

1       554:1 Inventory. Every administrator shall file under oath, with the court, within 90 days after  
 2 the date of appointment, a full, true and itemized inventory of all the estate of the deceased which  
 3 has come to the administrator's knowledge. If an administrator fails to file an inventory within 30  
 4 days after the required filing date, the administrator is in default. The register of probate shall give  
 5 notice of the default to the administrator by first class mail within 10 days after the default. The  
 6 register of probate shall issue a citation notice in accordance with RSA ~~[548:5-a]~~ 554:26-a. The  
 7 inventory shall contain a description of the real estate; a correct schedule of all goods, chattels,  
 8 stocks, bonds, cemetery plots or burial spaces, and other effects of the deceased; of all notes, with  
 9 their dates and terms of payment, and the date and amount of each endorsement thereon; of all  
 10 deposits in savings banks, with the name and location of each bank, the number of each book, the  
 11 date of the last dividend, and the whole amount then due thereon less any withdrawals since that  
 12 date; and a list and description of any other written evidences of debt. If any person claims a present  
 13 legal or equitable right of title to real or personal property in the estate of the deceased, the  
 14 administrator may petition the probate court pursuant to RSA 547:11-b to determine the question as  
 15 between the parties.

16       47 Reference Change. Amend RSA 599:1 to read as follows:

17       599:1 Appeals. A person convicted by a district court of a class A misdemeanor, at the time the  
 18 sentence is declared, may appeal therefrom to obtain a de novo jury trial in the superior court, which  
 19 shall hear the appeal ~~[except in cases in district courts served by regional jury trial courts as~~  
 20 ~~provided in RSA 502-A:12-a]~~. The appeal shall be entered by the defendant at the next return day  
 21 unless for good cause shown the time is extended by the superior court. If, after a jury trial in the  
 22 superior court, the defendant is found guilty, the superior court shall sentence the defendant, and  
 23 the defendant may appeal questions of law arising therefrom to the supreme court. In the event the  
 24 defendant waives the right to jury trial after the case has been appealed, the superior court shall  
 25 forthwith remand the case to the district court for imposition of the sentence originally imposed by  
 26 the district court, and the defendant may appeal questions of law arising therefrom to the supreme  
 27 court. In all misdemeanor cases which are appealed to superior court or in which defendants are  
 28 bound over it shall be the duty of the superior court to transmit to the justice of the district court,  
 29 within 10 days after the case is finally disposed of, a certificate showing the final disposition of the  
 30 case.

31       48 Reference Change. Amend RSA 676:17-b to read as follows:

32       IV. Civil penalties collected by the district court under this section shall be remitted to the  
 33 municipality issuing the citation. Whenever a defendant (a) does not enter a plea by mail prior to  
 34 the arraignment day or does not appear personally or by counsel on or before that date or move for a  
 35 continuance; or (b) otherwise fails to appear for a scheduled court appearance in connection with a  
 36 summons for any offense, the defendant shall be defaulted and the court shall determine what the  
 37 civil penalty would be upon a plea of guilty or nolo contendere and shall impose an administrative



1 processing fee in addition to the civil penalty. Such fee shall be the same as the administrative  
2 processing fee under RSA [502-A:19-b] 262:44, and shall be retained by the court for the benefit of  
3 the state.

4 49 Repeal. The following are repealed:

5 I. RSA 490-D:6, relative to judges and marital masters.

6 II. RSA 490-D:10, relative to referees.

7 III. RSA 490-D:11, relative to staff.

8 IV. RSA 490-D:12, I, relative to judicial branch family division clerks.

9 V. RSA 490-D:13, relative to alternative dispute resolution.

10 VI. RSA 490-D:15, relative to marital master's expenses.

11 VII. RSA 502-A:1-a, relative to additional district courts.

12 VIII. RSA 502-A:3, relative to appointment and tenure of district court justices.

13 IX. RSA 502-A:3-a, relative to associate justices of Manchester, Nashua, and Concord

14 District Courts.

15 X. RSA 502-A:3-b, relative to tenure of district court justices following consolidation.

16 XI. RSA 502-A:3-c, relative to elimination of special justices unless need certified.

17 XII. RSA 502-A:5, relative to powers of other justices.

18 XIII. RSA 502-A:5-a, relative to assignment of judges.

19 XIV. RSA 502-A:6, III, relative to salaries of clerks.

20 XV. RSA 502-A:6, V, relative to salaries of deputy clerks.

21 XVI. RSA 502-A:7, relative to district court clerks.

22 XVII. RSA 502-A:7-a, relative to deputy clerk of the Nashua District Court.

23 XVIII. RSA 502-A:7-b, relative to deputy clerks.

24 XIX. RSA 502-A:8-a, relative to assignment of juvenile intake officers.

25 XX. RSA 502-A:8-b, relative to duties of juvenile intake officers.

26 XXI. RSA 502-A:12-a, relative to regional jury trials.

27 XXII. RSA 502-A:19-b, relative to procedure for pleas by mail

28 XVIII. RSA 502-A:20, relative to courts of record.

29 XXIV. RSA 502-A:21, relative to disqualification of justices.

30 XXV. RSA 502-A:21-a, relative to full-time district court justices.

31 XXVI. RSA 502-A:32, relative to existing procedure applicable.

32 XXVII. RSA 502-A:34, relative to functions of municipal courts vested in district court.

33 XXVIII. RSA 502-A:35, relative to an exception to the abolition of municipal courts.

34 XXIX. RSA 502-A:36, relative to the transfer of pending actions.

35 XXX. RSA 547:11-e, relative to failure to prosecute appeal.

36 XXXI. RSA 547:27, relative to if the register is not present.

37 XXXII. RSA 547:38, relative to assignment of judges.

- 1 XXXIII. RSA 548:2, relative to office hours.  
2 XXXIV. RSA 548:3, relative to the seal.  
3 XXXV. RSA 548:4, relative to docket and index.  
4 XXXVI. RSA 548:4-a, relative to scheduling.  
5 XXXVII. RSA 548:5-a, relative to notice to fiduciaries.  
6 XXXVIII. RSA 548:6, relative to destruction of records.  
7 XXXIX. RSA 548:7-a, relative to the record of decedent's real estate.  
8 XL. RSA 548:8, relative to blanks and stationery.  
9 XLI. RSA 548:9, relative to inventory blanks.  
10 XLII. RSA 548:14, relative to deputy registers.  
11 XLIII. RSA 548:14-a, relative to additional deputy registers.  
12 XLIV. RSA 548:16, relative to the disability of the register.  
13 XLV. RSA 548:23, relative to receipts.  
14 XLVI. RSA 548:23-a, relative to probate court entry fees.  
15 50 Effective Date. This act shall take effect July 1, 2011.

LBAO  
11-0574  
01/21/11

**HB 609-FN - FISCAL NOTE**

**AN ACT** establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.

**FISCAL IMPACT:**

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

HB 609-FN - AS AMENDED BY THE HOUSE

15Mar2011... 0739h

2011 SESSION

11-0574  
09/01

HOUSE BILL

**609-FN**

AN ACT

establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.

SPONSORS:

Rep. G. Richardson, Merr 4; Sen. Houde, Dist 5; Sen. Morse, Dist 22

COMMITTEE:

Judiciary

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AMENDED ANALYSIS

This bill establishes the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.

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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.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eleven*

AN ACT establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.

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

1 1 New Chapter; Circuit Court. Amend RSA by inserting after chapter 490-E the following new  
2 chapter:

3 CHAPTER 490-F  
4 CIRCUIT COURT

5 490-F:1 Purpose. The general court hereby organizes, constitutes, and establishes the  
6 New Hampshire circuit court. The goals of the circuit court are the respectful treatment of all  
7 individuals, the prompt and fair resolution of all issues within its jurisdiction, the use of alternative  
8 dispute resolution to reduce the adversarial nature of proceedings, the effective use of technology  
9 and the assignment of judicial and nonjudicial staff specially selected for their commitment to these  
10 goals.

11 490-F:2 Circuit Court; General. The circuit court shall be a court of record with statewide  
12 jurisdiction. Each circuit court location shall have the authority to hear all cases within the subject  
13 matter jurisdiction of the circuit court. Subject to part 1, article 17 of the New Hampshire  
14 constitution, nothing in this chapter shall prohibit the reassignment of cases within the circuit court  
15 as justice or efficiency require in the discretion of the administrative judge of the circuit court.

16 490-F:3 Circuit Court Divisions. The circuit court shall consist of 3 divisions: a probate  
17 division, a district division, and a family division. The circuit court shall have the jurisdiction,  
18 powers, and duties conferred upon the former probate and district courts and upon the former  
19 judicial branch family division by RSA 547, RSA 502-A, and RSA 490-D.

20 490-F:4 Circuit Court Locations. The judicial districts for the district and family divisions shall  
21 be as set forth in RSA 502-A:1 and RSA 490-D:4, respectively, and each county shall be a judicial  
22 district for the probate division. The supreme court may, from time to time, establish other locations  
23 for each of the divisions. The probate court records shall be maintained at the circuit court site at  
24 each county seat. The circuit courts shall be as follows:

- 25 I. Coos county first circuit
- 26 II. Grafton county second circuit
- 27 III. Carroll county third circuit
- 28 IV. Belknap county fourth circuit
- 29 V. Sullivan county fifth circuit

1	VI. Merrimack county	sixth circuit
2	VII. Strafford county	seventh circuit
3	VIII. Cheshire county	eighth circuit
4	IX. Hillsborough county	ninth circuit
5	X. Rockingham county	tenth circuit

6 490-F:5 Circuit Court Judges and Masters; Appointment; Tenure.

7 I. On the effective date of this chapter, the circuit court shall consist of those justices and  
8 masters previously appointed and commissioned by the governor and council as prescribed by the  
9 constitution and the laws of the state of New Hampshire. The tenure of office of persons serving as  
10 justices or special justices of the district and probate courts or marital masters in the judicial branch  
11 family division and superior court shall not be affected hereby, and they shall continue in office as  
12 judges or masters respectively of the circuit court.

13 II. Judicial and master appointments to fill vacancies which exist on the effective date of  
14 this chapter in the former probate and district courts and in the former judicial branch family  
15 division shall be to the New Hampshire circuit court. No judicial officer appointed to the circuit  
16 court shall be appointed to a particular location; however, the assignment of a circuit court judge to a  
17 particular location shall be within the discretion of the administrative judge of the circuit court who  
18 shall take into account the weighted caseload and judicial need of that location.

19 490-F:6 Circuit Court Judges and Masters; Assignment; Certification.

20 I. Circuit court judges and masters shall be assigned to one or more circuits or locations in  
21 the discretion of the administrative judge of the circuit court after considering population, judicial  
22 time and efficiency, available judicial resources, and the needs of the public.

23 II. The assignment of a circuit court judge to a division within the circuit court shall be  
24 based upon the judge's knowledge of, commitment to, and expertise in the subject matter of the  
25 division.

26 III. For purposes of part 2, articles 80 and 81 of the New Hampshire constitution, a judge of  
27 probate shall be any circuit court judge assigned to the probate division.

28 IV. Judges and marital masters appointed prior to the effective date of this chapter shall be  
29 initially assigned within the circuit court as follows:

30 (a) Judges of the former probate court shall be initially assigned to the probate division  
31 of the circuit court;

32 (b) Judges of the former district court shall be initially assigned to the district division of  
33 the circuit court;

34 (c) Judges certified in the former judicial branch family division shall be initially  
35 assigned to the division that corresponds with their initial appointment and to the family division of  
36 the circuit court; and

37 (d) Masters appointed to the former judicial branch family division or superior court

1 shall be permanently assigned to the family division of the circuit court.

2 V. The assignment of a circuit court judge to a division following initial assignment shall be  
 3 within the discretion of the administrative judge; provided, however, the circuit court judge shall be  
 4 certified by the supreme court to hear cases coming within the newly assigned division prior to such  
 5 assignment. A judge initially assigned to a division within the circuit court pursuant to paragraph I  
 6 shall be deemed certified in the division of initial assignment.

7 VI. Thereafter, judges appointed to the circuit court shall be assigned to a division at the  
 8 discretion of the administrative judge subject to the following considerations:

9 (a) The knowledge, commitment to, and expertise of the judge in the subject matter of  
 10 the particular division to which the judge is to be assigned;

11 (b) The division in which the judicial vacancy resulting in the new appointment exists,  
 12 and

13 (c) The judicial needs of a particular circuit court location as determined by the  
 14 administrative judge.

15 VII. Judges may be certified in all divisions of the circuit court pursuant to rules adopted by  
 16 the supreme court.

17 VIII. Nothing in this section shall prohibit the administrative judge from assigning judges to  
 18 a division as justice and efficiency require.

19 IX. The judges and masters shall be entitled to receive their actual personal expenses when  
 20 absent from their assigned court in the performance of their official duties. The judges and masters  
 21 shall not be reimbursed for mileage to commute from the judge's residence to his or her assigned  
 22 court except for any mileage in excess of 50 miles each way.

23 490-F:7 Circuit Court Judges; Number.

24 I. Except as provided in paragraph II, the number of judges and masters in the circuit court  
 25 shall not be less than the number of authorized judicial and master positions in the former district  
 26 court, probate court, and judicial branch family division, as well as any superior court judicial officer  
 27 or marital master equivalent not yet transferred to the former judicial branch family division on the  
 28 effective date of this chapter but necessary to complete the family division implementation as set  
 29 forth in RSA 490-D.

30 II. Upon the retirement, resignation, disability, or removal of a part-time justice or special  
 31 justice of the former probate or district courts, the position shall be eliminated, unless within 30 days  
 32 of such retirement, resignation, disability, or removal the supreme court certifies in writing to the  
 33 governor that due to population, caseload, and available judicial resources, the position needs to be  
 34 continued in the circuit court.

35 III. Upon the completion of the current term of a marital master, the position shall be  
 36 converted to a full-time judicial position, provided that the fiscal committee of the general court  
 37 approves and further provided that sufficient funds have been appropriated for the salary and

1 benefits of the full-time judicial position. Once converted to a full-time judicial vacancy, the governor  
2 may nominate and the council may confirm any qualified person pursuant to part 2, article 46 of the  
3 New Hampshire constitution.

4 IV. The supreme court, after reviewing population, caseload, judicial time, and efficiency,  
5 available judicial resources, the needs of the circuit court, and other relevant criteria may request  
6 the governor and council to designate a sitting part-time judge as a full-time judge. The court may  
7 recommend certain judges; however, the governor and council shall not be bound by that  
8 recommendation. Upon designation, that judge shall become full-time. Prior to making its request,  
9 the supreme court shall receive the approval of the fiscal committee of the general court and there  
10 shall be funds in the court's budget specifically appropriated for the salary and benefits of an  
11 additional full-time circuit court judge.

12 490-F:8 Circuit Court Judges; Retired Judges.

13 I. Nothing in this chapter shall limit the ability of retired judges under 70 years of age of the  
14 former district and probate courts or of the circuit court to elect senior active status or of such retired  
15 judges 70 years of age and older to serve as judicial referees pursuant to RSA 493-A.

16 II. Judges who have elected senior active status, are eligible to elect senior active status, or  
17 are eligible to serve as a judicial referee on the effective date of this chapter shall maintain such  
18 eligibility.

19 III. The assignment and certification provisions of this chapter shall apply to senior active  
20 judges and retired judges acting as judicial referees.

21 490-F:9 Disqualifications of Judges. No judge or clerk of the circuit court shall be retained or  
22 employed as an attorney in any action, complaint, or proceeding pending in a division of the circuit  
23 court or circuit court site in which that judge or clerk has been certified or assigned. No attorney  
24 shall be permitted to practice before any division of the circuit court where any justice, associate  
25 justice, or special justice is associated with such attorney in the practice of law.

26 490-F:10 Full-Time Circuit Court Judges. A circuit court judge designated to be full-time under  
27 RSA 490-F:7, IV shall not be permitted to engage in the practice of law to any degree. Full-time  
28 judges shall receive the salary specified in RSA 491-A:1.

29 490-F:11 Judicial Branch Budget Request. For the purpose of calculating the biennial budget  
30 request and judicial salaries as well as the number of judicial positions required in the circuit court,  
31 the supreme court shall establish and revise as needed a weighted case value, relating the judicial  
32 time required for each type of case included in the court's jurisdiction, which when multiplied by the  
33 caseload of each court will produce the number of weighted case units for that court. Any revisions  
34 to the weighted case values shall be approved by the fiscal committee of the general court. The  
35 number of weighted case units shall be calculated by the administrative office of the courts in  
36 October of each year, using caseload statistics for the preceding 12-month period. Said weighted  
37 case units shall serve as the basis for determining the salary of part-time judges for the next



1 calendar year.

2 490-F:12 Part-Time Judges; Salary Calculation. The salary of judges who were part-time judges  
3 in the district and probate courts shall be calculated each year based on the weighted caseload of the  
4 former jurisdiction less any weighted values for case types that are no longer within the jurisdiction  
5 of the circuit court or judicial branch.

6 490-F:13 Circuit Court Clerks; Appointment. The administrative judge of the circuit court shall  
7 appoint a clerk with responsibility for each circuit court site. In the interest of the effective  
8 administration of justice, any such clerk may have responsibility for one or more circuit court  
9 locations. Circuit court clerks shall have the same duties as clerks of the former district court and  
10 judicial branch family division and as registers of probate with the exception of RSA 15-B, RSA 456-  
11 B, RSA 548, RSA 653, RSA 655, and RSA 661 which shall remain as duties of the registers of  
12 probate. Circuit court clerks shall hold office at the pleasure of the administrative judge of the  
13 circuit court.

