

Committee Report

REGULAR CALENDAR

March 11, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Majority of the Committee on Children and Family
Law to which was referred HB 161,**

AN ACT relative to the calculation of child support.

**Having considered the same, report the same with the
following amendment, and the recommendation that
the bill OUGHT TO PASS WITH AMENDMENT.**

Rep. Josh Yokela

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Children and Family Law
Bill Number:	HB 161
Title:	relative to the calculation of child support.
Date:	March 11, 2021
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-0549h

STATEMENT OF INTENT

The majority believes that the calculation of child support is overdue for an update and this bill adopts the recommendations of the last child support study which is required by law to happen every four years. The amendment clarifies that the court can make adjustments to child support for the best interest of the child. The bill raises the self-support reserve so people are not put into homelessness by child support. It updates to the percentages in the child support calculation and adds a credit for shared parenting which causes most of the deviations from the current formula. This bill will smooth the process in the courts with a more predictable and just outcome.

Vote 8-7.

Rep. Josh Yokela
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Children and Family Law

HB 161, relative to the calculation of child support. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Josh Yokela for the **Majority** of Children and Family Law. The majority believes that the calculation of child support is overdue for an update and this bill adopts the recommendations of the last child support study which is required by law to happen every four years. The amendment clarifies that the court can make adjustments to child support for the best interest of the child. The bill raises the self-support reserve so people are not put into homelessness by child support. It updates to the percentages in the child support calculation and adds a credit for shared parenting which causes most of the deviations from the current formula. This bill will smooth the process in the courts with a more predictable and just outcome.

Vote 8-7.

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

March 11, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Minority of the Committee on Children and Family
Law to which was referred HB 161,**

AN ACT relative to the calculation of child support.

**Having considered the same, and being unable to agree
with the Majority, report with the following resolution:**

RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Patrick Long

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Children and Family Law
Bill Number:	HB 161
Title:	relative to the calculation of child support.
Date:	March 11, 2021
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The minority agrees that equal parenting time needs legislative consideration, however defining co-parenting as 30% or more overnights would create problems, as currently parents agree that time spent with their children is shared parenting. The minority also agrees that this bill would create additional conflict between the parents which is not in the best interest of the child/children involved.

Rep. Patrick Long
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Children and Family Law

HB 161, relative to the calculation of child support. **INEXPEDIENT TO LEGISLATE.**

Rep. Patrick Long for the **Minority** of Children and Family Law. The minority agrees that equal parenting time needs legislative consideration, however defining co-parenting as 30% or more overnights would create problems, as currently parents agree that time spent with their children is shared parenting. The minority also agrees that this bill would create additional conflict between the parents which is not in the best interest of the child/children involved.

Original: House Clerk
Cc: Committee Bill File

Rep. Yokela, Rock. 33
March 1, 2021
2021-0549h
05/04

Amendment to HB 161

1 Amend the bill by inserting after section 5 the following and renumbering the original sections 6-7 to
2 read as 7-8, respectively:

3

4 6 New Paragraph; Adjustments to the Application of the Guidelines Under Special
5 Circumstances; Modification of Child Support As Justice and The Best Interest of the Child May
6 Require. Amend RSA 458-C:5 by inserting after paragraph II the following new paragraph:

7 III. Nothing in this section shall preclude a court from modification of the presumptive child
8 support order such as justice and the best interest of the child may require.

2021-0549h

AMENDED ANALYSIS

This bill revises the child support guideline percentages, increases the self-support reserve amount, defines a shared parenting plan, establishes a new formula for the calculation of child support in cases involving shared parenting plans; and permits the court to modify the presumptive child support amount as justice and the best interest of the child may require.

Voting Sheets

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 161

BILL TITLE: relative to the calculation of child support.

DATE: March 11, 2021

LOB ROOM: remote

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Yokela	Seconded by Rep. DeSimone	AM Vote: 15-0
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Amendment # 2021-0549h

Moved by Rep. Yokela	Seconded by Rep. DeSimone	Vote: 8-7
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Respectfully submitted,

Rep Caroletta Alicea, Clerk

STATE OF
NEW
HAMPSHIRE
OFFICE OF
THE HOUSE
CLERK



1/22/2021 9:54:23 AM
Roll Call Committee Registers
Report

2021
SESSION

Children
and
Family
Law

Exec
Session 3-11-2021
Date:

Motion: *OTP*

Bill #: *161* AM #: *0549H*

<u>Members</u>	YEAS	Nays	NV
Rice, Kimberly A. Chairman	✓		
DeSimone, Debra L. Vice Chairman	✓		
Yokela, Josh S.	✓		
Lewicke, John	✓		
Belanger, Cody M.	✓		
Cross, Kenna E. <i>Rep H 11</i>	✓		
Litchfield, Melissa A.	✓		
Smith, Denise M. <i>Rep H 10-4</i>	✓		
Long, Patrick T.	✓		
Alicea, Caroletta C. Clerk	✓		
Grossman, Gaby M.	✓		
Levesque, Cassandra N.	✓		
Wazir, Safiya	✓		
Petrigno, Peter	✓		
Altschiller, Debra	✓		
TOTAL VOTE:			

150.

