

Bill as Introduced

HB 289 - AS INTRODUCED

2007 SESSION

07-0601
05/10

HOUSE BILL **289**

AN ACT relative to joint agreements for the payment of postsecondary education expenses.

SPONSORS: Rep. Gargasz, Hills 5; Rep. Emerson, Ches 7; Rep. Ginsburg, Hills 20;
Sen. Hassan, Dist 23

COMMITTEE: Children and Family Law

ANALYSIS

This bill permits the court to enforce joint agreements for the payment of postsecondary education expenses.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to joint agreements for the payment of postsecondary education expenses.

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

1 1 Child Support; Joint Agreement for Payment of Postsecondary Education Expenses. Amend
2 RSA 461-A:14, IV and V to read as follows:

3 IV. The amount of a child support obligation shall remain as stated in the order until all
4 dependent children for whom support is ordered shall terminate their high school education or reach
5 the age of 18 years, whichever is later, or become married, or become a member of the armed
6 services, at which time the child support obligation~~[-including all educational support obligations,]~~
7 terminates without further legal action. This amount shall remain as specified unless a legal order
8 expressly allocates the payments on a per child basis. If the order involves a disabled child, the court
9 shall specify the duration of the order, which may be beyond the time when the child reaches the age
10 of 18.

11 V. No child support order shall require a parent to contribute to an adult child's college
12 expenses or other educational expenses beyond the completion of high school. ***However, nothing in***
13 ***this section shall prevent the parties from entering into a valid, enforceable agreement for***
14 ***the payment of post-secondary education expenses.***

15 2 Effective Date. This act shall take effect 60 days after its passage.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HP 207 Date 2/5/07

Committee Children + Family Law

**** Please Print All Information ****

[illegible]

Hearing Minutes

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 289

BILL TITLE: relative to joint agreements for the payment of postsecondary education expenses.

DATE: February 13, 2007

LOB ROOM: 206 **Time Public Hearing Called to Order:** 10:05 a.m.

Time Adjourned: 11:43 a.m.

(please circle if present)

Committee Members: Reps. Gile, B. Richardson, Grassie, Ginsburg, Blanchard, Flockhart, Matarazzo, Walz, D. Rollo, Arsenault, Farley, Itse, Julie Brown, Gargas, Moran, Garcia, Hogan, J. Johnson and Spaulding.

Bill Sponsors: Reps. Gargas, Emerson, Ginsburg, Sen. Hassan

TESTIMONY

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

***Rep. Carolyn Gargas** introduced her bill. Does not force parents to do this, but provides vehicle for parents to do this voluntarily and then court could enforce. Discussion continued about the mechanics of college accounts, enforcement of agreements, many possible variations of circumstances.

Rep. Edward Moran suggested that this agreement could be an option in parenting plan – a check box to opt in or out.

Marc Stroms – opposes bill.

Senator Maggie Hassan – supports and is a co-sponsor.

Martha Copithorne, retired marital master – supports bill.

***Bruce Blandin** – opposes bill. Leave this for child support study commission.

David Bickford – opposes bill. If these contracts for college are drawn under duress, they could be undone by courts.

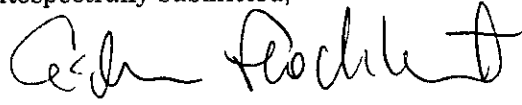
Rep. Frank Emiro – opposes bill. Spoke of personal divorce experiences.

Eileen Cipnick, Hudson, NH – opposes bill.

Billy Dodd, Manchester – retired police officer; opposes bill.

***Hoyt Nelson, Billerica, MA – opposes bill**

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Eileen Flockhart". The signature is written in dark ink on a white background.

Rep. Eileen Flockhart
Clerk of the Committee

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Testimony

FILE COPY

HB 289 – post secondary college expenses
Carolyn Gargas
February 13, 2007

I sponsored this bill because when divorcing parents want to make provisions for their childrens' post-secondary education expenses there is the legal mechanism for them to do so.

Post secondary education has become increasingly essential for future earning power of young people and therefore their contributions to economy and society. Today the job prospects and earning power for someone with a high school education continue to go down compared with those who obtain some post secondary education.

Federal Reserve Chairman Bernanke recently issued a statement regarding education being one of the two most important areas to pursue for the future of the US economy in world competition.

The bill states this is for post secondary expenses and that can include anything from trade school, to two year community technical associate degree, to four year college. Our community technical colleges have one of the highest rates of tuition but it is still a more affordable way to continue education.