14 490-F:14 Staff. The administrative judge of the circuit court shall identify a mechanism by  
15 which to assign and transfer existing staff in the probate and district courts and in the judicial  
16 branch family division to operate the circuit court. The number of circuit court staff shall be based  
17 upon a review of anticipated caseload, population, available staff resources, and other relevant  
18 criteria, including information from any weighted caseload system.

19 490-F:15 Referees. The circuit court, with the consent of the parties shall, and without the  
20 consent of the parties may, commit to one or more referees any cause at law or in equity, or the  
21 determination of any question of fact pending in the court wherein the parties are not, as matter of  
22 right, entitled to a trial by jury; and with the consent of the parties shall in the same manner commit  
23 any other cause or the determination of any other question of fact.

24 490-F:16 Alternative Dispute Resolution. Alternative dispute resolution shall be utilized in the  
25 circuit court when practicable to reduce the adversarial nature of proceedings.

26 490-F:17 Existing Procedure Applicable. All provisions of law, not inconsistent herewith,  
27 relating to procedure in civil or criminal matters and practice in the former probate and district  
28 courts and the former judicial branch family division shall remain in full force and apply to the  
29 circuit courts hereby established.

30 490-F:18 Statutory References. During the implementation of the circuit court, references in  
31 statutes involving the jurisdiction of the circuit court to the probate or district courts or to the  
32 judicial branch family division shall be deemed to include the circuit court. Following the full  
33 implementation of the circuit court, those references shall be deemed to be to the New Hampshire  
34 circuit court where it has exclusive jurisdiction of a subject matter and to the superior court and  
35 circuit court where the circuit court has concurrent jurisdiction with the superior court.

36 490-F:19 Implementation Plan. On the effective date of this chapter, the New Hampshire  
37 circuit court shall be operational based upon a plan of implementation developed by the

1 administrative judge of the circuit court in consultation with and approved by the supreme court.

2 2 Judicial Branch Family Division Clerks, Fees. RSA 490-D:12, II and III are repealed and  
3 reenacted to read as follows:

4 II. Fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of  
5 the applicable circuit court established in RSA 490-F for the benefit of the state. The clerk shall set  
6 aside 7 percent of each entry fee paid into the court for deposit into a special escrow account  
7 established under RSA 490:26-c and 14 percent of each entry fee paid into the court for deposit into  
8 the judicial branch information technology fund established under RSA 490:26-h. The proceeds of  
9 fees for motions to appear in court pro hac vice shall be paid into the law library revolving fund  
10 established in RSA 490:25, III.

11 III. The sum of \$5 shall be added to each entry fee collected by the circuit court clerk on  
12 cases which, prior to the establishment of the judicial branch family division, would have been filed  
13 in the probate court. Sums collected under this paragraph shall be deposited in the mediation and  
14 arbitration fund established under RSA 490-E:4.

15 3 Sessions in Towns Within District. RSA 502-A:2, II is repealed and reenacted to read as  
16 follows:

17 II. The administrative judge of the circuit court established in RSA 490-F shall have the  
18 authority to and shall, on an annual basis, establish the number of court sessions and the hours and  
19 days of operation required for each district court. The administrative judge shall consider the  
20 convenience of each court's users, caseload, resources, and security. Each court shall submit a plan  
21 for flexible scheduling to the administrative judge that meets the needs of the community served by  
22 that court which may include evening, early morning, and/or weekend sessions and other alternative  
23 sessions. In evaluating the community need for alternative sessions, the administrative judge and  
24 local courts shall evaluate separately civil suits, small claims, order of notice, motor vehicle matters,  
25 and criminal cases to determine the needs of the community.

26 4 Duties of Clerks; Disposition of Fines. RSA 502-A:8 is repealed and reenacted to read as  
27 follows:

28 502-A:8 Duties of Clerks; Disposition of Fines.

29 I. The clerk of the applicable circuit court established in RSA 490-F shall receive all fines  
30 and forfeitures paid into the district court from any source. The clerk of any circuit court may accept  
31 payment of the fine by credit card in lieu of cash payment. Any transaction costs assessed by the  
32 issuer of the credit card shall be paid out of the portion of the fine amount which is deposited with  
33 the treasurer and not out of the penalty assessment charged by a district court. The clerk shall  
34 forward fines collected for violations of title XXI to the treasurer for deposit in the highway fund and  
35 fines collected for violations of title LXII and all other statutes to the treasurer for deposit in the  
36 general fund within 14 days. The clerk shall separately indicate which fines were for violations of  
37 title XXI. Fines and forfeitures collected by the clerk for violations of municipal ordinances, codes, or

1 regulations, except those adopted pursuant to RSA 31:39, I(g); RSA 41:11; RSA 47:17, IV, VI, VII, or  
 2 VIII; and RSA 105:6 through RSA 105:7, shall be remitted monthly to the treasurer of the  
 3 municipality prosecuting said violations, for the use of the municipality. All expenses related to the  
 4 processing of parking violations and the administrative collection of parking fines shall be the  
 5 responsibility of the local unit of government, and all fines collected shall be retained in their  
 6 entirety by the local unit of government.

7 II. Nothing in this section shall prevent the court from transferring the collection of fines to  
 8 a centralized location. Any fines collected by the central location shall be distributed as indicated in  
 9 paragraph I. References to duties and responsibilities of clerks contained in paragraph I shall be  
 10 deemed to include the central fine collection center as appropriate.

11 5 Criminal Cases; District Courts. RSA 502-A:11 is repealed and reenacted to read as follows:

12 502-A:11 Criminal Cases, District Courts. Each district court shall have the powers of a justice  
 13 of the peace and quorum throughout the state and shall have original jurisdiction, subject to appeal,  
 14 of all crimes and offenses committed within the confines of the district in which such court is located  
 15 which are punishable by a fine not exceeding \$2,000 or imprisonment not exceeding one year, or  
 16 both, including all violations of the provisions of RSA 266:16 and 266:25 pertaining to vehicles  
 17 exceeding permitted size or weight, regardless of whether the defendant is a natural person or any  
 18 other person.

19 6 Jury Trial. RSA 502-A:15 is repealed and reenacted to read as follows:

20 502-A:15 Jury Trial. In cases in which the damages claimed exceed \$1,500 or the title to real  
 21 estate is involved, if the defendant, upon the entry of any action for damages under RSA 502-A:14, II  
 22 or II-a, within 7 days of the return date of the action or within such additional time as the district  
 23 court for good cause may allow, files a written request for trial by jury, the cause shall be at once  
 24 transferred to the superior court for the county or judicial region in which the court is located, to be  
 25 heard and tried as if originally entered in the transferee court. The original entry fee and cost of  
 26 transferring the action shall be paid by the moving party but shall be recoverable as costs if the  
 27 moving party prevails in the action. If, after transfer for trial by jury, the moving party waives the  
 28 right to jury trial, the cause shall at once be remanded to the district court of original jurisdiction.

29 7 District Court Fees. RSA 502-A:28, I is repealed and reenacted to read as follows:

30 I. Fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of  
 31 each applicable circuit court established in RSA 490-F for the benefit of the state.

32 8 Other Fees. RSA 502-A:29 is repealed and reenacted to read as follows:

33 502-A:29 Other Fees. For other certificates or papers which he or she is authorized to make or  
 34 certify, the clerk of a circuit court shall receive the same fees as a clerk of the superior court.

35 9 Probate Court Fees. RSA 490:27, I is repealed and reenacted to read as follows:

36 I. Probate court fees as established by the supreme court under RSA 490:26-a shall be paid  
 37 to the clerk of the applicable circuit court established in RSA 490-F for the benefit of the state.

1 10 Court of Record. RSA 547:1 is repealed and reenacted to read as follows:

2 547:1 Court of Record. The court of probate is a court of record for all purposes, and each  
3 probate court shall be provided with a seal bearing upon its face the name of the court and the name  
4 of this state.

5 11 Transfer to Superior Court. RSA 547:11-d is repealed and reenacted to read as follows:

6 547:11-d Transfer to Superior Court. In cases where a right to jury trial is guaranteed by the  
7 constitution or granted by statute, a plaintiff desiring a jury trial shall file the action in the superior  
8 court, and filing the action in the probate court where there is concurrent jurisdiction shall  
9 constitute a waiver of a jury trial by the plaintiff. If the defendant desires a jury trial, the defendant  
10 shall indicate the request for a jury trial at the time of the defendant's initial pleading with the  
11 court. Failure to timely request a jury trial shall constitute a waiver by the defendant thereof. If a  
12 jury trial is requested by the defendant, the matter shall be transferred to the superior court.

13 12 New Sections; Dockets and Index; Records; Probate Court Entry Fees. Amend RSA 547 by  
14 inserting after section 27 the following new sections:

15 547:27-a Docket and Index. The probate court shall keep a docket of all cases and matters, and  
16 an index thereto which shall be open to public inspection at all reasonable times.

17 547:27-b Records.

18 I. The probate court shall appropriately retain all wills and their probate; all proceedings  
19 with regard to real estate; all accounts settled, and all orders, decisions and appointments from  
20 which an appeal may be claimed.

21 II. The probate court, subject to the approval of the supreme court, shall establish and  
22 implement retention and destruction schedules for those original files, papers and records in cases  
23 and matters disposed of by the court.

24 547:27-c Probate Court Entry Fees.

25 I. Entry fees as established by the supreme court under RSA 490:26-a shall be paid to the  
26 clerk of each applicable circuit court established in RSA 490-F for the benefit of the state.

27 II. The clerk shall set aside 7 percent of each entry fee paid into the court for deposit into a  
28 special escrow account established under RSA 490:26-c and 14 percent of each entry fee paid into the  
29 court for deposit into the judicial branch information technology fund established under RSA 490:26-  
30 h. The proceeds of fees for motions to appear in court pro hac vice shall be paid into the law library  
31 revolving fund established in RSA 490:25, III.

32 13 Residence. RSA 548:1 is repealed and reenacted to read as follows:

33 548:1 Residence, etc. The register of probate shall dwell in the county in which the probate  
34 records are required to be kept. If a register shall dwell in any other county and continue so dwelling  
35 for 30 consecutive days, the office shall be deemed vacant.

36 14. Preservation of Files. RSA 548:5 is repealed and reenacted to read as follows:

37 548:5 Preservation of Files. The register of probate shall be responsible for coordinating with

1 the administrative judge of the circuit court established in RSA 490-F the preservation of any closed  
 2 files having the potential for historical significance. The register may recommend that these files be  
 3 sent to the records center established under RSA 5. The register of probate shall maintain a current  
 4 index describing the location of any files which have been removed from the court pursuant to this  
 5 section.

6 15 Salaries. RSA 548:17 is repealed and reenacted to read as follows:

7 548:17 Salaries. The annual salaries of the registers of probate shall be established by the  
 8 supreme court in accordance with the compensation system established by the supreme court.

9 16 Acting as Counsel. RSA 548:24 is repealed and reenacted to read as follows:

10 548:24 Counsel Acting As. The register shall not act as counsel or advocate in any proceeding  
 11 in, or to be brought into, the probate court of which the register was elected, nor receive any fee for  
 12 such service.

13 17 Acting as Appraiser. RSA 548:25 is repealed and reenacted to read as follows:

14 548:25 Appraiser, or Commissioner, Acting As. The register shall not be appointed nor act as  
 15 appraiser or commissioner on any estate under administration in the probate court of the county in  
 16 which the register was elected.

17 18 New Section; Record of Decedent's Real Estate. Amend RSA 554 by inserting after section 14  
 18 the following new section:

19 554:14-a Record of Decedent's Real Estate. Whenever it appears from the inventory or any  
 20 other instrument pertaining to real estate filed with the court in connection with the administration  
 21 of any estate that the estate contains real estate located in another county within the state, the court  
 22 shall notify, within 15 days, the register of deeds of the county in which the real estate lies of the  
 23 name and date of death of the decedent. A register of deeds who receives such a notice shall record  
 24 in the grantor's index of the register's office the name of the decedent, the decedent's date of death,  
 25 and the county in which the estate is being probated. The cost for filing said notice shall be assigned  
 26 to the estate.

27 19 New Section; Notice to Fiduciaries. Amend RSA 554 by inserting after section 26 the  
 28 following new section:

29 554:26-a Notice to Fiduciaries.

30 I. A fiduciary appointed by the probate court shall file, as required by law, an inventory  
 31 within 90 days after the date of appointment, or an account of administration within one year after  
 32 the date of appointment. If a fiduciary fails to file an inventory within 30 days after the required  
 33 filing date, or an account of administration within 90 days after the required filing date, the  
 34 fiduciary is in default. The clerk of the applicable circuit court established in RSA 490-F shall give  
 35 notice of the default to the fiduciary by first class mail within 10 days after the default. In the case  
 36 of any inventory, account, annual report, statement of voluntary administration, or waiver of  
 37 administration affidavit, the fiduciary shall either file the inventory, account, annual report,

1 statement of voluntary administration, or waiver of administration affidavit, or show good cause for  
 2 the failure to file, within 30 days after notice of the default from the clerk. If the fiduciary fails to  
 3 file or to show good cause, the judge of probate shall issue a citation to the fiduciary to appear before  
 4 the judge pursuant to RSA 550:2. The fiduciary shall pay default and citation fees as established by  
 5 the supreme court under RSA 490:26-a to the clerk, pursuant to RSA 490:27. The requirements of  
 6 this section shall apply to fiduciaries previously appointed as the judges of probate may prescribe by  
 7 rules adopted pursuant to RSA 547:33.

8 II. The clerk shall contemporaneously with the issuance of any citation pursuant to  
 9 paragraph I and RSA 550:2 send a copy of such citation by first class mail to the following:

10 (a) Any surety for the fiduciary;

11 (b) Any person who has filed an appearance; and

12 (c) Any residuary beneficiary, and the director of charitable trusts in cases involving  
 13 charitable dispositions and trusts.

14 20 Name Change. Amend the following RSA provisions by replacing "register of probate" and  
 15 "register" with "clerk:" 5-C:32, 7:29, 21-J:14, 87:21, 87:22, 87:26, 135-C:38, 170-B:16 170-B:22, 171-  
 16 B:6, 401:1, 457:28-b, 464-A:12, 464-A:20, 464-A:26, 464-A:28, 464-A:33, 505:11, 553:16, 553:25,  
 17 561:19, 564:4, 564:12, 568:30, 568:35, and 568:54.

18 21 Reference Deleted. RSA 151-A:15, I is repealed and reenacted to read as follows:

19 I. If within 180 days after the date of a testate or intestate patient's death in any nursing  
 20 home no petition for probate has been filed under any section of RSA 553 and the gross value of the  
 21 personal property remaining at the nursing home belonging to the deceased, including any amount  
 22 left in a patient account, is no more than \$2,500, the nursing home administrator shall file in the  
 23 probate court in the county where the nursing home is located an affidavit for the purpose of  
 24 disposing of such deceased patient's estate. The form of the affidavit, and the rules governing  
 25 proceedings under this section, shall be provided by the probate court pursuant to RSA 547:33. The  
 26 nursing home administrator shall not file a death certificate with the probate court, but shall attest  
 27 to the death in the affidavit. If the nursing home patient died testate and if the nursing home  
 28 administrator has the will or a copy of the will, the nursing home administrator shall file the same in  
 29 the probate court in the county where the nursing home is located. The probate court shall waive all  
 30 filing fees.

31 22 Reference Change. The introductory paragraph of RSA 464-A:35, I is repealed and reenacted  
 32 to read as follows:

33 I. A guardian of the person shall file an annual report with the court within 90 days after  
 34 the anniversary date of the guardian's appointment, or be in default. The clerk shall give notice of  
 35 the default to the guardian by first class mail within 10 days after the default. The clerk shall issue  
 36 a citation notice in accordance with RSA 554:26-a. The report shall contain a brief summary of the  
 37 present status of the ward including, but not limited to:

23 Reference Change. RSA 464-A:36, I is repealed and reenacted to read as follows:

I. Subject to the provisions of RSA 464-A:26, V, a guardian of the estate shall file an annual account under oath with the court within 90 days after the anniversary date of the guardian's appointment, or be in default. The clerk shall give notice of the default to the guardian by first class mail within 10 days after the default. The clerk shall issue a citation notice in accordance with RSA 554:26-a.

24 Reference Change. RSA 490:25, III is repealed and reenacted to read as follows:

III. Receive and accept at any time funds from the sale or exchange of books, pamphlets, maps, manuscripts, and other related material, or from the sale of data base services, barcodes, cataloging records, magnetic tapes, laser discs, video tapes, or related or similar material, or from fees and fines as established by the law library and approved by the supreme court. Any funds accruing to the law library from such sources and as provided under RSA 490:24, I; RSA 490-D:12, II; RSA 499:18, II; RSA 502-A:28, II; and RSA 547:27-c, II shall be paid into the state treasury and held in a continually appropriated fund which shall not lapse for the use of the law library upon approval by the supreme court;

25 Reference Change. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$151,477
Associate justices, supreme court	\$146,917
Chief justice, superior court and administrative judges appointed pursuant to supreme court rule 54	\$146,917
Associate justices, superior court	\$137,804
District court justices prohibited from practice pursuant to RSA 502-A:21-a	\$137,804
Probate judges prohibited from practice pursuant to RSA 547:2-a	\$137,804

26 Reference Change. RSA 553:32, I is repealed and reenacted to read as follows:

I. Notwithstanding any provision of law, whenever a deceased dies testate and the surviving spouse or, if no spouse, an only child is named in the will as the sole beneficiary of the deceased's estate and is appointed to serve as administrator; or whenever a deceased dies intestate and the surviving spouse or, if no spouse, an only child is the sole heir of the deceased's estate and is appointed to serve as administrator, there shall be no requirement for an inventory of the estate, no requirement for a bond, and no requirement for an accounting for assets. Administration of the estate shall be completed upon the administrator's filing, and the probate court's approval of an affidavit of administration. Such filing shall occur not less than 6 months nor more than one year after the date of appointment of the administrator. The affidavit of administration shall state that to the best of the knowledge and belief of the administrator there are no outstanding debts or

1 obligations attributable to the deceased's estate and shall list all real estate owned by the decedent  
2 at the time of death, including the location, book, and page. If the administrator fails to file the  
3 affidavit of administration within the time prescribed above, the administrator is in default. The  
4 clerk shall give notice of the default to the administrator by first class mail within 10 days after the  
5 default. The clerk shall issue a citation notice in accordance with RSA 554:26-a.

