

THE STATE OF NEW HAMPSHIRE
SUPREME COURT OF NEW HAMPSHIRE

O R D E R

Pursuant to Part II, Article 73-a of the New Hampshire Constitution and Supreme Court Rule 51(A)(7), the Supreme Court of New Hampshire adopts the following amendments to court rules.

Court Fees

(These amendments implement changes to court fees that are being adopted to implement general fund revenue estimates submitted by the judicial branch to the legislature which have been incorporated in budget legislation for the biennium that begins July 1, 2009.)

1. Amend Supreme Court Rule 49, regarding fees, as set forth in Appendix A.

2A. Amend Superior Court Rule 169, regarding fees, effective July 1, 2009, as set forth in Appendix B.

2B. Further amend Superior Court Rule 169, regarding research record fees, effective August 1, 2009, as set forth in Appendix C.

3A. Amend District Court Rule 3.3, regarding fees, effective July 1, 2009, as set forth in Appendix D.

3B. Further amend District Court Rule 3.3, regarding research record fees, effective August 1, 2009, as set forth in Appendix E.

4A. Amend Probate Court Rule 169, regarding fees, effective July 1, 2009, as set forth in Appendix F.

4B. Further amend Probate Court Rule 169, regarding research record fees, effective August 1, 2009, as set forth in Appendix G.

5. Amend Superior Court Rule 104(B), regarding fines, as set forth in Appendix H.

6. Amend District Court Rule 2.7, regarding fines, as set forth in Appendix I.

Effective Dates

The amendments in Appendices A, B, D, F, H and I shall take effect July 1, 2009. The amendments in Appendices C, E and G shall take effect on August 1, 2009.

Date: June 30, 2009

ATTEST: _____
Eileen Fox, Clerk of Court
Supreme Court of New Hampshire

APPENDIX A

Amend Supreme Court Rule 49 as follows (additions are in **[bold and brackets]**; deletions are in ~~strike thru~~ format):

RULE 49. Fees In Supreme Court.

(I) Fees

(A) Entry of Appeal [or Cross-Appeal]	\$150.00 [180.00]
(B) Petition for Original Jurisdiction	
(1) Original petition for writ of habeas corpus	\$ 0 (No fee)
(2) All other petitions for original jurisdiction	\$150.00 [180.00]
(C) (1) Certification of Record to Federal Courts	\$ 75.00
(2) Other Certifications and Certified Copies	\$ 5.00 plus \$.50/page
(D) Bar Examination Fee	\$ 275.00
(E) Character and Fitness Investigation Fee	
(1) For Admission By Examination	\$ 275.00
(2) For Admission Without Examination	\$ 725.00
(3) For Admission After Completion of Daniel Webster Scholar Honors Program	\$ 275.00
(F) Certificate of Admission	\$ 5.00
(G) Entry of Motion for Admission to Bar Without Examination	\$ 275.00
(H) Application for Admission of Daniel Webster Scholar Honors Program Graduates	\$ 200.00
(I) Application to Appear <i>Pro Hac Vice</i>	\$ 225.00
(J) Fee to Postpone Bar Examination	\$ 100.00

(II) Surcharge

Pursuant to RSA 490:26-a, II, the sum of \$25.00 shall be added to each civil filing fee set forth in paragraphs (I)(A) and (I)(B)(2) above, except for the following types of cases which pursuant to RSA 490:26-a, II(b) are exempt from the surcharge:

- (A) Actions relating to children under RSA 169-B, RSA 169-C, and RSA 169-D.
- (B) Domestic violence actions under RSA 173-B.
- (C) Small claims actions under RSA 503.

- (D) Landlord/tenant actions under RSA 540, RSA 540-A, RSA 540-B,
and RSA 540-C.
- (E) Stalking actions under RSA 633:3-a.