STATE OF
NEW
HAMPSHIRE
OFFICE OF
THE HOUSE
CLERK



1/22/2021 9:54:23 AM
Roll Call Committee Registers
Report

2021
SESSION

Children
and
Family
Law

Exec
Session
Date: 3-11-2021.

Motion: OTP = Amendment

Bill
#: 161.

AM
#: 0549H.

Members	YEAS	Nays	NV
Rice, Kimberly A. Chairman	✓		
DeSimone, Debra L. Vice Chairman	✓		
Yokela, Josh S.	✓		
Lewicke, John	✓		
Belanger, Cody M.	✓		
Cross, Kenna E. <i>Rep Hill</i>	✓		
Litchfield, Melissa A.	✓		
Smith, Denise M. <i>Rep Johnson</i>	✓		
Long, Patrick T.		✓	
Alicea, Caroletta C. Clerk		✓	
Grossman, Gaby M.		✓	
Levesque, Cassandra N.		✓	
Wazir, Safiya		✓	
Petrigno, Peter		✓	
Altschiller, Debra		✓	
TOTAL VOTE:	8	7	

Public Hearing

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 161

BILL TITLE: relative to the calculation of child support.

DATE: February 3, 2021

LOB ROOM: 201-203 **Time Public Hearing Called to Order:** 10:50 AM

Time Adjourned: 11:31 AM

Committee Members: Reps. Rice, DeSimone, Alicea, Yokela, Lewicke, Belanger, Cross, Litchfield, D. Smith, Long, Grossman, Levesque, Wazir, Petrigno and Altschiller

Bill Sponsors:

Rep. Yokela
Rep. Abrami

Rep. Petrigno

Rep. Malloy

TESTIMONY

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

***Rep. Yokela – Bill Sponsor**

- Was worked on for a significant amount of time from 2018 – guidelines table + dated
- Child support percentages in the actual report only did percentage up to 3 children
- 1/15 percent to 1/20 enact guidelines to shared parenting
- Recommendation that we set a floor what shared parenting – represents 30% multiply the amount by 1.5%.
- Wanted the change based on how much time-you get more credit if you have 50 -40 0 all those calculations are in this bill – recommendations

Rep. Belanger – Does not understand

Rep. Yokela – Is trying to implement all

Rep. Rice Send it to work *unreadable*

Q: Rep. Long – 30% of the time -2?

A: More than 2 less than 3

Q: Rep. Long – the fact that calculations are in at the end of the year can I get a reimbursement

Q: Rep. Belanger – If 100% is clarified – is it days in 1 week or mon

A: It's based on overnight it would encompass the whole year

Michael Baer – Come back

Christopher Cianci –

- This bill should be passed
- Personally experienced this
- Something that would prevent the hardship he went through

Marilyn Mahoney – Opposed

- Shared overnights expenses arrived during the day
 - Must constitute language for adjustment – wants it to go to interim study
- Q:** Rep. Long – Would language from the courts provision change your mind?

Brandon Towne – Parent support advocate

- Parents are facing significant hardships
- As a state we are doing more and more cases due to Silva vss. Loa 0 deep dives study posted on DHHS – we owe our parents and kids who are stuck in the middle

Q: Rep. Long – Is Vermont solely on overnight?

A: Yes, they look at best practices

Q: Rep. Belanger – Are you saying the judicial system supports this bill?

A: Did not have it at the time

Erin Janisa – Director of Domestic Advocacy – Opposed

- Go to Interim study – agree with Mahong

Q: Rep. Long – Do you know the % of cases tied in with abuse?

