

HB 161 - AS AMENDED BY THE HOUSE

7Apr2021... 0549h

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

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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.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 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 RSA 458-C:3, I(a) is repealed and  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:

Percent of Combined Net Income Devoted to Child Support					
\$44,000 or less	22 percent	34 percent	42 percent	45 percent	
\$55,000	21	33	40	43	
\$66,000	20	30	36	39	
\$77,000	18	28	33	36	
\$88,000	17	25	30	33	
\$110,000	16	25	30	32	
\$121,000	16	24	28	30	
\$132,000	15	22	27	29	
\$176,000	13	20	24	26	
\$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.

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

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

15           7 Repeal. The following are repealed:

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

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

20           8 Effective Date. This act shall take effect January 1, 2022.