

Bill as
Introduced

HB 604 - AS INTRODUCED

2013 SESSION

13-0047

05/10

HOUSE BILL

604

AN ACT

relative to alimony.

SPONSORS:

Rep. Abrami, Rock 19; Rep. Chirichiello, Rock 6; Rep. Lambert, Hills 44;
Rep. Tremblay, Rock 4; Rep. Peckham, Rock 22; Rep. Oigny, Rock 34

COMMITTEE:

Children and Family Law

ANALYSIS

This bill provides that an award of alimony shall be based, in part, on clear and convincing evidence that the party is unable to be self-supporting through appropriate employment. The bill also requires a party to request a renewal of alimony within 5 years of the divorce decree.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to alimony.

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

1 1 Alimony; Clear and Convincing Evidence Required. Amend RSA 458:19, I(c) to read as follows:

2 (c) The ***court finds, based on clear and convincing evidence, that the*** party in need
3 is unable to be self-supporting through appropriate employment at a standard of living that meets
4 reasonable needs or is allocated parental rights and responsibilities under RSA 461-A for a child of
5 the parties whose condition or circumstances make it appropriate that the parent not seek
6 employment outside the home.

7 2 Alimony; Period for Renewal. Amend RSA 458:19, VII to read as follows:

8 VII. In cases where the court issues an order for permanent alimony for a definite period of
9 time, such order may be renewed, upon the petition of either party, provided that such petition is
10 made within 5 years of the ~~termination date of the permanent alimony order~~ ***decree of nullity or***
11 ***divorce***. Nothing in this paragraph shall be construed to change or alter in any way the terms of the
12 original alimony order.

13 3 Effective Date. This act shall take effect January 1, 2014.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 604

BILL TITLE: relative to alimony.

DATE: February 12, 2013

LOB ROOM: 206 **Time Public Hearing Called to Order:** 3:05 pm

Time Adjourned: 3:23 pm

(please circle if present)

Committee Members: Reps. ~~Wala~~, ~~Long~~, Rollo, ~~Rockhart~~, ~~Friedrich~~, ~~Chase~~, ~~M. MacKay~~, ~~Alicea~~, ~~Frambach~~, ~~Gulick~~, ~~Stevens~~, Gargas, ~~DeSimone~~, Hoell, ~~Itse~~, ~~Kelleigh Murphy~~, ~~Nigrello~~, Oigny, Tremblay and Dumaine.

Bill Sponsors: Rep. Abrami, Rock 19; Rep. Chirichiello, Rock 6; Rep. Lambert, Hills 44; Rep. Tremblay, Rock 4; Rep. Peckham, Rock 22; Rep. Oigny, Rock 34

TESTIMONY

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

Rep. Patrick Abrami, sponsor
Introduced the bill to the committee

Daniel Shepard, North Hampton, NH – representing self
Spoke in support of bill.

Respectfully submitted,



Rep. Debra DeSimone, Committee Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 604

BILL TITLE: relative to alimony.

DATE:

2-12-13

LOB ROOM:

206

Time Public Hearing Called to Order:

3:05

Time Adjourned:

3:22

(please circle if present)

Committee Members: Reps. Wald, Long, Rollo, Flockhart, Friedrich, Chase, M. MacKay, Alicea, Prambach, Gulick, Stevens, Gargas, DeSimone, Hoell, Itse, Kelleigh Murphy, Nigrello, Oligny, Tremblay and Dumaine.

Bill Sponsors: Rep. Abrami, Rock 19; Rep. Chirichiello, Rock 6; Rep. Lambert, Hills 44; Rep. Tremblay, Rock 4; Rep. Peckham, Rock 22; Rep. Oligny, Rock 34

TESTIMONY

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

REP ABRAMI SUPPORT
MR DANIEL SHEPARD SUPPORT

Respectfully submitted,

Rep. Debra DeSimone, Committee Clerk

Voting Sheets

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 604

BILL TITLE: relative to alimony.

