

LEGISLATIVE COMMITTEE MINUTES

HB540

Bill as Introduced

HB 540-FN - AS INTRODUCED

2015 SESSION

15-0694
05/10

HOUSE BILL

540-FN

AN ACT

relative to access to court records in parenting cases.

SPONSORS:

Rep. Brewster, Merr 21; Rep. Ingbretson, Graf 15

COMMITTEE:

Judiciary

ANALYSIS

This bill requires the court to provide the parties with access to all records filed in a parenting or child support case.

.....

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT relative to access to court records in parenting cases.

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

1 1 New Section; Parental Rights and Responsibilities; Access to Records. Amend RSA 461-A by
2 inserting after section 24 the following new section:

3 461-A:25 Access to Records. In any proceeding under this chapter, notwithstanding any
4 provision of law regarding confidentiality or privilege to the contrary, the court shall make all
5 records, pleadings, and reports filed with the court available to the parties. The court may charge a
6 reasonable fee, not to exceed \$.10 per page, for copies of such records. Any court officer or employee
7 who fails to comply with this section shall be subject to prosecution for official oppression pursuant to
8 RSA 643:1.

9 2 Effective Date. This act shall take effect 60 days after its passage.

HB 540-FN - FISCAL NOTE

AN ACT relative to access to court records in parenting cases.

FISCAL IMPACT:

The Judicial Branch states this bill, as introduced, may increase state expenditures and revenue by an indeterminable amount in FY 2016 and each year thereafter. There will be no impact on county and local expenditures or revenue.

METHODOLOGY:

The Judicial Branch states this bill requires the courts to provide the parties with access to all records filed in a parenting or child support case at a charge not to exceed ten cents per page. The Branch reports this bill may reduce revenue because the courts currently charge fifty cents per page for copies. The Branch reports that failure by a court officer or employee to comply with the new requirement would result in an unspecified misdemeanor, which can be either class A or class B, with the presumption being a class B misdemeanor. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the Branch has provided the potential costs associated with the penalties contained in this bill, where they can be determined. See table below for average cost information:

	FY 2016	FY 2017
Judicial Branch*		
Class B Misdemeanor	\$48	\$51
Class A Misdemeanor	\$69	\$71
Appeals	Varies	Varies

*It should be noted average case cost estimates for FY 2016 and FY 2017 are based on data that is more than nine years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HOUSE BILL 540-FN

BILL TITLE: relative to access to court records in parenting cases.

DATE: February 3, 2015

LOB ROOM: 208 **Time Public Hearing Called to Order:** 3:15 pm

Time Adjourned: 3:40 pm

(please circle if present)

Committee Members: Reps. Rowe, Hagan, Hopper, Sylvia, Takesian, Parsons, Palmer, Estevez, Hull, McLean, Rouillard, Wuelpe, Wall, Horrigan, Berch, Heffron, Phillips, Woodbury, Wheeler and Kemson

Bill Sponsors: Rep. Brewster, Merr 21; Rep. Ingbretson, Graf 15

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Gary Hopper introduced the bill as a courtesy as the sponsor of the bill was not present

Chris Keating, Executive Director, Judicial Council - oppose

This will cause much chaos in the courts. Has not heard any groundswell that there is a problem with access to records.

Rep. Michael Brewster, prime sponsor

Stated that he had no access to information as to why his children were taken from him. He finally was allowed to review his records after going through the courts. People should have a right to review their own records.

John McIntosh, New Hampshire Bar Association - oppose

This bill affects the right to privacy. Mandatory prosecution for failure to comply is unwise.

Barbara Griffin, Goffstown, NH, representing self - oppose

She is a certified Guardian ad Litem (GAL).

- RSA 461-A would apply.
- Parties by rule are supposed to supply documents; contempt issues if they do not.
- Law is cumbersome; pleadings are filed in a folder with a 2-hole punch, not electronically.
- So copies are very time consuming.

Respectfully submitted,



Rep. Charlene F. Takesian, Clerk

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HOUSE BILL 540-FN

BILL TITLE: relative to access to court records in parenting cases.