A: Does not have it with her but will send

***Rep. Dennis Malloy – From Greenland - co- sponsor - Support**

Attorney Markel –

- Problems he sees are: 60-70% are self-represented

Marissa Chase – Executive director NN – Agree with Attorney Mahoney

Kristen Smith

- Comments earlier were for 161 not 228
- 63% deviate from child support guidelines to have consideration on guidance to the provision for a really good safeguard

Respectfully submitted,

Rep. Caroletta Alicea

House Remote Testify

Children and Family Law Committee Testify List for Bill HB161 on 2021-02-03

Support: 34 Oppose: 7 Neutral: 4 Total to Testify: 9

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Baer, Michael	Mik2002ma@yahoo.com	A Member of the Public	Myself	Support	Yes (60m)	No	2/3/2021 7:08 AM
Mahoney, Marilyn	marilyn.t.mahoney@gmail.com	A Member of the Public	Myself	Oppose	Yes (5m)	No	2/2/2021 2:41 PM
Cianci, Christopher	christopher.j.cianci@gmail.com	A Member of the Public	Myself	Support	Yes (5m)	No	2/2/2021 5:09 PM
Towne, Brenda	btowne@protonmail.com	A Member of the Public	Myself	Support	Yes (3m)	No	2/1/2021 11:04 AM
Yates, Derek	dly_2001@yahoo.com	A Member of the Public	Myself	Support	Yes (3m)	No	2/1/2021 7:58 PM
Jasina, Erin	ejasina@nhla.org	A Lobbyist	NH Legal Assistance	Oppose	Yes (2m)	No	1/29/2021 3:51 PM
Malloy, Dennis	dennis@dennismalloy.com	An Elected Official	Myself	Support	Yes (2m)	No	1/31/2021 12:42 PM
Markell, Jay	jdmarkell@aol.com	A Member of the Public	Myself	Oppose	Yes (0m)	No	2/2/2021 7:48 PM
Smith, Kristin	kristin.e.smith@dartmouth.edu	A Member of the Public	Myself	Neutral	Yes (0m)	No	2/3/2021 10:34 AM
Rathbun, Eric	ericrathbun@gmail.com	A Member of the Public	Myself	Neutral	No	No	2/3/2021 11:15 AM
Wyatt, Timothy	timwyatt1@juno.com	A Member of the Public	Myself	Support	No	No	2/3/2021 1:20 PM
Day, Mary	nhagentmarie@gmail.com	A Member of the Public	Myself	Support	No	No	2/4/2021 7:19 PM
Braunstein, Sean	Seanjbraunstein@yahoo.com	A Member of the Public	Myself	Support	No	No	2/3/2021 7:52 AM
Frey, Gina	ginagfrey@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/3/2021 8:14 AM
Frey, Kevin	kevfrey@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/3/2021 8:15 AM
Jachim, Nancy	Nancyjachim@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/3/2021 8:59 AM
Gagnon, Brett	BrettProtectingNH@gmail.com	A Member of the Public	Myself	Support	No	No	2/3/2021 9:57 AM
Lofton, Stephanie	Slofton@comcast.net	A Member of the Public	Myself	Support	No	No	2/2/2021 8:28 PM
Berrien, Skip	Fberrien@Gmail.com	A Member of the Public	Myself	Support	No	No	2/2/2021 10:19 PM

