

Bill as Introduced

HB 563 - AS INTRODUCED

2011 SESSION

11-0254
05/04

HOUSE BILL **563**

AN ACT revising the child support guidelines based on foster care reimbursement rates.

SPONSORS: Rep. Oligny, Rock 8; Rep. Sapareto, Rock 5; Rep. Ulery, Hills 27; Rep. J. Johnson,
Ches 6; Rep. Baldasaro, Rock 3

COMMITTEE: Children and Family Law

ANALYSIS

This bill provides that the total child support obligation shall be no greater than the applicable foster care rate.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT revising the child support guidelines based on foster care reimbursement rates.

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

1 1 Definition of Total Support Obligation. Amend RSA 458-C:2, XI to read as follows:

2 XI. "Total support obligation" means *either* net income multiplied by the appropriate
3 percentage derived from RSA 458-C:3 *or the applicable state foster care reimbursement rate,*
4 *whichever is less.*

5 2 Child Support Formula; Use of Foster Care Reimbursement Rates. RSA 458-C:3, II(a) is
6 repealed and reenacted to read as follows:

7 (a) The total support obligation shall be equal to the applicable state foster care
8 reimbursement rate, taking into account the age and special needs of each child for whom support is
9 being calculated, or the parents' total net income, as defined in RSA 458-C:2, VI, multiplied by the
10 appropriate percentage derived from paragraph I, whichever is less.

11 3 Applicability. The amendment of RSA 458-C:2 and RSA 458-C:3 as provided in sections 1 and
12 2 of this act shall be considered a substantial change in circumstances for purposes of RSA 458-C:7.

13 4 Effective Date. This act shall take effect 60 days after its passage.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HOUSE BILL 563

BILL TITLE: revising the child support guidelines based on foster care reimbursement rates.

DATE: February 24, 2011

LOB ROOM: 206 **Time Public Hearing Called to Order:** 11:45 am

Time Adjourned: 1:00 pm

(please circle if present)

Committee Members: Reps. ~~Moran~~, ~~Hogan~~, ~~J. Brown~~, ~~Gargas~~, ~~Dowling~~, ~~J. Johnson~~, ~~DeSimone~~, ~~Katsakiores~~, ~~Sapienza~~, Soucy, Perkins, ~~Oligny~~, ~~Robbins~~, ~~Grassie~~, ~~Gould~~, ~~Lovejoy~~ and ~~Porter~~.

Bill Sponsors: Rep. Oligny, Rock 8; Rep. Sapareto, Rock 5; Rep. Ulery, Hills 27; Rep. J. Johnson, Ches 6; Rep. Baldasaro, Rock 3

TESTIMONY

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

Rep. Oligny, sponsor, introduced the bill.

Considerable acrimony over money, especially high income. Cost of raising a child is undefined. Foster care has determined the adequate cost of raising a child. Intact family provides basic needs; same responsibility with divorced parents. Above that are discretionary expenses.

Rep. Dowling: Is this in the best interest of the child? Ans. Yes.

Rep. Lovejoy: In foster system adults already have home and cover household needs. Foster care only is for additional cost of one more child. Does not cover total cost. Ans. Disagree. Foster parents being paid for cost of having that child in home, including the space.

Rep. J. Brown: Foster care \$20/day, \$560/month. State picks up other costs such as Medicaid and other expenses. Ans. Try to determine basic costs.

Rep. M. Porter: This bill is saying foster care is total cost of raising a child. She disagrees. Ans. Foster care well defined cost. Parents still need to pay for medical and other expenses.

Rep. Sapienza: Left a hole --- minimum child support at \$50/month.

Rep. Grassie: Are boots and snowpants discretionary? State pays for medical, dental, daycare.

Rep. Gould: Nothing in the bill says anything about other expenses that state pays. Ans. Medical and other costs are addressed in divorce papers.

Tim Frazier, Department of Health and Human Services (DHHS), -
Child support guidelines are a matter of policy. This bill - Federal IVd plan - keypoint needs child support formula. DHHS - this foster care rate would not be in compliance with federal guidelines. Child support could lose federal funds. Federal provides 66% to CSS. IVd - need basic support guidelines,

Rep. Robbins: Could this lead to additional TANF requests. Ans. Possibly.

Rep. DeSimone: Foster care - subsidy - other reimbursements need to be added to total support obligation.

Rep. J. Johnson: Signed on at request of constituent.

Karen Joyal: Concord, NH - opposes
Put full-time career on hold to raise children. Gets child support. Her income half of father's income. This would drastically change households who are barely getting by. Children are the victims of divorce. Children would be harmed by this bill.

