Bill as Introduced

HB 447 - AS INTRODUCED

2003 SESSION

03-0651
05/10

HOUSE BILL *447*

AN ACT limiting retroactive child support awards under the uniform act on paternity.

SPONSORS: Rep. Bickford, Straf 68

COMMITTEE: Children and Family Law

ANALYSIS

This bill provides that, in an action to establish paternity, child support may be retroactive until the child is 3 months old. After the child is 3 months old, child support may be retroactive to the date of service of the petition upon the respondent.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 447 – AS AMENDED BY THE HOUSE

25mar03... 0868h

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HB 447 – AS AMENDED BY THE HOUSE

25mar03... 0868h

03-0651
05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT limiting retroactive child support awards under the uniform act on paternity.

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

1 New Section; Uniform Act on Paternity; Limitation on Child Support. Amend RSA 168-A by inserting after section 3 the following new section:

168-A:3-a Limitation on Retroactive Support Award. If the child is 3 months old or older, the father's liability for past education and support under RSA 168-A:1 is limited to amounts accrued from the date of service of the petition on the father or, if the court finds that the father is willfully avoiding service, from such date as the court determines is just and equitable. There is no limitation on retroactive support if the child is less than 3 months old.

2 Effective Date. This act shall take effect January 1, 2004.

LBAO
03-0651
2/4/03

HB 447 FISCAL NOTE

AN ACT limiting retroactive child support awards under the uniform act on paternity.

FISCAL IMPACT:

The Department of Health and Human Services stated this bill will decrease state revenue by an indeterminable amount in FY 2004 and each year thereafter. There will be no fiscal impact on state, county and local expenditures or county and local revenue.

METHODOLOGY:

The Department indicated this bill would limit retroactive child support awards in actions to establish paternity. Under this bill, once a child becomes 3 months old, support may be retroactive only to the date of service of the petition on the assumed father. The Department assumed this bill will preclude recovery of public assistance expended prior to the date of service for children three months old or older. The Department does not have the data necessary to estimate the amount of public assistance money that would not be recovered.

JUD.C

LBAO
03-0651
Amended 4/7/03

HB 447 FISCAL NOTE

AN ACT limiting retroactive child support awards under the uniform act on paternity.

FISCAL IMPACT:

The Department of Health and Human Services stated this bill, as amended by the House (**House Amendment #2003-0868h**), will have no fiscal impact on state, county and local revenue or expenditures.

METHODOLOGY:

The Department indicated under current law, support orders are effective from the date of service or another equitable date as determined by the Court. The Department assumed the intent of this law is to encourage prompt filing of actions and to limit a father's liability for retroactive support in cases where there has been a delay in bringing action against the putative father. The Department states this bill will not impact the ability of the state to establish and enforce support orders or to collect support obligations.

Committee Minutes

Judiciary Committee

Hearing Report

To: Members of the Senate

From: Susan Duncan
Senior Legislative Aide

Re: **HB 447** – *AN ACT relative to limiting retroactive child Support awards under the uniform act on paternity.*

Hearing date: April 24, 2003

Members present: Senators Foster and Clegg

Members absent: Senators Peterson, Sapareto and Roberge

Sponsor(s): Representative Bickford

What the bill does: This bill provides that, in an action to establish paternity, child support may be retroactive until the child is 3 months old. After the child is 3 months old, child support may be retroactive to the date of service of the petition upon the respondent.

Who supports the bill: Representative Bickford
Mike Smith

Who opposes the bill: No one spoke in opposition

Attorney John Williams, DHHS
provided information, but
was neither in support nor
opposed to the legislation

Summary of testimony received:

- This legislation was filed to deal with retroactive child support because sometimes fathers are not notified of having a child.
- Several years later the father may be informed.
- Currently a parent may file for retroactive child support up until the child reaches the age of 18 years.
- HB 447 would say that one could not go backward in support obligation beyond the time the notice is served.

- The notice of obligation of payment is a burden—especially when the father was denied the opportunity to have been a parent.
- Testimony received at the hearing indicated that this would have a negligible fiscal impact on the state.

