

HB 1595-FN - AS AMENDED BY THE HOUSE

11Apr2024... 1178h

2024 SESSION

24-2299

05/10

HOUSE BILL

1595-FN

AN ACT relative to adjustment of the child support guidelines based on parenting time, medical support, and child care expenses.

SPONSORS: Rep. Bickford, Straf. 3; Rep. Maggiore, Rock. 23; Rep. Gibbons, Hills. 20; Rep. Harley, Rock. 30; Rep. Kofalt, Hills. 32; Rep. Bernardy, Rock. 36; Rep. Potucek, Rock. 13; Rep. Petrigno, Hills. 43; Rep. Post, Hills. 42; Sen. Avard, Dist 12

COMMITTEE: Children and Family Law

ANALYSIS

This bill revises the calculation of child support based on parenting time, medical support, and child care expenses.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to adjustment of the child support guidelines based on parenting time, medical support, and child care expenses.

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

1 1 Child Support; Definition of Adjusted Gross Income. Amend RSA 458-C:2, I to read as follows:

2 I.(a) "Adjusted gross income" means gross income, less:

3 ~~[(a)]~~ (1) Court-ordered or administratively ordered support actually paid to others, for
4 adults or children.

5 ~~[(b)]~~ (2) Fifty percent of actual self-employment tax paid.

6 ~~[(c)]~~ (3) Mandatory, not discretionary, retirement contributions.

7 ~~[(d)]~~ (4) Actual state income taxes paid.

8 ~~[(e)] Amounts actually paid by the obligor for allowable child care expenses or the~~
9 ~~medical support obligation for the minor children to whom the child support order applies.]~~

10 (b) ***If the adjusted gross income is a negative number, a value of zero shall be***
11 ***presumed.***

12 2 New Paragraphs; Child Support Guidelines; Definition of Parenting Time and Parenting Time
13 Factor. Amend RSA 458-C:2 by inserting after paragraph XI the following new paragraphs:

14 XII. "Parenting time" is a period of time when a parent has physical responsibility for the
15 children. When "parenting time" is calculated, the number of days or overnights or portions thereof
16 (as defined in the parenting schedule pursuant to RSA 461-A:4 or otherwise specified by the court),
17 shall total 100% of the time.

18 XIII. "Parenting time factor" (PTF) is the fraction of full residency costs incurred by a parent
19 with parenting time, and is calculated to 3 decimal places of accuracy as 1.5 multiplied by the
20 fraction of 365 days of parenting time by that parent with a maximum allowed value of 1.000. For
21 example, for parenting time of 260 overnights, the parenting time fraction is $260/365 = .712$. The
22 PTF is 1.5 multiplied by .712 which equals 1.068 which exceeds one and is therefore capped at 1.000.

23 3 Child Support Formula. Amend RSA 458-C:3, II to read as follows:

24 II.(a) The total support obligation shall be determined by multiplying the parents' total net
25 income, as defined in RSA 458-C:2, VI, by the appropriate percentage derived from this section ***and***
26 ***the parenting time factor.***

27 ~~[(b) The total child support obligation shall be divided between the parents in proportion~~
28 ~~to their respective incomes as adjusted by this section, except when there are incurred by the obligee~~
29 ~~child care expenses or for the actual amount paid as the medical support obligation, for the minor~~
30 ~~children to whom the child support order applies.~~

~~(e) For those cases involving allowable child care expenses or medical support obligation expenses incurred by the obligee, the same methodology described in subparagraphs (a) and (b) shall be used, except that as part of the determination of each parent's share of the child support obligation, the obligee's allowable child care expenses or medical support obligation expenses shall be deducted from the adjusted gross income of the obligee.]~~

(b) Child costs for each parent are composed of:

(1) Total support obligation.

(2) Allowable child care expenses.

(3) Medical support obligation for children.

(c) The parental support obligation for each parent shall be determined by multiplying the fraction of total adjusted gross income for that parent by the combined child costs for both parents and subtracting child costs for that parent. The parent with the positive value is the obligor; the parent with the corresponding negative value is the obligee such that the sum of both obligations shall always be zero.

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

4 Child Support Guidelines; Self-support reserve and minimum child support obligation. Amend RSA 458-C:3, IV to read as follows:

IV. Self-support reserve and minimum child support obligation.

(a) If the obligor parent's **adjusted** gross income is less than **the sum of child costs for the obligor and** the self-support reserve and the court has determined that the obligor is not voluntarily unemployed or underemployed, the court shall order the child support obligation in the amount of a minimum support order.

(b) If the obligor parent's **adjusted** gross income is greater than **the sum of child costs for the obligor and** the self-support reserve but ~~[payment of the parental support obligation as calculated under this chapter would reduce the obligor parent's adjusted gross income below the self-support reserve, the presumptive child support obligation shall be the difference between the self-support reserve and the obligor parent's adjusted gross income, but in any event shall be no less than the amount of a minimum support order]~~ **is lower than the payment of the parental support obligation as calculated under this chapter, the presumptive child support obligation shall be the lower value, but in any event shall be no less than the amount of a minimum support order.**

(c) [Repealed].

5 Applicability. RSA 458-C as amended by this act shall apply to any child support order issued on or after the effective date of this act. RSA 458-C as amended by this act shall not apply to a valid child support order in effect on the effective date of this act until the next scheduled review hearing

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- 1 under RSA 458-C:7, or as otherwise agreed by the parties. This act shall not constitute a substantial
- 2 change in circumstances for purposes of RSA 458-C:7.
- 3 6 Effective Date. This act shall take effect July 1, 2025.

HB 1595-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to adjustment of the child support guidelines based on parenting time, medical support, and child care expenses.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures	\$0	\$98,600 general funds; \$191,400 federal funds	\$0	\$0
<i>Funding Source(s)</i>	General Fund, federal funds			
Appropriations	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures? ☒ No
- Does this bill authorize new positions to implement this bill? ☒ N/A

METHODOLOGY:

This bill revises criteria for adjustment of child support guidelines based on parenting time, medical support, and child care expenses. The Department of Health and Human Services expects that each of the proposed changes will require its Bureau of Child Support Services to perform systems updates to the New England Child Support Enforcement System (NECSES). Such IT changes will result in a one-time fiscal impact to State expenditures for FY 25. The Department estimates that the one-time cost for system changes will be approximately \$290,000, of which 66 percent (\$191,400) will be federal and 34 percent (\$98,600) will be state general funds.

In response to other bills modifying child support guidelines, the Judicial Branch has stated that costs may increase by some indeterminable amount due to the need to train judges on the new guidelines. In addition, the Department of Health and Human Services states that this bill may necessitate a modification to the Uniform Support Order, which is a form prepared by the Judicial Branch. This may result in an indeterminable increase in Judicial Branch expenditures.

AGENCIES CONTACTED:

Department of Health and Human Services