College costs continue to increase. Students are graduating with increasing debt load. Even if a student wants to pay his or her way through college it is very difficult. One difficulty is when a student applies for grants and scholarships, both parents' financial statements are taken into consideration even if the parents are not contributing. Therefore, a student without financial assistance from parents can be denied grants and scholarships.

This bill maintains the prohibition against ordering post secondary expenses but adds an exception when parties agree to it. Previous to submitting this legislation, I asked Judge Kelly if post secondary education could be added to the parenting plan for a point of discussion. He told me it could not because it was not enforceable.

What about parents coming to an agreement outside of the parenting plan/official divorce agreement? It can happen, but is it enforceable? What happens to good intentions when one or both parents re-marry and have new families? What about change of economic circumstances? People can go back to court for modifications.

Another reason I submitted this bill is because I am looking forward – not back. We have heard from many people who are opposed to this bill based on their experiences which, I would guess, are a result of divorces previous to the change in divorce laws in NH. Our laws changed in October 2005, a little over a year ago. With the change there is a greater emphasis on mediation and on parents working together to come up with their own parenting plan for what is best for their children rather than having the court impose one

on them. And, as I said, post secondary expenses cannot be included in that parenting plan because of our current statute.

This bill does not force parents to commit to post secondary expenses, but does allow it when they agree. That agreement can include whatever conditions parents deem important. For example, it could include setting a maximum on the length of time and amount of tuition and other expenses, or consideration of the commitment of the student, or lack of it, to his or her studies, or an expectation that the student will work and help pay for expenses, and the ability of parents to assist with expenses. It depends on what the parents decide to put in that agreement.

One issue that has come up is that we are treating divorced parents different from married parents. We already do. Parents who are married are not required to support one child with 25% of net income or support two children with 33% of net income. But divorced parents are. Parents who are married are not ordered that the children spend a certain amount of time with the mother and a certain amount of time with the father, but divorced parents have to divide their time with their children. Those are two examples of how divorced parents are treated differently from married parents. We don't require that married parents pay for a college education. This bill does not require divorced parents to pay for college, but it allows them to agree to a plan for payment of post secondary expenses.

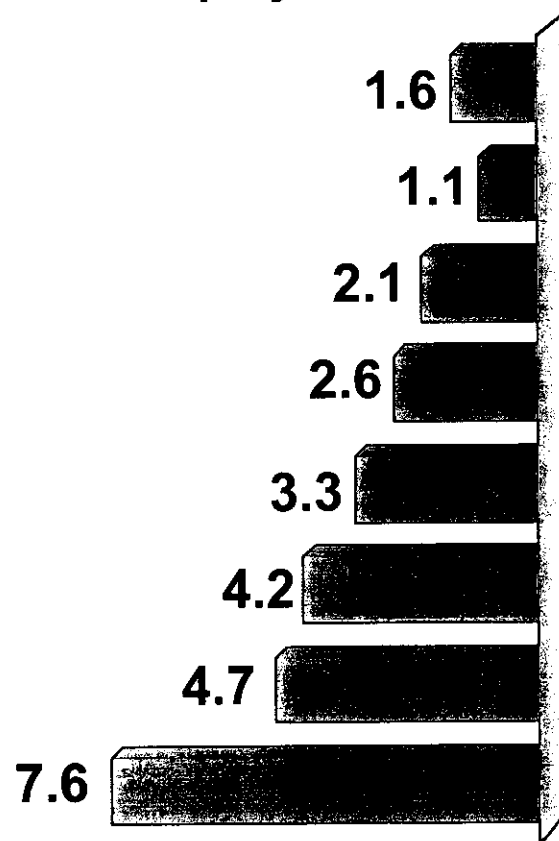
The law to prohibit the ordering of post secondary expenses was enacted very recently for some valid reasons. However, I ask that you make this change so some consideration can be given in divorce agreements to what is increasingly important to young people, their preparation for a productive future with a post secondary education.