APPENDIX B

Amend Superior Court Rule 169, effective July 1, 2009, as follows:

(additions are in **[bold and brackets]**; deletions are in ~~strike thru~~ format):

169. Fees.

(I) The appropriate fee must accompany all filings. All fees shall be consolidated into a single payment, when possible.

(II) ~~27.33%~~ **[22.77%]** of the entry fee paid in each ~~libel and~~ petition **[and cross-petition]** in marital cases (\$41.00) shall be deposited into the special fund established by RSA 458:17-b **[461-A:17]**. Said fund is for the compensation of mediators, appointed pursuant to RSA 458:15-a **[461-A:7]**, and guardians ad litem, appointed pursuant to RSA 458:17-a **[461-A:16]**, when the parents are indigent.

(III) **[Fees]**

(A) Original Entries:

(i) [(1)] Original Entry of any Action at Law or Equity except a petition for writ of habeas corpus; Original Entry of all Marital Matters, including Order of Notice and Guardian ad Litem Fee; Transfer; the filing of a foreign judgment pursuant to RSA 524-A; or any Special Writ	\$ 150.00 [180.00]
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(ii) [(2)] Original Entry of a petition for writ of habeas corpus	\$ 0 (no fee)
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(B) Small Claim Transfer Fee	\$ 115.00
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[(3) Counterclaim on Civil or Equity Matter (including set-off, recoupment, cross-claims and third-party claims);	\$ 180.00
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(4) Cross-Petition for Divorce	\$ 180.00]
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(e) [(5)] Motion to Bring Forward [Civil/Equity] (post judgment)	\$ 75.00 [95.00]
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**[(6) Motion to Bring Forward a Domestic matter
with stipulation \$ 75.00**

**(7) Motion to Bring Forward a Domestic matter
without stipulation \$ 125.00]**

~~(D) Petition to Annul Criminal Record \$ 50.00~~

~~(E) [(8)] Wage Claim Decision \$ 25.00 [50.00]~~

~~(F) [(9)] Marriage Waiver \$ 50.00 [60.00]~~

[(B) General and Miscellaneous

~~(G) [(1)] Motion for Periodic Payments \$ 15.00 [25.00]~~

[(2) Petition to Annul Criminal Record \$ 100.00]

~~(H) [(3)] Original Writ (form) \$ 1.00~~

[(4) Writ of Execution \$ 25.00

**(5) Petition for Ex Parte Attachment, Ex Parte
Petition for Writ of Trustee Process \$ 25.00**

(6) Reissued Orders of Notice \$ 25.00

(7) Application to Appear *Pro Hac Vice* \$ 225.00

(C) Certificates and Copies

(1) Certificates and Certified Copies \$ 5.00]

~~(i) [(2)] Divorce Certificate (VSR) only \$ 5.00~~

~~(ii) [(3)] Divorce Certificate, Certified Copy of Decree
and if applicable, Stipulation, QDRO, USO, and other
Decree-related documents \$ 15.00 [25.00]~~

~~(J) Certificates and Certified Copies \$ 5.00~~

~~(K) [(4)] All Copied Material \$.50/page~~

~~(L) Application to Appear *Pro Hac Vice* \$ 225.00~~

[(5) Certificate of Judgment	\$10.00
(6) Exemplification of Judgment	\$25.00]

(IV) **[Surcharges and Additional Fees]**

[(A)] On the commencement of any custody or support proceeding **[involving the determination of parental rights and responsibilities]** for which a fee is required, including ~~libels~~ **[petitions and cross-petitions]** for divorce with minor children, an additional fee of \$2.00 shall be paid by the petitioner **[or cross-petitioner]**.