DATE: February 3, 2015

LOB ROOM: 208 Time Public Hearing Called to Order: 3:15 PM

Time Adjourned: 3:40 PM {Time}

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Committee Members: Reps. Rowe, Hagan, Hopper, Sylvia, Takesian, Parsons, Palmer, Estevez, Hull, McLean, Rouillard, Wuelper, Wall, Horrigan, Berch, Heffron, Phillips, Woodbury, Wheeler and Kenison

Bill Sponsors: Rep. Brewster, Merr 21; Rep. Ingbretson, Graf 15

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Representative Mary Hopper introduced bill as a courtesy as number sponsor of the Bill was present.

Chris Keating - opposes Bill. Bill cause much chaos in courts. Hasn't heard any groundswell that there is a problem with access to records. Represents Judicial Council. This Bill would adversely affect ~~Michigan~~ ~~Michigan~~ ~~Michigan~~ reporting

Representative Michael Brewster - sponsored Bill. Had no access to information as to why his children were taken from him. He finally was allowed to review his records after going through courts. People should have a right to review their own records.

John McIntosh - opposes bill - NJ Bar Association - affects right to privacy. Mandatory prosecution for failure to comply is unwise

Barbara Muffin - opposes bill. Certified GAL, 461A would apply. Parties by rule are supposed to supply documents - contingent issues if they do not. Law is cumbersome - pleading are filed in a folder with a 3 hole punch - not electronic. So copies are very time consuming.

Respectfully submitted,

Rep. Janet G. Wall, Clerk
Charlene J. Johnson, Chief Clerk

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY
EXECUTIVE SESSION on HOUSE BILL 540-FN

BILL TITLE: relative to access to court records in parenting cases.

DATE: February 17, 2015

LOB ROOM: 208

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL Retained (Please circle one.)

Moved by Rep. Kennison

Seconded by Rep. Parsons

Vote: 16-2 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

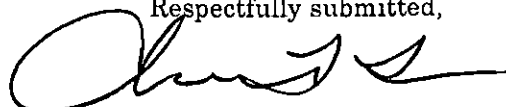
Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: {Type VOTE} YES NO
(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Charlene F. Takesian, Acting Clerk

HOUSE COMMITTEE ON JUDICIARY
EXECUTIVE SESSION on HOUSE BILL 540-FN

BILL TITLE: relative to access to court records in parenting cases.

DATE: {Type DATE} 2-17-15

LOB ROOM: 208

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. *Kennison*

Seconded by Rep. *Parsons*

Vote: 16-2 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: {Type VOTE} YES NO
(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Janet G. Wall, Clerk
Rep. Carolyn Johnson



2015 SESSION

JUDICIARY

Bill #: 540-FN

Title: Relative to access to Court Records in Parenting Cases

PH Date: 2 / 3 / 15

Exec Session Date: 2 / 17 / 15

Motion: ITL

Amendment #: _____

MEMBER	YEAS	NAYS
Rowe, Robert H., Chairman	16	
Hagan, Joseph M., V Chairman	1	
Hopper, Gary S		1
Sylvia, Michael J.		2
Takesian, Charlene F.	2	
Parsons, Robbie L.	3	
Palmer, Barry J.	4	
Estevez, Eric P.	5	
Hull, Robert	6	
McLean, Mark <i>absent</i>	-	-
Rouillard, Claire A.	7	
Wuelper, Kurt F.	8	
Wall, Janet G., Clerk <i>absent</i>	-	-
Horrigan, Timothy O.	9	
Berch, Paul S.	10	
Heffron, Frank H.	11	
Phillips, Larry R.	12	
Woodbury, David	13	
Wheeler, Deborah H.	14	
Kenison, Linda B.	15	
TOTAL VOTE:	16	2

Committee Report

REGULAR CALENDAR

February 19, 2015

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on JUDICIARY to which was referred

HB 540-FN,

AN ACT relative to access to court records in parenting

cases. Having considered the same, report the same

with the following Resolution: RESOLVED, That it is

INEXPEDIENT TO LEGISLATE.

