Bill as Introduced

HB 1109 - AS INTRODUCED

2000 SESSION

00-2047
04/01

HOUSE BILL ***1109***

AN ACT relative to the modification of spousal support orders.

SPONSORS: Rep. Babson, Carr 5

COMMITTEE: Children and Family Law

ANALYSIS

This bill inserts a 2-year statute of limitations on the modification of spousal support orders to be measured from the time spousal support is initially ordered.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 1109 – AS INTRODUCED

00-2047
04/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT relative to the modification of spousal support orders.

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

1 Divorce; Revision of Orders; Limitation on Modification of Alimony Orders Inserted. Amend RSA 458:14 to read as follows:

458:14 Revision of Orders, etc. ***Except as provided in RSA 458:19, VII,*** the court, upon proper application and notice to the adverse party, may revise and modify any order made by it, may make such new orders as may be necessary, and may award costs as justice may require.

2 New Paragraph; Divorce; Alimony; Statute of Limitation Applied to Modification of Alimony Order. Amend RSA 458:19 by inserting after paragraph VI the following new paragraph:

VII. Orders for alimony issued under this chapter may only be modified upon the petition of either party if such petition is made within 2 years from the date of the original alimony order. Nothing in this paragraph shall be construed to change or alter in any way the terms of the original alimony order.

3 Effective Date. This act shall take effect January 1, 2001.

Amendments

Rep. Arnold, Hills. 20
January 25, 2000
2000-3188h
04/01

Amendment to HB 1109

Amend the title of the bill by replacing it with the following:

AN ACT relative to the duration and modification of spousal support orders.

Amend the bill by replacing all after the enacting clause with the following:

1 Divorce; Revision of Orders; Limitation on Modification of Alimony Orders Inserted. Amend RSA 458:14 to read as follows:

458:14 Revision of Orders[~~, etc~~].

I. The court, upon proper application and notice to the adverse party, may revise and modify any order made by it, may make such new orders as may be necessary, and may award costs as justice may require.

II. The court may revise and modify any alimony order made by it at any time during which the order is in effect and up to 90 days after such alimony order has expired.

2 Domestic Relations; Alimony; Expiration of Alimony Order Inserted. Amend RSA 458:19, I-III to read as follows:

I. Upon motion of either party for alimony payments, the court shall make orders for the payment of alimony, ***for a period of time not to exceed 5 years,*** to the party in need of alimony, [~~either temporary or permanent, for a definite or indefinite period of time,~~] if it finds that:

(a) The party in need lacks sufficient income, property, or both, including property apportioned in accordance with RSA 458:16-a, to provide for such party's reasonable needs, taking into account the style of living to which the parties have become accustomed during the marriage; and

(b) The party from whom alimony is sought is able to meet reasonable needs while meeting those of the party seeking alimony, taking into account the style of living to which the parties have become accustomed during the marriage; and

(c) The party in need is unable to be self-supporting through appropriate employment at a standard of living that meets reasonable needs or is the custodian of a child of the parties whose condition or circumstances make it appropriate that the custodian not seek employment outside the home.

II. [~~Upon~~] ***In accordance with RSA 458:14, II, and upon*** motion of either party, the court may make orders for the payment of an alimony allowance when such orders would be just and

equitable.

~~[III. Upon a decree of nullity or divorce, or upon the renewal, modification, or extension of a prior order for alimony, the court may order alimony to be paid for such length of time as the parties may agree or the court orders.]~~

3 Effective Date. This act shall take effect January 1, 2001.

2000-3188h

AMENDED ANALYSIS

This bill inserts a 5 year maximum duration on any alimony order and permits such order to be modified at any time during which the order is in effect, and up to 90 days after the order has expired.

Rep. Bickford, Straf. 1
February 18, 2000
2000-3531h
04/09

Amendment to HB 1109

Amend RSA 458:19, VII as inserted by section 2 of the bill by replacing it with the following:

VII. In cases where the court issues an order for permanent alimony for a definite period of time, such order may be modified, upon the petition of either party, if such petition is made within 3 years from the termination date of the permanent alimony order. Nothing in this paragraph shall be construed to change or alter in any way the terms of the original alimony order.

2000-3531h

AMENDED ANALYSIS

This bill inserts a 3-year statute of limitations on the modification of spousal support orders to be measured from the time spousal support is initially ordered.

Children and Family Law
February 23, 2000
2000-3577h
04/01

Amendment to HB 1109

Amend RSA 458:19, VII as inserted by section 2 of the bill by replacing it with the following:

VII. In cases where the court issues an order for permanent alimony for a definite period of time, such order may be modified, upon the petition of either party, provided, that such petition is made within 3 years from the termination date of the permanent alimony order. Nothing in this paragraph shall be construed to change or alter in any way the terms of the original alimony order.