6 27 Reference Change. RSA 554:1 is repealed and reenacted to read as follows:

7 554:1 Inventory. Every administrator shall file under oath, with the court, within 90 days after  
8 the date of appointment, a full, true and itemized inventory of all the estate of the deceased which  
9 has come to the administrator's knowledge. If an administrator fails to file an inventory within 30  
10 days after the required filing date, the administrator is in default. The clerk shall give notice of the  
11 default to the administrator by first class mail within 10 days after the default. The clerk shall issue  
12 a citation notice in accordance with RSA 554:26-a. The inventory shall contain a description of the  
13 real estate; a correct schedule of all goods, chattels, stocks, bonds, cemetery plots or burial spaces,  
14 and other effects of the deceased; of all notes, with their dates and terms of payment, and the date  
15 and amount of each endorsement thereon; of all deposits in savings banks, with the name and  
16 location of each bank, the number of each book, the date of the last dividend, and the whole amount  
17 then due thereon less any withdrawals since that date; and a list and description of any other  
18 written evidences of debt. If any person claims a present legal or equitable right of title to real or  
19 personal property in the estate of the deceased, the administrator may petition the probate court  
20 pursuant to RSA 547:11-b to determine the question as between the parties.

21 28 Reference Change. RSA 599:1 is repealed and reenacted to read as follows:

22 599:1 Appeals. A person convicted by a district court of a class A misdemeanor, at the time the  
23 sentence is declared, may appeal therefrom to obtain a de novo jury trial in the superior court, which  
24 shall hear the appeal. The appeal shall be entered by the defendant at the next return day unless  
25 for good cause shown the time is extended by the superior court. If, after a jury trial in the superior  
26 court, the defendant is found guilty, the superior court shall sentence the defendant, and the  
27 defendant may appeal questions of law arising therefrom to the supreme court. In the event the  
28 defendant waives the right to jury trial after the case has been appealed, the superior court shall  
29 forthwith remand the case to the district court for imposition of the sentence originally imposed by  
30 the district court, and the defendant may appeal questions of law arising therefrom to the supreme  
31 court. In all misdemeanor cases which are appealed to superior court or in which defendants are  
32 bound over it shall be the duty of the superior court to transmit to the justice of the district court,  
33 within 10 days after the case is finally disposed of, a certificate showing the final disposition of the  
34 case.

35 29 Repeal. The following are repealed:

36 1. RSA 490-D:6, relative to judges and marital masters.

37 2. RSA 490-D:10, relative to referees.



- 1           3. RSA 490-D:11, relative to staff.
- 2           4. RSA 490-D:12, I, relative to judicial branch family division clerks.
- 3           5. RSA 490-D:13, relative to alternative dispute resolution.
- 4           6. RSA 490-D:15, relative to marital master's expenses.
- 5           7. RSA 502-A:1-a, relative to additional district courts.
- 6           8. RSA 502-A:3, relative to appointment and tenure of district court justices.
- 7           9. RSA 502-A:3-a, relative to associate justices of Manchester, Nashua, and Concord District
- 8 Courts.
- 9           10. RSA 502-A:3-b, relative to tenure of district court justices following consolidation.
- 10          11. RSA 502-A:3-c, relative to elimination of special justices unless need certified.
- 11          12. RSA 502-A:5, relative to powers of other justices.
- 12          13. RSA 502-A:5-a, relative to assignment of judges.
- 13          14. RSA 502-A:6, III, relative to salaries of clerks.
- 14          15. RSA 502-A:6, V, relative to salaries of deputy clerks.
- 15          16. RSA 502-A:7, relative to district court clerks.
- 16          17. RSA 502-A:7-a, relative to deputy clerk of the Nashua District Court.
- 17          18. RSA 502-A:7-b, relative to deputy clerks.
- 18          19. RSA 502-A:8-a, relative to assignment of juvenile intake officers.
- 19          20. RSA 502-A:8-b, relative to duties of juvenile intake officers.
- 20          21. RSA 502-A:12-a, relative to regional jury trials.
- 21          22. RSA 502-A:20, relative to courts of record.
- 22          23. RSA 502-A:21, relative to disqualification of justices.
- 23          24. RSA 502-A:32, relative to existing procedure applicable.
- 24          25. RSA 502-A:34, relative to functions of municipal courts vested in district court.
- 25          26. RSA 502-A:35, relative to an exception to the abolition of municipal courts.
- 26          27. RSA 502-A:36, relative to the transfer of pending actions.
- 27          28. RSA 547:11-e, relative to failure to prosecute appeal.
- 28          29. RSA 547:27, relative to if the register is not present.
- 29          30. RSA 547:38, relative to assignment of judges.
- 30          31. RSA 548:2, relative to office hours.
- 31          32. RSA 548:3, relative to the seal.
- 32          33. RSA 548:4, relative to docket and index.
- 33          34. RSA 548:4-a, relative to scheduling.
- 34          35. RSA 548:5-a, relative to notice to fiduciaries.
- 35          36. RSA 548:6, relative to destruction of records.
- 36          37. RSA 548:7-a, relative to the record of decedent's real estate.
- 37          38. RSA 548:8, relative to blanks and stationery.

HB 609-FN – AS AMENDED BY THE HOUSE

- Page 14 -

- 1           39. RSA 548:9, relative to inventory blanks.
- 2           40. RSA 548:14, relative to deputy registers.
- 3           41. RSA 548:14-a, relative to additional deputy registers.
- 4           42. RSA 548:16, relative to the disability of the register.
- 5           43. RSA 548:23, relative to receipts.
- 6           44. RSA 548:23-a, relative to probate court entry fees.
- 7           30 Effective Date. This act shall take effect July 1, 2011.

LBAO  
11-0574  
01/21/11

**HB 609-FN - FISCAL NOTE**

**AN ACT** establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.

**FISCAL IMPACT:**

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

**HB 609 FISCAL NOTE**

**AN ACT** establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.

**FISCAL IMPACT:**

The Judicial Branch states this bill, as amended by the House (Amendment #2011-0739h), will decrease state general fund expenditures by \$263,650 in FY 2012, \$296,058 in FY 2013, \$612,389 in FY 2014 and \$255,266 in FY 2015. There is no fiscal impact on county and local expenditures or state, county, and local revenue.

**METHODOLOGY:**

The Judicial Branch states this bill establishes a circuit court in the State, unifying the non-judicial and judicial resources in all existing district, probate and family division courts into circuit courts. The Branch states no court locations will be closed nor are any additional non-judicial resources added as a result of this bill. The Branch states the bill will convert marital master positions to full-time judgeships as the marital master positions become vacant. The Branch states the salary for a marital master is \$111,826 a year and the salary for a full-time judge is \$137,804 a year. The Branch assumes the benefits for a full-time judge position at \$85,407 (includes Medicare at 1.45%, judicial retirement plan contributions at 48.33%, and a two-person health and dental plan of \$16,808). In determining the change in costs associated with converting the marital masters to full time judge positions, the Branch is using the actual benefits paid for the marital master position and increasing it to the \$85,407 benefit amount. Additionally, the change in costs to add a full-time judge position are prorated based on when a marital master position becomes vacant, either through planned retirement or expiration of their term. The Branch estimates it will cost \$178,456 in FY 2012, \$500,583 in FY 2013, \$751,508 in FY 2014 and \$1,108,631 in FY 2015 to convert marital master positions to full time judge positions.

The Branch also plans to convert the 42 clerks of court in the district court and family division and the 10 elected registers of probate into 18 regional clerks, 3 deputy clerks and 23 court assistants. This would result in the elimination of 8 full-time positions. Additionally, the Branch assumes the register of probate salaries will be reduced to \$100 a year. The Branch assumes savings related to the register of probate salaries beginning January 1, 2013. With the change in the clerk positions, the Branch assumes the regional clerks will have additional mileage reimbursement as a result of traveling between locations. It is estimated travel reimbursement will increase by \$32,835 (398 round trip miles \* 3 days week \* 50 weeks \* \$.55)

per year. The Branch estimates the management reorganization will result in savings of \$442,106 in FY 2012, \$796,641 in FY 2013, \$1,363,897 in FY 2014 and \$1,363,897 in FY 2015.

The Branch estimates the total savings related to the change in staffing as it relates to the implementation of the circuit court as follows:

	FY 2012	FY 2013	FY 2014	FY 2015
Management change savings	(\$442,106)	(\$796,641)	(\$1,363,897)	(\$1,363,897)
Conversion of marital master to judge positions costs	\$178,456	\$500,583	\$751,508	\$1,108,631
<b>Total Savings</b>	<b>(\$263,650)</b>	<b>(\$296,058)</b>	<b>(\$612,389)</b>	<b>(\$255,266)</b>

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HB 609-FN - FINAL VERSION

15Mar2011... 0739h  
4May2011... 1676EBA

2011 SESSION

11-0574  
09/01

HOUSE BILL            ***609-FN***

AN ACT            establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.

SPONSORS:        Rep. G. Richardson, Merr 4; Sen. Houde, Dist 5; Sen. Morse, Dist 22

COMMITTEE:        Judiciary

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AMENDED ANALYSIS

This bill establishes the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.

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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.

CHAPTER 88  
HB 609-FN - FINAL VERSION

15Mar2011... 0739h  
4May2011... 1676EBA

11-0574  
09/01

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eleven*

AN ACT establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.

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

1 88:1 New Chapter; Circuit Court. Amend RSA by inserting after chapter 490-E the following  
2 new chapter:

3 CHAPTER 490-F

4 CIRCUIT COURT

5 490-F:1 Purpose. The general court hereby organizes, constitutes, and establishes the  
6 New Hampshire circuit court. The goals of the circuit court are the respectful treatment of all  
7 individuals, the prompt and fair resolution of all issues within its jurisdiction, the use of alternative  
8 dispute resolution to reduce the adversarial nature of proceedings, the effective use of technology,  
9 and the assignment of judicial and nonjudicial staff specially selected for their commitment to these  
10 goals.

11 490-F:2 Circuit Court; General. The circuit court shall be a court of record with statewide  
12 jurisdiction. Each circuit court location shall have the authority to hear all cases within the subject  
13 matter jurisdiction of the circuit court. Subject to part 1, article 17 of the New Hampshire  
14 constitution, nothing in this chapter shall prohibit the reassignment of cases within the circuit court  
15 as justice or efficiency requires in the discretion of the administrative judge of the circuit court.

16 490-F:3 Circuit Court Divisions. The circuit court shall consist of 3 divisions: a probate  
17 division, a district division, and a family division. The circuit court shall have the jurisdiction,  
18 powers, and duties conferred upon the former probate and district courts and upon the former  
19 judicial branch family division by RSA 547, RSA 502-A, and RSA 490-D.

20 490-F:4 Circuit Court Locations. The judicial districts for the district and family divisions shall  
21 be as set forth in RSA 502-A:1 and RSA 490-D:4, respectively, and each county shall be a judicial  
22 district for the probate division. The supreme court may, from time to time, establish other locations  
23 for each of the divisions. The probate court records shall be maintained at the circuit court site at  
24 each county seat. The circuit courts shall be as follows:

25	I. Coos county	first circuit
26	II. Grafton county	second circuit
27	III. Carroll county	third circuit

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1	IV. Belknap county	fourth circuit
2	V. Sullivan county	fifth circuit
3	VI. Merrimack county	sixth circuit
4	VII. Strafford county	seventh circuit
5	VIII. Cheshire county	eighth circuit
6	IX. Hillsborough county	ninth circuit
7	X. Rockingham county	tenth circuit

8       490-F:5 Circuit Court Judges and Masters; Appointment; Tenure.

9           I. On the effective date of this chapter, the circuit court shall consist of those justices and  
10 masters previously appointed and commissioned by the governor and council as prescribed by the  
11 constitution and the laws of the state of New Hampshire. The tenure of office of persons serving as  
12 justices or special justices of the district and probate courts or marital masters in the judicial branch  
13 family division and superior court shall not be affected hereby, and they shall continue in office as  
14 judges or masters respectively of the circuit court.

15           II. Judicial and master appointments to fill vacancies which exist on the effective date of  
16 this chapter in the former probate and district courts and in the former judicial branch family  
17 division shall be to the New Hampshire circuit court. No judicial officer appointed to the circuit  
18 court shall be appointed to a particular location; however, the assignment of a circuit court judge to a  
19 particular location shall be within the discretion of the administrative judge of the circuit court who  
20 shall take into account the weighted caseload and judicial need of that location.

21       490-F:6 Circuit Court Judges and Masters; Assignment; Certification.

22           I. Circuit court judges and masters shall be assigned to one or more circuits or locations in  
23 the discretion of the administrative judge of the circuit court after considering population, judicial  
24 time and efficiency, available judicial resources, and the needs of the public.

25           II. The assignment of a circuit court judge to a division within the circuit court shall be  
26 based upon the judge's knowledge of, commitment to, and expertise in the subject matter of the  
27 division.

28           III. For purposes of part 2, articles 80 and 81 of the New Hampshire constitution, a judge of  
29 probate shall be any circuit court judge assigned to the probate division.

30           IV. Judges and marital masters appointed prior to the effective date of this chapter shall be  
31 initially assigned within the circuit court as follows:

32           (a) Judges of the former probate court shall be initially assigned to the probate division  
33 of the circuit court;

34           (b) Judges of the former district court shall be initially assigned to the district division of  
35 the circuit court;

36           (c) Judges certified in the former judicial branch family division shall be initially



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- Page 3 -

1 assigned to the division that corresponds with their initial appointment and to the family division of  
2 the circuit court; and

3 (d) Masters appointed to the former judicial branch family division or superior court  
4 shall be permanently assigned to the family division of the circuit court.

5 V. The assignment of a circuit court judge to a division following initial assignment shall be  
6 within the discretion of the administrative judge; provided, however, the circuit court judge shall be  
7 certified by the supreme court to hear cases coming within the newly assigned division prior to such  
8 assignment. A judge initially assigned to a division within the circuit court pursuant to paragraph I  
9 shall be deemed certified in the division of initial assignment.

10 VI. Thereafter, judges appointed to the circuit court shall be assigned to a division at the  
11 discretion of the administrative judge subject to the following considerations:

12 (a) The knowledge, commitment to, and expertise of the judge in the subject matter of  
13 the particular division to which the judge is to be assigned;

14 (b) The division in which the judicial vacancy resulting in the new appointment exists,  
15 and

16 (c) The judicial needs of a particular circuit court location as determined by the  
17 administrative judge.

18 VII. Judges may be certified in all divisions of the circuit court pursuant to rules adopted by  
19 the supreme court.

20 VIII. Nothing in this section shall prohibit the administrative judge from assigning judges to  
21 a division as justice and efficiency require.

22 IX. The judges and masters shall be entitled to receive their actual personal expenses when  
23 absent from their assigned court in the performance of their official duties. The judges and masters  
24 shall not be reimbursed for mileage to commute from the judge's residence to his or her assigned  
25 court except for any mileage in excess of 50 miles each way.

26 490-F:7 Circuit Court Judges; Number.

27 I. Except as provided in paragraph II, the number of judges and masters in the circuit court  
28 shall not be less than the number of authorized judicial and master positions in the former district  
29 court, probate court, and judicial branch family division, as well as any superior court judicial officer  
30 or marital master equivalent not yet transferred to the former judicial branch family division on the  
31 effective date of this chapter but necessary to complete the family division implementation as set  
32 forth in RSA 490-D.

33 II. Upon the retirement, resignation, disability, or removal of a part-time justice or special  
34 justice of the former probate or district courts, the position shall be eliminated, unless within 30 days  
35 of such retirement, resignation, disability, or removal the supreme court certifies in writing to the  
36 governor that due to population, caseload, and available judicial resources, the position needs to be

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1 continued in the circuit court.

2 III. Upon the completion of the current term of a marital master, the position shall be  
3 converted to a full-time judicial position, provided that the fiscal committee of the general court  
4 approves and further provided that sufficient funds have been appropriated for the salary and  
5 benefits of the full-time judicial position. Once converted to a full-time judicial vacancy, the governor  
6 may nominate and the council may confirm any qualified person pursuant to part 2, article 46 of the  
7 New Hampshire constitution.

