

SB 431-FN - AS AMENDED BY THE HOUSE

02/03/2022 0326s  
4May2022... 1575h

2022 SESSION

22-2975  
07/11

SENATE BILL      ***431-FN***

AN ACT            relative to child support in cases with equal or approximately equal parenting schedules.

SPONSORS:        Sen. Carson, Dist 14; Sen. Whitley, Dist 15; Sen. Gannon, Dist 23; Rep. Rice, Hills. 37; Rep. Gordon, Graf. 9; Rep. Long, Hills. 10

COMMITTEE:      Judiciary

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ANALYSIS

This bill establishes methods for adjustment of child support for equal or approximately equal parenting residential responsibilities.

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT                    relative to child support in cases with equal or approximately equal parenting schedules.

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

1            1 New Section; Guidelines Adjustments in Cases of Equal or Approximately Equal Parenting  
2 Residential Responsibilities. Amend RSA 458-C by inserting after section 5 the following new  
3 section:

4            458-C:5-a Guidelines Adjustments in Cases of Equal or Approximately Equal Parenting  
5 Residential Responsibilities.

6            I. Equal or approximately equal parenting residential responsibilities in and of itself shall  
7 not eliminate the need for child support.

8            II. Any adjustment to the support amount in the guidelines due to equal or approximately  
9 equal parenting residential responsibilities shall be based on written findings by the court or by  
10 agreement of the parties that the adjustment is in the best interests of the child.

11           III. In ruling on requests for adjustments to the application of the child support guidelines  
12 because of equal or approximately equal parenting residential responsibilities, the court may  
13 consider whether the parties have agreed to the specific apportionment of variable expenses for the  
14 children and a specific procedure for implementing the apportionment.

15           IV. When child support is adjusted because of equal or approximately equal parenting  
16 residential responsibilities, the court shall allocate the cost of daycare, after school programs,  
17 vacation, and summer care, unless the parties have agreed to an allocation of these expenses.

18           V. Provided that the resulting support adjustment is in the best interest of the child, the  
19 court may determine support because of equal or approximately equal parenting residential  
20 responsibilities using the following method:

21           (a) Calculate the child support guidelines amount based on both party's incomes and  
22 applicable deductions;

23           (b) Determine the guidelines parental support obligation for each parent;

24           (c) Multiply the support obligation, as determined by subparagraph (b), by 120 percent  
25 to reach the approximately equal parenting support obligation of each parent, and

26           (d) Subtract the lower approximately equal parenting support obligation from the higher  
27 approximately equal parenting support obligation, as determined in subparagraph (c), to determine  
28 the net difference.

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1 VI. If the net difference method is not in the best interests of the child, the court may order  
2 the child support guidelines amount or another amount that is in the best interests of the child.

3 VII. This section shall not apply to a valid child support order already in effect until the next  
4 scheduled review hearing, nor shall it constitute a substantial change in circumstances under RSA  
5 458-C:7.

6 2 Child Support Guidelines; Adjustments to the Application of Guidelines Under Special  
7 Circumstances; Parenting Schedule. Amend RSA 458-C:5, I(h) to read as follows:

8 (h) Parenting Schedule, ***provided that any adjustment complies with RSA 458-C:5-***

9 ***a.***

10 3 Effective Date. This act shall take effect January 1, 2023.

**SB 431-FN- FISCAL NOTE**  
AS AMENDED BY THE SENATE (AMENDMENT #2022-0326s)

AN ACT                      relative to child support in cases with equal or approximately equal parenting schedules.

**FISCAL IMPACT:**    ☒ State                      ☐ County                      ☐ Local                      ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Matching federal funds			

**METHODOLOGY:**

This bill makes a variety of changes to the state's child support guidelines and adjustment process with respect to cases involving equal or approximately equal parenting schedules. Of the changes, the Department of Health and Human Services expects the following to have a fiscal impact:

- Proposed RSA 458-C:5-a, VIII provides a formula for the courts to use when calculating support in cases of approximately equal parenting responsibilities. Provided that certain conditions have been met, the bill allows the court to calculate the child support obligation based on both parents' incomes, determine the parental support obligation for each parent, and subtract the lower support obligation from the higher support obligation to determine the net difference.
- Proposed RSA 458-C:5-a, IX states that if the net difference in the preceding paragraph does not meet the conditions set out in the proposed RSA 458-C:5-a, II (establishing a standard for making adjustments to the guidelines' calculated support amount), the court may order either the guidelines' amount or a different amount that does meet the criteria.

The Department states that while the fiscal impact of the above paragraphs is indeterminable, the changes may have the effect of reducing the amount of child support that is awarded. The Department further assumes that any decreases in child support may result in more families needing aid through state assistance programs. The Department also

notes that its ability to recover public assistance expenditures in cases in which child support is assigned to the Department may be negatively impacted.

In addition to the above impacts, the Department states that depending on how the bill is implemented, the state's child support guidelines may need to be revised, requiring systems updates to the electronic forms generated by the New England Child Support Enforcement System, as well as changes to the online child support calculator. Such IT changes may result in an indeterminable one-time cost, which would be funded with 66 percent federal funds and 34 percent state general funds.

As amended, this bill will take effect January 1, 2023. Any fiscal impact will begin in FY23.

**AGENCIES CONTACTED:**

Department of Health and Human Services