Funding: No financial impact

Future action: The committee took the bill under advisement.

sfd
[file: HB 447 report]
Date: April 27, 2003

Date: April 24, 2003
Time: 6:55 p.m.
Room: State House, Room 105-A

The Senate Committee on Judiciary held a hearing on the following:

HB 447 limiting retroactive child support awards under the uniform act on paternity.

Members of Committee present: Senator Foster
Senator Clegg

The Vice Chair, Senator Joseph A. Foster, opened the hearing on HB 447 and recognized the prime sponsor, Representative Bickford to introduce the legislation.

Representative Bickford: Thank you. My name is Representative David Bickford and I represent Strafford County District 68.

The bill we have before us is to deal with retroactive child support that can be awarded on a paternity basis and what I am proposing is that we... What can happen is that sometimes, particularly fathers, because they may not be notified that they ever had a child. The mother will have a child and may not notify them to let them know that this occurred. So, several years down the line, and I have had a couple of people call me and tell me that a fourteen-year-old in particular was one and the other was a fifteen-year old. Anyway, in New Hampshire, all the way up to the age of eighteen, a person can file for retroactive child support and they will get it all the way back to the age of birth. So, it is a giant windfall and it's good reason not to let... It is almost an incentive, I should say, to not involve the father early on.

This bill would not allow that any longer to happen. The bill would say that, whenever you file paternity, you go from that point on forward, but you can't go backwards, with the exception of the first three months after birth. That gives a person time to get their thoughts together after the birth of a child. From that point on, it is on date of filing. What I have done is, on the date of filing, that's what California does and so I'm matching what they did.

New Hampshire just plain goofed on the law. We have just never legislated on it and the Supreme Court had a case that came up and they just had to say, there is nothing there and the way the law reads out, it is open-ended. So, therefore, retroactive is allowed. So, that's what this bill does. It matches California and what they did. It is just going backward, not forward.

I think I have explained that clearly enough, Senator Foster, then I won't belabor it.

Senator Joseph A. Foster, D. 13: I think you have. Let me just ask a question to make sure I do understand it. What you are saying is that there is a Supreme Court decision. You don't happen to know what that is called, do you?

Representative Bickford: I don't.

Senator Joseph A. Foster, D. 13: So that we have it for the file. It suggests that the law is silent and the other statutes are such that retroactive child support can be...

Representative Bickford: Reitenour, that's right. Reitenour and Montgomery. I will leave this with the Committee.

Please see Supreme Court Decision No. 2001-409, In the Matter of State of New Hampshire Ex. Rel. Vickie Reitenour and Wendell Montgomery, submitted July 25, 2003, Issued September 18, 2002, attached hereto and referred to as Attachment #1.

Senator Joseph A. Foster, D. 13: Please get copies to everybody on the Committee.

Representative Bickford: Yeah, that was the most recent. What's the date on that? The opinion was issued September 18, 2002, so it is fairly new.

Senator Joseph A. Foster, D. 13: Your testimony is that, because we have not specifically legislated on it, the Supreme Court construed the other remaining sections to allow substantial retroactive child support. So, somebody could show up and say you've got a nine-year-old and you owe several years of child support?

Representative Bickford: That's exactly right. They never file an action against the father. So, it really becomes a burden to them to have to find out when somebody knocks on the door fifteen years later and say, "Oh, by the

way, you should pay me child support for all those years you didn't have an opportunity to be a parent to your child". So, this bill will help encourage people to sign Dad up right away instead of just trying to do it on their own and then coming back for that windfall. Does that help?

Senator Joseph A. Foster, D. 13: It does. Thank you.

Representative Bickford: He doesn't want me to say too much.

Senator Joseph A. Foster, D. 13: Well, thank you for your testimony.

Representative Bickford: Okay. Thank you for listening.

Senator Robert Clegg, Jr., D. 14: Thank you for listening.

Mike Smith: Real quick. I support the bill. Basically, the long and short of it is... I just wish the language was a little bit... At this time, let's not change it, but in the future. It just seems presumptive that the mother, once again, is having custody and the father is... If the baby is three months old and she is smoking crack or shooting heroine, she is one step ahead more than she would be otherwise and basically get custody of the kid and presuming to get the money. Do you follow me?