~~(V)~~ **[(B)]** Pursuant to RSA 490:26-a, II, the sum of \$25.00 shall be added to each civil filing fee set forth in paragraphs (III)(A)(i)**[(1)]**, ~~(III)(C), and (III)(F)~~ **[(III)(A)(3), (III)(A)(4), (III)(A)(5), (III)(A)(6), (III)(A)(7), (III)(A)(8), and (III)(A)(9)]** above, except for the following types of cases which pursuant to RSA 490:26-a, II(b) are exempt from the surcharge:

- ~~(A)~~ **[(1)]** Actions relating to children under RSA 169-B, RSA 169-C, and RSA 169-D.
- ~~(B)~~ **[(2)]** Domestic violence actions under RSA 173-B.
- ~~(C)~~ **[(3)]** Small claims actions under RSA 503.
- ~~(D)~~ **[(4)]** Landlord/tenant actions under RSA 540, RSA 540-A, RSA 540-B, and RSA 540-C.
- ~~(E)~~ **[(5)]** Stalking actions under RSA 633:3-a.

~~(VI)~~ **[(V)]** Records Research Fees:

(A) Record information must be requested in writing and include the individual's full name and, if available, the individual's date of birth.

(B) A fee of \$10.00 per request will be assessed for electronic (computer) searches of less than ten names.

(C) A fee of \$25.00 per request will be assessed for electronic (computer) searches of ten or more names.

(D) Extensive electronic (computer) searches requiring more than one hour will be assessed \$25.00 per additional hour or portion thereof.

(E) A fee of \$25.00 per hour or portion thereof will be assessed for manual searches. The fee is based on this hourly rate and not the number of names per request.

(F) Charges for requests requiring a combination of manual and electronic searches on the same party will be assessed according to the fee schedule for both categories.

EXAMPLE: One request for electronic search with seven names = \$10.00. Additional requirement that one or more of those seven names be manually researched as well = \$25.00 per hour or portion thereof. Assuming the manual research is completed in less than one hour, then the total fee = \$35.00.

APPENDIX C

In addition to the amendments set forth in Appendix B above, further amend Superior Court Rule 169(V), effective August 1, 2009, as follows: (additions to the July 1, 2009 version of Rule 169 are in **[bold and brackets]**; deletions are in ~~strike-thru~~ format):

(V) Records Research Fees:

(A) Record information must be requested in writing and include the individual's full name and, if available, the individual's date of birth. **[A fee of \$20 per name will be assessed for up to 5 names. Additional names will be assessed \$5 per name.]**

(B) The Clerk may waive the records research fee when a request for record information is made by a member of the media consistent with the public's right to access court records under the New Hampshire Constitution.]

~~(B) A fee of \$10.00 per request will be assessed for electronic (computer) searches of less than ten names.~~

~~— (C) A fee of \$25.00 per request will be assessed for electronic (computer) searches of ten or more names.~~

~~— (D) Extensive electronic (computer) searches requiring more than one hour will be assessed \$25.00 per additional hour or portion thereof.~~

~~— (E) A fee of \$25.00 per hour or portion thereof will be assessed for manual searches. The fee is based on this hourly rate and not the number of names per request.~~

~~— (F) Charges for requests requiring a combination of manual and electronic searches on the same party will be assessed according to the fee schedule for both categories.~~

~~— EXAMPLE: One request for electronic search with seven names = \$10.00. Additional requirement that one or more of those seven names be manually researched as well = \$25.00 per hour or portion thereof.~~

Assuming the manual research is completed in less than one hour,
then the total fee = \$35.00.

APPENDIX D

Amend District Court Rule 3.3, effective July 1, 2009, as follows
(additions are in **[bold and brackets]**; deletions are in ~~strike thru~~
format):

Rule 3.3. Court fees

(I) Fees

(A) Original Entries

Civil w [W] rit of s [S] ummons [or Counterclaim (including set-off, recoupment, cross-claims and third-party claims)]	\$ 100.00 [120.00]
Replevin	\$ 100.00 [120.00]
Landlord/Tenant Entry	\$ 75.00 [100.00]
Registration of f [F] oreign j [J] udgment	\$ 125.00 [150.00]
Small e [C] laims Entry [and Counterclaim (including set-off, recoupment, cross-claims and third-party claims)] [Small Claims Transfer Fee	\$ 60.00 [72.00] \$ 108.00]