8 IV. The supreme court, after reviewing population, caseload, judicial time, and efficiency,  
9 available judicial resources, the needs of the circuit court, and other relevant criteria may request  
10 the governor and council to designate a sitting part-time judge as a full-time judge. The court may  
11 recommend certain judges; however, the governor and council shall not be bound by that  
12 recommendation. Upon designation, that judge shall become full-time. Prior to making its request,  
13 the supreme court shall receive the approval of the fiscal committee of the general court and there  
14 shall be funds in the court's budget specifically appropriated for the salary and benefits of an  
15 additional full-time circuit court judge.

16 490-F:8 Circuit Court Judges; Retired Judges.

17 I. Nothing in this chapter shall limit the ability of retired judges under 70 years of age of the  
18 former district and probate courts or of the circuit court to elect senior active status or of such retired  
19 judges 70 years of age and older to serve as judicial referees pursuant to RSA 493-A.

20 II. Judges who have elected senior active status, are eligible to elect senior active status, or  
21 are eligible to serve as judicial referees on the effective date of this chapter shall maintain such  
22 eligibility.

23 III. The assignment and certification provisions of this chapter shall apply to senior active  
24 judges and retired judges acting as judicial referees.

25 490-F:9 Disqualifications of Judges. No judge or clerk of the circuit court shall be retained or  
26 employed as an attorney in any action, complaint, or proceeding pending in a division of the circuit  
27 court or circuit court site in which that judge or clerk has been certified or assigned. No attorney  
28 shall be permitted to practice before any division of the circuit court where any justice, associate  
29 justice, or special justice is associated with such attorney in the practice of law.

30 490-F:10 Full-Time Circuit Court Judges. A circuit court judge designated to be full-time under  
31 RSA 490-F:7, IV shall not be permitted to engage in the practice of law to any degree. Full-time  
32 judges shall receive the salary specified in RSA 491-A:1.

33 490-F:11 Judicial Branch Budget Request. For the purpose of calculating the biennial budget  
34 request and judicial salaries as well as the number of judicial positions required in the circuit court,  
35 the supreme court shall establish and revise as needed a weighted case value, relating the judicial  
36 time required for each type of case included in the court's jurisdiction, which when multiplied by the

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1 caseload of each court will produce the number of weighted case units for that court. Any revisions  
2 to the weighted case values shall be approved by the fiscal committee of the general court. The  
3 number of weighted case units shall be calculated by the administrative office of the courts in  
4 October of each year, using caseload statistics for the preceding 12-month period. Said weighted  
5 case units shall serve as the basis for determining the salary of part-time judges for the next  
6 calendar year.

7 490-F:12 Part-Time Judges; Salary Calculation. The salary of judges who were part-time judges  
8 in the district and probate courts shall be calculated each year based on the weighted caseload of the  
9 former jurisdiction less any weighted values for case types that are no longer within the jurisdiction  
10 of the circuit court or judicial branch.

11 490-F:13 Circuit Court Clerks; Appointment. The administrative judge of the circuit court shall  
12 appoint a clerk with responsibility for each circuit court site. In the interest of the effective  
13 administration of justice, any such clerk may have responsibility for one or more circuit court  
14 locations. Circuit court clerks shall have the same duties as clerks of the former district court and  
15 judicial branch family division and as registers of probate with the exception of RSA 15-B, RSA 456-  
16 B, RSA 548, RSA 653, RSA 655, and RSA 661 which shall remain as duties of the registers of  
17 probate. Circuit court clerks shall hold office at the pleasure of the administrative judge of the  
18 circuit court.

19 490-F:14 Staff. The administrative judge of the circuit court shall identify a mechanism by  
20 which to assign and transfer existing staff in the probate and district courts and in the judicial  
21 branch family division to operate the circuit court. The number of circuit court staff shall be based  
22 upon a review of anticipated caseload, population, available staff resources, and other relevant  
23 criteria, including information from any weighted caseload system.

24 490-F:15 Referees. The circuit court, with the consent of the parties shall, and without the  
25 consent of the parties may, commit to one or more referees any cause at law or in equity, or the  
26 determination of any question of fact pending in the court wherein the parties are not, as matter of  
27 right, entitled to a trial by jury; and with the consent of the parties shall in the same manner commit  
28 any other cause or the determination of any other question of fact.

29 490-F:16 Alternative Dispute Resolution. Alternative dispute resolution shall be utilized in the  
30 circuit court when practicable to reduce the adversarial nature of proceedings.

31 490-F:17 Existing Procedure Applicable. All provisions of law, not inconsistent herewith,  
32 relating to procedure in civil or criminal matters and practice in the former probate and district  
33 courts and the former judicial branch family division shall remain in full force and apply to the  
34 circuit courts hereby established.

35 490-F:18 Statutory References. During the implementation of the circuit court, references in  
36 statutes involving the jurisdiction of the circuit court to the probate or district courts or to the

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1 judicial branch family division shall be deemed to include the circuit court. Following the full  
2 implementation of the circuit court, those references shall be deemed to be to the New Hampshire  
3 circuit court where it has exclusive jurisdiction of a subject matter and to the superior court and  
4 circuit court where the circuit court has concurrent jurisdiction with the superior court.

5 490-F:19 Implementation Plan. On the effective date of this chapter, the New Hampshire  
6 circuit court shall be operational based upon a plan of implementation developed by the  
7 administrative judge of the circuit court in consultation with and approved by the supreme court.

8 88:2 Judicial Branch Family Division Clerks; Fees. RSA 490-D:12, II and III are repealed and  
9 reenacted to read as follows:

10 II. Fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of  
11 the applicable circuit court established in RSA 490-F for the benefit of the state. The clerk shall set  
12 aside 7 percent of each entry fee paid into the court for deposit into a special escrow account  
13 established under RSA 490:26-c and 14 percent of each entry fee paid into the court for deposit into  
14 the judicial branch information technology fund established under RSA 490:26-h. The proceeds of  
15 fees for motions to appear in court pro hac vice shall be paid into the law library revolving fund  
16 established in RSA 490:25, III.

17 III. The sum of \$5 shall be added to each entry fee collected by the circuit court clerk on  
18 cases which, prior to the establishment of the judicial branch family division, would have been filed  
19 in the probate court. Sums collected under this paragraph shall be deposited in the mediation and  
20 arbitration fund established under RSA 490-E:4.

21 88:3 Sessions in Towns Within District. RSA 502-A:2, II is repealed and reenacted to read as  
22 follows:

23 II. The administrative judge of the circuit court established in RSA 490-F shall have the  
24 authority to and shall, on an annual basis, establish the number of court sessions and the hours and  
25 days of operation required for each district court. The administrative judge shall consider the  
26 convenience of each court's users, caseload, resources, and security. Each court shall submit a plan  
27 for flexible scheduling to the administrative judge that meets the needs of the community served by  
28 that court which may include evening, early morning, and/or weekend sessions and other alternative  
29 sessions. In evaluating the community need for alternative sessions, the administrative judge and  
30 local courts shall evaluate separately civil suits, small claims, order of notice, motor vehicle matters,  
31 and criminal cases to determine the needs of the community.

32 88:4 Duties of Clerks; Disposition of Fines. RSA 502-A:8 is repealed and reenacted to read as  
33 follows:

34 502-A:8 Duties of Clerks; Disposition of Fines.

35 I. The clerk of the applicable circuit court established in RSA 490-F shall receive all fines  
36 and forfeitures paid into the district court from any source. The clerk of any circuit court may accept

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1 payment of the fine by credit card in lieu of cash payment. Any transaction costs assessed by the  
2 issuer of the credit card shall be paid out of the portion of the fine amount which is deposited with  
3 the treasurer and not out of the penalty assessment charged by a district court. The clerk shall  
4 forward fines collected for violations of title XXI to the treasurer for deposit in the highway fund and  
5 fines collected for violations of title LXII and all other statutes to the treasurer for deposit in the  
6 general fund within 14 days. The clerk shall separately indicate which fines were for violations of  
7 title XXI. Fines and forfeitures collected by the clerk for violations of municipal ordinances, codes, or  
8 regulations, except those adopted pursuant to RSA 31:39, I(g); RSA 41:11; RSA 47:17, IV, VI, VII, or  
9 VIII; and RSA 105:6 and RSA 105:7, shall be remitted monthly to the treasurer of the municipality  
10 prosecuting said violations, for the use of the municipality. All expenses related to the processing of  
11 parking violations and the administrative collection of parking fines shall be the responsibility of the  
12 local unit of government, and all fines collected shall be retained in their entirety by the local unit of  
13 government.

14 II. Nothing in this section shall prevent the court from transferring the collection of fines to  
15 a centralized location. Any fines collected by the central location shall be distributed as indicated in  
16 paragraph I. References to duties and responsibilities of clerks contained in paragraph I shall be  
17 deemed to include the central fine collection center as appropriate.

18 88:5 Criminal Cases, District Courts. RSA 502-A:11 is repealed and reenacted to read as  
19 follows:

20 502-A:11 Criminal Cases; District Courts. Each district court shall have the powers of a justice  
21 of the peace and quorum throughout the state and shall have original jurisdiction, subject to appeal,  
22 of all crimes and offenses committed within the confines of the district in which such court is located  
23 which are punishable by a fine not exceeding \$2,000 or imprisonment not exceeding one year, or  
24 both, including all violations of the provisions of RSA 266:16 and RSA 266:25 pertaining to vehicles  
25 exceeding permitted size or weight, regardless of whether the defendant is a natural person or any  
26 other person.

27 88:6 Jury Trial. RSA 502-A:15 is repealed and reenacted to read as follows:

28 502-A:15 Jury Trial. In cases in which the damages claimed exceed \$1,500 or the title to real  
29 estate is involved, if the defendant, upon the entry of any action for damages under RSA 502-A:14, II  
30 or II-a, within 7 days of the return date of the action or within such additional time as the district  
31 court for good cause may allow, files a written request for trial by jury, the cause shall be at once  
32 transferred to the superior court for the county or judicial region in which the court is located, to be  
33 heard and tried as if originally entered in the transferee court. The original entry fee and cost of  
34 transferring the action shall be paid by the moving party but shall be recoverable as costs if the  
35 moving party prevails in the action. If, after transfer for trial by jury, the moving party waives the  
36 right to jury trial, the cause shall at once be remanded to the district court of original jurisdiction.

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1       88:7 District Court Fees. RSA 502-A:28, I is repealed and reenacted to read as follows:

2           I. Fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of  
3 each applicable circuit court established in RSA 490-F for the benefit of the state.

4       88:8 Other Fees. RSA 502-A:29 is repealed and reenacted to read as follows:

5           502-A:29 Other Fees. For other certificates or papers which he or she is authorized to make or  
6 certify, the clerk of a circuit court shall receive the same fees as a clerk of the superior court.

7       88:9 Probate Court Fees. RSA 490:27, I is repealed and reenacted to read as follows:

8           I. Probate court fees as established by the supreme court under RSA 490:26-a shall be paid  
9 to the clerk of the applicable circuit court established in RSA 490-F for the benefit of the state.

10       88:10 Court of Record. RSA 547:1 is repealed and reenacted to read as follows:

11           547:1 Court of Record. The court of probate is a court of record for all purposes, and each  
12 probate court shall be provided with a seal bearing upon its face the name of the court and the name  
13 of this state.

14       88:11 Transfer to Superior Court. RSA 547:11-d is repealed and reenacted to read as follows:

15           547:11-d Transfer to Superior Court. In cases where a right to jury trial is guaranteed by the  
16 constitution or granted by statute, a plaintiff desiring a jury trial shall file the action in the superior  
17 court, and filing the action in the probate court where there is concurrent jurisdiction shall  
18 constitute a waiver of a jury trial by the plaintiff. If the defendant desires a jury trial, the defendant  
19 shall indicate the request for a jury trial at the time of the defendant's initial pleading with the  
20 court. Failure to timely request a jury trial shall constitute a waiver by the defendant thereof. If a  
21 jury trial is requested by the defendant, the matter shall be transferred to the superior court.

22       88:12 New Sections; Dockets and Index; Records; Probate Court Entry Fees. Amend RSA 547 by  
23 inserting after section 27 the following new sections:

24           547:27-a Docket and Index. The probate court shall keep a docket of all cases and matters, and  
25 an index thereto which shall be open to public inspection at all reasonable times.

26           547:27-b Records.

27           I. The probate court shall appropriately retain all wills and their probate; all proceedings  
28 with regard to real estate; all accounts settled, and all orders, decisions, and appointments from  
29 which an appeal may be claimed.

30           II. The probate court, subject to the approval of the supreme court, shall establish and  
31 implement retention and destruction schedules for those original files, papers, and records in cases  
32 and matters disposed of by the court.

33           547:27-c Probate Court Entry Fees.

34           I. Entry fees as established by the supreme court under RSA 490:26-a shall be paid to the  
35 clerk of each applicable circuit court established in RSA 490-F for the benefit of the state.

36           II. The clerk shall set aside 7 percent of each entry fee paid into the court for deposit into a

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1 special escrow account established under RSA 490:26-c and 14 percent of each entry fee paid into the  
2 court for deposit into the judicial branch information technology fund established under RSA 490:26-  
3 h. The proceeds of fees for motions to appear in court pro hac vice shall be paid into the law library  
4 revolving fund established in RSA 490:25, III.

5 88:13 Residence. RSA 548:1 is repealed and reenacted to read as follows:

6 548:1 Residence, etc. The register of probate shall dwell in the county in which the probate  
7 records are required to be kept. If a register shall dwell in any other county and continue so dwelling  
8 for 30 consecutive days, the office shall be deemed vacant.

9 88:14 Preservation of Files. RSA 548:5 is repealed and reenacted to read as follows:

10 548:5 Preservation of Files. The register of probate shall be responsible for coordinating with  
11 the administrative judge of the circuit court established in RSA 490-F the preservation of any closed  
12 files having the potential for historical significance. The register may recommend that these files be  
13 sent to the records center established under RSA 5. The register of probate shall maintain a current  
14 index describing the location of any files which have been removed from the court pursuant to this  
15 section.

16 88:15 Salaries. RSA 548:17 is repealed and reenacted to read as follows:

17 548:17 Salaries. The annual salaries of the registers of probate shall be established by the  
18 supreme court in accordance with the compensation system established by the supreme court.

19 88:16 Acting as Counsel. RSA 548:24 is repealed and reenacted to read as follows:

20 548:24 Counsel Acting As. The register shall not act as counsel or advocate in any proceeding  
21 in, or to be brought into, the probate court of which the register was elected, nor receive any fee for  
22 such service.

23 88:17 Acting as Appraiser. RSA 548:25 is repealed and reenacted to read as follows:

24 548:25 Appraiser, or Commissioner, Acting As. The register shall not be appointed nor act as  
25 appraiser or commissioner on any estate under administration in the probate court of the county in  
26 which the register was elected.

27 88:18 New Section; Record of Decedent's Real Estate. Amend RSA 554 by inserting after section  
28 14 the following new section:

29 554:14-a Record of Decedent's Real Estate. Whenever it appears from the inventory or any  
30 other instrument pertaining to real estate filed with the court in connection with the administration  
31 of any estate that the estate contains real estate located in another county within the state, the court  
32 shall notify, within 15 days, the register of deeds of the county in which the real estate lies of the  
33 name and date of death of the decedent. A register of deeds who receives such a notice shall record  
34 in the grantor's index of the register's office the name of the decedent, the decedent's date of death,  
35 and the county in which the estate is being probated. The cost for filing said notice shall be assigned  
36 to the estate.

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1 88:19 New Section; Notice to Fiduciaries. Amend RSA 554 by inserting after section 26 the  
2 following new section:

3 554:26-a Notice to Fiduciaries.

4 I. A fiduciary appointed by the probate court shall file, as required by law, an inventory  
5 within 90 days after the date of appointment, or an account of administration within one year after  
6 the date of appointment. If a fiduciary fails to file an inventory within 30 days after the required  
7 filing date, or an account of administration within 90 days after the required filing date, the  
8 fiduciary is in default. The clerk of the applicable circuit court established in RSA 490-F shall give  
9 notice of the default to the fiduciary by first class mail within 10 days after the default. In the case  
10 of any inventory, account, annual report, statement of voluntary administration, or waiver of  
11 administration affidavit, the fiduciary shall either file the inventory, account, annual report,  
12 statement of voluntary administration, or waiver of administration affidavit, or show good cause for  
13 the failure to file, within 30 days after notice of the default from the clerk. If the fiduciary fails to  
14 file or to show good cause, the judge of probate shall issue a citation to the fiduciary to appear before  
15 the judge pursuant to RSA 550:2. The fiduciary shall pay default and citation fees as established by  
16 the supreme court under RSA 490:26-a to the clerk, pursuant to RSA 490:27. The requirements of  
17 this section shall apply to fiduciaries previously appointed as the judges of probate may prescribe by  
18 rules adopted pursuant to RSA 547:33.

19 II. The clerk shall contemporaneously with the issuance of any citation pursuant to  
20 paragraph I and RSA 550:2 send a copy of such citation by first class mail to the following:

21 (a) Any surety for the fiduciary;

22 (b) Any person who has filed an appearance; and

23 (c) Any residuary beneficiary, and the director of charitable trusts in cases involving  
24 charitable dispositions and trusts.

25 88:20 Name Change. Amend the following RSA provisions by replacing "register of probate" and  
26 "register" with "clerk:" 5-C:32, 7:29, 21-J:14, 87:21, 87:22, 87:26, 135-C:38, 170-B:16, 170-B:22, 171-  
27 B:6, 401:1, 457:28-b, 464-A:12, 464-A:20, 464-A:26, 464-A:28, 464-A:33, 505:11, 553:16, 553:25,  
28 561:19, 564:4, 564:12, 568:30, 568:35, and 568:54.