Senator Joseph A. Foster, D. 13: I think I do. I think that maybe in this particular piece of legislation, that the father doesn't know he has a child.

Mr. Smith: But, you know what I'm saying?

Senator Joseph A. Foster, D. 13: I do.

Mr. Smith: If I was the father and I found that out, I might have some concerns.

Senator Joseph A. Foster, D. 13: I think I understand.

Mr. Smith: That's not a sharp, Dave. I like the bill and the intent, but basically, if the mother was a drug addict, for example, and she wants the money and the baby is not getting the best care, you might think of many situations. In the interim, obviously, somebody has to take care of the baby. I know that.

Senator Robert Clegg, Jr., D. 14: We have to address where it says for past education since we are playing with the other education part.

Senator Joseph A. Foster, D. 13: If I could ask John Williams a quick question. You didn't sign up to speak, but you have different information.

Attorney Williams: No, but, as I explained to Senator Peterson, I am here as a resource to the Committee. The Department has taken a neutral position on the bill, but we are more than happy to provide any information we have as to how it impacts child support.

Senator Joseph A. Foster, D. 13: There is a fiscal note. It says it has no fiscal impact. Is that right?

Attorney Williams: To say it has no fiscal impact, it would have a minimal fiscal impact, if any. If I could just explain.

The bill is essentially designed to encourage mothers in situations where the paternity has not been established as to the father in a particular case to file in a timely fashion. I think that it is consistent actually with the Reitenour decision that has been provided to you because, in that case, the Court, exercising discretion, said that there was a basis to doing retroactive support to birth. That the mother did make some effort to try and get him served. But, in that case, he was moving from jurisdiction, changing jobs. The Court said, under those circumstances, we are going to go ahead and make it retroactive to the date of birth.

Clearly, what Representative Bickford was talking about was a concern that I have heard many times testified before various committees regarding the delay in trying to seek and establish a child support case. Potentially, you have a putative father out there with the opportunity to engage in and formulating a relationship with that child, which is beneficial in most situations, notwithstanding some circumstances to the contrary.

The fiscal impact, however, can be stated as follows. Because it limits essentially the retroactive to being filed within three months of the date of the child's birth or upon date of service, there may be an occasion where the State of New Hampshire is paying out through federal funds TANF benefits on behalf of a child. If we are limited based upon establishing a case, it could preclude us from essentially collecting on TANF arrears that may accrue in a case. But, quite honestly, I have to explain to the Committee that because of the federal initiatives to try to get people set up with a child support obligation without have a completely enormous arrears, we do not practice right now trying to saddle people with everything that occurred prior to the date that establish the order in TANF cases.

Clearly, a Mom is a non-TANF case where she controls the issues, can ask the court to go retroactive to whatever equitable date the court feels is appropriate under the circumstances. But, as a general rule, we want to start collecting on that assistance from the time of creation of the order making them responsible for that time forward. Once you give somebody a $20,000 or $10,000 arrearage, it seems to give them a sense of hopelessness in terms of complying with their child support obligation.

So, what we stated here is that it is kind of one of these things that we really can't calculate to any certainty based upon our operational reporting to determine how many of those cases are out there that arise under the Uniform Paternity Act. How many of those cases would there be a delay in terms of service and what we would recoup? So, we really can't put a dollar amount or a figure in terms of the exact impact. But, it would have some type of a minimal impact, but nothing that would rise to the level of having to bring it to the attention of the Legislature to say this is a bad idea because of some negative fiscal impact to the State, which there will not be.

Senator Foster, thank you.

Senator Joseph A. Foster, D. 13: Thank you. Any questions? I will close the hearing on HB 447. Actually before that, I want to state for the record that Marilyn Mahoney did sign in as opposed and there are a number of others who have signed in as in favor of the bill. I will close the hearing on HB 447.

Hearing concluded at 7:05 p.m.