(B) General and Miscellaneous

Motion for Periodic Payments	\$ 15.00 [25.00]
Petition to annul criminal record	\$ 50.00 [100.00]
Original Writ	\$ 1.00 each
[Writ of Execution	\$ 25.00
Petition for Ex Parte Attachment, or Writ of Trustee Process	\$ 25.00
Reissued Orders of Notice	\$ 25.00]
Application to Appear <i>Pro Hac Vice</i>	\$ 225.00

(C) Certificates & Copies

Certificate of Judgment	\$ 10.00
Exempli f [fi] cation of Judgment	\$ 25.00
Certified e [C] opies	\$ 5.00
All copied material (except transcripts)	\$.50/page

Computer s[S]creen p[P]rintout

\$.50/page

(II) Surcharge

Pursuant to RSA 490:26-a, II, the sum of \$25.00 shall be added to each civil filing fee set forth in paragraph (I)(A) above, except for the following types of cases which pursuant to RSA 490:26-a, II(b) are exempt from the surcharge:

- (A) Actions relating to children under RSA 169-B, RSA 169-C, and RSA 169-D.
- (B) Domestic violence actions under RSA 173-B.
- (C) Small claims actions under RSA 503.
- (D) Landlord/tenant actions under RSA-540, RSA 540-A, RSA 540-B, and RSA 540-C.
- (E) Stalking actions under RSA 633:3-a.

(III) Records Research Fees

(A) Record information must be requested in writing and include the individual's full name and, if available, the individual's date of birth.

(B) A fee of \$10.00 per request will be assessed for electronic (computer) searches of less than ten names.

(C) A fee of \$25.00 per request will be assessed for electronic (computer) searches of ten or more names.

(D) Extensive electronic (computer) searches requiring more than one hour will be assessed \$25.00 per additional hour or portion thereof.

(E) A fee of \$25.00 per hour or portion thereof will be assessed for manual searches. The fee is based on this hourly rate and not the number of names per request.

(F) Charges for requests requiring a combination of manual and electronic searches on the same party will be assessed according to the fee schedule for both categories.

EXAMPLE: One request for electronic search with seven names = \$10.00. Additional requirement that one or more of those seven names

be manually researched as well = \$25.00 per hour or portion thereof.
Assuming the manual research is completed in less than one hour,
then the total fee = \$35.00.

(G) The Clerk may waive the records research fee when a request for record information is made by a member of the media consistent with the public's right to access court records under the New Hampshire Constitution.

APPENDIX E

In addition to the amendments set forth in Appendix D above, further amend District Court Rule 3.3(III), effective August 1, 2009, as follows: (additions to the July 1, 2009 version of Rule 3.3 are in **bold and brackets**]; deletions are in ~~strike-thru~~ format):

(III) Records Research Fees

[(A) Records Research Fees. Record information must be requested in writing and include the individual's full name and, if available, the individual's date of birth. A fee of \$20 per name will be assessed per name for up to 5 names. Additional names will be assessed \$5 per name.

(B) The Clerk may waive the records research fee when a request for record information is made by a member of the media consistent with the public's right to access court records under the New Hampshire Constitution.]

~~(A) Record information must be requested in writing and include the individual's full name and, if available, the individual's date of birth.~~

~~—(B) A fee of \$10.00 per request will be assessed for electronic (computer) searches of less than ten names.~~

~~—(C) A fee of \$25.00 per request will be assessed for electronic (computer) searches of ten or more names.~~

~~—(D) Extensive electronic (computer) searches requiring more than one hour will be assessed \$25.00 per additional hour or portion thereof.~~

~~—(E) A fee of \$25.00 per hour or portion thereof will be assessed for manual searches. The fee is based on this hourly rate and not the number of names per request.~~