Kerr, Brock	porschebk85@gmail.com	A Member of the Public	Myself	Support	No	No	2/2/2021 10:53 PM
Chase, Wendy	wendy.chase@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/31/2021 2:40 PM
Hayes, Matthew	matthew.hayes@dhhs.nh.gov	State Agency Staff	DHHS/BCSS	Neutral	No	No	2/2/2021 3:46 PM
Bryans, Ed	xxedbryansxx@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2021 8:19 PM
Putnam, Debra	dputnam327@comcast.net	A Member of the Public	Myself	Support	No	No	2/1/2021 9:20 PM
Baer, Meredith	Butterflykisses8688@yahoo.com	A Member of the Public	Myself	Support	No	No	2/2/2021 9:27 AM
Greenwood, Tony	Greenwoodtony@icloud.com	A Member of the Public	Myself	Support	No	No	2/2/2021 9:28 AM
Silva, Lance	Lancesilva33@gmail.com	A Member of the Public	Myself	Support	No	No	2/2/2021 9:28 AM
Towne, Rod	rod@northeast-marketing.com	A Member of the Public	Myself	Support	No	No	2/2/2021 10:27 AM
Chantlos, Sarah	chantlos.sarah@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/2/2021 5:43 AM
Brochu, Alicia	agrant83.ag@gmail.com	A Member of the Public	Myself	Support	No	No	2/2/2021 6:32 AM
Guessferd, Bob	shemya87@msn.com	A Member of the Public	Myself	Support	No	No	2/2/2021 7:49 AM
Routhier, Matthew	mrrouthier@comcast.net	A Member of the Public	Myself	Support	No	No	2/2/2021 8:37 AM
Crooker, Anne	Ajcrooker@comcast.net	A Member of the Public	Myself	Support	No	No	2/2/2021 8:58 AM
Cass, Douglas	dougk9trainer@gmail.com	A Member of the Public	Myself	Support	No	No	2/2/2021 9:24 AM
Wise, Jeremy	Jwise53@gmail.com	A Member of the Public	Myself	Support	No	No	2/2/2021 9:40 AM
Delfuoco, Janet	Upperbow@msn.com	A Member of the Public	Myself	Support	No	No	2/2/2021 10:11 AM
Perkins, Max	maxperkins72@gmail.com	A Member of the Public	Myself	Support	No	No	2/2/2021 10:29 AM
Drobat, Gayle	drobat28@comcast.net	A Member of the Public	Myself	Support	No	No	2/2/2021 10:57 AM
Hebert, Karen	karen.e.hebert@dhhs.nh.gov	State Agency Staff	Dept. of Health and Human Services	Neutral	No	No	2/2/2021 11:30 AM
Martin, Jason	martinjason78@yahoo.com	A Member of the Public	Myself	Support	No	No	2/2/2021 11:31 AM
P. Martin, Priscilla	FredMikePris@comcast.net	A Member of the Public	Myself	Support	No	No	2/2/2021 12:24 PM
Tatem, J Daniel	Dan.tatem@metrocast.net	A Member of the Public	Myself	Support	No	No	2/2/2021 1:06 PM
Oligny, Jeffrey	Jeffreyoligny@gmail.com	A Member of the Public	Myself	Support	No	No	2/2/2021 1:44 PM
Costenbader, Melody	Cmelody4hair@yahoo.com	A Member of the Public	Myself	Support	No	No	2/2/2021 6:09 PM
Millina, Benjamin	benjamin.millina@gmail.com	A Member of the Public	Myself	Support	No	No	2/2/2021 6:27 PM

Testimony

Karen Karwocki

From: Honey Hastings, Mediator <hhastings@familymediationnh.com>
Sent: Wednesday, February 3, 2021 11:32 AM
To: ~House Children and Family Law Committee; Kimberly Rice
Subject: HB161 in House Children and Family Law

Importance: High

Rep. Rice

This bill is not the same as the VT law, which has more steps in calculating support. See:

<https://dcf.vermont.gov/sites/dcf/files/OCS/Docs/CS-Shared-Custody.pdf>

I believe that VT has various levels of support, based on the percentages of time.

More study is needed, to consider practical impact on families.

The bill should also provide that the statutory changes do not of themselves justify a modification. Without such, old cases will flood the courts.

Honey Hastings, JD, CFM #75
PO Box 33
Temple NH 03084
603.654.5000
Online Services – FamilyMediationNH.com

From: Honey Hastings, Mediator
Sent: Wednesday, February 3, 2021 8:22 AM
To: CFL@leg.state.nh.us; kimberly.rice@leg.state.nh.us
Subject: HB161 & HB228 in House Children and Family Law

Rep. Rice

I will not be available to testify.

I recommend that HB161 and HB228 be sent to interim study together. While there are some good elements in each bill, the unanswered question is what would be the resulting child support under each bill?

Making support predictable in equal parenting time cases would make them easier to settle. Having a formula would give similar cases in different courts similar results.

The interim study subcommittee should calculate what support would be under each of the formulas in various sample family scenarios. This would show what this change in policy would mean for NH children receiving support.

Honey Hastings, JD, CFM #75

PO Box 33
Temple NH 03084
603.654.5000
Online Services – FamilyMediationNH.com

Karen Karwocki

From: Honey Hastings, Mediator <hhastings@familymediationnh.com>
Sent: Wednesday, February 3, 2021 8:22 AM
To: ~House Children and Family Law Committee; Kimberly Rice
Subject: HB161 & HB228 in House Children and Family Law

Rep. Rice

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The interim study subcommittee should calculate what support would be under each of the formulas in various sample family scenarios. This would show what this change in policy would mean for NH children receiving support.

Honey Hastings, JD, CFM #75
PO Box 33
Temple NH 03084
603.654.5000
Online Services – FamilyMediationNH.com

Karen Karwocki

From: Brenda Towne <btowne@protonmail.com>
Sent: Tuesday, February 2, 2021 9:50 PM
To: ~House Children and Family Law Committee
Subject: Supporting material for HB161
Attachments: HB 161.pdf

Hello everyone-

Attached please find material that gives background to HB161, a bill for a standard calculation for shared parenting child support. In addition, I am including the link to the Child Support Study commissioned by the legislature & governor, presented to the Child and Family Law committee in 2019, that is now housed on the DHHS website: <https://www.dhhs.nh.gov/dcsc/documents/cs-guidelines-review-2018.pdf> HB 161 is a bill updated to reflect the recommendations of this study.