Respectfully submitted,

L. Gail Brown
Senate Secretary
5/6/03

1 Attachment

ATTACHMENT #1

NOTICE: This opinion is subject to motions for rehearing under Rule 22 as well as formal revision before publication in the New Hampshire Reports. Readers are requested to notify the Reporter, Supreme Court of New Hampshire, Supreme Court Building, Concord, New Hampshire 03301, of any editorial errors in order that corrections may be made before the opinion goes to press. Opinions are available on the Internet by 9:00 a.m. on the morning of their release. The direct address of the court's home page is: http://www.state.nh.us/courts/supreme.htm

THE SUPREME COURT OF NEW HAMPSHIRE

Portsmouth Family Division

No. 2001-409

IN THE MATTER OF STATE OF NEW HAMPSHIRE EX. REL. VICKIE REITENOUR AND WENDELL MONTGOMERY

Submitted: July 25, 2002

Opinion Issued: September 18, 2002

Krans and Krans, of Dover (Hamilton R. Krans, Jr. on the brief), for the petitioner.

Coughlin, Rainboth, Murphy & Lown, P.A., of Portsmouth (Kenneth D. Murphy on the brief), for the respondent.

Philip T. McLaughlin, attorney general (Suzan M. Lehmann, assistant attorney general, on the brief), for the State, as amicus curiae.

Duggan, J. The respondent, Wendell Montgomery, appeals a decision of the Portsmouth Family Division (DeVries, J.) ordering him to pay retroactive child support dating to the birth of his minor child who was born out of wedlock. We affirm.

In March 2000, the department of health and human services (DHHS) filed an action under RSA chapter 168-A (2002), the Uniform Act on Paternity, on behalf of the petitioner, Vickie Reitenour, alleging that the respondent was the father of an infant born out of wedlock on July 31, 1986. DHHS requested the court to declare the respondent to be the father of the child and to order him to pay both prospective and retroactive child support. DHHS subsequently moved to amend its petition to include claims under RSA chapter 546-B (Supp. 2001), the Uniform Interstate Family Support Act, which the court granted. After a hearing, the court ordered the respondent to pay both prospective and retroactive child support, and granted the petitioner reimbursement for the expenses associated with

bringing the action.

Although the respondent does not dispute that he is the father of the child, he argues that the trial court erred in: (1) ordering retroactive child support; (2) not finding the petitioner guilty of laches; (3) admitting into evidence two letters from state agencies; (4) not requiring that any retroactive payments be held in trust for the child; and (5) not requiring specific receipts and bills to support an award of costs and attorney's fees. We address each argument in turn.

The respondent first argues that neither RSA chapter 168-A nor RSA chapter 546-B authorizes a court to order retroactive child support. RSA chapter 168-A sets forth the procedure by which a mother, child, or public authority chargeable by law with the support of the child may determine the paternity of a child born out of wedlock. See RSA 168-A:2; see also Opinion of the Justices, 131 N.H. 573, 576 (1989). Once paternity has been established, the father of a child born out of wedlock is liable for the "reasonable expense of the mother's pregnancy and confinement and for the education and necessary support of the child." RSA 168-A:1. The plain language of this statute indicates a legislative intent to make fathers retroactively liable for some expenses because once paternity has been established, the father of a child born out of wedlock may be liable for past expenses associated with the mother's pregnancy and confinement. See id. Additionally, the applicable statute of limitations permits proceedings to be brought within eighteen years of the date of birth of the child in question. See RSA 168-A:12. As this action is not barred by the statute of limitations, it would appear that the trial court was authorized to order the respondent to pay retroactive child support.

The respondent does not dispute that the petitioner was permitted to bring this paternity action nor does he dispute the trial court's authority to order him to pay for the necessary support and education of his child. Instead, he argues that "[t]he ability of a mother to commence a paternity action is not synonymous with the ability to obtain eighteen (18) years of retroactive child support." Thus, while the petitioner was permitted to bring an action under this statute to determine paternity and to establish his prospective child support obligations, the respondent argues that RSA chapter 168-A "does not contain language which would allow child support to be paid retroactively to the birth of the child."