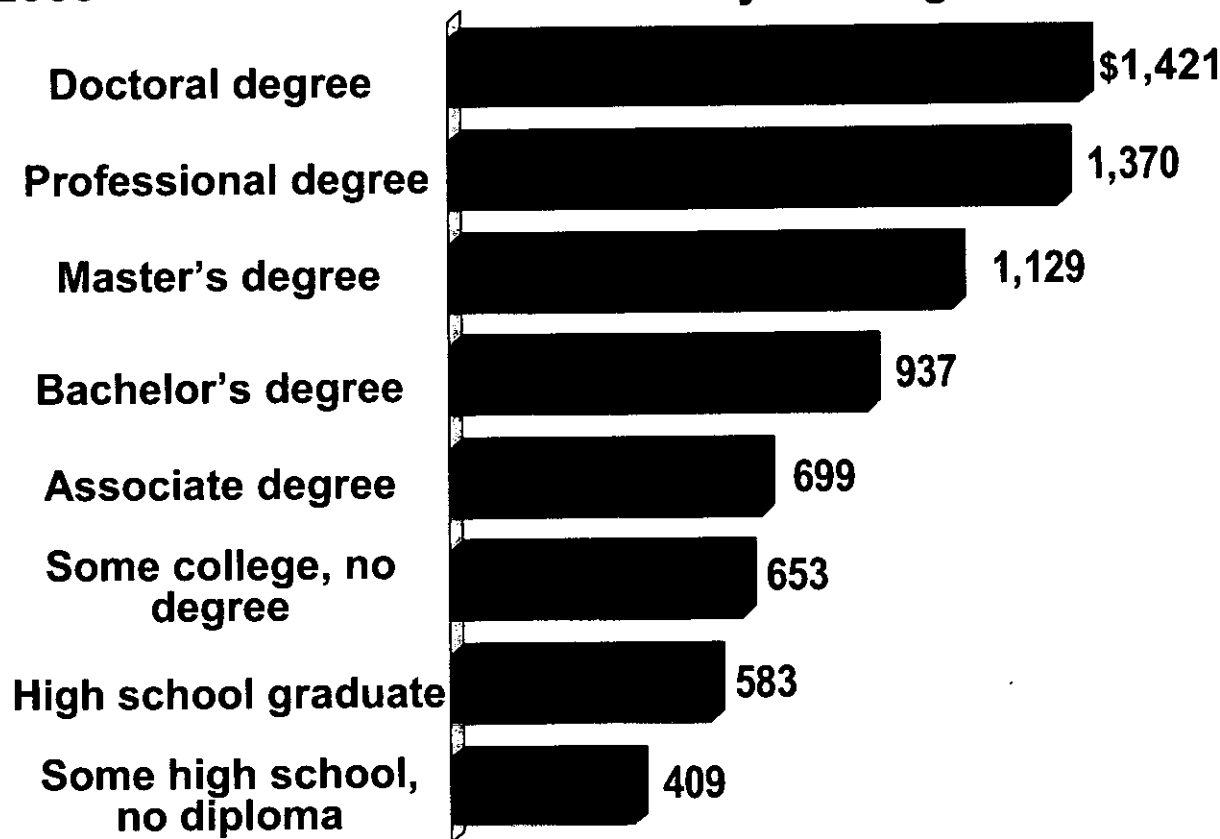
Bureau of Labor
Statistics

Education and training pay

Unemployment rate in 2005



Median weekly earnings in 2005



NOTES: Unemployment and earnings for workers 25 and older, by educational attainment; earnings for full-time wage and salary workers

Source: Bureau of Labor Statistics

FILE COPY

Testimony before The Committee on Children And Family Law

Room 206
February 13, 2007
Hoyt Nelson

Thank-you for this opportunity to speak with you. I'm Hoyt Nelson, presently a resident of Massachusetts, formerly a resident of Nashua and Hudson, NH. I am veteran of a 5-year trip through the NH divorce system - a journey which cost a fortune in legal fees and a higher tally in worry and stress and sleepless nights - and ultimately resulted in the loss of a real-father relationship with my son. He is 13 and will be attending college, so this legislation would impact me directly. If we have time, I'll touch on my story later.

I'm here to speak to HB289 and HB348.

1. Isn't it called child support?

It's called child support. 18-year-olds are not children. 18-year-olds enlist in the Army and fight in Iraq. 18-year-olds are adults.

As such, they do not deserve or require special treatment in the law which secures them a free college education. Live Free or Die starts at 18, at the age of emancipation, not when they graduate college. It is contrary to NH's independent spirit to treat 18-year-olds as children. The law should reflect that. It does, presently.

2. Do you think "voluntary" applies to fathers in divorce?

It has been the case for a few years, that the courts may not order a divorced father to pay for college. The father's obligation for child support ends on the 18th birthday. It's a hard line, easy to understand, and easy for the courts to follow.

The language of House Bill 289 (the bold text is new):

V. No child support order shall require a parent to contribute to an adult child's college expenses or other educational expenses beyond the completion of high school. **However, nothing in this section shall prevent the**

parties from entering into a valid, enforceable agreement for the payment of post-secondary education expenses.

does nothing except remove that hard line of age 18, the standard which gave unambiguous guidance to the court.

