

HB 228 - AS AMENDED BY THE HOUSE

5Jan2022... 2116h

2021 SESSION

21-0236

05/10

HOUSE BILL

228

AN ACT relative to the calculation of child support in cases with equal or approximately equal parenting time.

SPONSORS: Rep. DeSimone, Rock. 14

COMMITTEE: Children and Family Law

ANALYSIS

This bill provides a formula for the calculation of child support in cases with equal or approximately equal parenting time.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 in cases with equal or approximately equal parenting time.

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

1 1 Child Support Guidelines; Adjustment to the Application of the Guidelines Under Special
2 Circumstances; Equal Parenting Time. Amend RSA 458-C:5 by inserting after paragraph II the
3 following new paragraph:

4 III. In the event of a disparity of income between the parties, there shall be a rebuttable
5 presumption that where the parties have agreed, or the court finds the parties have equal or
6 approximately equal periods of parenting time for the child or children for which a child support
7 order shall be applicable, child support shall be equalized and allocated in the following manner:

8 (a) The child support guidelines shall be calculated based on each party's income and a
9 child support amount shall be determined.

10 (b) The amount of the child support payment shall then be calculated according to the
11 guidelines as if the higher income party were to pay the lower income party, and then calculated as
12 if the lower income party were to pay the higher income party. The difference between the amounts
13 shall be the presumptive child support obligation and paid to the party with the lower income. This
14 amount shall become the presumptive child support order.

15 (c) Nothing in this paragraph shall preclude a court from modification of the
16 presumptive child support order such as justice and the best interest of the child may require.

17 2 Adjustments to the Application of the Guidelines in Cases of Equal Parenting Time. Amend
18 RSA 458-C:5, I(h)(1) to read as follows:

19 (1) Equal or approximately equal parenting residential responsibilities in and of
20 itself shall not eliminate the need for child support ~~[and shall not by itself constitute ground for an~~
21 ~~adjustment]~~.

22 3 Effective Date. This act shall take effect January 1, 2023.