In support of this argument, the respondent points to Maine's Uniform Act on Paternity, which provides an eighteen-year statute of limitations to establish paternity, yet specifically limits a father's liability for past education and support to the six-year period preceding the commencement of an action. See Me. Rev. Stat. Ann. tit. 19-A, § 1554 (West 1998). A review of the legislative history of RSA chapter 168-A reveals that our legislature considered adopting a similar statute, but did not do so. See HB 663 (1971).

When HB 663, an act adopting the Uniform Act on Paternity, was introduced in the house, proposed RSA 168-A:3 limited a father's liability for past education and necessary support to "a period of four years next preceding the commencement of a proceeding to recover said expenses." (Emphasis added.) The senate, however, proposed amending RSA 168-A:3 by substituting the words "one year" for the words "four years," so that the proposed statute as amended read: "The father's liabilities for past education and necessary support are limited to a period of one year next preceding the commencement of a proceeding to recover said expenses." N.H.S. Jour. 1647-50 (1971) (emphasis added). The senate also added RSA 168-A:13, which contained a statute of limitations that stated: "No proceeding under this chapter shall be maintained unless commenced within one year of the date of birth of the child in question." In explaining these proposed amendments, Senator Nixon stated that they

> would restrict the liability of the alleged father in the instances of a child born out of wedlock for a period of one year from the date of birth. The original bill would have extended his liability exposure to four years. The thinking behind this amendment is that an alleged father should not have to be kept in suspense for a 4 year period awaiting the mother's action to bring suit to have a declaration of his responsibility determined upon.

N.H.S. Jour. at 1649. Obviously, this legislative history illustrates that the legislature was aware of the issue now before us. Cf. Wigginton v. Com. ex rel. Caldwell, 760 S.W.2d 885, 886 (Ky. Ct. App. 1988).

Nonetheless, the senate eventually removed RSA 168-A:3 and instead opted to include only the statute of limitations. In explaining this change, Senator Koromilas stated: "There was an amendment put in by the Senate and there was some misunderstanding with respect to the limitations. We put an additional limitation to within one year of the birth of the child conceived out of wedlock. We took out a section which was inconsistent with that limitation." N.H.S. Jour. 1991 (1971). As finally passed, RSA 168-A:3 did not specifically limit the time during which a father could be liable for past education and support. See Laws 1971, ch. 530:1. Instead, the only limitation on a father's liability was contained in the statute of limitations. See id. By failing to include a specific provision limiting a father's liability for past education and support, the legislature intended the only restriction on a petitioner's ability to collect retroactive child support to be the statute of limitations. When the legislature later amended the statute of limitations to eighteen years, it did not add a provision limiting the father's liability for past education and support. Thus, so long as a proceeding is brought within the applicable statute of limitations, we conclude that the trial court has discretion to order retroactive child support back to the child's birth.

This interpretation of the statute has been applied in prior cases. See State v. Weeks, 134 N.H. 237, 242-43 (1991); Joann P. v. Gary W., 122 N.H. 104, 106 (1982). We have explained that a trial court may hold a father responsible for repaying all public assistance benefits made during the child's life. See Weeks, 134 N.H. at 242. The only statutory limitation on such recovery has been deemed to be the statute of limitations. See id.; see also Joann P., 122 N.H. at 106.

The respondent argues that this interpretation "would invite mothers to wait and file paternity actions years after the birth when evidence and witnesses may be stale." This danger, however, is limited by the fact that if a respondent can show that the delay in commencing suit is unreasonable and prejudicial, the action may be barred by laches. See Weeks, 134 N.H. at 243. As we conclude that RSA chapter 168-A authorizes a court to order retroactive child support, we need not undertake a separate analysis under RSA chapter 546-B.

We next address whether the petitioner's suit is barred by laches. Laches may apply to paternity actions filed prior to the expiration of the statute of limitations, but only if the respondent shows that the delay was prejudicial and unreasonable. See id. at 240.

> Laches is not triggered by the mere passage of time, but may be appropriate where a suit has been unreasonably delayed and the delay has resulted in unfair prejudice. In determining whether the doctrine should apply to bar a suit, the court should consider the knowledge of the plaintiffs, the conduct of the defendants, the interests to be vindicated, and the resulting prejudice.