The language of the bill emphasizes the voluntary aspect. "Nothing shall prevent the parties from entering into a valid, enforceable agreement..."

Hey, it's voluntary! If Mom and Dad want to agree on a plan for paying for college, who could object to that?

Fathers could.

In case you don't have first hand experience with the NH divorce system, here's an archetypal divorce, which I hope you'll keep in mind as you consider this legislation.

Mom has decided to divorce, perhaps because she has a new boyfriend, perhaps only because she doesn't "feel close" to her husband anymore. Mom removes Dad from the household, probably by claiming domestic violence if he doesn't immediately cooperate with her command to vacate the premises. Upon his departure, she informs him that he may see the children for the minimum time her attorney suggests: a couple midweek hours plus one or two nights on alternating weekends.

So, Dad finds himself without his home or his children, stunned and miserable, wondering how this could have happened?! He was a good husband, a great Dad. He did nothing wrong except pick the wrong bride.

Then Mom delivers a message to Dad, usually through their attorneys: "If you want to see more of the kids, then you better accept my financial demands." It can be some combination of the house, alimony, and child support, etc. Her attorney drafts the so-called "agreement". Dad's attorney may advise him to sign, given the reality of how Dads are treated in court - or the attorney may advise the Dad to litigate, if the Dad has the ability to pay the 10's or 100's of thousands of dollars that an extended court case will require.

Dad signs it. Whatever gets him more time with the kids, the fastest.

Or Dad doesn't sign and they litigate. Eventually Dad is subject to a glaring judge, all authority in his black robes, up high on his dais. The judge intones "I would find it troublesome, and look

darkly on the matter, if you would refuse this reasonable offer from opposing counsel, which has an unusually favorable custody schedule. Do you refuse to agree, simply because of the proposal obligates you to pay for college, like any good father would naturally *want* to do?" That's extremely intimidating, and the father hears the implicit message that the custody schedule will be *worse* if he doesn't start cooperating pronto - and also that the judge will think he's a bad Dad if he doesn't sign.

There is no voluntary aspect, because Dad cannot bear to be so apart from his children. He'll agree to anything that lets him be his children's father, as much as possible. It's coercion, just like it's coercion when a kidnapper demands ransom if you want to see your children again.

Years later, Mom has gotten over her vindictiveness, and maybe she accommodates the kids when they tell her that they'd like to see a lot more of Dad. Maybe they all live with Dad, because the teenagers are a handful and she can't deal with it. That doesn't impact the divorce settlement, however. Dad is on the hook, because in the horrible emotional upset of being forcibly separated from his children, he entered into an "enforceable agreement."

That's the key word in the language offered by HB289: "enforceable." You will be compelled by law, Dad, to pay for college.

There is no voluntary when you're a Dad forcibly removed from your children.

[An aside about sexism:

If you object to my characterization of the divorce process as extremely biased in favor women... then you're simply not paying attention. In practice, in NH, divorce is inherently sexist. One choice statistic is that in contested custody cases, Mom wins 72% of the time, Dad just 8%, the balance resulting in shared physical custody. That's a 9-to-1 ratio - and that fails to account for the fact that most of the time, Dad accepts his attorney's advice that he has lost his case before he walked in the door, *because he's a man*. If Dad goes through the pain and expense of litigation, it's because he's naïve.

I was told as much, by several attorneys, when I undertook the battle to be my son's father. I ignored them and wasted \$150,000 on attorneys who promised much and delivered nothing. I ignored the other attorneys' advice because I could not accept not being real Dad anymore. "Every-other-weekend dad" is an oxymoron; try it and you'll understand.

If you think the courts are fair, then email me (hoyt.nelson@gmail.com) with the name of a woman who lost a custody fight in NH, who was not a drug addict or otherwise a provably unfit

mother. I will reply with the names of dozens of NH men who lost their custody cases despite being manifestly good fathers - their flaw being that they had a Y-chromosome.]

3. Why would we want to eliminate Mom's only incentive to keep Dad in the kids' lives?

At present, NH law prevents the court from ordering fathers to pay for college. Does that mean that divorced fathers don't pay for college? Of course not: Fathers love their children, want the best for them, and when college is the best thing for a child, Dad helps as much as he can, ideally in cooperation with Mom.

That voluntary help is better than the compulsory help that HB289 would enable, because under present law, Mom has an incentive to preserve Dad's relationship with his children.

NH law gives lip-service to the idea of preserving parental relationships, but in practice that language is meaningless. Courts routinely hand down orders that nearly eliminate fathers from their children's lives. The courts almost never rebuke Mom for her vindictive attacks on Dad's relationship with the children. The courts almost never sanction Mom, even when she prevents Dad from having the few hours with his kids that were ordered by the court.