29 88:21 Reference Deleted. RSA 151-A:15, I is repealed and reenacted to read as follows:

30 I. If within 180 days after the date of a testate or intestate patient's death in any nursing  
31 home no petition for probate has been filed under any section of RSA 553 and the gross value of the  
32 personal property remaining at the nursing home belonging to the deceased, including any amount  
33 left in a patient account, is no more than \$2,500, the nursing home administrator shall file in the  
34 probate court in the county where the nursing home is located an affidavit for the purpose of  
35 disposing of such deceased patient's estate. The form of the affidavit, and the rules governing  
36 proceedings under this section, shall be provided by the probate court pursuant to RSA 547:33. The



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1 nursing home administrator shall not file a death certificate with the probate court, but shall attest  
2 to the death in the affidavit. If the nursing home patient died testate and if the nursing home  
3 administrator has the will or a copy of the will, the nursing home administrator shall file the same in  
4 the probate court in the county where the nursing home is located. The probate court shall waive all  
5 filing fees.

6 88:22 Reference Change. The introductory paragraph of RSA 464-A:35, I is repealed and  
7 reenacted to read as follows:

8 I. A guardian of the person shall file an annual report with the court within 90 days after  
9 the anniversary date of the guardian's appointment, or be in default. The clerk shall give notice of  
10 the default to the guardian by first class mail within 10 days after the default. The clerk shall issue  
11 a citation notice in accordance with RSA 554:26-a. The report shall contain a brief summary of the  
12 present status of the ward including, but not limited to:

13 88:23 Reference Change. RSA 464-A:36, I is repealed and reenacted to read as follows:

14 I. Subject to the provisions of RSA 464-A:26, V, a guardian of the estate shall file an annual  
15 account under oath with the court within 90 days after the anniversary date of the guardian's  
16 appointment, or be in default. The clerk shall give notice of the default to the guardian by first class  
17 mail within 10 days after the default. The clerk shall issue a citation notice in accordance with RSA  
18 554:26-a.

19 88:24 Reference Change. RSA 490:25, III is repealed and reenacted to read as follows:

20 III. Receive and accept at any time funds from the sale or exchange of books, pamphlets,  
21 maps, manuscripts, and other related material, or from the sale of data base services, barcodes,  
22 cataloging records, magnetic tapes, laser discs, video tapes, or related or similar material, or from  
23 fees and fines as established by the law library and approved by the supreme court. Any funds  
24 accruing to the law library from such sources and as provided under RSA 490:24, I; RSA 490-D:12,  
25 II; RSA 499:18, II; RSA 502-A:28, II; and RSA 547:27-c, II shall be paid into the state treasury and  
26 held in a continually appropriated fund which shall not lapse for the use of the law library upon  
27 approval by the supreme court;

28 88:25 Reference Change. RSA 491-A:1 is repealed and reenacted to read as follows:

29 491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

30 Chief justice, supreme court	\$151,477
31 Associate justices, supreme court	\$146,917
32 Chief justice, superior court and administrative judges	
33 appointed pursuant to supreme court rule 54	\$146,917
34 Associate justices, superior court	\$137,804
35 District court justices prohibited from practice	
36 pursuant to RSA 502-A:21-a	\$137,804

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1 Probate judges prohibited from practice

2 pursuant to RSA 547:2-a

\$137,804

3 88:26 Reference Change. RSA 553:32, I is repealed and reenacted to read as follows:

4 I. Notwithstanding any provision of law, whenever a deceased dies testate and the surviving  
5 spouse or, if no spouse, an only child is named in the will as the sole beneficiary of the deceased's  
6 estate and is appointed to serve as administrator; or whenever a deceased dies intestate and the  
7 surviving spouse or, if no spouse, an only child is the sole heir of the deceased's estate and is  
8 appointed to serve as administrator, there shall be no requirement for an inventory of the estate, no  
9 requirement for a bond, and no requirement for an accounting for assets. Administration of the  
10 estate shall be completed upon the administrator's filing, and the probate court's approval of an  
11 affidavit of administration. Such filing shall occur not less than 6 months nor more than one year  
12 after the date of appointment of the administrator. The affidavit of administration shall state that  
13 to the best of the knowledge and belief of the administrator there are no outstanding debts or  
14 obligations attributable to the deceased's estate and shall list all real estate owned by the decedent  
15 at the time of death, including the location, book, and page. If the administrator fails to file the  
16 affidavit of administration within the time prescribed above, the administrator is in default. The  
17 clerk shall give notice of the default to the administrator by first class mail within 10 days after the  
18 default. The clerk shall issue a citation notice in accordance with RSA 554:26-a.

19 88:27 Reference Change. RSA 554:1 is repealed and reenacted to read as follows:

20 554:1 Inventory. Every administrator shall file under oath, with the court, within 90 days after  
21 the date of appointment, a full, true, and itemized inventory of all the estate of the deceased which  
22 has come to the administrator's knowledge. If an administrator fails to file an inventory within 30  
23 days after the required filing date, the administrator is in default. The clerk shall give notice of the  
24 default to the administrator by first class mail within 10 days after the default. The clerk shall issue  
25 a citation notice in accordance with RSA 554:26-a. The inventory shall contain a description of the  
26 real estate; a correct schedule of all goods, chattels, stocks, bonds, cemetery plots or burial spaces,  
27 and other effects of the deceased; of all notes, with their dates and terms of payment, and the date  
28 and amount of each endorsement thereon; of all deposits in savings banks, with the name and  
29 location of each bank, the number of each book, the date of the last dividend, and the whole amount  
30 then due thereon less any withdrawals since that date; and a list and description of any other  
31 written evidences of debt. If any person claims a present legal or equitable right of title to real or  
32 personal property in the estate of the deceased, the administrator may petition the probate court  
33 pursuant to RSA 547:11-b to determine the question as between the parties.

34 88:28 Reference Change. RSA 599:1 is repealed and reenacted to read as follows:

35 599:1 Appeals. A person convicted by a district court of a class A misdemeanor, at the time the  
36 sentence is declared, may appeal therefrom to obtain a de novo jury trial in the superior court, which

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1 shall hear the appeal. The appeal shall be entered by the defendant at the next return day unless  
2 for good cause shown the time is extended by the superior court. If, after a jury trial in the superior  
3 court, the defendant is found guilty, the superior court shall sentence the defendant, and the  
4 defendant may appeal questions of law arising therefrom to the supreme court. In the event the  
5 defendant waives the right to jury trial after the case has been appealed, the superior court shall  
6 forthwith remand the case to the district court for imposition of the sentence originally imposed by  
7 the district court, and the defendant may appeal questions of law arising therefrom to the supreme  
8 court. In all misdemeanor cases which are appealed to superior court or in which defendants are  
9 bound over, it shall be the duty of the superior court to transmit to the justice of the district court,  
10 within 10 days after the case is finally disposed of, a certificate showing the final disposition of the  
11 case.

12 88:29 Repeal. The following are repealed:

- 13 1. RSA 490-D:6, relative to judges and marital masters.
- 14 2. RSA 490-D:10, relative to referees.
- 15 3. RSA 490-D:11, relative to staff.
- 16 4. RSA 490-D:12, I, relative to judicial branch family division clerks.
- 17 5. RSA 490-D:13, relative to alternative dispute resolution.
- 18 6. RSA 490-D:15, relative to marital master's expenses.
- 19 7. RSA 502-A:1-a, relative to additional district courts.
- 20 8. RSA 502-A:3, relative to appointment and tenure of district court justices.
- 21 9. RSA 502-A:3-a, relative to associate justices of Manchester, Nashua, and Concord District  
22 Courts.
- 23 10. RSA 502-A:3-b, relative to tenure of district court justices following consolidation.
- 24 11. RSA 502-A:3-c, relative to elimination of special justices unless need certified.
- 25 12. RSA 502-A:5, relative to powers of other justices.
- 26 13. RSA 502-A:5-a, relative to assignment of judges.
- 27 14. RSA 502-A:6, III, relative to salaries of clerks.
- 28 15. RSA 502-A:6, V, relative to salaries of deputy clerks.
- 29 16. RSA 502-A:7, relative to district court clerks.
- 30 17. RSA 502-A:7-a, relative to deputy clerk of the Nashua District Court.
- 31 18. RSA 502-A:7-b, relative to deputy clerks.
- 32 19. RSA 502-A:8-a, relative to assignment of juvenile intake officers.
- 33 20. RSA 502-A:8-b, relative to duties of juvenile intake officers.
- 34 21. RSA 502-A:12-a, relative to regional jury trials.
- 35 22. RSA 502-A:20, relative to courts of record.
- 36 23. RSA 502-A:21, relative to disqualification of justices.

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- 1           24. RSA 502-A:32, relative to existing procedure applicable.
- 2           25. RSA 502-A:34, relative to functions of municipal courts vested in district court.
- 3           26. RSA 502-A:35, relative to an exception to the abolition of municipal courts.
- 4           27. RSA 502-A:36, relative to the transfer of pending actions.
- 5           28. RSA 547:11-e, relative to failure to prosecute appeal.
- 6           29. RSA 547:27, relative to if the register is not present.
- 7           30. RSA 547:38, relative to assignment of judges.
- 8           31. RSA 548:2, relative to office hours.
- 9           32. RSA 548:3, relative to the seal.
- 10          33. RSA 548:4, relative to docket and index.
- 11          34. RSA 548:4-a, relative to scheduling.
- 12          35. RSA 548:5-a, relative to notice to fiduciaries.
- 13          36. RSA 548:6, relative to destruction of records.
- 14          37. RSA 548:7-a, relative to the record of decedent's real estate.
- 15          38. RSA 548:8, relative to blanks and stationery.
- 16          39. RSA 548:9, relative to inventory blanks.
- 17          40. RSA 548:14, relative to deputy registers.
- 18          41. RSA 548:14-a, relative to additional deputy registers.
- 19          42. RSA 548:16, relative to the disability of the register.
- 20          43. RSA 548:23, relative to receipts.
- 21          44. RSA 548:23-a, relative to probate court entry fees.

22           88:30 Effective Date. This act shall take effect July 1, 2011.

23  
24  
25  
26

Approved: May 16, 2011  
Effective Date: July 1, 2011

# Committee Minutes

**SENATE CALENDAR NOTICE  
JUDICIARY**

Senator Matthew Houde Chairman  
 Senator Sharon Carson V Chairman  
 Senator Fenton Groen  
 Senator Jim Luther

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

**Date: March 23, 2011**

**HEARINGS**

**Thursday**

**3/31/2011**

JUDICIARY

LOB 101

1:00 PM

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION MAY FOLLOW**

1:00 PM HB510

requiring marital masters to be New Hampshire residents.

1:15 PM HB511

relative to retired judges over 70 years of age.

1:30 PM HB609-FN

establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division..

**Sponsors:**

**HB510**

Rep. Robert Rowe

Rep. Daniel Itse

Rep. Lawrence Kappler

**HB511**

Rep. Robert Rowe

Rep. Lawrence Kappler

Rep. Daniel Itse

**HB609-FN**

Rep. Gary Richardson

Sen. Matthew Houde

Sen. Chuck Morse

# Judiciary Committee

## Hearing Report

**TO:** Members of the Senate

**FROM:** Susan Duncan, Senior Legislative Aide

**RE:** Hearing report on HB 609-FN – establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.

**HEARING DATE:** March 31, 2011

**MEMBERS OF THE COMMITTEE PRESENT:** Senators Houde, Carson, Luther and Groen

**MEMBERS OF THE COMMITTEE ABSENT:** No one

**Sponsor(s):** Representative G. Richardson; Senator Houde; Senator Morse

**What the bill does:** This bill establishes the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.

**Who supports the bill:** Representative Rowe (on behalf of Representative G. Richardson); Chief Justice Linda Dalianis of the NH Supreme Court; David King, Presiding Justice of the NH Probate Courts; Edwin Kelly, Presiding Justice of the NH District Courts and Family Division; Dale Trombley, Fiscal Manager of the Judicial Branch; Rep. B. Palmer

**Who opposes the bill:** No one

**Summary of testimony received:**

- **Senator Houde** opened the hearing at 1:37 p.m.
- **Representative Rowe**, on behalf of Representative Richardson, introduced the bill. He recounted two major court reorganizations that occurred previously – when the courts were unified as well as when the changes were made in the appeals processes. He said that the changes in this bill make those changes pale by comparison – and yet they are good changes in that it will save time, save costs and bring justice to the people.
- He encouraged the Committee to please pass this quickly. He noted that it has already been carefully vetted by the Judicial Branch and the Innovation Commission that worked on it.

- He said that the changes made in the House were all agreed upon by the Judicial Branch. Senator Luther asked him to please articulate the changes made in the House. Representative Rowe noted that it was amended.
- **Chief Justice Dalianis** testified in support and introduced Judge King, Judge Kelly, Attorney Pat Quigley (Probate Court staff attorney) and Dale Trombley. She thanked Representative Rowe for his support and efforts and noted that without him, they would not be as far along today as they are.
- She commented that rather than have the bill retained in the House, they agreed to certain changes, and certain things were removed that were important to the House Judiciary Committee.
- She noted that the section previously included moving traffic violations to the Department of Safety is one of the sections removed. Safety determined that it would have cost them more than it costs the courts to perform these functions. Also, the duties of the Registers of Probate were changed in the House amendment. She explained that because Registers are elected and yet serve as employees, it makes sense to amend these at this time.
- Terms for Marital Masters were also changed in the House amendment. The court had wanted to end their service when each Master retires, but the House wanted them to end when their current appointment ends and be converted to judges, if appointed by the Governor. She said that they agreed to these changes because it is of paramount importance to have this legislation move forward in a timely manner. They are already interviewing folks for the new clerk positions; other jobs will cease upon the enactment of this bill.
- **Judge Kelly** testified in support and provided background information that this proposal came out of the Innovation Commission which had been formed by Chief Justice Broderick and continued by Chief Justice Dalianis. He said that the Commission's charge had been to deconstruct the court system and reconstruct it with best practices, improved technology and better efficiencies. He said that following one year's work, HB 609 is the result. It will change the 36 District Courts, 33 Family Divisions and 10 Probate Court locations into the Circuit Court System. He explained that right now we have 52 Clerks and Registers which will be converted to 21 Circuit Court Clerks. Staff will be cross-trained so that they are able to perform many different functions. He noted that after judges can prove proper competency, they will also be able to sit in other sections. Judge Kelly explained that this will enable the courts to move their resources to where the work is. He said that the public should see very few changes from their perspective.
- **Judge Kelly** noted that HB 609 is critical to being able to implement the court changes as without it, there is no vehicle to make them.



- He remarked that they did their best to make sure that as little substantive law is changed as possible – they only wanted to change court structure – so most of the statutory changes are to court references (i.e., District and Probate Court to Circuit Court).
- He testified that no court locations will be changed and that counties mark the differentiations among the various circuit courts.
- He remarked that there are also a few housekeeping changes – sections 6 and 29 eliminate jury trials in the District Court, a pilot that was conducted years back and found to be less effective and was therefore stopped.
- **Senator Luther** asked if this is parallel to what other states have done. **Judge Kelly** commented that Vermont did a single unit court but have made it a long-term process in that state. He explained that the National Center for State Courts said that New Hampshire's efforts are more comprehensive than other states have tried.
- **Senator Luther** asked, in Nashua for example, what changes in the courts will there be. **Judge Kelly** responded that eventually the District Court building will be sold (market value at around \$1 million) and all of the courts will be located together in Hillsborough South. **Senator Luther** asked if Nashua is typical. **Judge Kelly** responded that Hillsborough South facility is plenty large enough to house all of the courts once Hillsborough North moves out. He said that this court closing in Nashua is completely separate.
- **Judge King** discussed the proposed changes to the Registers of Probate and noted that they are Constitutional Officers, dating back to 1877. He said that two times they have tried to have registers appointed rather than elected. When the courts were unified in 1984, they did not amend the Constitution to change these positions – so all other courts have clerks who are court employees, which provides for consistencies among practices. The registers are more independent and elected. He explained that the definition is changed on page 8 of the bill and that they will continue to be responsible for the ancient record – and that this is important for people tracing genealogy and for real estate records. He explained that these positions will remain but that they will not be court clerks and will not be court employees. He noted that the courts had planned to pare them down through attrition, but that the House wanted them done sooner. He noted that most of the registers are applying for the court clerk positions and a few are retiring.
- Right now, the savings that will be realized in going from 52 court clerks down to 21 will be \$1 million. There will be 21 clerks and 23 deputy clerks with 11 positions being eliminated completely. He said that without HB 609 passing, the courts cannot realize these savings.
- The judges distributed a summary chart showing the various changes in the legislation.