Rep. Linda B. Kenison

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	JUDICIARY
Bill Number:	HB540-FN
Title:	relative to access to court records in parenting cases.
Date:	February 19, 2015
Consent Calendar:	NO
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill adds a new section to RSA 461-Parental Rights and Responsibilities by adding section 461-A: 25 Access to Court Records. This bill would require the court to provide parties with access to all records filed in a parenting or child support cases. In addition, any court officer or employee who fails to comply shall be subject to prosecution for official oppression pursuant to RSA 643:1. This bill is in direct conflict with Chapter 170-C, Termination of Parental Rights. Specifically, 170-C: 14 Confidentiality of Records. The bill as written would apply to court sealed records. HB 540 violates critical confidentiality protections. Releasing these sensitive documents could result in significant harm to the parties involved.

Vote 16-2.

Rep. Linda B. Kenison
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

JUDICIARY

HB540-FN, relative to access to court records in parenting cases. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda B. Kenison for JUDICIARY. This bill adds a new section to RSA 461-Parental Rights and Responsibilities by adding section 461-A: 25 Access to Court Records. This bill would require the court to provide parties with access to all records filed in a parenting or child support cases. In addition, any court officer or employee who fails to comply shall be subject to prosecution for official oppression pursuant to RSA 643:1. This bill is in direct conflict with Chapter 170-C, Termination of Parental Rights. Specifically, 170-C: 14 Confidentiality of Records. The bill as written would apply to court sealed records. HB 540 violates critical confidentiality protections. Releasing these sensitive documents could result in significant harm to the parties involved. **Vote 16-2.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: Judiciary Kenison
BILL NUMBER: 540 FN
TITLE: Relative to access to court records in parenting cases
DATE: 2-17-15 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
 OUGHT TO PASS W/ AMENDMENT
 INEXPEDIENT TO LEGISLATE
 INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. _____

STATEMENT OF INTENT:

RHD

HB 540-FN relative to access to court records in parenting cases. INEXPEDIENT TO LEGISLATE.

Rep. Kenison for Judiciary. HB 540 adds a new section to RSA 461-Parental Rights and Responsibilities by adding section 461-A: 25 Access to Court Records. This bill would require the court to provide the parties with access to all records filed in a parenting or child support cases. In addition, any court officer or employee who fails to comply shall be subject to prosecution for official oppression pursuant to RSA 643:1. This bill is in direct conflict with Chapter 170-C, Termination of Parental Rights. Specifically, 170-C: 14 Confidentiality of Records. The bill as written would apply to court sealed records. HB 540 violates critical confidentiality protections. Releasing these sensitive documents could result in significant harm to the parties involved. .Vote 16-2

COMMITTEE VOTE: 16-2

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Linda B. Kenison
For the Committee

EXEC 2/17
FLOOR -

Cossette, Nancy

From: Larivee, Kathy
Sent: Wednesday, February 25, 2015 2:32 PM
To: Cossette, Nancy
Subject: HB540-FN-Majority.doc
edited report

REGULAR CALENDAR

February 19, 2015

**HOUSE OF REPRESENTATIVES
REPORT OF COMMITTEE**

**The Committee on JUDICIARY to which was referred HB
540-FN,**

**AN ACT relative to access to court records in parenting
cases. Having considered the same, report the same with
the following Resolution: RESOLVED, That it is
INEXPEDIENT TO LEGISLATE.**

**Rep. Linda B. Kenison
FOR THE COMMITTEE**

COMMITTEE REPORT

Committee:	JUDICIARY
Bill Number:	HB540-FN
Title:	relative to access to court records in parenting cases.
Date:	February 19, 2015
Consent Calendar:	NO
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

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Vote 16-2.

Rep. Linda B. Kenison
FOR THE COMMITTEE

REGULAR CALENDAR**JUDICIARY**

HB540-FN, relative to access to court records in parenting cases. **INEXPEDIENT TO LEGISLATE**. Rep. Linda B. Kenison for Judiciary. This bill adds a new section to RSA 461, Parental Rights and Responsibilities by adding section 461-A:25, Access to Court Records. This bill would require the court to provide parties with access to all records filed in parenting or child support cases. In addition, any court officer or employee who fails to comply shall be subject to prosecution for official oppression pursuant to RSA 643:1. This bill is in direct conflict with Chapter 170-C, Termination of Parental Rights. Specifically, 170-C:14 Confidentiality of Records. The bill as written would apply to court sealed records. HB 540 violates critical confidentiality protections. Releasing these sensitive documents could result in significant harm to the parties involved. **Vote 16-2.**