When children are with Mom the great majority of the time, and Mom actively undermines their relationship with Dad, it's called Parental Alienation Syndrome. With PAS, it is almost inevitable that the relation attenuates between the children and father. When your kids hate you, the loving thing is to see them less often. You want them to be happy, and they are not happy with you, so seeing less of them is the natural result. It breaks your heart a little less, also.

But what Mom wants Dad to help with college? If Dad's helping with college is voluntary, then she will want him to *want* to help the kids' college educations. Therefore she will work to bolster that relationship. She will bad-mouth Dad less, and she'll let Dad be with the kids more. She'll do what she can so Dad feels close to his kids and wants to help, when college looms.

HB289 eliminates Mom's only incentive to include Dad in his children's lives. How can that be good for the kids, for Dad, for New Hampshire?

[Aside: Another reason to keep Dad involved is that kids need Dads, of course - but women increasingly reject that premise, and the courts don't appear to get it either.]

4. Do we want to clog the courts even further?

The language of House Bill 348 (the bold text is new):

If the order involves a disabled child **or involves the payment of college or other postsecondary education expenses**, the court shall specify the duration of the order, which may be beyond the time when the child reaches the age of 18.

removes the hard line of age 18 as the terminus of child support, without supplying any guidance at all about what age limit applies, if any. The court can order Dad to pay tuition for the rest of his life, under this bill.

The result will be the usual when hard lines are absent: The law will be determined by case law, by innumerable appeals of onerous orders to higher courts, over the course of years and years:

- Who is the custodial parent? Does that concept apply, when the child is an 18-year-old adult, living away from home? Johnny's away at college during the school year and works summers on Cape Cod. He spends half of Thanksgiving and half of Christmas with each of his parents, like he always wanted to, because the court ordered custodial schedule is no longer material and his mother can't intimidate him anymore. So why is Dad still the obligor? What if Johnny spends the summer break living with Dad - does Mom become the obligor and have to pay for the rest of college? What if Mom *pays* Johnny to come live with her the *next* summer; does the obligation revert to Dad?
- Is the age limit for "child support" 21? 23? 50? Does the perpetual student ever exhaust his rights, if he never graduates? Does graduating from college end the obligation, or can Dad be forced to pay for law school? Have you known university rats working on their third PhD in their 40's? I have, and I suspect that a trust fund somewhere was obliged to pay out as long as there were tuition bills.
- Is Dad obliged to pay the bills, even if Johnny wants to go to Brandeis at \$41,000/year and Dad makes \$40,000/year? Before taxes? Does Dad face contempt if he doesn't sell the house and cash in his IRA? Or is there some formula, yet to be invented, for squeezing money out of Dad after age 18? The child support formula doesn't apply, or does it, who know? If Johnny gets financial aid, does that come off Dad's bill, or does the difference go into Johnny's pocket? Does Dad have any say in where Johnny goes to college, or is that part of the "shared legal custody" bit where Mom decides if there's every a disagreement - so in reality, Dad has no legal authority at all?

- Is "postsecondary education" well-defined in the law? Does it include culinary school in France? Ski lessons in a "ski instructor" certification program in Colorado? A history of art program over the internet from an unaccredited school?
- Is transportation to and from the Paris culinary institute part of Dad's obligation? How about new skis? Johnny can't take ski lessons with last year's skis! Johnny needs a new computer and Comcast broadband for his art history classes. Pony up, Dad?

These are all issues in the Pandora's box opened by this bill. There are thousands more that I haven't thought of, that will be invented by the avaricious NH divorce industry. See you in court!

NH law explicitly ducks the issue of what is and is not a legitimate child expense, because that would lead to the nightmare of accountants reviewing credit card receipts in court. The issue of college costs is even more complex than the cost of raising a child *under* 18. It will be a complete mess.

What standard will the court's apply in those cases? "The best interest of the child" - only there is no child! And NH statutes and case law do not define how "best interest" applies to college students.

The big winners will be the divorce lawyers - the usual principal beneficiaries of NH domestic law. The courts will get even slower. They are already a disgrace.

5. College student = blind child?

The HB348 language treats college students as a class especially deserving of public sympathy: "If the order involves a disabled child *or involves the payment of college or other postsecondary education expenses...*" - the disabled child and college students listed together as though they were comparable categories. Since when did college students get or *deserve* the special treatment we offer to disabled children?