- They noted that the judicial jurisdiction is expanded in the bill so that further appointments can be made to the Circuit Court (for judges already confirmed and serving) and to enable the collapsing of management.
- A call center will be established where all phone traffic will be received. The court system has run a pilot project and found that 70% of the calls can be answered by anyone who has general court knowledge. Having the call center will eliminate 6.6 fulltime equivalent positions enabling court staff to be at the counter helping people rather than answering the telephone.
- By using the Odyssey program system, individuals at the call center can check individual court dockets to know the status of many cases. This should provide better service to the constituents.
- **Senator Houde** asked about the judges qualifying to serve in the Circuit Courts. **Judge Kelly** responded that they are already doing this in the Family Division and that all District and Probate judges would be eligible to be certified to serve in the Circuit Court. He noted, however, that no one will be forced to serve but the intent is to allow judges to elect to expand their practice. He noted that we already have a lot of good judges out there who had active law practices before serving on the bench who could readily pick up the new cases. He said from Day 1, he will absolutely not be qualified to sit in the Probate Division as he would need to be trained – and the same thing would apply to each division.
- **Judge King** added that right now they have a shortage of Probate Judges so the timing is very good for them. He said that he has a number of judges who will be retired. He noted that the Supreme Court will be responsible for the certification process.
- **Senator Luther** asked about the short-term with the existing judges. **Judge King** responded that the judges will still be doing the same cases. He used as an example his Fridays where he sits in Coos County Probate Court – and now he would be able to help out with arraignments in the District Court there if they needed him (rather than finding a judge from a different court). **Judge King** remarked that the big efficiencies that will be realized from this legislation are on the management side in collapsing staff and cross-training. He said that this represents a total change in the culture with much more effective uses of scarce resources.
- **Senator Luther** asked how folks are thinking about these broader opportunities. **Judge King** responded that right now the looming layoffs are #1 in their minds – and this is creating tension. He acknowledged that with fewer people, they will need to make more efficient use of them – and they all know it will be a more efficient system.

- Regarding the 52 current clerks that will be 21 in a few weeks, he said that they have had 10 who have chosen to retire – but noted that there is a lot of anxiety out there.
- **Senator Groen** asked about management changes and what percentage of the judicial budget does this represent. Dale Trombley responded that she would get these figures and get back to the Senators.
- **Judge Kelly** noted that some of the management savings will be realized in the plea by mail system, the central call center, and noted that they visited the NE Delta Dental and Department of Safety where they already have central call centers working. He said that if questions come into the call centers that they cannot answer, they can seamlessly transfer the call up to the court.
- **Senator Groen** noted his experience with a bank in Rochester that he used to do business with – but no longer does because he could not call his local bank that was only a few blocks from his home. The Chief Justice commented that the Court Call Center will be located in New Hampshire.
- **Judge Kelly** commented about the call center at Delta Dental and how they are able answer calls almost as soon as they come in. He said that the questions in their trial over and over were: Is their case still one? What are the hours of operation? Has a Motion been filed? Is the Order in their file – for this the call would have to be transferred to the originating court. He said that they are also working to increase the amount of information available on line so that folks can access this independently. He said that all forms for Probate are now available on line and at some point, folks will be able to also access information about their cases.
- **Ms. Trombley** noted that she will get the percentage of the budget for management for the committee members.
- **Senator Houde** closed the hearing at 2:28 p.m.

**Funding:** A fiscal note was not available at the time of the hearing.

**Future Action:** The Committee took the bill under advisement.

**Addendum:** In written testimony, Representative Palmer requested that per diem judges (approximately 12 currently in service) be made full-time.

sfd

[file: HB 0609-FN report]

Date: April 1, 2011

# Speakers





# Testimony

2-103

# The State of New Hampshire

## ADMINISTRATIVE OFFICE OF THE COURTS

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April 1, 2011

Sen. Matthew S. Houde, Chairman  
Senate Judiciary Committee  
State House  
107 North Main Street, Room 302  
Concord, NH 03301

Dear Senator Houde:

I am responding to the question asked by Senator Groen at the March 31<sup>st</sup> hearing on HB 609, the circuit court bill. The table below shows the percentage of managerial non-judicial salary dollars requested for fiscal year 2012 as a percentage of total non-judicial salary dollars in the particular court. Under the organizational structure that we have today, 23% of Judicial Branch non-judicial salaries are paid to managers. If HB 609 becomes law, the circuit court will have 14% of non-judicial salaries paid to managers.

	Today	Proposed
Supreme Court	10%	
AOC	19%	
Superior Court	24%	
Probate Court	36%	
District Court	27%	
Family Division	18%	
Circuit Court		14%
Overall	23%	

To reiterate, the savings in salaries and benefits for this restructuring is \$1.4 million per year. The number of clerk positions will be reduced from 52 to 18, a 65% reduction.

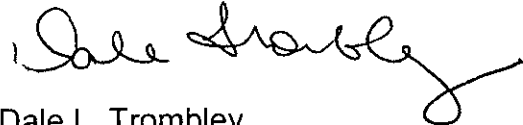


Page 2

Today, more than 60% of the probate, district and family courts are staffed with 4 or fewer positions, including the clerk. Under the circuit court, managers will supervise from 13 to 39 staff.

We would appreciate the support of your committee in expediting passage of this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale Trombley", with a stylized flourish at the end.

Dale L. Trombley  
Fiscal Manager

Cc: Hon. Linda Dalianis  
Hon. Edwin Kelly  
Hon. David King  
Howard Zibel, Esq.

TO: Chairman, Senate Judiciary Committee  
FROM: Rep. Barry Palmer, Nashua (Hills #26)

re: HB 609-FN

I'm writing in favor of HB 609-FN, the bill establishing a circuit court to replace three current courts. It's a good idea and will save the state and judicial system money. A lot of work went into this reorganization.

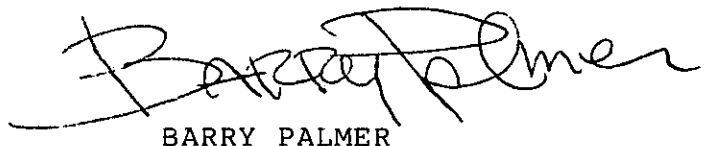
That being said, I would like to offer a suggestion regarding per diem judges. There are about 12 per diem judges serving the courts now. In the interest of justice within the judicial system, I believe the right thing to do is to make those judges who wish, become full-time. Under this new system in HB 609, these per diem judges will have to be able to perform at all the levels: district, probate and family, in order for the system to succeed.

Further, I would note that per diem judges receive no benefits and cannot even enter into the retirement system. Also, some have had to close, or at least limit, their law practices, all while serving their state in a vital role.

There are provisions within the system to make them full-time.

Considering the estimated savings under HB 609, making one or two per diem judges full-time each year would not be costly, would show appreciation to those making a difference in the courts, and would provide fairness within the system.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barry Palmer", written in a cursive style.

BARRY PALMER

The New Hampshire Judicial Branch  
CIRCUIT COURT

-- At A Glance --

- Establishes one trial court with three divisions
- The divisions will be made up of the existing district court, probate court, and family division
- Circuits run along county lines
- Existing court buildings will be utilized
- No existing courts will be closed
- Judges will be certified to sit in multiple divisions based on experience and interest
- Clerks will manage entire circuit court locations and all divisions within each location (as opposed to the current structure which normally has two clerks and a register per location)
- Changes role of Probate Registers
- Permits centralized fine collection
- Emphasizes increased utilization of technology
- Emphasizes the use of alternative dispute resolution to reduce the adversarial nature of proceedings

**Circuit Court Proposal**  
**LSR 2011-H-0574**  
**Executive Summary**

**Introduction**

The proposals contained in this summary were developed as part of the work of the Innovation Commission formed by the NH Supreme Court in April 2010. The Commission was charged with searching for innovative ways to increase the court system's productivity and efficiency while saving costs and maintaining the core mission of the judicial branch which is to provide access to justice to the people who bring their cases before the courts for resolution.

This summary discusses the recommendations made by only one of the Commission's subcommittees. Wherever possible, cost savings have been estimated. Likewise, projected estimated expenses are indicated. Not all of the recommendations contained within this summary require legislative approval and many will move forward wherever possible within the current budget restrictions.

**Unification of the Probate, District and Family Court**

Currently, these three trial courts operate as entirely separate entities, each with its own judges, staff, courtrooms etc. The inefficiency of this separation is readily apparent in those facilities that share space with one or more of the current courts. It is not uncommon that one trial court will either require additional clerical assistance or perhaps require the presence of a judge, while another of the courts has the additional judicial or clerical staff. However, because of the statutory restrictions against judges serving in more than one court, with the limited exception of the family division, it is not possible to utilize the available resource and, instead, judges or clerks must be moved from another location to provide the necessary assistance.

This proposal would unify the three trial courts into the Circuit Court and establish three "divisions" within the new court, the probate, district and family division. Judges and staff would be able to be assigned to Circuit Court locations and divisions within those locations where required by the workload.

The efficiencies and savings to be gained through this proposal are contained in the sections that follow. However, in order to maximize those efficiencies the new trial court organization is critical.

*Estimated Cost to Implement: None*

*Legislative Approval: Required*

### Management Restructuring

There are currently 51 clerks and registers supervising 66 different locations for the existing district, probate and family courts. We are proposing the reduction of our management structure by approximately 50%. This restructuring is planned based upon a study of staffing patterns, commonly accepted standards for staff to manager ratios and experience gained primarily within the family division with the regionalization and centralization of management responsibilities. This proposal also calls for a legislative change to the duties of probate registers in order to bring the probate court within the construct of the new Circuit Court. While it is our intention to implement this proposal through attrition, we intend to be aggressive in its implementation and have, in fact, begun to hold management positions open as they are vacated.

*Estimated Cost to Implement: None*

*Legislative Approval: Required for change to probate register duties*

*Estimate Savings: \$237,000 in Year One; \$1.2M over 10 years*

### Transfer Jurisdiction Over Minor Motor Vehicle Cases to Department of Safety

The district courts handle more than 30,000 minor motor vehicle cases each year. The supreme court, in a 1993 decision, ruled that these cases were civil in nature, not criminal. The Department of Safety currently has jurisdiction, and a dedicated Bureau of Hearings, that addresses such complex and important issues as administrative license suspension in DWI cases, issuance and suspension of permits to motor carriers to use the state's highways, suspension and reissuance of driver's licenses etc. This proposal would transfer the responsibility for hearing minor motor vehicle cases (speed, stop sign, yellow line etc.) to Safety. Parties would have a limited right of appeal to the Circuit Court for review of the Bureau's decision.

*Estimated Cost to Implement: See Video section below. It is expected that any expenses associated with staffing at the Department of Safety will be more than offset by the savings in the judicial branch.*

*Legislative Approval: Required*

*Estimated Savings: \$1M a year in staffing savings in the judicial branch. The Department of Safety and local police departments are estimating significant savings in overtime pay to their officers that may be as high as \$500,000. Safety estimates implementation cannot begin until 2014; therefore savings over the next 10 years are projected at approximately \$10.5M excluding staffing expenses incurred by the Department.*

#### Establishment of a Centralized Call Center

Currently each of the 66 court locations that will comprise the Circuit Court receives telephone inquiries which, cumulatively, total in the many thousands each year. Results of a careful study conducted earlier this year, show that 70% of those calls can be adequately addressed offsite. Those calls tend to require information that is very general in nature or can be answered by a trained person referring to information contained in the courts' central case management system.

Establishment of a centralized call center will increase efficiency, enhance consistency in responses and allow staff at the local courts to devote more time to case processing and customer service. In combination with other recommendations below, it is also expected to reduce the number of staff required at the local courts to perform those functions.

*Estimated Cost to Implement: Cost estimates for the phone system are currently being compiled and are expected to be completed before December 31<sup>st</sup>. Any such cost will be a capital expense and may be as high as \$1M if the entire court system is changed over to VOIP (Voice Over Internet Protocol) in order to join in the effort to convert all state lines to internet based, or as low as \$100,000 if a phone system for only a single location is the final recommendation.*

*Legislative Approval: Not Required except as to capital budget*

*Estimated Savings: \$330,000 in Year One and \$3.3M over 10 years*

### **Implement Specialize Case Processor Positions**

Traditionally, all clerical staff in our courts work between the hours of 8 a.m. and 4 p.m. and are full time employees. Recently completed studies have shown that staff is up to 100% more efficient when working during hours that court is not in session i.e. evenings or weekends. It is estimated that approximately 50-75% of the work performed by staff in our local courts is in the nature of data processing which can be performed during off hours or in a place separate from the other staff. This recommendation creates a segment of our work force that will work in the evening hours or separate from the other staff and which will be comprised mainly of part time employees. Our studies indicate a dramatic increase in productivity is to be expected with a savings related to the expense for benefits.

*Estimate Cost to Implement: We expect to convert currently existing vacant full time positions to part time for use in this proposal. It is anticipated that supervisory staff will be required and may have to be full time. Those positions will, likewise, be filled either with existing staff or from existing vacancies.*

*Legislative Approval: Not required*

*Estimated Savings: \$500,000 in Year One with a cumulative savings of \$5M over 10 years.*

### **Expand Use of Videoconferencing**

Videoconferencing has been used only randomly in the district, probate and family courts. Primarily it is used for purposes of conducting criminal arraignments in some of our larger courts. While this does not produce a large savings to the judicial branch, it does produce savings related to the transportation of detained individuals and their custody during court appearances. These expenses fall mainly on the county budgets through their Sheriff's Departments and the Department of Administrative Services which has the funds for reimbursement to the counties for custody and control of detained individuals within its budget. The benefit to the courts is in assuring greater courthouse security and creating efficiencies in the conduct of these hearings. This proposal anticipates the expansion of video hearings to other case types including certain family matters, civil and small claims, matters within

the probate jurisdiction that do not require the physical presence of the parties and other cases where parties cannot easily attend due to distance. The proposal is to fit up each court location and each county jail with videoconferencing equipment. Although not formally included within this recommendation, it would be equally advisable to enlist the public defender's office, county attorneys and attorney general in this process to enable those state and county funded entities to achieve similar efficiencies and savings.

*Cost Estimate to Implement: The cost is solely related to purchasing and installing videoconferencing equipment and funding internet lines at each site over which the video would be broadcast and received. It is estimated that the capital expense would be approximately \$600,000 to purchase and install the equipment at each court location (43 sites) and each county jail (10 sites). Additionally, there will be a \$1200 cost per year for internet access at each location for a total cost of approximately \$52,000 per year, assuming the counties pay their own internet access fee.*

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*Legislative Approval: Required for capital expense*

*Cost Savings: Savings may be as high as \$240,000 per year for the Department of Administrative Services, but more precise estimates need to be received from DAS. Savings to the courts will be primarily in achieving greater efficiency in conducting these hearings and is, at this point, difficult to estimate. Savings to other non-court entities such as the Sheriffs, public defenders and law enforcement officials will have to be received from them.*

#### Expansion of Centralized Dictation Center

Typically, orders that need to be typed have been typed by staff in the various clerks' offices. In those courts that have court monitors, the monitors have typed the orders. This function is not one that staff are generally hired to perform. Consequently, proficiency is variable and often removes the staff person from other responsibilities required to be performed within that staff person's job description. In short, it is highly inefficient. The family division implemented a centralized dictation center several years ago that is staffed by 2.5 – 3 FTE's. Dictation is called into a centralized software system located in Concord and transcribed within 24-48 hours of receipt and then emailed back to the judicial officer. More than 6,000 orders each year are transcribed



by highly efficient staff that is hired specifically to perform this task. We are currently in the process of purchasing updated software that will allow transcription to take place from noncourt facilities. This will allow us to expand our part time work force and to contract with individuals who may work from home.

*Cost Estimate to Implement: Cost of Software is within the existing FY 11 budget. There may be a need for additional staff as more courts are added to this process; however, part time employees will be primarily utilized and gains in efficiency at the local court level will be increased.*

*Legislative Approval: None Required*

*Projected Savings: Savings is related to efficiencies to be gained at the local court sites by virtue of staff no longer having to perform this task*

#### Transfer of Certain Case Types to Judicial Referees

The jurisdiction of each of the existing courts that will comprise the Circuit Court includes certain functions that simply do not require the assignment of a judge. Examples of such functions include probable cause determinations in Involuntary Commitment proceedings, determination of payment schedules in small claims cases, determination of reimbursement schedules in lawyer fee reimbursement matters, child support enforcement proceedings, probate account review etc. The court system currently employs 4 child support hearing officers in the family division, two of whom are part time employees. Their use has allowed these matters to proceed far more quickly than if they were put on a judge or master docket and have allowed us to schedule other contested matters which do require a judge far more efficiently. We anticipate the same sort of judicial savings with wider use of referees in these more administrative types of cases.

*Estimated Cost of Implementation: At the outset we will utilize existing staff to serve in this capacity, however, as we measure the outcomes of this initiative, we may add part time contracted staff to assist.*

*Legislative Approval: The probate court and family division already have legislative approval to utilize referees. Legislation will need to be approved to expand their use to the district court segment of the Circuit Court*

***Projected Savings:*** We have analyzed the annual savings anticipated by using a referee system for the probable cause determination in Involuntary Commitment proceeding in Concord and project an annual savings of \$40,000, not including any savings attributable to efficiencies to be gained in giving the judges additional time to hear cases requiring judicial involvement.

#### **Centralize/Privatize Fine Collection**

The state's district courts impose and collect approximately \$14.7M in fines each year. However, there is also approximately \$1.7M in fines outstanding in the district courts, \$60,000 in the probate courts and \$70,000 in the family division. The courts do an excellent job of collecting fines within the first 30 days of imposition. However, as more time passes, the effort to collect overdue fines becomes increasingly labor intensive. Unfortunately, the court staff does not have the resources or training to engage in debt collection practices that have been proven, in the private sector, to be effective. Those would include, repeated personal contact by telephone or mail, establishment and regular monitoring of payment etc. This recommendation would establish a central place in the court system or elsewhere in state government to which all fines older than 30 days would be sent for collection utilizing proven collection techniques. Alternatively, it would seek authorization to send these debts to a private collection agency.

***Estimated Cost of Implementation:*** None. Existing staff would be used in a pilot project to measure the outcome.

***Legislative Approval:*** Required if private collection is adopted

***Projected Savings:*** The savings would be in greater efficiencies at the local court level once this responsibility was removed and projected increases in fine revenue.

