

CONSENT CALENDAR

February 8, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Children and Family Law to which
was referred HB 1511-FN,**

**AN ACT relative to submitting officially authorized
recordings of hearings for appeal of family court
decisions. Having considered the same, report the same
with the following resolution: RESOLVED, that it is
INEXPEDIENT TO LEGISLATE.**

Rep. Jodi Nelson

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Children and Family Law
Bill Number:	HB 1511-FN
Title:	relative to submitting officially authorized recordings of hearings for appeal of family court decisions.
Date:	February 8, 2022
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill could result in disputes regarding the content of the record, as contents could be modified and different recordings and subsequent transcripts can differ from one another. The subject matter may not be confidential and could easily be shared to different outlets, such as social media which could have devastating results.

Vote 14-0.

Rep. Jodi Nelson
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Children and Family Law

HB 1511-FN, relative to submitting officially authorized recordings of hearings for appeal of family court decisions. **INEXPEDIENT TO LEGISLATE.**

Rep. Jodi Nelson for Children and Family Law. This bill could result in disputes regarding the content of the record, as contents could be modified and different recordings and subsequent transcripts can differ from one another. The subject matter may not be confidential and could easily be shared to different outlets, such as social media which could have devastating results. **Vote 14-0.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 1511-FN

BILL TITLE: relative to submitting officially authorized recordings of hearings for appeal of family court decisions.

DATE: February 8, 2022

LOB ROOM: 206-208

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. J. Nelson

Seconded by Rep. DeSimone

Vote: 14-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Peter Petrigno, Clerk



2022 SESSION

Children and Family Law

Bill #: HB 1511 Motion: ITL AM #: _____ Exec Session Date: 2/8/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Rice, Kimberly A. Chairman	✓		
DeSimone, Debra L. Vice Chairman	✓		
Yokela, Josh S.	✓		
Nelson, Jodi	✓		
Belanger, Cody M.	✓		
Cross, Kenna E.	→		
Litchfield, Melissa A.	✓		
Smith, Denise M.	✓		
Long, Patrick T.	✓		
Alicea, Caroletta C. Clerk	✓		
Grossman, Gaby M.	✓		
Levesque, Cassandra N.	✓		
Wazir, Safiya	✓		
Petrigno, Peter	✓		
Altschiller, Debra	✓		
TOTAL VOTE:	14	0	1

Consent

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 1511-FN

BILL TITLE: relative to submitting officially authorized recordings of hearings for appeal of family court decisions.

DATE: January 18, 2022

LOB ROOM: 206-208 **Time Public Hearing Called to Order:** 2:42 p.m.

Time Adjourned: 2:57 p.m.

Committee Members: Reps. DeSimone, Petrigno, J. Nelson, Belanger, Long, Grossman, Levesque and Wazir

Bill Sponsors:

Rep. Gay	Rep. Stapleton	Rep. Bernardy
Rep. Greeson	Rep. Langley	Rep. Kofalt
Rep. Rung	Rep. Weyler	Rep. Post

TESTIMONY

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

*Rep. Betty **Gay** introduced her bill relative to submitting officially authorized recordings of hearings for appeal of family court decisions. Offered amendment #2022-0124h.

Richard **Head**, Government Affairs Coordinator, NH Judicial Branch - opposition. Addressed a number of concerns with competing recordings and quality of recordings. What is the official record that goes to the Supreme Court?

Katrina **Heinrich** - supports but needs an amendment which holds judges accountable.

Dana **Albecht** - supports. Cited personal case, audio was not available.

Respectfully submitted,

Rep. Peter Petrigno, Clerk

House Remote Testify

Children and Family Law Committee Testify List for Bill HB1511 on 2022-01-18

Support: 8 Oppose: 2 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Gould, Rep. Linda	Bedford, NH lgouldr@myfairpoint.net	An Elected Official	Myself	Support	No	No	1/17/2022 10:24 AM
kuenning, keith	Bow, NH kuenningk@waypointnh.org	A Lobbyist	Waypoint	Oppose	No	No	1/17/2022 12:01 PM
Reed, Sarah	Concord, NH stubbs.saraha@gmail.com	A Member of the Public	Myself	Support	No	No	1/17/2022 2:11 PM
ploszaj, tom	center harbor, NH tom@tomploszaj.com	An Elected Official	Myself	Support	No	No	1/17/2022 4:08 PM
Mahoney, Marilyn	Goffstown, NH mimmiemahoney@msn.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 7:42 PM
Petrusewicz, Carol	rochester, NH clmcc2befree@yahoo.com	A Member of the Public	Myself	Support	No	No	1/17/2022 11:32 PM
Cembalisty, Clara	Rochester, NH Cqsc43@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 12:36 AM
Cembalisty, Richard	Rochester, NH taxmanrick@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 12:37 AM
Sylvia, Mike	Belmont, NH Mike.Sylvia@leg.state.nh.us	An Elected Official	Belknap	Support	No	No	1/18/2022 9:39 AM
Desmond, Heather	East kingston, NH Headsdesmond@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 11:12 PM