Imagine a college kid, attending classes and going to football games, drinking beer at parties, attending classes because they are interesting, or sleeping in because of a hang-over. Imagine his or her social life. Do you know what "hooking up" means to teenagers? [pause] It doesn't sound like hardship duty, does it?

Now imagine someone who can only move about with a wheelchair. Imagine someone who cannot read without difficulty, so learning is twice as hard. Imagine someone who cannot hear, or cannot speak. Imagine someone who cannot see.

Those two categories of people deserve equal treatment under the law?

I don't think so.

Of course we need public policies to help the disabled. We do not need to offer the same help to the most talented 30% (or so) of our students who are college material.

A disabled person is in some sense child-like, to the extent that they are dependent on the help of others because of their disability. The kids who aced the SAT and pulled down the grades that got them into college, are not children. They are our best and most able!

HB348 proposes to extend to the college elite, the protections we offer the disabled. It's *indecent*. The idea of a special obligation to help the disabled with college is appealing - but that's already in the statute.

Let the college-quality kids work out how to pay for college, ideally with both their parent's help. The law should butt out.

6. Why can only one class of NH resident, divorced Dads, be compelled to pay for college?

We are supposed to have equal protection under the law. At this time, no NH resident can be compelled to pay for college. The very idea is imaginable.

This is the objective of both of these bills, however, HB289 and HB348 - to make it possible for fathers to be coerced by the law to pay for their children's college.

Uncles and aunts cannot be so coerced, nor brothers or sisters. Legally, Mom could get the obligation, but in practice, that's not going to happen, not if Dad has the capacity to earn a living.

Married men cannot be forced to pay for college. Don't get too comfortable, though, if you're a married man with children under age 18.

Imagine what could happen, if Husband happens to have put himself through college, and therefore feels less obligation to pay for college than Wife, whose parents paid for her

college *and* her professional degree. What if Husband only wants to pay some fraction of their children's college, while Wife thinks they should re-mortgage the house so the kids can get a full free ride?

Wife is angrily chatting with another parent as they watch a soccer game, Wife complaining about Husband's obstinacy about paying for college. The other parent is a divorce lawyer, though, and says "You know, you could **FORCE** him to pay." What? "You could **FORCE** him. All you have to do is divorce him - it's easy, you just have to claim that he hit you a couple times and he's out on his ear - and the court can order that Husband pay for the kids college! You should do it for the kids. As a loving mother, you really **NEED** to do it for the kids - it's your obligation to them (and my meal-ticket)."

You may know that 80% of divorces are initiated by women. If these bills pass, then that percentage may rise a few percentage points in NH, when the divorce lawyers get done reciting the financial advantages of booting the Husband.

Live Free Or Die. It's contrary to the NH spirit, for anyone to be compelled to pay for college.

We should not pass a law that creates this obligation, for the special, narrow class of people who are divorced fathers. We have suffered enough. Most of us have lost meaningful contact with our kids. For many, our finances were devastated, esp. losing our home. We have lived for years on a fraction of our income, so we could faithfully pay our child support.

This legislation would extend that financial pain, and intensify it, while clogging the courts and enriching the divorce attorneys.

7. Can't college students work their way through college?

The appeal of this legislation is the feeling that it's good to attend college. Of course it is.

There are alternatives to forcing Dad to pay, though. You can *ask* Dad to help, you can ask Mom, too. And you can work.

College is not necessarily that expensive. Community colleges are abundant and cheap. There are inexpensive public universities; colleges in Reno, Tallahassee and San Diego all have tuition under \$3,000/year. The New Hampshire Community Technical Colleges are about \$4,000. Some colleges have work programs so the student has a job every other semester. Government

loans are widely available. Right now, thousands of college students are working their way through, just like I (mostly) did.

Under this legislation, though, one class of NH student can potentially receive a free ride. If you were unfortunate enough to lose your intact family, if Mom (80% of the time) dumped Dad, then there is a consolation prize: your Dad may be forced by the court to pay for your college.

That would not be good for your character, or for your relationship with your father, perhaps. But it saves having to get a summer job at that resort!

It's a good feeling, to have worked your way through college. This legislation undercuts that by potentially offering a potential free ride to every child of divorce. That seems un-New Hampshire, to me.

8. My story

I am doing this last, in case your attention is flagging.

I earned my way. Starting with a paper route at age 13, then grocery bagging at 15, then painting houses at 17, I saved \$1300 by the time I left for college, which is about \$6,700 in today's dollars. That paid for about 60% of my first year's college expenses, my parents paying the rest. My parent's paid for my second year of college. Then I dropped out and got a job at a Ford plant, painting truck grills in the world's largest plastics injection plant for a couple years. I saved my money, and eventually enrolled at the University of Michigan, where I completed my undergraduate degree. Then I went to Harvard's Kennedy School of Government, working as a TA and borrowing some money. I paid all my expenses from age 20 on; I paid off my grad school loans when I was 39.