#### **Conclusion**

Overall it is estimated that the above recommendations will conservatively produce savings in the range of \$15M over a 10 year period. It is quite possible those savings will be higher. There are other initiatives not detailed here that we intend to test before implementing, but that hold significant promise for achieving higher productivity while saving cost. Those include centralizing public access to court

**records and/or making those records available on the internet, centralizing the filing of certain cases, eliminating other areas of jurisdiction that do not seem to require judicial intervention such as dog nuisance matters, parking violations, certain minor zoning violations etc. Our efforts to further investigate other opportunities for innovation are ongoing.**

**HB 609**  
**2011 Session**

Statute	Change made	Explanation
<b>CIRCUIT COURT SECTIONS</b>		
<b>490-F:1 Purpose</b>	<b>New Section</b> Some of the language is similar to that found in RSA 490-D:1 which establishes the Judicial Branch Family Division.	The goals of the circuit court include many of the "innovations" discussed as part of the "Court Innovation Commission" including ADR, the use of technology and the assignment of staff. Of utmost importance however are the respectful treatment of the citizenry and the fair resolution of disputes. It is anticipated that through the restructure of the three trial courts involved greater efficiencies both judicially and clerically will be realized resulting in cost savings and better public service.
<b>490-F:2 Circuit Court; General</b>	<b>New Section</b>	This section authorizes each location of the Circuit Court to hear all types of cases. Each court location is currently limited in its ability to hear different case types. This section would permit each location to hear all case types coming within the jurisdiction of the circuit court, subject to constitutional venue limitations in criminal cases. In addition, in an effort to gain efficiencies and better serve the public, this section would permit the reassignment of cases from one court location to another, again subject to constitutional limitations in criminal cases. The circuit court will have statewide jurisdiction.
<b>490-F:3 Circuit Court Divisions</b>	<b>New Section</b>	This section sets forth the three circuit court divisions. These divisions mirror the existing courts which will become the circuit court. This section carries over the jurisdictional authority of each division as it currently exists. By virtue of this section, from the outside looking in, many may not notice much difference in the circuit court at inception.
<b>490-F:4 Circuit Court; Locations</b>	<b>See 502-A:1 and 490-D:4</b>	This section sets forth the circuit court locations. The goal of this section is to maintain the status quo with regard to judicial districts. While each county is assigned a circuit number, the districts have remained unchanged. In addition, because probate hearings may be held at additional locations as a result of the circuit court, this section clarifies that the probate records are to be maintained at the county seat. As a result of this section, someone who had filed a small claim in Berlin for example, will still file the small claim in Berlin. A police department filing a criminal charge in Laconia will continue to file the charge in Laconia.

Statute	Change made	Explanation
<p><b>490-F:5 Circuit Court Judges and Masters; Appointment; Tenure</b></p>	<p><b>New Section</b></p>	<p>The first paragraph of this section brings into the circuit court all existing judges and masters. The second paragraph indicates that all future appointments will be to the circuit court rather than to the district or probate courts. In addition, the section removes the "location specific" appointment currently in place giving to each new circuit court judge statewide authority without geographic limitation. It gives to the administrative judge the authority to assign new circuit court judges to a location based upon need.</p>
<p><b>490-F:6 Circuit Court Judges and Masters; Assignment; Certification</b></p>	<p><b>New Section</b> The language regarding the judges' commitment to the type of case is similar to that found in <b>490-D:6</b>. In addition, the language is also akin to that in <b>502-A:3</b>. The assignment language is similar to that found in <b>502-A:5</b>. <b>See 502-A:6-c and 490-D:15</b> with regard to expenses.</p>	<p>The first paragraph gives to the administrative judge the authority to assign circuit court judges to different locations based upon need. This should allow the circuit court to realize greater efficiencies in the use of judicial resources given the absence of geographic limitations.</p> <p>The second paragraph addresses the assignment of a judge to a particular division and ensures that the judge will be assigned to a division based upon knowledge and commitment to the subject matter of the division.</p> <p>The third paragraph addresses a constitutional concern about the need for probate judges specifically.</p> <p>The fourth paragraph addresses the issue that judges, previously appointed to a particular court, will now be presiding over cases whose subject matter may be foreign to them. It ensures that the initial assignment of a judge is to the division of the circuit court from which they came, meaning that a district court judge would be initially assigned to the district division, a probate court judge to the probate division, and a family division judge to the family division.</p> <p>The fifth paragraph addresses subsequent assignments and, while leaving subsequent assignments to the discretion of the administrative judge, also mandates a certification process to ensure that the judge is qualified to hear cases in the new division.</p> <p>The sixth paragraph addresses newly appointed judges to the circuit court and leaves the initial division assignment to the discretion of the administrative judge while setting forth the criteria to consider in making that initial assignment.</p> <p>The seventh paragraph permits judges to be assigned to all divisions. In this way the greatest judicial efficiencies of the circuit court may be realized. For example, once a judge has achieved certification in all divisions, in a rural location the circuit court may be able to assign cases to one judge which had previously</p>

Statute	Change made	Explanation
		<p>required two or three. More specifically, in Lancaster, a location which houses all three trial courts which will comprise the circuit court, one judge who is properly trained and certified will be able to preside over probate matters, district court matters and family division matters rather than each trial court having to provide its own judge.</p> <p>The eighth paragraph carries forward current law dealing with judicial expenses and mileage.</p>
<p><b>490-F:7 Circuit Court Judges; Number</b></p>	<p><b>Paragraph I is new. 502-A:3-c for II. Paragraph III is new. 491-A:3, IV (special justice permanent)</b></p>	<p>The first paragraph maintains the current number of district and probate court judges. While significant judicial efficiencies are anticipated with the implementation of the circuit court, those efficiencies will take time to develop as judges are trained and certified in the different divisions of the circuit court. Also, while judicial efficiencies are anticipated, the number of cases requiring judicial attention is not necessarily shrinking. This section also includes a provision to permit transfer into the family division of those masters remaining in the superior court in locations where the family division has not yet been implemented. (Cheshire County)</p> <p>Paragraph two eliminates part time and special justices automatically upon retirement or resignation unless the Supreme Court certifies a need.</p> <p><b>An Amendment to Delete The Next Paragraph Will Be Submitted</b></p> <p>The third paragraph would have effectively converted marital master positions, upon resignation, retirement, disability or non-renewal, to full time judicial positions if sufficient funds were available to do so upon a review of the fiscal committee</p> <p>The fourth paragraph comes from existing law and permits the conversion of a part time judicial position to a full time judicial position based upon the stated criteria but also subject to governor and council approval. In addition, prior to making the request the Supreme Court must obtain the approval of the fiscal committee.</p>
<p><b>490-F:8 Circuit Court Judges; Retired Judges</b></p>	<p><b>See 502-A:6-b</b></p>	<p>Paragraph one carries forward existing law and permits retired judges to elect senior active status or serve as judicial referees.</p> <p>Paragraph two maintains those judges who currently are on senior active status or who now serve as judicial referees in the circuit court without further application.</p> <p>The third paragraph renders the assignment and certification provisions applicable to senior active judges and judicial referees; they are required to obtain certification prior to sitting on different case types.</p>

Statute	Change made	Explanation
490-F:9 Disqualifications of Judges	Replaces 502-A:21	This provision is an effort to carry forward current law; however the difficulty is that the court and location limitations now in place render disqualification a narrower matter with which to deal. For example, a district court judge may not practice in the district court but may practice in the family division and probate court. With the unification of the three trial courts, absent some clarification, a circuit court judge could be disqualified from practicing in any division of the circuit court, thereby significantly limiting the ability of part time judges to earn a living through the practice of law. The language in this provision limits the judge's ability to practice but only in the division for which the judge is certified. Therefore a judge certified in the district division would be permitted to practice in the probate division. The provision also limits the practice by location so that a circuit court judge assigned to a particular location should not practice in that location for fear of at least the appearance of impropriety or conflict. This provision extends to those associated with the judge in the practice of law.
490-F:10 Full-Time Circuit Court Judges	Replaces 502-A:21-a	This provision carries forward existing law by preventing a full time judge from engaging in the private practice of law.
490-F:11 Judicial Branch Budget Request	See 491-A:3 & 4	This section, dealing with the judicial branch budget calculations as they relate to the number of judicial positions and salaries, carries forward the existing law.
490-F:12 Part-Time Judges; Salary Calculation	See 491-A:3, III and 491-A:4, III 502-A:6	This section tracks current law; however it also takes into consideration cases which may be removed from the jurisdiction of the circuit court.
490-F:13 Circuit Court Clerks; Appointment	New Section. Reference should be made to 502-A:7 and 490-D:12, I.	This section continues the authority of the administrative judge in the appointment of clerks. In addition, it permits a circuit court clerk to function as such in more than one location. Consolidation of management is one of the many reasons for implementation of the circuit court and this provision recognizes that goal statutorily. It may be unnecessary in some locations to have a higher level management clerk on site at all times permitting the management of circuit court locations, with consideration given to size, to be shared. With regard to duties, reference is made to the predecessor statutes which outlined the duties of clerks rendering them unchanged.
490-F:14 Staff	Replaces 490-D:11	This provision addresses the transfer of existing staff from the district court, probate court and family division into the circuit court. The number of staff shall be

<b>Statute</b>	<b>Change made</b>	<b>Explanation</b>
		determined based upon criteria used in the past. With regard to transfer, the mechanism will be left to the administrative judge in that the process of staff transfer and training will require significant attention between enactment and implementation, and administration must be able to do that without statutory constraint.
<b>490-F:15 Referees</b>	<b>Replaces 490-D:10</b>	This section permits the use of referees in some instances. The increased use of judicial referees was identified as a cost saving measure by the Court Innovation Commission. This statutory provision gives to the circuit court the ability to utilize these judicial officers more broadly than at present.
<b>490-F:16 Alternative Dispute Resolution</b>	<b>Replaces 490-D:13</b>	This section emphasizes the use of alternative dispute resolution which is a stated purpose of the circuit court and a more efficient means of dispute resolution in certain instances.
<b>490-F:17 Existing Procedure Applicable</b>	<b>Replaces 502-A:32</b>	This section carries over all statutory provisions relating to procedure in criminal and civil matters to the circuit court, so long as they are not inconsistent.
<b>490-F:18 Statutory References</b>	<b>See 490-D:14. Replaces 502-A:34</b>	By virtue of this section, all references to the courts which will become the circuit court are deemed to be to the circuit court. This provision alleviates the need to locate every reference to the district court, probate court and family division in the N.H. Revised Statutes and also alleviates the risk of omission. There is a minor distinction between the references during implementation and after implementation but the effect is the same.
<b>490-F:19 Implementation Plan</b>	<b>See 490-D:5</b>	This section makes the circuit court operational as set forth in an implementation plan to be developed by the administrative judge of the circuit court in consultation with the supreme court.



Statute	Change made	Explanation
<b>FAMILY DIVISION SECTIONS</b>		
<b>490-D:1 Judicial Branch Family Division Established</b>	<b>See 490-D:1 and 490-F:1</b>	D:1 Remains in effect F:1 Sets forth the goals of the circuit court, some of which are identical to the goals set forth in D:1
<b>490-D:2 Jurisdiction</b>	<b>See 490-D:2 and 490-F:3</b>	D:2 Remains in effect F:3 Confers upon the circuit court the case type jurisdiction that had been conferred through D:2
<b>490-D:3 Equity Jurisdiction</b>	<b>See 490-D:3 and 490-F:3</b>	D:3 Remains in effect F:3 Confers upon the circuit court the case type jurisdiction that had been conferred through D:3
<b>490-D:4 Sites</b>	<b>See 490-D:4 and 490-F:4</b>	D:4 Remains in effect F:4 Keeps the family division locations as they were in D:4 and designates the 10 circuits across the state along county lines
<b>490-D:5 Implementation Plan</b>	<b>See 490-D:5 and 490-F:19</b>	D:5 Remains in effect making family division locations operational by supreme court order F:19 Confers authority to make circuit operational based upon a plan of implementation developed by the administrative judge of the circuit court in consultation with the supreme court
<b>490-D:6 Judges and Marital Masters</b>	<b>490-D:6 replaced by 490-F:6, F:7 and F:11.</b>	D:6 Repealed F:6 Requires knowledge of, commitment to, and expertise in family division matters F:7 Requires that the initial number of judges and marital masters for the circuit court shall not be less than the authorized judicial and master positions in the former district, probate and family division F:11 Requires future numbers of judges and marital masters to be established by weighted case values
<b>490-D:7 Nominations and Appointments of Marital Masters</b>	<b>Amended.</b>	D:7 Remains in effect but references to the circuit court are added
<b>490-D:8 Qualifications of Marital Masters</b>	<b>No change.</b>	D:8 Remains in effect
<b>490-D:9 Recommend- ations of Masters</b>	<b>No change.</b>	D:9 Remains in effect; sets forth requirement for judicial signature on marital masters recommendations.

<b>Statute</b>	<b>Change made</b>	<b>Explanation</b>
<b>490-D:10 Referee</b>	<b>Repealed and replaced by 490-F:15.</b>	D:10 Repealed F:15 Sets forth an identical referee provision allowing certain cases to be heard by a referee.
<b>490-D:11 Staff</b>	<b>Repealed and replaced by 490-F:14</b>	D:11 Repealed F:14 Sets forth a similar provision for staff transfer to the circuit court from probate, district, and family division.
<b>490-D:12 Judicial Branch Family Division Clerks</b>	<b>Amended.</b>	D:12, I Is repealed as to family division clerks D:12, II and III Remains in effect for handling of fees, with added references to circuit court F:13 Sets forth appointment and duties of circuit court clerks
<b>490-D:13 Alternative Dispute Resolution</b>	<b>Repealed and replaced by 490-F:16.</b>	D:13 Repealed F:16 Sets forth a similar provision for alternative dispute resolution in the circuit court
<b>490-D:14 Statutory References</b>	<b>No change; 490-F:18 has similar provisions.</b>	D:14 Remains in effect because at the time of the implementation of the circuit court, the family division may not have been fully implemented and this section allows statutory references for the cases to transfer from superior, probate and district shall apply to the same cases in family division. F:18 Sets forth a similar provision for statutory references while in transition from district, probate and family to the circuit court
<b>490-D:15 Marital Masters' Expenses</b>	<b>490-D:15 repealed and replaced by 490-D:6, IX</b>	D:15 Repealed F:6, IX Sets forth a similar provision for expense reimbursement and mileage limitation reimbursement for judges and marital masters

Statute	Change made	Explanation
<b>DISTRICT COURT SECTIONS</b>		
<b>502-A:1-a Additional District Courts</b>	Repealed.	Relative to the establishment of additional district courts.
<b>502-A:2, II Sessions in Towns Within District</b>	Amended.	Requires administrative judge to annually set forth the number of court sessions based upon evaluation of a number of factors. Also requires administrative judge to file annual report on progress of flexible scheduling.  Amends section to remove reference to district courts and replace with circuit courts. Also deletes requirement of annual report on flexible scheduling.
<b>502-A:3 District Court Justices...</b>	Repealed; replaced by 490- F:5.	Relative to appointment and tenure of district court judges.
<b>502-A:3-a Associate Justices, Manchester, Nashua and Concord</b>	Repealed.	
<b>502-A:3-b District Court; Justices Tenure..</b>	Repealed; replaced by 490- F:7	This section regarding tenure following consolidation of districts is replaced by 490-F:7.
<b>502-A:3-c Elimination of Special Justices</b>	Repealed; replaced by 490- F:7.	Replaced by 490-F:7 regarding number of circuit court judges.
<b>502-A:5 Powers of Other Justices</b>	Repealed; replaced by 490- F:5 and F:6.	Unnecessary with the passage of 490-F:5 and 490-F:6 which addresses assignment of judges and their authority.
<b>502-A:5-a Assignment of Judges</b>	Repealed; replaced by 490- F:6.	Unnecessary with the passage of 490-F:6 which addresses the assignment of judges.
<b>502-A:6, III Salaries of Justices, Special Justices, Clerks.</b>	Repealed; replaced by 490- F:13.	Salaries of clerks were set by justice of court. With the passage of 490-F:13, clerks will be appointed by and serve at the pleasure of the administrative judge of the circuit court.