This inquiry hinges upon the particular facts of each case.

Miner v. A & C Tire Co., 146 N.H. 631, 633 (2001) (quotations and citations omitted). A trial court has wide latitude in deciding whether the circumstances justify its application. See id. "Unless we find that the trial court's decision is unsupported by the evidence or erroneous as a matter of law, we will not overturn it." Id.

In support of his argument that an award of retroactive child support should be barred by laches, the respondent notes that no action was brought until fourteen years after the birth of the child, and that the petitioner "admitted that in 1986 and 1987 she was aware that the [r]espondent was residing in New Hampshire . . . [yet she] failed to file any court action . . . and failed to contact a lawyer or investigator in New Hampshire." Even assuming the petitioner unreasonably delayed bringing this paternity proceeding, the respondent has failed to prove that he was materially prejudiced by this delay. See id. at 633-34. The respondent contends that the delay prevented him from refuting the petitioner's allegations that he was aware of her pregnancy. During the hearing, the petitioner testified that she informed the respondent of her pregnancy by giving paperwork to his supervisor. The trial court found that "[t]hrough the receipt of petitioner's letters forwarded to him in the package, respondent discovered petitioner was pregnant." The respondent argues that he was unable to refute the petitioner's allegation that he received the package because he "attempted to obtain business records from his old employer but the company no longer exists" and because he was "unable to locate the witness." Such allegation, however, was inconsequential to the trial court's ultimate determination that the respondent knew of the petitioner's pregnancy. The trial court found that "petitioner telephoned respondent on several occasions: to inform him that she was in labor, that his daughter was born and that she and the child were released from the hospital" and that "[f]ollowing the birth of the parties' child and while they remained in communication, petitioner requested financial assistance . . . from respondent." As the paperwork was not the only source of the trial court's finding that the respondent had been informed of the petitioner's pregnancy, we cannot conclude that the delay resulted in any prejudice.

We also reject the respondent's claim that he has been materially prejudiced by the delay because had he been aware of his obligation to support the child, he would have been "a little more reserved about getting married and having another family" and "[f]inancially [he] may have made a few other choices in [his] life." The respondent has not asserted that he will suffer any particular hardship from having to meet the obligations imposed by the trial court's decree. Cf. State v. Garcia, 931 P.2d 427, 429 (Ariz. Ct. App. 1996) (finding hardship where paternity action not filed for more than sixteen years and father was self-employed as a scrap metal recycler, did not own a home, had a wife and six minor children and no savings or retirement plan); see also Annotation, Retroactive Child Support, 87 A.L.R.5th 361, 431 (2001) (collecting cases in which retroactive child support award was limited or precluded by laches). We conclude, therefore, that the trial court did not err in determining that the petitioner's claim for retroactive child support was not barred by the defense of laches.

We next turn to the respondent's assertion that the trial court erred in admitting into evidence two letters from state agencies relating to the issue of laches. The letters were written by state agencies and indicate that the petitioner contacted them and tried to obtain child support from the respondent through these agencies. The respondent argues that the letters are inadmissible hearsay. The petitioner contends that because the rules of evidence do not apply to these proceedings, the letters are not barred by hearsay.

We need not decide today, however, whether the rules of evidence apply because the trial court's

exercise of discretion in admitting the letters is sustainable. Regardless whether the rules of evidence apply to these proceedings, the trial court strictly applied the rules of evidence and determined that the two letters were admissible under the public records exception to the hearsay rule. See N.H. R. Ev. 803(8). We agree that the letters were admissible under Rule 803(8)(c) because they are statements that set forth "factual findings resulting from an investigation made pursuant to authority granted by law . . . ." Id; see also 4 C. Mueller & L. Kirkpatrick, Federal Evidence § 456 (2d ed. 1994). While one letter simply states that "a child support case was opened [ ] on March 6, 1986 and closed on September 5, 1986," the other letter states that "your child support case was opened on June 21, 1994 . . . [and the case] has been closed . . . [because the] Father's location and/or all identifiable information is unknown. Attempts to locate this person have been made quarterly using at least three locate sources over the past three years, all of which have been un[suc]cessful." The trial court determined that these documents were trustworthy. See 5 J. Weinstein & M. Berger, Weinstein's Federal Evidence § 803.13[1] (J. McLaughlin ed. 2d ed. 2002) (explaining trustworthiness requirement). As the respondent does not point to facts in the record indicating otherwise, we conclude that the trial court properly admitted the letters into evidence.