Children & Family Law Committee

January 2022

HB1511 Parties may submit more than just the official recording of hearing

Honorable State Representatives,

I am writing to you in support of HB 1511, Parties may submit more than just the official recording of hearings for appeal of family court decisions if there is a difference between the official and the party's recordings. The parties should be allowed to record the court proceedings, then be allowed to use the transcript of these recordings if there is a discrepancy between the two recordings. As per the current Family Court rules, all cell phones and recording devices are to be turned off during the hearings/trials. The judge decides when the recording starts and whether to pause the recording. Here is my excerpt from testimony for HB1346:

"these transcripts have many "pauses" in them, especially from the Complex docket. During these pauses, mother was told and I quote verbatim, "In my court room it is about fathers rights to have access to his daughters." There were many threats made by the judge during that last hearing, where I had no attorney nor my expert court ordered witness in the room. These threats are not in the transcripts, but are represented by the numerous "pauses". "

Please vote to support HB1511,
Thank you,
A NH Citizen

HB 1511-FN - AS INTRODUCED

2022 SESSION

22-2334

07/04

HOUSE BILL ***1511-FN***

AN ACT relative to submitting officially authorized recordings of hearings for appeal of family court decisions.

SPONSORS: Rep. Gay, Rock. 8; Rep. Stapleton, Sull. 5; Rep. Bernardy, Rock. 16; Rep. Greeson, Graf. 16; Rep. Langley, Hills. 8; Rep. Kofalt, Hills. 4; Rep. Rung, Hills. 21; Rep. Weyler, Rock. 13; Rep. Post, Hills. 4

COMMITTEE: Children and Family Law

ANALYSIS

This bill allows for parties in a family court proceeding to submit officially authorized recordings of hearings for appeal of family court decisions.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to submitting officially authorized recordings of hearings for appeal of family court decisions.

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

1 1 New Section; Judicial Branch Family Division; Appeals. Amend RSA 490-D by inserting after
2 section 490-D:15 the following new section:

3 490-D:16 Appeals. In the event of an appeal of a decision from a court under this chapter, the
4 parties shall have the right to submit any recording or transcription of any relevant hearing to the
5 appellate court, and the appellate court shall decide which recordings or transcriptions may be used
6 as the basis for the appeal.

7 2 Effective Date. This act shall take effect January 1, 2023.

**HB 1511-FN- FISCAL NOTE
 AS INTRODUCED**

AN ACT relative to submitting officially authorized recordings of hearings for appeal of family court decisions.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill allows for parties in a family court proceeding to submit officially authorized recordings of hearings for appeal of family court decisions.

The Judicial Branch is uncertain as to what types of cases are intended to be included by the reference to RSA 490-D, which is the chapter that establishes the Family Division, but does not describe particular proceedings. The Judicial Branch assumes the bill is intended to refer to all Family Division cases. The Branch indicates in 2019 there were 195 cases appealed to the Supreme Court and 184 cases appealed in 2020. Current rules and orders provide that the official record is the transcript certified by the transcriber authorized by the Supreme Court to be a true and accurate transcript of the recording. Current rules also allow the parties to enter an agreed statement of facts that can reduce or eliminate the need for transcripts. The bill includes no standards regarding the quality of the recording or transcript, which could result in poor quality recordings or non-professionally created transcripts to be submitted as the record on appeal. This could result in disputes regarding the content of the record and additional time spent by the Court to understand the entire record that is presented by the parties. Understanding the record from a recording of a multi-day hearing can take the judges and clerks significantly more time than from an accurate transcription of that same hearing. The Judicial Branch is unable to determine how many party-created recordings or transcripts would be submitted with the record nor can the Judicial Branch determine the fiscal impact, if any, that would result from the submission of those party-created recordings or transcripts.

AGENCIES CONTACTED:

Judicial Branch