<b>Statute</b>	<b>Change made</b>	<b>Explanation</b>
<b>502-A:6, V Salaries of Justices, Special Justices, Clerks.</b>	<b>Repealed.</b>	Salaries of deputy clerks were set by justice of court and clerk.
<b>502-A:7 District Court Clerks</b>	<b>Repealed; replaced by 490- F:13.</b>	Clerks were appointed by the presiding judge of individual courts. With the passage of 490-F:13, clerks will be appointed by and serve at the pleasure of the administrative judge of the circuit court.
<b>502-A:7-a Deputy clerk of the Nashua District Court</b>	<b>Repealed.</b>	Appointments for this position shall be made like all other employee appointments.
<b>502-A:7-b Deputy Clerks</b>	<b>Repealed.</b>	Appointments for this position shall be made like all other employee appointments
<b>502-A:8 Duties of Clerks; disposition of fines.</b>	<b>Amended.</b>	Adds reference to clerk of applicable circuit court established in 490-F. Adds section II authorizing the collection of fines at a centralized location.
<b>502-A:8-a Juvenile Intake Officers; assignment</b>	<b>Repealed.</b>	
<b>502-A:8-b Duties of Juvenile Intake Officers</b>	<b>Repealed.</b>	
<b>502-A:11 Criminal Cases, District Courts</b>	<b>Amended.</b>	Deletes prior authorization for towns to continue municipal courts and granting to those courts jurisdiction (exclusive) over offenses committed within the town until abolition of the court in accordance with 502-A:35.
<b>502-A:12-a Regional Jury Trials</b>	<b>Repealed.</b>	Gave Supreme Court authority to designate one or more district courts as regional jury trial district courts.
<b>502-A:15 Jury Trial</b>	<b>Amended.</b>	Deletes reference to regional jury trial district courts in certain civil cases and removes authority of the Supreme Court to designate regional jury trial district courts for civil causes.
<b>502-A:19-b Pleas by Mail</b>	<b>Repealed.</b>	
<b>502-A:20 Courts of Record</b>	<b>Repealed.</b>	

<b>Statute</b>	<b>Change made</b>	<b>Explanation</b>
502-A:21 Disqualification of Justices	Repealed; replaced by 490- F:9.	See proposed 490-F:9.
502-A:21-a Full-time District Court Justices	Repealed; replaced by 490- F:10.	Justices may not engage in practice of law. See proposed 490-F:10
502-A:28 District Court Fees	Amended.	Amends reference to district court to applicable circuit court established under 490-F.
502-A:29 Other fees	Amended.	Amends reference from district court to applicable circuit court
502-A:32 Existing Procedure Applicable	Repealed.	Allowed for existing procedure in municipal courts to be extended to district courts.
502-A:34 Functions of Municipal Courts vested in District Courts.	Repealed.	
502-A:35 Municipal court abolished; exception.	Repealed.	Stated exception to abolition of municipal courts- procedure for towns to continue municipal courts.
502-A:36 Pending Actions; how transferred	Repealed.	For transferring between municipal and district courts.

<b>Statute</b>	<b>Change made</b>	<b>Explanation</b>
<b>PROBATE COURT SECTIONS</b>		
<b>490:27 Probate Ct Fees</b>	<b>Amended.</b>	Says to whom fees are paid. Removed reference to register and replaced with clerk of circuit court.
<b>547:1 Court of Record</b>	<b>Amended; Section moved from current 548:3</b>	Related to the court seal. Section is more closely related to 547, Judges and their Jurisdiction.
<b>547:11-d Transfer to Superior Court</b>	<b>Amended.</b>	In cases with concurrent jurisdiction with the Superior Court, if a defendant wants a jury trial, the defendant must indicate the request for a jury trial at the time of the defendant's initial pleading with the probate court
<b>547:27 If Register Not Present</b>	<b>Repealed.</b>	Unnecessary since section reflected paper-handling practices of 1866.
<b>547:27-a Docket and Index</b>	<b>New section; information moved from current 548:4 and amended.</b>	Amended to update language and reflect current case-handling practices, including the requirement of the court to keep an index of all cases available to the public. Section is more closely related to 547, Judges and their Jurisdiction.
<b>547:27-b Records</b>	<b>New section includes parts of current 548:5 and 548:6.</b>	Amended to update language regarding retention of probate files. The section of current 548:6 regarding historical significance is now in new 548:5, Preservation of Records. Section related to file retention is more closely related to 547, Judges and their Jurisdiction.
<b>547:27-c Probate Court Entry Fees</b>	<b>New section; information moved from current 548:23-a.</b>	Amended only to change reference to clerk rather than register of probate. Section is more closely related to 547, Judges and their Jurisdiction.
<b>547:38 Assignment of Judges</b>	<b>Repealed; now in 490-F:6.</b>	Unnecessary with the passage of 490-F:6 which addresses the assignment of judges.
<b>548:1 Residence, etc.</b>	<b>Amended; register must still be resident of county.</b>	Removed requirement of register to be present at the probate office on all days when the court is open since that would be unnecessary with the passage of 490-F, Circuit Court.
<b>548:2 Office Hours</b>	<b>Repealed.</b>	Statute said hours were in accordance with procedures established by Supreme Court; those are specified by personnel rules.

<b>Statute</b>	<b>Change made</b>	<b>Explanation</b>
<b>548:3 Seal</b>	<b>Repealed; moved to new 547:1.</b>	Information regarding court seal is more closely related to 547, Judges and their Jurisdiction.
<b>548:4 Docket and Index</b>	<b>Repealed; moved to new 547:27-a.</b>	Information regarding docket and index of cases files was moved to new 547:27-a. Section is more closely related to 547, Judges and their Jurisdiction.
<b>548:5 Records</b>	<b>Amended with new title of Preservation of Files.</b>	Amended section states registers role in the preservation of closed files with historical significance. The portions regarding recording wills, etc. is in new 547:27-b; those sections are more closely related to 547, Judges and their Jurisdiction.
<b>548:5-a Notice to Fiduciaries</b>	<b>Repealed; information moved in its entirety to new 554:26-a .</b>	Register of probate references changed to clerk of circuit court. Section deals with fiduciary reporting responsibilities and is more closely related to 554, Dealing with Assets.
<b>548:6 Destruction of Records</b>	<b>Repealed.</b>	Information moved to new 547:27-b, II and new 548:5, Preservation of Records.
<b>548:7a Record of Decedent's Real Estate</b>	<b>Repealed; moved to new 554:14-a.</b>	Section deals with notifying Deeds office in another county and is more closely related to 554, Dealing with Assets.
<b>548:8 Blanks and Stationery</b>	<b>Repealed.</b>	Statute is unnecessary given current practices regarding supplies.
<b>548:9 Inventory Blanks</b>	<b>Repealed.</b>	Statute is unnecessary given current practices of forms being available online.
<b>548:14 Deputy Registers</b>	<b>Repealed.</b>	With the passage of 490-F, Circuit Court, it will not be necessary for registers to appoint deputies.
<b>548:14-a Additional Deputy Regs</b>	<b>Repealed.</b>	With the passage of 490-F, Circuit Court, it will not be necessary for registers to appoint additional deputies.
<b>548:16 Disability of Register</b>	<b>Repealed.</b>	With the passage of 490-F, Circuit Court, any duties specified in the new 548 will be performed by the clerk if the register is disabled.
<b>548:17 Salaries</b>	<b>Amended.</b>	Removed the section regarding registers setting salaries for employees in the court since that will be done as specified in new 490-F, Circuit Court.
<b>548:23 Receipt</b>	<b>Repealed.</b>	Standard accounting practices and case processing practices mandate issuing a receipt for copies.

Statute	Change made	Explanation
548:23-a Probate Court Entry Fees	Repealed; moved in its entirety to new 547:27-c.	Receipt of entry fees and escrow account information are more closely related to 547, Judges and their Jurisdiction.
548:24 Counsel Acting As	Amended to update language.	Section prohibits register from acting as counsel or advocate in any court proceedings.
548:25 Appraiser, Commissioner, Acting As	Amended to update language.	Section prohibits register from acting as appraiser or commissioner on any estate in his/her court.
548:28 Penalty	No Change	Covers penalties for violating provisions of chapter.
550:10 Publication of Notice in Newspaper or Electronic Media	Section amended in general.	Removed references to register of probate; added option to allow any notices to be published by the courts to be published using electronic media. (550:10, II)
554:14-a Record of Decedent's Real Estate	New section; information moved from current 548:7-a.	Section deals with notifying Deeds office in another county and is more closely related to 554, Dealing with Assets
554:26-a Notice to Fiduciaries	New section; information moved from current 548:5-a.	Register of probate references changed to clerk of circuit court. Section deals with fiduciary reporting responsibilities and is more closely related to 554, Dealing with Assets.



<b>Statute</b>	<b>Change made</b>	<b>Explanation</b>
<b>MINOR MOTOR VEHICLE CASES SECTIONS</b>		
<b>Amendment to Delete These Sections Will Be Submitted</b>		
<b>262:44 Waiver in Lieu of Court Appearance</b>	<b>Amended</b>	Amendment to delete this section will be submitted.
<b>262:44-a Appeal</b>	<b>New Section</b>	Amendment to delete this section will be submitted.
<b>21-P:2, II Dept of Safety General Functions</b>	<b>New Section</b>	Amendment to delete this section will be submitted.
<b>21-P:13, III Dept of Safety Bureau of Hearings</b>	<b>New Section</b>	Amendment to delete this section will be submitted.
<b>21-P:14, X Rulemaking</b>	<b>New Section</b>	Amendment to delete this section will be submitted.
<b>263:56-a Suspension or Revocation For Default...</b>	<b>Amend</b>	Amendment to delete this section will be submitted.
<b>263:57 Suspension by Justice for Cause</b>	<b>Amend</b>	Amendment to delete this section will be submitted.
<b>263:60 Records; Reports</b>	<b>Amend</b>	Amendment to delete this section will be submitted.
<b>263:61 Flagrant Cases</b>	<b>Amend</b>	Amendment to delete this section will be submitted.
<b>OTHER SECTIONS</b>		
<b>Reference Changes</b>	<b>HB609 pages 18 – 22</b>	
<b>Repeal</b>	<b>HB609 pages 23-24</b>	Lists sections repealed that are also noted above on this chart.

Rep. Belvin, Hills. 6  
March 21, 2011  
2011-1097h  
09/01

Draft Amendment to HB 2-FN-A-LOCAL

- 1        1 Salaries. RSA 548:17 is repealed and reenacted to read as follows:
- 2        548:17 Salaries. The annual salary of the registers of probate shall be \$100 per year.
- 3        2 Contingency. If HB 609-FN of the 2011 legislative session becomes law, section 1 of this act
- 4 shall take effect July 1, 2011 at 12:01 a.m. If HB 609-FN does not become law, section 1 of this act
- 5 shall not take effect.

Draft Amendment to HB 2-FN-A-LOCAL

- Page 2 -

2011-1097h

AMENDED ANALYSIS

Sets the annual salary of the registers of probate at \$100 per year, contingent upon the passage of HB 609-FN of the 2011 legislative session.

Rep. Weyler, Rock. 8  
March 22, 2011  
2011-1156h  
03/10

Draft Amendment to HB 2-FN-A-LOCAL

- 1 1 Judicial Appointments; Number Limited. For the biennium ending June 30, 2013, the number
- 2 of judges serving on the superior, district, and probate courts shall not exceed the number of judges
- 3 serving on the superior, district, and probate court, respectively, on June 30, 2011.

Draft Amendment to HB 2-FN-A-LOCAL  
- Page 2 -

2011-1156h

AMENDED ANALYSIS

Limits judicial appointments to June 30, 2011 levels.

**TO:** Mary Searles

**FROM:** Susan Duncan

**RE:** Materials from the official record for **HB 609-FN** -- *establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division*

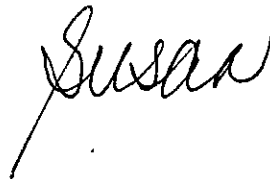
**DATE:** July 15, 2011

Per your request of July 14<sup>th</sup>, attached please find a photocopy of everything I have in the record for **HB 609**.

As the Senate no longer provides transcripts of hearings, we have instead made available the audio recording. If you go to the General Court web site and insert HB 609, when you call up the page, you will see a link to "audio files." From here you can make a digital recording of the entire hearing if that is something that would also be helpful.

If you wish to have a copy of the transcript of the remarks from the Session of April 20<sup>th</sup> when the Senate adopted the bill, this is available from the Senate Clerk's office.

If you have any questions or if I can be of any further assistance, please do not hesitate to contact me.

A handwritten signature in cursive script that reads "Susan".

Susan F. Duncan  
*Senior Legislative Aide*  
Aide to the Senate Judiciary Committee  
LOB 101-A  
(603) 271-8631

# CONCORD MONITOR

Published on *Concord Monitor* (<http://www.concordmonitor.com>)

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## Probate registers sue state

Two claim breach of contract after salaries slashed in budget

By Maddie Hanna / Monitor staff

Created 07/08/2011 - 00:00

Two probate registers are suing the state after their salaries were slashed to \$100 a year under the new state budget.

Cheshire County Register Anna Tilton and Rockingham County Register Andrew Christie have filed a lawsuit in Merrimack County Superior Court, accusing the state of breaching its contracts with the registers after they were elected to two-year terms last fall.

"They run knowing what the job is and what it will pay, and they expect to be paid if they perform the duties," said Concord attorney Chuck Douglas, who is representing Christie and Tilton. "And if the state strips them of pay or their duties during their term of office, then they breached the contract with that employee of the state."

Previously, the state's 10 probate registers - one per county - oversaw its probate courts, serving in full-time managerial positions.

But during the budget process, lawmakers asked the judicial branch to speed up its plans to consolidate district, family and probate court operations into circuit courts, halving the branch's managerial staff - and eliminating the supervisory role of the registers of probate.

The state Constitution says the governor can remove an officer for reasonable cause after a hearing in front of a legislative committee.

While Tilton and Christie are still elected officials, the registers argue that cutting their salaries while preserving their titles "just as meaningfully divests them of office as simply announcing that they were fired," according to their lawsuit.

They argue they are entitled to end their terms with the salaries they earned at the start: \$55,500 a year plus benefits for Tilton, and \$55,607 plus benefits for Christie, who is also seeking damages based upon the \$70,671 salary he would have been earning if the judicial branch took into consideration his previous terms.

Christie, who lost a bid for re-election in 2008 but won the office once again last year, had been at a higher step on the pay scale before he was rehired, Douglas said.

New Hampshire judges have previously ruled that the state can't reorganize commissioned employees out of their jobs, Douglas said.

"If you want to fire them, impeach them," Douglas said. "But you can't cut their pay off or reduce it to almost nothing."

Douglas said the lawsuit was filed yesterday. He said Tilton and Christie are not working and are waiting for the case to be resolved, "hopefully this summer."

Crime Law & Justice Politics CONCORD (NH) regional  
authority State litigation Judiciary (system of justice) Andrew  
Christie Anna Tilton Chuck Douglas Maddie Hanna Monitor staff

Source URL: <http://www.concordmonitor.com/article/266969/probate-registers-sue-state>

# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: April 7, 2011

THE COMMITTEE ON Judiciary

to which was referred House Bill 609-FN

AN ACT                    establishing the New Hampshire circuit court to replace  
the current probate courts, district courts, and judicial  
branch family division..

Having considered the same, the committee recommends that the Bill:

**OUGHT TO PASS**

BY A VOTE OF:    4 - 0

AMENDMENT #        s

Senator Matthew Houde  
For the Committee

Susan Duncan 271-8631



## New Hampshire General Court - Bill Status System

**Docket of HB609**

Docket Abbreviations

**Bill Title:** establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division..

*Official Docket of HB609:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/25/2011	H	Introduced 1/6/2011 and Referred to Judiciary; <b>HJ 11</b> , PG. 193
2/16/2011	H	Public Hearing: 2/22/2011 10:00 AM LOB 208
2/23/2011	H	==CANCELLED== Executive Session: 3/1/2011 1:00 PM LOB 208 (If Necessary Continued 3/3/2011 10:00 AM LOB 208)
3/2/2011	H	Executive Session: 3/9/2011 10:00 AM LOB 208
3/10/2011	H	Committee Report: Ought to Pass with Amendment #0739h for Mar 15 (Vote 16-0; CC); <b>HC 22</b> , PG.535
3/10/2011	H	Proposed Committee Amendment <b>#2011-0739h</b> ; <b>HC 23</b> , PG.609-652
3/15/2011	H	Amendment #0739h Adopted, VV; <b>HJ 26</b> , PG.720-728
3/15/2011	H	Ought to Pass with Amendment #0739h: MA VV; <b>HJ 26</b> , PG.720-728
3/23/2011	S	Introduced and Referred to Judiciary; <b>SJ 11</b> , Pg.193
3/24/2011	S	Hearing: 3/31/11, Room 101, LOB, 1:30 p.m.; <b>SC17</b>
4/11/2011	S	Committee Report: Ought to Pass, 4/20/11; <b>SC20</b>
4/20/2011	S	Ought to Pass, MA, VV; OT3rdg; <b>SJ 13</b> , Pg.266
4/20/2011	S	Passed by Third Reading Resolution; <b>SJ 13</b> , Pg.270
5/4/2011	S	Enrolled Bill Amendment #1676 Adopted; <b>SJ 16</b> , Pg.317
5/4/2011	H	Enrolled Bill Amendment <b>#2011-1676e</b> Adopted; <b>HJ 42</b> , PG.1491
5/4/2011	H	Enrolled; <b>HJ 42</b> , PG.1492
5/11/2011	S	Enrolled; <b>SJ 17</b> , Pg.344
5/20/2011	H	Signed by Governor 05/16/2011; Effective 07/01/2011; Chapter 0088

NH House

NH Senate

# Other Referrals

**HB 609-FN -- ESTABLISHING THE NEW HAMPSHIRE CIRCUIT COURT TO REPLACE THE CURRENT PROBATE COURTS, DISTRICT COURTS, AND JUDICIAL BRANCH FAMILY DIVISION.**

**COMMITTEE REPORT FILE INVENTORY**

ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE

HEARING REPORT

PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING

SIGN-UP SHEET(S) (2)

**ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:**

- AMENDMENT # \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_  
 - AMENDMENT # \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_

**ALL AVAILABLE VERSIONS OF THE BILL:**

AS INTRODUCED  AS AMENDED BY THE HOUSE  
 FINAL VERSION  AS AMENDED BY THE SENATE

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

amended fiscal note

DATE DELIVERED TO SENATE CLERK

7/21/11

By:

Susan Heald  
COMMITTEE AIDE