Rep. Baldassaro supports
Constituent has children 65% of the time, but pays all support.

Rep. Grassie: Redress of grievances doesn't say laws are wrong. It's the courts who don't follow laws.
Ans. Some courts do OK, others don't. Some laws need to be fixed.

Rep. Robbins: This bill does not have a fiscal note. Testimony indicates that this bill has costs.

Sonya Bouchard, Concord, NH - opposes
AT \$20/day - two daughters won't go with father. There is a restraining order. She carries most of the burden. Negotiated 50-50, but she has most of the burden. Intact family - one parent may stay at home. When divorced that situation changes home - parent needs to get some credit.

David Bickford, New Durham, NH - supports
May need to increase foster care. Bill has some merit. Foster care - medical and other childcare expense are in addition to daily rate. 2004 report - cost to raise a child \$5,000+ per year. Foster care reimbursement should be cost neutral - questioning.

Rep. DeSimone: "Total support obligation" would not include medical and childcare? Ans. Foster care rate is not total support.

Rep. Robbins: Is the state responsible for how much it costs to raise my child? Ans. Yes, in child support alimony is built into child support.

* **Jack Lightfoot:** Child and Family Services, - opposes
Foster care rates - cost to raise child based on 80% of USDA rate. Subject to available funding.

Robert Coleman, Hampton, NH - supports
Hands on with children, divorced in 2006. Wanted children in family home. Paid for private school. At one time \$48,000/year for child supports. Now pays \$33,000/year. Put a cap on child support. Will have more in his home to support children. He subsidizes another household.

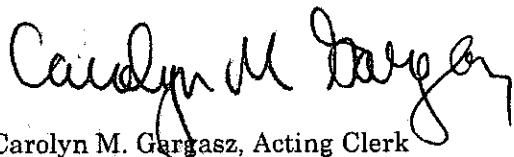
Mrs. Coleman, Hampton

Was a single mother. Received less than \$20/day. Would not support bill if amended. Children have higher standard of living with the father.

Mark Stroms, Mason, NH – supports

Ex-wife told by lawyer she could get high payment with this bill. She might not have divorced him. Support with some changes.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Carolyn M. Gargasz". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Carolyn M. Gargasz, Acting Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

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1 pm

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Committee Members: Reps. Moran, Hogan, J. Brown, Gargas, Dowling, J. Johnson, DeSimone, Katsakiores, Sapienza, Soucy, Perkins, Oligny, Robbins, Grassie, Gould, Lovejoy and Porter.

Bill Sponsors: Rep. Oligny, Rock 8; Rep. Sapareto, Rock 5; Rep. Ulery, Hills 27; Rep. J. Johnson, Ches 6; Rep. Baldasaro, Rock 3

TESTIMONY

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Rep. Oligny - sponsor - support - Considerable acrimony over money - especially high income. Cost of raising child is undefined. Foster care has determined the ^{adequate} cost (reasonable) of raising a child. Intact family provide basic needs - same responsibility with divorced parents. Above that are discretionary expenses.

Rep. Dowling - Is this in best interest of child? Ans. yes -

Rep. Lovejoy - In foster system adults already have home + over household needs. Foster care only is for additional cost of one more child. Does not cover total cost. Ans. Disagree -

Respectfully Submitted:

Carolyn Jorgensen
Jane B. Johnson, Clerk

Foster parents being paid for cost of having that child in home - including the space.

- Rep. Brown - Foster care ^{\$20/day} \$560/month - State picks up other costs such as medical + other expenses.
Ans. Try to determine basic costs.
- Rep. Porter - ^{This bill} saying foster care is total costs of raising a child
Disagrees. Ans. Foster care well defined cost -
Parents still need to pay for medical + other expenses.
- Rep. Sapienza - left a hole - Minimum child support
\$50/month -
- Rep. Grassie - Are boots + snow pants discretionary?
State pays for medical, dental, daycare -
- Rep. Gould - Nothing in bill says anything about other
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cost are addressed in divorce papers.
- Atty - Tim Frazier - DHHS -
Child support guidelines are a matter of policy
This bill - ~~is~~ Federal IVd plan - Key point -
need Child support formula -
Dept - this foster care rate would not be
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Child support could lose federal funds -
federal provides 66% of CSS. IVd - need
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Reimbursements are need to be added to total
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HB - 563

Rep. Johnson - signed on at request of
Constituent Joyal

Karen Doyle - Put full time career on
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This would drastically change households
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child care

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2004 report - cost to raise child - \$5000+ year. Foster care reimbursement should be cost neutral ~~questioning~~

Rep Desmore - "Total Support obligation" - would not include medical & child care

Ans. Foster Care rate ~~does not~~ is not total support -

Rep Robbins - Is the state responsible for how much it cost to raise my child?