In 1991, I got involved with my son's mother. Call her Jane. We had a son together, but we never managed to make a relationship; we were in separate bedrooms for the last five years. It was a child care arrangement: for six years, we each did 50% of the child care, with the days of week and the weekend allocated to Jane or me, alternating Thursday evenings to make it exactly equal. In 2001, Jane invited me out, and relegated me to 2 hours on Thursday night, plus alternating weekends from 11:00AM Saturday to 5:00 PM Sunday. I brought a custody case, seeking more custodial time.

Early on in our five year legal fight, the GAL recommended that my nights go to four nights per month, instead of two, and that happened, as our case proceeded slowly. In his final recommendation, the GAL recommended that I get 10 nights per month with our son. The court refused to implement the GAL's recommendation for three years, while there was delay after delay, getting to trial. After spending \$150,000 on attorneys, I was broke and went pro se. My son's mother, an MD with a private medical practice, had unlimited resources for lawyers, including the 25% of my income that I paid for child support while we awaited trial. Eventually my case was dismissed (without ever going to trial) on a technicality, because I was pro se and less organized than I should have been. The court imposed an order that implemented Jane's parenting plan in full (without looking at my parenting plan). I get my son every other Saturday night, plus 3.5 hours each Wednesday. That's not enough to be a real father; I'm a non-Dad, a pseudo-uncle. I am guessing that Jane spent \$200,000 on her attorneys. Between us, that's a lot of college educations, wasted on attorneys.

One of Jane's proposed parenting plans had me paying for the entirety of our son's college, paying the equivalent of full fare at UNH, tuition and room-and-board. Her plan had the proviso that if our son received any financial aid, thus reducing my obligation, then my obligation would be extended by that dollar amount beyond college, for further education, up to age 28. That plan was set aside by the change in NH law precluding the court from ordering payment beyond age 18.

Jane did not have to work as hard as I did to get her education. Jane attended 10 colleges and 2 foreign medical schools, one in Mexico and one in the Caribbean; that's what she told me. Her parents, both MDs, footed the bill until she was 31 (I think) and started her residency. Before that age, she barely worked; she never had a job for more than a few weeks, here and there.

So we had this clash of background. I had worked from age 13, and saved my money, and paid for a large majority of my college and graduate education. She had paid for nothing.

Our relationship had foundered on money. I gave her \$135,000 over the six years we were "together" (in our bedrooms at opposite ends of the hall):

Payments to "Jane"	Amount	\$ for expenses
4/24/1996	10000	10000
9/12/1996	10000	10000
1996 Total	20000	
3/6/1997	5000	5000
12/13/1997	15000	15000
1997 Total	20000	
7/30/1998	10000	10000
11/6/1998	10000	10000
1998 Total	20000	
5/15/1999	10000	10000
11/25/1999	20000	20000
1999 Total	30000	
1/19/2000	15000	7000
10/16/2000	20000	20000
2000 Total	27000	
10/31/2001	3300	3300
Other 2001 (??)	15000?	15000
2001 Total (Approx)	19000	
Total		135300

Nonetheless, all she ever did was complain about my giving her too little money. Never mind that she was making two or three times my income, well over \$250,000 / year, and that the money I gave her was enough to pay for ALL of our son's expenses, plus a nice profit for Jane.

I'll forego the long history of Jane taking every opportunity to extract more money from me. If you have spoken to an obstetrician who favors this legislation, then you have encountered my son's mother.

I have paid child support since the custody case got underway, about \$90,000 in addition to the amounts above. We had the "final hearing" in January, and I have yet to receive the court's decision about whether my child support obligation continues.

I argued that it should not, because Jane has unusually high income, so there's a statutory basis for setting aside the child support formula - and because Jane doesn't need the money and I do. I'm a step-father, with two step-sons ages 11 and 13, and a college fund that wasn't underway until I started it last spring. I'm also a new Dad, at age 54, with a 4-month-old son; Baby Paul will graduate college when I'm 72.

I need my money to educate my step-sons and my new baby son.

Jane earns a college education about every three months, while working one-third time. Presumably, if she actually needed more money, she could work more; her children (three adopted after our biological child together) are all school age, so that's no excuse for working 15 hours / week.