2000-3577h

AMENDED ANALYSIS

This bill provides that an order for permanent alimony issued for a definite period of time may be modified at any time within 3 years after the termination date of the order.

Hearing Minutes

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 1109

BILL TITLE: relative to the modification of spousal support orders.

DATE: Jan. 11, 2000

LOB ROOM: 206 **Time Public Hearing Called to Order:** 2:15

Time Adjourned: {Time}

(please circle if present)

Committee Members: Reps. Dowling, Lyman, Arnold, J. Brown, G. Gagnon, Bickford, Nolan-Piteri, Tate, Hutchinson, Asplund, Coughlin, Jones, Moran, J. Pratt, Allison, Richardson, L. Johnson, Grassie, Pantelakos, Ginsburg, Gile and McIntyre.

Bill Sponsors: Rep. Babson, Carr 5

TESTIMONY

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

Rep. Babson, sponsor, supporting
-He submitted this bill at the request of a constituent. As he researched this situation, he recognized the merit of this bill to set a statute of limitations for spousal support orders.

Peter Billings, 2 Westmore Rd., Center Ossippee, NH, supporting
-He was constituent requesting this bill. Eight and one-third years after divorce, he was sued for alimony by his ex-wife. He had been supporting his children, always on time, since that time. He was court ordered (by a marital master) to pay this alimony until his death. His ex-wife became ill and is now disabled.

Atty. John Cameron – supporting
-He had submitted an appeal for Mr. Billings which was turned down. Reinstitution of alimony is a frightening prospect for persons who may have been separated or divorced many years earlier. He wants to have the statute of limitations begin at the end of alimony payments.

Respectfully submitted,

Barbara Hull Richardson

Rep. Barbara Hull Richardson, Clerk

SUBCOMMITTEE:
REPS. ARNOLD, ALLISON, BROWN, RICHARDSON

* sub-comm:
Allison Arnold
Brown
~~Arnold~~
Richardson

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 1109

BILL TITLE: rel. to the modification of spousal support orders

DATE: 1/11/00

LOB ROOM:206 Time Public Hearing Called to Order: 2:15 p.m.

Time Adjourned: _____

(please circle if present)

Committee Members: Reps. Dowling, Lyman, Arnold, J. Brown, G. Gagnon, Bickford, Piteri, Tate, Hutchinson, Asplund, Coughlin, Jones, Moran, T. Pratt, Allison, Richardson, L. Johnson, Grassie, Pantelakos, Ginsburg, Gile and McIntyre.

Bill Sponsors:

TESTIMONY

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

Rep. Balison - Sponsor - supports. He submitted this bill at the request of a constituent. As he researched this situation, he recognized the merit of this bill to set a statute of limitations for spousal support orders.

Peter Billings, Center Ossipee - He was the person requesting this bill. 8 1/3 years after divorce he was sued for alimony by his ex-wife. (He had been supporting his children on time/fully since that time.) He was court-ordered (by a master) to pay this alimony until his death. His ex-wife became ill and is now disabled

Atty. John Cameron - supports this bill. He had submitted an appeal for Mr. Billings which was turned down.
Re-institution of alimony is a frightening prospect for persons who may have been separated or divorced many years earlier.
He wants to have the statute of limitations begin at the end of the alimony payments.

Sub-Committee Minutes

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

SUBCOMMITTEE WORK SESSION ON HB 1109

BILL TITLE: relative to the modification of spousal support orders.

DATE: 1/18/00

Subcommittee Members: Reps. Arnold, Brown, Allison, Richardson

Comments and Recommendations: An amendment was proposed that would limit modification of the alimony order within 90 days of the termination of the original order. Rep. Arnold will submit this amendment.

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Barbara Hull Richardson
Subcommittee Chairman/Clerk

Voting Sheets

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 1109

BILL TITLE: relative to the modification of spousal support orders.