Ans. yes - in child support always is built into child support -

Jack Hightfoot - Child & Family Service - oppose - Foster care rates - cost to raise child - Based on 80% of USDA rate -

Subject to available funding -

Robert Support Mr & Mrs Coleman - Julia - support

Mr - hands on with children - divorced

2006 - wanted children in family home -

Paid for private school - At one time

\$48,000/yr - child support - New pays \$33,000/yr

Put a cap on child support - will have

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amended. Children have higher standard of living

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Mark Strons - support - Exwife told
by lawyer she could get high payment
but this will she might not have
divorced him. Support with some
changes -

Testimony

February 24, 2011
Children and Family Law Committee
State of New Hampshire
House of Representatives
LOB 206
Concord, NH 03301

Mary Galatis
111 Centre Street
Concord, NH 03301

Re: House Bill 563

Dear Children and Family Law Committee,

I have four children ages, 15, 13, 11, and 9, all in Concord Public Schools. They all primarily reside with me. I oppose House Bill 563 for the following reasons:

- 1) This bill would provide a cap to the State's Child support, that would be punitive for many families. The bill does not take into account the individual needs of families. Children, such as mine, who have already lowered their standards of living as a result of divorce would be plunged into poverty. In our case, the court decision made by marital master and upheld by the State of NH Supreme Court, contained many facets, child support being just one of them. The disparity between the standard of living in their father's home, where they spend little time, and in mine would be unconscionable.
- 2) I am currently working within the boundaries of my Court Order to reeducate myself so that I may be able to help support my four children. I am in school and will not be finished for two years. My struggle and my hope is to help support the children, but need the education to be able to do so. Passage of this bill would dash my hopes.
- 3) The severe and abrupt nature of this bill would force parents with primary residential responsibility such as me who are unable to find sufficient employment in the state, either rely on the state for support, or to leave the state to find employment elsewhere. I would not be able to pay my mortgage, and I imagine that there are many other parents who would find themselves in this predicament as well. This change would bankrupt us.
- 4) It is not even clear exactly what the rate would be given that foster care rates, around \$15 - 20 per day vary with the needs of the individual child.

I hope that you can join me in opposing bill 563.

Sincerely,

Mary Galatis

Current Foster Care Daily Rates

Effective July 1, 2010

General

Age 0-5	\$15.80
Age 6-11	\$17.14
Age 12-17	\$20.39

Specialized

Age 0-5	\$21.06
Age 6-11	\$22.85
Age 12-17	\$27.20
Adolescents	\$27.20
Emergency	\$27.20
Respite Care	\$27.20
Clothing Allowance	\$1.11

There are several types of foster family care. Some are administered by the public agency, the New Hampshire Department of Health and Human Services Division for Children, Youth and Families (DCYF), while others are administered by private child placing agencies. Basic foster family care is called General Care and is the foundation for all the others discussed. Reimbursement for board and care of children in foster care is based upon the category of care that foster parents provide.

General Care

General Care is provided to children in foster care who are placed with foster parents who meet the general requirements outlined in the Foster Family Care Licensing Requirements. The customary care of foster children in licensed homes includes providing food, shelter, daily supervision, school supplies, and a child's personal incidentals. General Care foster parents must maintain eight (8) hours of training per year or sixteen (16) hours of training by time of renewal of their license in two (2) years.

Specialized Care

Specialized Care is provided to children in foster care who meet specialized care requirements. Children who enter a Specialized Foster Home have demonstrated that their needs are greater than those who are placed in a General Foster Home. Specialized foster parents are experienced care providers who have participated in a series of specialized trainings offered through Granite State College and continue to improve their skills

by maintaining sixteen (16) hours of training per year or thirty-two (32) hours by time of renewal of the license. These foster parents are entitled to the specialized rate only for a child needing specialized care.

Emergency Care

Emergency Care is provided to children who are experiencing an unplanned placement. It occurs when little information about the child is available (no evaluation or assessment has been made), or a General, Specialized, or residential facility provider is not available at the time of placement. Emergency care providers must participate in a 6 hour core training prior to delivering this service. Payment is limited to a maximum of ten (10) days. If a child remains with the emergency care provider beyond the ten (10) day limit, the rate must be changed to either the General or Specialized rate.

Crisis Care

Crisis care is provided to children whose placements are arranged through local police departments and the emergency on-call system. Crisis care is provided to children when the New Hampshire Department of Health and Human Service District Offices are closed on weekends, after-hours and holidays. Providers of crisis care must have already taken the 6 hour Emergency Training class and notify their Resource Worker that they wish to provide this type of care.