She doesn't need my money, but she wants it badly, out of simple greed and vindictiveness. This legislation would open the door where she could sue to extend her grasping after my money another few years, into those years when I need to be educating my step-sons, and providing for my own retirement.

9. Summary

Please vote down both HB289 and HB348.

- It's called "child support" and it should only apply to children, not 18-year-olds
- "Voluntary agreements" are not voluntary for fathers, in NH's sexist divorce courts
- Truly voluntary arrangements are Mom's only incentive to keep Dad in the children's lives
- This legislation will clog the courts even further, to resolve a Pandora's box of new issues
- Our college student elites do not need or deserve the help we extend to the disabled
- It's wrong, that only one class of NH resident, divorced fathers, can be forced to pay
- HB348 would make it possible for my son's mother to profit needlessly still more years

Thank-you for your time and consideration.

Hoyt Nelson
18 Whittier Rd
Billerica, MA 01821
978-667-6404

Voting Sheets

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 289

BILL TITLE: relative to joint agreements for the payment of postsecondary education expenses.

DATE: March 20, 2007

LOB ROOM: 206

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Moran

Seconded by Rep. Itse

Vote: 11-7 (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Eileen C. Flockhart, Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 289

BILL TITLE: relative to joint agreements for the payment of postsecondary education expenses.

DATE: March 20, 2007

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Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

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

Moved by Rep. Moran

Seconded by Rep. Itse

Vote: 11-7 (Please attach record of roll call vote.) regular calendar

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

Moved by Rep.

Seconded by Rep.

Vote: ~~11-7~~ (Please attach record of roll call vote.) ~~reg. calendar~~

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,
Rep. Eileen C. Flockhart, Clerk

CHILDREN AND FAMILY LAW

Bill #: HB289 Title: Relative to joint agreements for the payment of post-second education expenses

PH Date: 2, 13, 07

Exec Session Date: 3, 20, 07

Motion: ITL

Amendment #:

MEMBER	YEAS	NAYS
Gile, Mary Stuart, Chairman		✓
Richardson, Barbara Hull, V Chairman	✓	
Grassie, Anne C	✓	
Ginsburg, Ruth		✓
Blanchard, Elizabeth D	✓	
Flockhart, Eileen C	✓	
Matarazzo, Anthony P		✓
Walz, Mary E		✓
Rollo, Deanna S		✓
Arsenault, Beth R		✓
Farley, Michael J		
Itse, Daniel C	✓	
Brown, Julie M	✓	
Gargas, Carolyn M		✓
Moran, Edward P	✓	
Garcia, Marilinda J	✓	
Hogan, Edith R	✓	
Johnson, Jane B	✓	
Spaulding, Jayne E	✓	
11-7		
TOTAL VOTE:		
Printed: 1/9/2007		

Committee Report

REGULAR CALENDAR

March 21, 2007

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Majority of the Committee on CHILDREN AND
FAMILY LAW to which was referred HB289,**

**AN ACT relative to joint agreements for the payment of
postsecondary education expenses. Having considered
the same, report the same with the following**

**Resolution: RESOLVED, That it is INEXPEDIENT TO
LEGISLATE.**

Rep. Edward P Moran

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee: **CHILDREN AND FAMILY LAW**
Bill Number: **HB289**
Title: **relative to joint agreements for the payment of
postsecondary education expenses.**
Date: **March 21, 2007**
Consent Calendar: **NO**
Recommendation: **INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

The committee majority felt that subjecting an agreement to divorce court enforcement would create a disincentive to voluntary agreements, and that a better approach would be to encourage parties to contribute to a tax advantaged college savings plan on a best efforts basis, much the same way college or charitable pledges are made. New Hampshire has one of the most successful 529 college plans in America.

Vote 11-7

Rep. Edward P Moran
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB289, relative to joint agreements for the payment of postsecondary education expenses.
INEXPEDIENT TO LEGISLATE.

Rep. Edward P Moran for the **Majority** of CHILDREN AND FAMILY LAW. The committee majority felt that subjecting an agreement to divorce court enforcement would create a disincentive to voluntary agreements, and that a better approach would be to encourage parties to contribute to a tax advantaged college savings plan on a best efforts basis, much the same way college or charitable pledges are made. New Hampshire has one of the most successful 529 college plans in America. **Vote 11-7.**

Original: House Clerk
Cc: Committee Bill File

The committee majority felt that subjecting an agreement to divorce court enforcement would create a disincentive to voluntary agreements, and that a better approach would be to encourage parties to contribute to a tax advantaged college savings plan on a best efforts basis, much the same way college or charitable pledges are made. New Hampshire has one of the most successful 529 college plans in America.

JA