We next address whether the court's exercise of discretion in refusing to place the retroactive payments into trust was sustainable. The respondent argues that a trust is necessary "to ensure that the funds [are] available for the sole benefit of the minor child." Generally, any retroactive support payments are paid directly to the custodial adult except "under special circumstances where equitable considerations warrant direct payments to the child." West v. Turchioe, 144 N.H. 509, 512 (1999). The respondent has not articulated any special circumstances that would necessitate placing the funds into a trust fund. The petitioner was required to raise the child on a modest income and has incurred significant debt while doing so. As one of the purposes of providing retroactive child support is to remedy past debts incurred by the mother on the child's behalf, we conclude that the trial court's exercise of discretion is sustainable. Cf. State v. Lambert, 147 N.H. 295, 296 (2001) (explaining unsustainable exercise of discretion standard).

We lastly address whether the trial court erred in awarding costs and attorney's fees to the petitioner without receiving copies of the bills for such expenses. As the respondent never specifically objected to the petitioner's failure to introduce the individual receipts, this issue has not been preserved for appeal. See State v. Wisowaty, 133 N.H. 604, 607 (1990).

Affirmed.

BROCK, C.J., and NADEAU and DALIANIS, JJ., concurred.

Speakers

SENATE JUDICIARY COMMITTEE

Date 4/24/03 Time 10:15 a.m. Public Hearing on Bill HB 447

HB 447- limiting retroactive child support awards under the uniform act on paternity.
(Insert here the title of the Bill)

Please check box(es) that apply.

SPEAKING	FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
☐	☒	☐	Nicole Perry	Self
☐	☒	☐	Ned V. White	Strafford
☑	☒	☐	Mike Smith	self
☑	☑	☐	Rep. David A. Bickford	Staff. 68
☐	☐	☐	Atty. John Williams	DHHS/OCSS (Response as requested)
☐	☒	☐	Gary Gagnon JR	Self
☐	☐	☒	MARILYN MAHONEY	self
☐	☐	☐		
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Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date:

THE COMMITTEE ON Judiciary

to which was referred House Bill 447

AN ACT limiting retroactive child support awards under the uniform act on paternity.

VOTE: 4-0

Having considered the same, report the same without amendment and recommend that the bill: **OUGHT TO PASS.**

Senator Joseph A. Foster
For the Committee

HB447 Docket

Next|Prev|Results List|Main|Bill Status

Bill Title: limiting retroactive child support awards under the uniform act on paternity.

Date	Body	Description
1/9/2003	H	Introduced and ref to Child & Fam Law; HJ 12, p196
1/29/2003	H	Hearing Feb 5 2:30 RM206,LOB
3/19/2003	H	Maj Report OTP/AM for Mar 25 (Vote 13-0;CC)
3/19/2003	H	Prop Comm Am{0868}; HC26, p700
3/25/2003	H	Passed with Am; HJ29-pt 1, p819 + pt 2, p965
4/3/2003	S	Introduced and Ref. Judiciary; SJ 11, Pg.272
4/18/2003	S	Hearing; April 24, 2003, Room 105-A, SH, 1:00 p.m.; SC19
5/29/2003	S	Committee Report; Ought to Pass, [06/05/03]; SC25
6/5/2003	S	Ought to Pass, MA, VV; OT3rdg; SJ 19, Pg.634
6/5/2003	S	Passed by 3rd Reading Resolution; SJ 19, Pg.663
6/24/2003	H	Enrolled;
6/24/2003	S	Enrolled; SJ 20, Pg.828
6/30/2003	H	Signed by the Governor on 6/30/2003 Eff: 1/1/2004 Chap: 0197

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Docket Abbreviations