Thank you for your consideration and support,
Brenda Towne
603-327336

WHY HB161

FEB 3, 2021

Background

- In 2018, NH supreme court case, Silva V Silva DENIED the ability of a family court judge to modify child support for significant parenting time without evidence fixed costs were reduced by the arrangement for the Obligee parent. (UNLIKELY)
- In 2019, NH supreme court case Anderson V Anderson ruled that although there were no fixed costs born in this case by the Obligee parent, no standard calculation for relief was available for remedy. The NH supreme court pushed this issue back to the legislative branch to address this gap in our statutes. WE ARE HERE TO DO THIS TODAY
- In 2005 through 2006, NH commissioned a study & review of child support issues in New Hampshire. The report was reviewed in the C&FL committee in May of 2019. In 2019 & 2020, the family committee could not agree on a current bill - HB 362 because of short comings in definition, methodology & scope. It was put out to study AND WE BELIEVE THIS BILL HAS RESOLVED THIS TODAY.
- Using the 2018 report commissioned by the state, HB161 was crafted to address the recommendations for shared child parenting support calculations, definitions and the self support reserve.
- This bill would meet the needs of both parents and judges who have been seeking standardization in this of the family court process. This bill would give much needed relief to NH families have been waiting for years for this solution. It would reduce the number of children experiencing a lower standard of living then when they are with the non primary parent.

Scenario 1: equal income/equal parenting time

Impact of HB 161 for shared parenting child support

FROM THE CURRENT GUIDELINES	Obligor	Obligee	TOTAL
LINE 6 Adjusted gross income	\$ 2,083	\$ 2,083	\$ 4,166
Line 7A Child Support Guideline Amount	\$ 2,083	\$ 2,083	\$ 1,136
Line 7B Proportional share of income	50%	50%	32.59%
Shared Parenting changes			
7A Adjusted for Shared parenting- Total Support Obligation	1.5		\$ 1,704.00
Child Support Guideline Amount	\$ 852	\$ 852	
Adjust for shared parenting			
Credit for parenting time	50%		
Obligation	\$ -		

II. (a) When there is a shared parenting plan, the total support obligation shall be determined by multiplying the parents' total net income, as defined in RSA 458-C:2, VI, by the appropriate percentage derived from this section and multiplying the resulting number by 1.5. Otherwise, the total support obligation shall be determined by multiplying the parents' total net income, as defined in RSA 458-C:2, VI, by the appropriate percentage derived from this section.

5 Child Support Guidelines; Child Support Formula. Amend RSA 458-C:3, II(d) to read as follows:

(d) For those cases involving a shared parenting plan, a credit for the parenting time is calculated by multiplying the parenting time percentage with the total support obligation to determine the parenting time credit. The parenting time credit is then subtracted from the support obligation reached in subparagraphs (b) or (c) to generate the child support obligation.

Child Support Guidelines Worksheet **TODAY**

Court Name: 1st Circuit - Family Division - Berlin Case Number: _____ and _____

In the matter of: _____

Child's Name	DOB	Child's Name	DOB
1. Total Number of Children	2		
2. Obligor's Reasonable Medical Support Obligation (Column 1)	83.00	3. Obligee's Reasonable Medical Support Obligation (Column 2)	COVAINED (Column 3)
PAYMENT CALCULATIONS			
4. Monthly gross income	2083.33	OBLIGOR (Column 1)	OBLIGEE (Column 2)
5A. Court/Administered support for other children	0.00	2083.33	2083.33
5B. 50% of actual self-employment taxes paid	0.00		0.00
5C. Mandatory retirement	0.00		0.00
5D. Actual state income taxes paid	0.00		0.00
5E. Allowable child care expenses (obligor)	0.00		0.00
5F. Medical support for children (obligor)	0.00		0.00
5G. Total deductions (add lines 5A through 5F)	0.00		0.00
6. Adjusted monthly gross income (deduct lines 5A through 5F)	2083.33		2083.33
7A. Child support guideline amount (from guideline calculation table)			1136.40
7B. Guideline percentage (from guideline calculation table)			32.59%
8A. Allowable child care expenses (obligee)			0.00
8B. Medical support for children (obligee)			0.00
8C. Total allowable obligee expenses (add lines 8A and 8B)			0.00
9. Total adjusted monthly gross income	2083.33		2083.33
10. Proportional share of income	50.00%		50.00%
11. Parental support obligation	568.20		568.20
ABILITY TO PAY CALCULATION			
12. Self-support reserve	1223.00		
13. Income available for support (subtract line 12 from line 11)	860.33		
14. Monthly support payable (subtract line 13 from line 11)	568.20		
15. Presumptive child support obligation (if weekly, divide line 14 by 4.33; if monthly, divide line 14 by 12)	\$ 568.00		