~~—(F) Charges for requests requiring a combination of manual and electronic searches on the same party will be assessed according to the fee schedule for both categories.~~

~~—EXAMPLE: One request for electronic search with seven names = \$10.00. Additional requirement that one or more of those seven names be manually researched as well = \$25.00 per hour or portion thereof. Assuming the manual research is completed in less than one hour, then the total fee = \$35.00.~~

~~—(G) The Clerk may waive the records research fee when a request for record information is made by a member of the media consistent with the public's right to access court records under the New Hampshire Constitution.~~

APPENDIX F

Amend Probate Court Rule 169, effective July 1, 2009, as follows
(additions are in **[bold and brackets]**; deletions are in ~~strike thru~~
format):

Rule 169. FEES.

(I) ENTRY FEES:

- | | |
|---|-------------------------------------|
| (a) Original Entry of any Equity Action [or Counterclaim (including set-off, recoupment, cross-claims and third-party claims)] | \$155.00 [185.00] |
| (b) Petition File and Record Authenticated Copy of Will, Foreign Wills; Petition Estate Administration for estates with a gross value greater than \$25,000; Petition Administration of Person Not Heard From; Petition Guardian, Foreign Guardian or Conservator (RSA 464-A) | \$130.00 [155.00] |
| (c) Petition Termination of Parental Rights; Petition Involuntary Admission; Petition Guardian Minor Estate and Person and Estate (RSA 463); Petition Guardian of Incompetent Veteran (RSA 465) | \$105.00 [125.00] |
| (d) Petition Adoption, includes one certificate (no entry fee when accompanied by a Petition for termination); Motion to Reopen (estate administration); Motion to Bring Forward | \$80.00 [95.00] |
| (e) Petition Estate Administration for estates having a gross value of \$25,000 or less; Petition Change of Name (includes one certificate); Petition Guardian Minor Person (RSA 463) | \$55.00 [65.00] |
| (f) Marriage Waiver | \$50.00 [60.00] |
| (g) Motion Prove Will in Common and/or Solemn Form (administration required); Motion to Re-examine Will | \$105.00 [125.00] |

(h) Petition Appoint Trustee \$105.00 **[125.00]**

(i) Motion Successor Trustee, Administrator, Executor, or Guardian of Estate and Person and Estate (RSA 463) (RSA 464-A); All Executor/Administrator Accounting for estates with a gross value greater than \$25,000; Trustees Accounting; Guardian/Conservator Accounting; **Motion for Summary Administration]** \$55.00 **[65.00]**

(j) Petition Change of Venue (includes authenticated copy fee); Motion Successor Guardian of Person (RSA 463) (RSA 464-A); Motion Sue on Bond; Motion Remove Fiduciary; Motion Fiduciary to Settle Account \$30.00 **[40.00]**

[(k) Landlord Tenant Entry pursuant to ancillary jurisdiction under RSA 547:3-1 \$ 100.00

(l) Small Claim Entry and Counterclaim (including set-off, recoupment, cross-claims and third-party claims) pursuant to ancillary jurisdiction under RSA 547:3-1 \$ 72.00

(m) Small Claim Transfer Fee pursuant to ancillary jurisdiction under RSA 547:3-1 \$ 108.00

(n) Civil Writs of Summons and Counterclaims (including set-off, recoupment, cross-claims and third-party claims) pursuant to ancillary jurisdiction under RSA 547:3-1 \$ 120.00

(o) Replevin pursuant to ancillary jurisdiction under RSA 547:3-1 \$ 120.00]

~~(k)~~ **[(p)]** Pursuant to RSA 490:26-a, II, the sum of \$25.00 shall be added to each civil filing fee set forth in subsections (a), (b), (c), (d), (e), (f)[,] ~~and~~ (h) [, (n), and (o)] above.

(II) ENTRY FEES INCLUDE:

Preparation and issuance of **[Original]** Orders of Notice, Notice, Copies of Decrees, mailing costs, certificate to discharge surety.