DATE: March 5, 2013

LOB ROOM: 206

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Itse

Seconded by Rep. Murphy

Vote: 16-0 (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE: 16-0 YES

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep. Debra L. DeSimone, Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 604

BILL TITLE: relative to alimony.

DATE: 3-5-13

LOB ROOM: 206

Amendments:

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

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

Moved by Rep. ITSA
 Seconded by Rep. MURPHY
 Vote: 16-0 (Please attach record of roll call vote.)

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

Moved by Rep.
 Seconded by Rep.
 Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: {Type VOTE}

YES

16-0
(16-0)

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Debra DeSimone

Rep. Debra DeSimone, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/7/2013 3:38:53 PM
Roll Call Committee Registers
Report

2013 SESSION

CHILDREN AND FAMILY LAW

Bill #: 604 Title: Relatives to Adoptions

PH Date: 1 1 Exec Session Date: 3 4 13

Motion: 17L Amendment #: _____

<u>MEMBER</u>	<u>YEAS</u>	<u>NAYS</u>
Walz, Mary Beth E, Chairman	✓	
Long, Patrick T, V Chairman	✓	
Rollo, Deanna S	✓	
Flockhart, Eileen C	✓	
Friedrich, Carol H	✓	
Chase, Cynthia L	✓	
Alicea, Caroletta C	✓	
Frambach, Mary E	✓	
Gulick, Ruth P	✓	
Mackay, Mariellen J	NO	
Stevens, Audrey M	A	
Gargas, Carolyn M	✓	
Itse, Daniel C	✓	
DeSimone, Debra L	✓	
Oigny, Jeffrey D	✓	
Dumaine, Dudley D	A	
Hoell, J.R.	A	
Tremblay, Stella S	✓	
Murphy, Kelleigh D	✓	
Nigrello, Robert L	✓	
TOTAL VOTE:	16	0

Committee Report

CONSENT CALENDAR

March 6, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on CHILDREN AND FAMILY LAW to
which was referred HB 604,**

**AN ACT relative to alimony. Having considered the
same, report the same with the following Resolution:**

RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Daniel C Itse

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	CHILDREN AND FAMILY LAW
Bill Number:	HB604
Title:	relative to alimony.
Date:	March 6, 2013
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The proposed change to RSA 458:9 was based upon one known instance. The committee agreed that while the current statute has not fully achieved its intent, that the proposed change may not either. The appropriate correction, whether legislative or administrative, will likely become apparent after a planned discussion with the judiciary.

Vote 16-0.

Rep. Daniel C Itse
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 604, relative to alimony. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel C Itse for CHILDREN AND FAMILY LAW. The proposed change to RSA 458:9 was based upon one known instance. The committee agreed that while the current statute has not fully achieved its intent, that the proposed change may not either. The appropriate correction, whether legislative or administrative, will likely become apparent after a planned discussion with the judiciary. **Vote 16-0.**

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

MAJORITY REPORT

HB 604, relative to alimony.

RECOMMENDATION: INEXPEDIENT TO LEGISLATE

VOTE: 16-0

The proposed change to RSA 458:9 was based upon one known instance. The committee agreed that while the current statute has not fully achieved its intent, that the proposed change may not either. The appropriate correction, whether legislative or administrative, will likely become apparent after a planned discussion with the judiciary.

Rep. Daniel C. Itse

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COMMITTEE REPORT

COMMITTEE: CG FL

BILL NUMBER: 604

TITLE: Relative to Alimony

DATE: 3-4-13 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 agreed that while the current statute has not fully achieved its intent, that the proposed change may not either. The appropriate correction will likely become apparent after a planned discussion with the judiciary. ~~The propo~~, whether legislative or administrative, ^{RSA 458:9} The proposed change was based upon one known instance.

COMMITTEE VOTE: 16-0

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

RESPECTFULLY SUBMITTED,

Rep. James C. Stee
For the Committee