** ROUND THE RESULT TO THE NEAREST WHOLE DOLLAR **

Prepared by: _____ Title: _____ Date: 1/31/2021
 B412
 0005 ps 14-02

Scenario 2: income disparity /equal parenting time

Impact of HB 161 for shared parenting child support

FROM THE CURRENT GUIDELINES	Obligor	Obligee	TOTAL
LINE 6 Adjusted gross income	\$ 5,000	\$ 3,500	\$ 8,500
Line 7A Child Support Guideline Amount	\$ 5,000	\$ 3,500	\$ 1,910
Line 7B Proportional share of income	59%	41%	29.14%
Shared Parenting changes			
7A Adjusted for Shared parenting- Total Support Obligation	1.5		\$ 2,865
Child Support Guideline Amount	\$ 1,685	\$ 1,180	
Adjust for shared parenting			
Credit for parenting time	50%	\$ 1,433	
Obligation		\$ 253	

II. (a) When there is a shared parenting plan, the total support obligation shall be determined by multiplying the parents' total net income, as defined in RSA 458-C:2, VI, by the appropriate percentage derived from this section and multiplying the resulting number by 1.5. Otherwise, the total support obligation shall be determined by multiplying the parents' total net income, as defined in RSA 458-C:2, VI, by the appropriate percentage derived from this section.

5 Child Support Guidelines; Child Support Formula. Amend RSA 458-C:3, II(d) to read as follows:

(d) For those cases involving a shared parenting plan, a credit for the parenting time is calculated by multiplying the parenting time percentage with the total support obligation to determine the parenting time credit. The parenting time credit is then subtracted from the support obligation reached in subparagraphs (b) or (c) to generate the child support obligation.

STATE OF NEW HAMPSHIRE
DIVISION OF CHILD SUPPORT SERVICES

Child Support Guidelines Worksheet
Case Number: **TODAY**

Court Name: 1st Circuit - Family Division - Berlin

In the matter of: _____ and _____

Child's Name: _____ DOB: _____ Child's Name: _____ DOB: _____

1. Total Number of Children: **2**

2. Obligor's Reasonable Medical Support Obligation: **200.00** 3. Obligor's Reasonable Medical Support Obligation (if obligor's total child support obligation is less than total child support obligation): **140.00**

PAYMENT CALCULATIONS

4. Net monthly gross income: **5000.00** (Column 1) **3500.00** (Column 2) **COMBINED (Column 3)**

5A. Court/Admin. ordered support for other children: **0.00** **0.00**

5B. 50% of actual self-employment taxes paid: **0.00** **0.00**

5C. Mandatory retirement: **0.00** **0.00**

5D. Actual state income taxes paid: **0.00** **0.00**

5E. Allowable child care expenses (obligor): **0.00**

5F. Medical support for children (obligor): **0.00**

5G. Total deductions (from line 5E through 5F): **0.00** **0.00**

6. Adjusted monthly gross income (includes line 5G through 5F): **5000.00** **3500.00** **8500.00**

7A. Child support guideline amount (from guideline calculation table): **1909.65**

7B. Guideline percentage (from guideline calculation table): **29.14%**

8A. Allowable child care expenses (obligee): **0.00**

8B. Medical support for children (obligee): **0.00**

8C. Total allowable obligee expenses: **0.00**

9. Total adjusted monthly gross income: **5000.00** **3500.00** **8500.00**

10. Proportional share of income: **58.82%** **41.18%**

11. Parental support obligation

ABILITY TO PAY CALCULATION

12. Self-support reserve: **1223.00**

13. Income available for support (includes line 12 through line 11): **3777.00**

14. Monthly support payable (includes line 13 through line 10): **1123.37**

15. Presumptive child support obligation (if weekly, divide line 14 by 4.33; if monthly, divide line 14 by 12): **\$ 1123.00**