Independent Service Option (ISO)

ISO Care is a service provided by a contracted, private child-placing agency. The private agency recruits foster parents who can provide an intensive level of child supervision and is part of the treatment team. At least one foster parent must always be available to the child at all times. Only one foster child is allowed in the home unless siblings are placed with the child. Daily telephone and weekly in-person contacts are made by the agency. Additional training is required of the foster parents.

Downloaded from: <http://www.dhhs.nh.gov/dcyf/adoption/reimbursement.htm>
Accessed Feb. 1, 2011

Voting Sheets

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW
EXECUTIVE SESSION on HOUSE BILL 563

BILL TITLE: revising the child support guidelines based on foster care reimbursement rates.
DATE: March 7, 2011
LOB ROOM: 206

Amendments:

Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:

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

Moved by Rep P. Dowling

Seconded by Rep. J. Brown

Vote: 10-1 (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

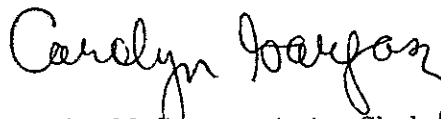
Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR YES NO

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep. Carolyn M. Gargas, Acting Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 563

BILL TITLE: revising the child support guidelines based on foster care reimbursement rates.

DATE: ~~{Type DATE}~~ 3-7-11

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.

Dowling

Seconded by Rep.

Brown

Vote:

10-1

(Please attach record of roll call vote.)

10 yes - 1 no.

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: {Type VOTE}

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

Statement of Intent:

Refer to Committee Report

Respectfully submitted,

~~Rep. Jane Johnson, Clerk~~

Carolyn Gargas

CAROLYN GARGASZ

CHILDREN AND FAMILY LAW

Bill #: 563 Title: Revising The child support guidelines

PH Date: 2, 24, 11

Exec Session Date: 3, 7, 11

Motion: ITL

Amendment #: _____

MEMBER	YEAS	NAYS
Moran, Edward P, Chairman	✓	
Hogan, Edith A, V Chairman		
Brown, Julie M	✓	
Gargas, Carolyn M	✓	
Dowling, Patricia A	✓	
Johnson, Jane B		
DeSimone, Debra L		
Katsakiores, Phyllis M	✓	
Sapienza, Marie N		
Soucy, Connie M	✓	
Perkins, Amy S		
Oigny, Jeffrey D		✓
Robbins, David S	✓	
Grassie, Anne C <u>Gile, Mary</u>	✓	
Gould, Franklin F	✓	
Lovejoy, Patricia T	✓	
Porter, Marjorie A		

TOTAL VOTE: YEAS 10 NAYS 1

Committee Report

REGULAR CALENDAR

March 8, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on CHILDREN AND FAMILY LAW to which
was referred HB 563,

AN ACT revising the child support guidelines based on foster
care reimbursement rates. Having considered the same,
report the same with the following Resolution: **RESOLVED,**
That it is **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia A. Dowling

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	CHILDREN AND FAMILY LAW
Bill Number:	HB 563
Title:	revising the child support guidelines based on foster care reimbursement rates.
Date:	March 8, 2011
Consent Calendar:	NO
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The committee heard several bills relative to child support issues and opted to affirm HB 597 unanimously and to Inexpedient to Legislate HB 563 on a vote of 10-1. This bill proposed using foster care subsidies as total child support obligation guidelines. The majority of the committee felt that foster care subsidies were intended as temporary subsidies for foster families with a child in their care, and not as benchmarks for actual child support in New Hampshire, as were elaborated in HB 597 passed by the committee.

Vote 10-1.

Rep. Patricia A. Dowling
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 563, revising the child support guidelines based on foster care reimbursement rates.
INEXPEDIENT TO LEGISLATE.

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Original: House Clerk
Cc: Committee Bill File

Dowling

COMMITTEE REPORT

COMMITTEE: Children & Family Care

BILL NUMBER: 563

TITLE: Revising The child support guidelines based on foster care reimbursement rates

DATE: 3/7/11 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:

The Committee heard several bills relative to child support issues and opted to affirm HB ~~597~~ 597 unamended and to T.T. HB 563 by a vote of 10-1. HB 563 proposed using foster care subsidies as ~~support~~ total guidelines child support obligation guidelines. The majority of the committee felt that foster care subsidies were intended as temporary subsidies for foster families with a child in their care, and not as benchmarks for actual child support in NH, as were elaborated in HB 597 passed by the committee.

COMMITTEE VOTE: 10-1 OK Ed Moran

RESPECTFULLY SUBMITTED,

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

Rep. Patricia A. Dowling
For the Committee