

# Committee Report

**CONSENT CALENDAR**

**February 18, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Children and Family Law to which was referred HB 541,**

**AN ACT relative to the priority of child support payments over other court costs and expenses. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.**

**Rep. John Lewicke**

**FOR THE COMMITTEE**

## CONSENT CALENDAR

Children and Family Law

**HB 541**, relative to the priority of child support payments over other court costs and expenses.  
**INEXPEDIENT TO LEGISLATE.**

Rep. John Lewicke for Children and Family Law. Neither the legislature nor the courts can impute income to someone when a transaction has been between parties who are not involved in a support agreement. If a third party chooses to pay a lawyer, that transaction is between the third party and the lawyer. Since the funds never passed through the hands of the person named in a support agreement, they can't be imputed to be income of that person. **Vote 15-0.**

Original: House Clerk  
Cc: Committee Bill File

# Voting Sheets

**HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW**

**EXECUTIVE SESSION on HB 541**

**BILL TITLE:** relative to the priority of child support payments over other court costs and expenses.

**DATE:** February 18, 2021

**LOB ROOM:** hybrid

**MOTIONS:** **INEXPEDIENT TO LEGISLATE**

Moved by Rep. Lewicke

Seconded by Rep. Belanger

Vote: 15-0

**CONSENT CALENDAR: YES**

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep Caroletta Alicea, Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY

EXECUTIVE SESSION on Bill # 541.

BILL TITLE: H.B. 541. Relative to the priority of child support payments over other court cost and expenses

DATE: 2/18/2021.

LOB ROOM: 210-211.

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. Lewicki      Seconded by Rep. Belanger      Vote: 15-0.

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

CONSENT CALENDAR:  YES       NO

Minority Report? \_\_\_\_\_ Yes      \_\_\_\_\_ No      If yes, author, Rep: \_\_\_\_\_      Motion \_\_\_\_\_

Respectfully submitted: Rep. Caroletta Alicea  
Rep. Caroletta Alicea

# Public Hearing

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 541

**BILL TITLE:** relative to the priority of child support payments over other court costs and expenses.

**DATE:** February 3, 2021

**LOB ROOM:** hybrid                      **Time Public Hearing Called to Order:** 9:30 a.m

**Time Adjourned:** 10:06 a.m.

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

**Bill Sponsors:**

Rep. Gay	Rep. M. Pearson	Rep. Marsh
Rep. Read	Rep. W. MacDonald	Rep. Elliott
Rep. DiLorenzo	Rep. Prudhomme-O'Brien	Rep. Pitre
Sen. Watters	Sen. Hennessey	

TESTIMONY

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

Rep. Betty Gary, Sponsor - Child support is critical when growing up in poverty its hard to be successful. Lots of children are not getting support. Requirement to show where they get to go to court.

Rep. Rice - Are we going to deny people due process when one parent can afford it and the other can not.

Rep. Gay - They must disclose where \$ is coming from. Want it to be equal. Does not deny anyone not to have an attorney.

Rep. Long - Priority is child support over payment of lawyer.

Rep. Belanger - Bill says parent must fill out financial affidavit.

Rep. Gay - How will anyone know if you have representation that everyone knows cost at least \$1k.

Rep. Belanger - If parent is fighting child support because they are splitting custody, do they have to pay?

Rep. Gay - Child support should come first.

Rep. Altschiller - Does the NH of circuit court reviewed this and how it would work.

Rep. Gay - No one has contacted her to give an opinion.

Rep. Altschiller - Do we have an example of other states

Rep. Gay - Not aware of other states. If another state is not aware, she will come in the for front

Rep. Litchfield - Trying to understand if Uncle or Grandfather

Rep. Gay - if a persons being subsidized thats income.



Rep. Litchfield - It is the child of the rich uncle, if someone can step in if they can't afford it.

Rep. Rice - Would be for a work session I understand

Rep. Gay - Goal is to level the playing field. If one person says they don't have \$ they are not being represented by lawyer.

Karen Hebert - Her recognition for child support is ...

Erin Jasino - Lobbyist, NH legal assistant - HB 1193 18-0 ITL. Each party is required to fill out financial papers 7 days prior to court date. The bill creates access to day quits job man needs to pay child support. Abusive mom has to pay child support instead of the father. language 8-9 are confusing.

Rep. Long - If mandatory disclosures 25A if you are unrepresented they may not know they have to do that.