** ROUND THE RESULT TO THE NEAREST WHOLE DOLLAR.

Frequency (choose one): Weekly Bi-weekly Monthly

Prepared by: _____ Title: _____ Date: **1/31/2021**

DATE: _____ DATE PREP: _____

Scenario 3: income disparity / 40% parenting time

Impact of HB 161 for shared parenting child support

FROM THE CURRENT GUIDELINES		Obligor	Obligee	TOTAL
LINE 6	Adjusted gross income	\$ 4,100	\$ 3,500	\$ 7,600
Line 7A	Child Support Guideline Amount	\$ 4,100	\$ 3,500	\$ 1,772
Line 7B	Proportional share of income	54%	46%	29.14%
Shared Parenting changes				
7A	Adjusted for Shared parenting- Total Support Obligation	1.5		\$2,658.00
	Child Support Guideline Amount	\$ 1,434	\$ 1,224	
	Adjust for shared parenting			
	Credit for parenting time	40%	\$ 1,063	
	Obligation		\$ 371	

II.(c) When there is a shared parenting plan, the total support obligation shall be determined by multiplying the parents' total net income, as defined in RSA 458-C:2, VI, by the appropriate percentage derived from this section and multiplying the resulting number by 1.5. Otherwise, the total support obligation shall be determined by multiplying the parents' total net income, as defined in RSA 458-C:2, VI, by the appropriate percentage derived from this section.

5 Child Support Guidelines; Child Support Formula. Amend RSA 458-C:3, II(d) to read as follows:

(d) For those cases involving a shared parenting plan, a credit for the parenting time is calculated by multiplying the parenting time percentage with the total support obligation to determine the parenting time credit. The parenting time credit is then subtracted from the support obligation reached in subparagraphs (b) or (c) to generate the child support obligation.

STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD SUPPORT SERVICES

DOCS 6115
6/15/13

Child Support Guidelines Worksheet

Court Name: 1st Circuit - Family Division - Berlin

Case Number: **TODAY**

In the matter of: _____ and _____

Child's Name	DOB	Child's Name	DOB
1. Total Number of Children	2		
2. Obligor's Reasonable Medical Support Obligation <small>(% of Obligor's Monthly Gross Income, rounded to nearest dollar)</small>	164.00	3. Obligee's Reasonable Medical Support Obligation <small>(% of Obligee's Monthly Gross Income, rounded to nearest dollar)</small>	140.00
PAYMENT CALCULATIONS		OBLIGOR (Column 1)	OBLIGEE (Column 2)
<small>NOTE: All income and expenses must be converted to monthly amounts (multiply by 12). All income and expenses must be converted to weekly amounts (multiply by 52). All income and expenses must be converted to bi-weekly amounts (multiply by 26).</small>		COMBINED (Column 3)	
4. Monthly gross income	4100.00	3500.00	
5A. Court/Admin. ordered support for other children	0.00	0.00	
5B. 50% of actual self-employment taxes paid	0.00	0.00	
5C. Mandatory retirement	0.00	0.00	
5D. Actual state income taxes paid	0.00	0.00	
5E. Allowable child care expenses (obligor) <small>(See LINE 7B)</small>	0.00	0.00	
5F. Medical support for children (obligor)	0.00	0.00	
5G. Total deductions (add line 5A through 5F)	0.00	0.00	
6. Adjusted monthly gross income <small>(deduct line 5D from line 4)</small>	4100.00	3500.00	7600.00
7A. Child support guideline amount <small>(From Guideline Calculation Table)</small>			1771.82
7B. Guideline percentage <small>(From Guideline Calculation Table)</small>			29.890 %
8A. Allowable child care expenses (obligee) <small>(From Guideline Calculation Table)</small>			0.00
8B. Medical support for children (obligee) <small>(From Guideline Calculation Table)</small>			0.00
8C. Total allowable obligee expenses <small>(add line 8A and 8B)</small>			0.00
9. Total adjusted monthly gross income	4100.00	3500.00	7600.00
10. Proportional share of income	53.95 %	46.05 %	
11. Parental support obligation <small>(Line 7A times line 9A)</small>	955.90	815.92	
ABILITY TO PAY CALCULATION			
12. Self-support reserve <small>(From Guideline Calculation Table)</small>			1223.00
13. Income available for support <small>(From Guideline Calculation Table)</small>			2877.00
14. Monthly support payable	955.90		955.90
15. Presumptive child support obligation <small>(From Guideline Calculation Table)</small>			956.00
<small>** ROUND THE RESULT TO THE NEAREST WHOLE DOLLAR **</small>			

Prepared by: _____ Date: 1/31/2021

DOCS 6115
6/15/13

Karen Karwocki

From: Josh Yokela
Sent: Tuesday, February 2, 2021 7:31 PM
To: Josh Yokela
Subject: HB 161 - info
Attachments: HB 161.pdf; Child Support Guidelines Review 2018 11.7.18 - 1.pdf; Revised Recommendation 3.docx

Hello,

The 2018 Child Support Guidelines review reviewed "current economic data and court case files, the surveys of judges, mediators, and family lawyers, input from key informants, Obligee and Obligor parents, and state visits to Massachusetts and Vermont" and suggested three recommendations:

1. "We recommend that New Hampshire update its child support guidelines tables to reflect the most recent estimates on expenditures for child rearing based upon the most recently available Rothbarth estimates."
2. "We recommend a modest increase in the self-support reserve in the New Hampshire guidelines, from 115 percent to 120 percent of the federal poverty line."
3. "We recommend the New Hampshire legislature enact changes to the guidelines to address shared parenting."