DATE: 2/9/00

LOB ROOM: 206

Amendments:

Sponsor: Rep. Arnold, Bickford, Children + Family Law OLS Document #: ~~3188h~~ ~~3531h~~ 3577h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: ~~OTP~~, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.) ~~3188h~~ ~~3531h~~ 3577h

Moved by Rep. Arnold 2/22/00 Bickford

Seconded by Rep. Pantelakos

Rep. Bickford will obtain another amendment

Vote: 3-8 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Bickford

Seconded by Rep. Grenier

Vote: 12-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Barbara H. Richardson, Clerk

OFFICE OF THE HOUSE CLERK

2000 SESSION

CHILDREN AND FAMILY LAW

Bill #: HB 1109 Title: modification of spousal support orders

PH Date: ~~1/25/2000~~ 1/11/2000

Exec Session Date: 2/23/00

Motion: _____ Amendment #: _____

MEMBER	YEAS	NAYS
Dowling, Patricia A, Chairman		
Lyman, L Randy, V Chairman		
Arnold, Thomas I		
Brown, Julie M		
Gagnon, Eugene L		
Bickford, David A		
Nolan-Piteri, Dawn C		
Tate, Joan C		
Hutchinson, Karen K		
Asplund, Bronwyn L		
Coughlin, Pamela D		
Jones, Constance A		
Moran, Edward P		
Pratt, Irene A		
Allison, David C		
Richardson, Barbara Hull, Clerk		
Johnson, Lionel W		
Grassie, Anne C		
Pantelakos, Laura C		
Ginsburg, Ruth		
Gile, Mary Stuart		
McIntyre, Sara B		
TOTAL VOTE:		

Printed: 12/30/1999

OFFICE OF THE HOUSE CLERK

2000 SESSION

CHILDREN AND FAMILY LAW

Bill #: 1109 **Title:**

PH Date: 1/11/00 **Exec Session Date:** 2/23/00

Motion: OTP/A **Amendment #:** 3517h

MEMBER	YEAS	NAYS
Dowling, Patricia A, Chairman	✓	
Lyman, L Randy, V Chairman	✓	
Arnold, Thomas I	✓	
Brown, Julie M		
Gagnon, Eugene L	✓	
Bickford, David A	✓	
Hutchinson, Karen K		
Asplund, Bronwyn L		
Coughlin, Pamela D	✓	
Jones, Constance A		
Moran, Edward P	✓	
Young, David A		
Martel, Andre A		
Pratt, Irene A	✓	
Allison, David C		
Richardson, Barbara Hull, Clerk	✓	
Johnson, Lionel W	✓	
Grassie, Anne C		
Pantelakos, Laura C	✓	
Ginsburg, Ruth	✓	
Gile, Mary Stuart		
McIntyre, Sara B		
	12	0

TOTAL VOTE: 12

Printed: 2/9/2000

OFFICE OF THE HOUSE CLERK

2000 SESSION

CHILDREN AND FAMILY LAW

Bill #: 1109 **Title:** relative to the modification of spousal support orders

PH Date: 1/11/00 **Exec Session Date:** 2/9/00

Motion: _____ Amendment #: 3188h

MEMBER	YEAS	NAYS
Dowling, Patricia A, Chairman		✓
Lyman, L Randy, V Chairman		✓
Arnold, Thomas I	✓	
Brown, Julie M		
Gagnon, Eugene L		✓
Bickford, David A	✓	
Nolan-Piteri, Dawn C		
Hutchinson, Karen K		
Asplund, Bronwyn L		
Coughlin, Pamela D		
Jones, Constance A		✓
Moran, Edward P		✓
Pratt, Irene A		
Allison, David C		
Richardson, Barbara Hull, Clerk		✓
Johnson, Lionel W		
Grassie, Anne C		
Pantelakos, Laura C		✓
Ginsburg, Ruth	✓	
Gile, Mary Stuart		✓
McIntyre, Sara B		
Martel, Andre	3	8
Young, David		
TOTAL VOTE: 11		

Printed: 2/3/2000

Committee Report

COMMITTEE REPORT

COMMITTEE: **Children and Family Law**

BILL NUMBER: **HB 1109**

TITLE: relative to the modification of spousal support orders.

DATE: Feb. 23, 2000 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The amendment creates a 3-year statute of limitation after termination of alimony. Currently there is no limitation.

Vote 12-0.

Rep. David A. Bickford
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Children and Family Law

HB 1109, relative to the modification of spousal support orders. OUGHT TO PASS WITH AMENDMENT

Rep. David A. Bickford for Children and Family Law: The amendment creates a 3-year statute of limitation after termination of alimony. Currently there is no limitation. Vote 12-0.

COMMITTEE REPORT

COMMITTEE: **Children and Family Law**

BILL NUMBER: **HB 1109**

TITLE: relative to the modification of spousal support orders.

DATE: CONSENT CALENDAR YES ☑ NO ☐

☐ OUGHT TO PASS

☑ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

Vote 12-0

Rep. Barbara Richardson
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

HB 1109 OTP/A

The amendment creates a 3 year statute of limitation after termination of alimony. Currently there is no limitation.

Rep. David A. Bickford
David A. Bickford

Peter B. Bickford