Rep Long - Could not follow what the issue is. You are saying if the mother can not afford attorney that is an access to justice goes to court without an attorney. That is an access to justice.

Rep. Long - more important to pay a lawyer?

Erin Jasina - Access to justice, the correct amount, children should come first. They can use the system and hire an attorney.

Richard Head - Gov. affairs co-ordinator for Judicial court. If cost or payments are made by the court does that impact how fees are paid.

Respectfully submitted,

Rep. Caroletta Alicea, Clerk

# House Remote Testify

## Children and Family Law Committee Testify List for Bill HB541 on 2021-02-03

Support: 4 Oppose: 2 Neutral: 2 Total to Testify: 3

[Export to Excel](#)

<b><u>Name</u></b>	<b><u>City, State Email Address</u></b>	<b><u>Title</u></b>	<b><u>Representing</u></b>	<b><u>Position</u></b>	<b><u>Testifying</u></b>	<b><u>Non-Germane</u></b>	<b><u>Signed Up</u></b>
Hebert, Karen	karen.e.hebert@dhhs.nh.gov	State Agency Staff	Dept. of Health and Human Services	Neutral	Yes (5m)	No	2/1/2021 10:22 AM
Jasina, Erin	ejasina@nhla.org	A Lobbyist	NH Legal Assistance	Oppose	Yes (2m)	No	1/29/2021 3:43 PM
Gay, Betty	jbgay@comcast.net	An Elected Official	Myself	Support	Yes (0m)	No	2/3/2021 9:30 AM
Rathbun, Eric	ericrathbun@gmail.com	A Member of the Public	Myself	Support	No	No	2/3/2021 11:11 AM
Soukup, Abbey	myemail213213@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/1/2021 6:54 PM
Hayes, Matthew	matthew.hayes@dhhs.nh.gov	State Agency Staff	DHHS/BCSS	Neutral	No	No	2/2/2021 3:44 PM
Watters, Senator David	david.watters@leg.state.nh.us	An Elected Official	Myself (SD 4)	Support	No	No	1/27/2021 3:04 PM
Hennessey, Erin	erin.hennessey@leg.state.nh.us	An Elected Official	SD1	Support	No	No	1/28/2021 1:56 PM

# Testimony

**Archived:** Thursday, March 4, 2021 10:41:27 AM

**From:** [john lewicke](#)

**Sent:** Thursday, February 18, 2021 6:12:12 PM

**To:** [~House Children and Family Law Committee](#); [~House Children and Family Law Committee](#)

**Subject:** HB541 blurb

**Importance:** Normal

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The bill is obviously flawed: Neither the legislature nor the courts can impute income to someone when a transaction has been between parties who are not involved in a support agreement. If a third party chooses to pay a lawyer, that transaction is between the third party and the lawyer. Since the funds never passed through the hands of the person named in a support agreement, they can't be imputed to be income of that person.

Bill as  
Introduced

HB 541 - AS INTRODUCED

2021 SESSION

21-0719

05/04

HOUSE BILL **541**

AN ACT relative to the priority of child support payments over other court costs and expenses.

SPONSORS: Rep. Gay, Rock. 8; Rep. M. Pearson, Rock. 34; Rep. Marsh, Carr. 8; Rep. Read, Rock. 17; Rep. W. MacDonald, Rock. 5; Rep. Elliott, Rock. 8; Rep. DiLorenzo, Rock. 17; Rep. Prudhomme-O'Brien, Rock. 6; Rep. Pitre, Straf. 2; Sen. Watters, Dist 4; Sen. Hennessey, Dist 1

COMMITTEE: Children and Family Law

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ANALYSIS

This bill requires the parties to disclose the sources of income used to pay for court costs and expenses in a parenting cases. The bill also provides that child support shall have priority over the payment of all other costs and expenses.

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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 priority of child support payments over other court costs and expenses.

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

1            1 New Paragraph; Parental Rights and Responsibilities; Child Support; Disclosure of Fees.  
2 Amend RSA 461-A:14 by inserting after paragraph XVIII the following new paragraph:

3            XIX.(a) In any proceeding to enforce the payment of child support, both parents shall submit  
4 a financial affidavit regarding income from all sources, including those used to pay for all costs  
5 assessed by the court or associated with the proceeding, such as, but not limited to, fees for  
6 guardians ad litem, visitation centers, and legal representation.

7            (b) Payment of child support shall have priority over the payment of all other costs  
8 assessed by the court or associated with the proceedings.

9            2 Effective Date. This act shall take effect 60 days after its passage.