They said these "**recommendations are intended to be considered as a package. Any separation of individual issues may impact the overall balance of effects of these recommendations on Obligors and Obligees.**"

HB 161 is the legislation that was created to implement these changes as a package. I have included a copy of the review/recommendations and some slides that give examples of how this would be applied, and I would be happy to answer any questions that you have and look forward to the hearing tomorrow.

Thanks for your consideration on this important topic,

Hon. Josh Yokela
www.JoshYokelaForNH.com
603-722-0501

Bill as
Introduced

HB 161 - AS INTRODUCED

2021 SESSION

21-0233

05/04

HOUSE BILL **161**

AN ACT relative to the calculation of child support.

SPONSORS: Rep. Yokela, Rock. 33; Rep. Petrigno, Hills. 23; Rep. Malloy, Rock. 23; Rep. Abrami, Rock. 19

COMMITTEE: Children and Family Law

ANALYSIS

This bill revises the child support guideline percentages, increases the self-support reserve amount, defines a shared parenting plan, and establishes a new formula for the calculation of child support in cases involving shared parenting plans.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
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 Twenty One

AN ACT relative to the calculation of child support.

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

1 1 Child Support Guidelines; Definition of Self-Support Reserve. Amend RSA 458-C:2, X to read
2 as follows:

3 X. "Self-support reserve" means ~~[115]~~ **120** percent of the federal poverty guideline for a
4 single person living alone, as determined annually by the United States Department of Health and
5 Human Services.

6 2 New Paragraph; Child Support Guidelines; Definition of Shared Parenting Plan. Amend RSA
7 458-C:2 by inserting after paragraph XI the following new paragraph:

8 XII. "Shared parenting plan" means a parenting plan where the child overnights with each
9 parent 30 percent or more of the time.

10 3 Child Support Guidelines; Child Support Formula. RSA 458-C:3, I(a) is repealed and
11 reenacted to read as follows:

12 (a) The child support guidelines shall be based on the following:

13 Percent of Combined Net Income Devoted to Child Support

14 \$44,000 or less	22 percent	34 percent	42 percent	45 percent
15 \$55,000	21	33	40	43
16 \$66,000	20	30	36	39
17 \$77,000	18	28	33	36
18 \$88,000	17	25	30	33
19 \$110,000	16	25	30	32
20 \$121,000	16	24	28	30
21 \$132,000	15	22	27	29
22 \$176,000	13	20	24	26
23 \$176,001 or more	12	18	21	23

24 4 Child Support Guidelines; Child Support Formula. Amend RSA 458-C:3, II(a) to read as
25 follows:

26 II.(a) *When there is a shared parenting plan, the total support obligation shall be*
27 *determined by multiplying the parents' total net income, as defined in RSA 458-C:2, VI, by*
28 *the appropriate percentage derived from this section and multiplying the resulting number*
29 *by 1.5. Otherwise,* the total support obligation shall be determined by multiplying the parents'
30 total net income, as defined in RSA 458-C:2, VI, by the appropriate percentage derived from this
31 section.

1 5 Child Support Guidelines; Child Support Formula. Amend RSA 458-C:3, II(d) to read as
2 follows:

3 (d) *For those cases involving a shared parenting plan, a credit for the parenting*
4 *time is calculated by multiplying the parenting time percentage with the total support*
5 *obligation to determine the parenting time credit. The parenting time credit is then*
6 *subtracted from the support obligation reached in subparagraphs (b) or (c) to generate the*
7 *child support obligation.*

8 (e) All child support obligations calculated pursuant to this chapter shall be rounded to
9 the nearest whole dollar.

10 6 Repeal. The following are repealed:

11 I. RSA 458-C:5, I(h)(1), relative to adjustments to the child support guidelines due to equal
12 or approximately equal residential responsibility.

13 II. RSA 458-C:5, I(h)(2)(B), relative to adjustments to the child support guidelines due to
14 lower fixed costs resulting from equal or approximately equal residential responsibility.

15 7 Effective Date. This act shall take effect January 1, 2022.