(III) ENTRY FEES DO NOT INCLUDE:

Notice by publication. This fee shall be paid by the **[The]** Party or the Attorney for the Party from whom the notice is required **[shall pay this fee]**. The cost of publication shall be determined by the Register of each county **[shall determine the cost of publication]**. The request may require that payment be made directly to the publisher of the notice.

In-hand service. If service by a law enforcement officer is required, the Party or the Attorney for the Party from whom the notice is required shall pay the cost of service to the appropriate county sheriff's department.

Additional copies. If additional copies of any document, or additional certificates are requested beyond those included in normal processing as indicated above, the Party or the Attorney for the Party requesting the additional copies shall pay the costs in advance as indicated under "Certificates & Copies."

(IV) OTHER:

Defaults (RSA 548:5-a)	\$ 25.00/each occurrence
Citations/show cause (RSA 548:5-a and 550:2)	\$ 50.00/each occurrence
Duplicate Audio Tape	\$ 25.00/each tape [or CD]
Application to Appear <i>Pro Hac Vice</i>	\$ 225.00
[Ex Parte Petition for Attachment, Ex Parte Petition for Writ of Trustee Process	\$ 25.00
Motion for Periodic Payments	\$ 25.00
Reissued Orders of Notice	\$ 25.00
Writ of Execution	\$ 25.00]

(V) CERTIFICATES & COPIES:

Certificates	\$ 5.00
Certification	\$ 5.00 plus copy fee
Photocopy of Will	\$ 1.00/page
All other copied material	\$.50/page
[Original writ (form)	\$ 1.00]
Authenticated Copy of Probate	\$ 25.00/each

**[Certificate of Judgment
Exemplification of Judgment**

**\$ 10.00
\$ 25.00]**

"**Certificates & Copies**" shall apply to individual requests for the above services, requests for additional certificates beyond those provided with the original entries and requests for additional copies beyond those provided with the original entry fees.

APPENDIX G

In addition to the amendments set forth in Appendix F above, further amend Probate Court Rule 169, effective August 1, 2009, by adopting a new section (VI) as follows: (additions to the July 1, 2009 version of Rule 169 are in **[bold and brackets]**; deletions are in ~~strike-thru~~ format):

[(VI) RECORDS RESEARCH FEES:

Records Research Fees. Record information must be requested in writing and include the individual's full name and, if available, the individual's date of birth. A fee of \$20 per name will be assessed for up to 5 names. Additional names will be assessed \$5 per name.

The Register may waive the records research fee when a request for record information is made by a member of the media consistent with the public's right to access court records under the New Hampshire Constitution.]

APPENDIX H

Amend Superior Court Rule 104(B) as follows (additions are in **[bold and brackets]**; deletions are in ~~strike-thru~~ format):

(B) In any case where the Court finds the defendant indigent or the defendant is unable to pay the fine on the date imposed, the Court may defer payment of the fine or order periodic payment. **[In any such deferral or order of periodic payment, the court shall, pursuant to RSA 490:26-a, II-a, include a \$25.00 fee to be added to the fine. The \$25.00 fee shall be paid prior to or simultaneously with the payment of the fine.]** Eligibility for appointed counsel shall not be conclusive on the issue of indigency for purposes of fine payment orders.

APPENDIX I

Amend District Court Rule 2.7(B) as follows (additions are in **[bold and brackets]**; deletions are in ~~strike-thru~~ format):

(B) In any case where the Court finds the defendant indigent or the defendant is unable to pay the fine on the date imposed, the Court may defer payment of the fine or order periodic payment. **[In any such deferral or order of periodic payment, the court shall, pursuant to RSA 490:26-a, II-a, include a \$25.00 fee to be added to the fine. The \$25.00 fee shall be paid prior to or simultaneously with the payment of the fine.]** Eligibility for appointed counsel shall not be conclusive on the issue of indigency for purposes of fine payment orders.