

ESTATE CASES
GUIDANCE FOR FILING CONFIDENTIAL DOCUMENTS IN FILE AND SERVE
Electronic Filing Rule 11

IMPORTANT: Do not file confidential documents unless required or unless these are material to the proceeding. When using the File and Serve electronic filing program, follow these instructions if you must file confidential documents.

Electronic Filing Rule 11 – CONFIDENTIAL DOCUMENTS

1. Documents listed in Electronic Filing Rule 11(c)

Electronic Filing Rule 11(c) lists numerous documents which must be kept confidential when filed with the court. See the last page of this guidance for a list of those documents.

If you need to file any of those documents in your case, take the following steps:

On the Enter Filing Details screen, select the appropriate Filing Code from the drop down list for the document you want to file. (The Filing Code can be thought of as the type of document.)

If you look through the Filing Codes but do not see the name of the document you are filing and you are sure that the document matches one on the list in Rule 11(c), select *Other (CONFIDENTIAL)*.

Enter a Filing Description.

Under Lead Document, select Click to Browse to upload the document.

The Security should automatically be Non- Public Document or Confidential Always. You will **not** need to adjust the security.

NOTE: It is not necessary to file a Motion to Seal if the document you are filing is listed in Electronic Filing Rule 11(c) or if it matches a document listed in Rule 11 such that “Other (CONFIDENTIAL)” is selected.

2. Documents not listed in Electronic Filing Rule 11(c)

Electronic Filing Rule 11 states that when filing a document that you would like the court to keep confidential **that is not listed in Rule 11(c)**, you must file it along with a Motion to Seal the document.

You take the same steps outlined above, but you will not select a document name with the word (CONFIDENTIAL) in the title. This is because you are not filing a document which is already considered confidential by Rule. Instead, you are filing a document and by way of a Motion to Seal you are requesting court permission to make it confidential. (See Electronic Filing Rule 13 regarding Motions to Seal.)

This requires two separate uploads:

- a. For the document you wish to keep confidential:

On the Enter Filing Details screen, select the appropriate Filing Code from the drop down list for document you want to file.

Enter a Filing Description.

Under Lead Document, select Click to Browse to upload the document.

Under Security, it is **essential** that you select Non-Public Document. This will ensure that the document is kept confidential upon filing, pending ruling of the court.

b. For the Motion to Seal the document you wish to keep confidential:

Select Add Another Filing

Select the Motion to Seal from the drop down list as the Filing Code.

Enter a Filing Description.

Under Lead Document, select Click to Browse to upload the document.

Under Security, it is **essential** that you select Non-Public Document.

Electronic Filing Rule 11(c) -- Confidential Documents

(c) "Confidential documents" means documents that are not to be accessible to the public pursuant to state law, administrative or court rule, court order or case law including, but not limited to, the following:

- (1) Certain documents relating specifically to small claims cases, such as, but not limited to:
 - (A) Confidential Information Sheets;
 - (B) Statements of Assets and Liabilities.
- (2) All documents filed with or issued by the court in guardianship cases under RSA 463 or RSA 464 *except*:
 - (A) A Certificate of Appointment of Guardian;
 - (B) An Order on Appointment of Guardian;
 - (C) A Motion/License to sell Real Estate or Personal property in Guardianship or Conservatorship;
 - (D) A Motion/License to Mortgage Real Estate;
 - (E) A Return/Notice of Sale;
 - (F) An Appointment of Resident Agent.
- (3) Certain documents relating to case types other than small claims cases or guardianship cases, such as, but not limited to:
 - (A) records pertaining to juvenile delinquency, children in need of services proceedings, or abuse/neglect proceedings;
 - (B) financial affidavits in family law proceedings;
 - (C) guardian ad litem reports in family law proceedings;
 - (D) Qualified Domestic Relations Orders in family law proceedings;
 - (E) Plaintiff and Defendant Information Sheets in domestic violence and stalking proceedings;
 - (F) Vital Statistics forms;
 - (G) personal data sheets;
 - (H) records pertaining to termination of parental rights proceedings;
 - (I) records pertaining to adoption proceedings;
 - (J) records pertaining to mental health proceedings;
 - (K) information related to competency determinations.

(L) death certificates.

(d) Confidential documents set forth in this rule shall be filed electronically as follows:

- (1) for confidential documents relating specifically to small claims cases, including the Confidential Information Sheet and Statement of Assets and Liabilities, filers shall select the appropriate name of the document in the filing system;
- (2) for documents relating specifically to guardianship cases, filers shall select the appropriate name of the document in the filing system;
- (3) for documents relating specifically to estate cases, filers shall select the appropriate name of the document in the filing system;
- (4) for confidential documents from other case types or for other confidential documents set forth above, the filer shall select "Other (Confidential)" in the filing system.

(e) Confidential documents set forth in this rule that are being filed conventionally by a party excused from the mandate of electronic filing pursuant to Rule 1(b)(1), (2), (3) or (4) shall be clearly identified as "confidential," but need not be identified as relating specifically to particular case types.

(f) When filing a document that the party believes to be confidential but that is not included on the list in section (c) of this rule, the filing party shall file a motion to seal with the document in accordance with Rule 13.

(g) When filing a document that is included on the list in section (c) of this rule but that is being filed as an exhibit or an attachment in a proceeding other than the proceeding that makes the document confidential under section (c) of this rule, the filing party shall file a motion to seal the document in accordance with Rule 13.