**CONSENT CALENDAR**

**February 7, 2023**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Children and Family Law to which was referred HB 126,**

**AN ACT relative to choosing the accrual date for child support payments. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.**

**Rep. Debra DeSimone**

**FOR THE COMMITTEE**

Original: House Clerk
Cc: Committee Bill File

# COMMITTEE REPORT

| | |
|---|---|
| Committee: | **Children and Family Law** |
| Bill Number: | **HB 126** |
| Title: | **relative to choosing the accrual date for child support payments.** |
| Date: | **February 7, 2023** |
| Consent Calendar: | **CONSENT** |
| Recommendation: | **INEXPEDIENT TO LEGISLATE** |

## STATEMENT OF INTENT

The committee felt that with no amendment to clarify how often a change could be made, the bill lacked the option of consistency and could create acrimony.

Vote 15-1.

Rep. Debra DeSimone
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

**CONSENT CALENDAR**

Children and Family Law

**HB 126,** relative to choosing the accrual date for child support payments. **INEXPEDIENT TO LEGISLATE.**

Rep. Debra DeSimone for Children and Family Law. The committee felt that with no amendment to clarify how often a change could be made, the bill lacked the option of consistency and could create acrimony. **Vote 15-1.**

Original: House Clerk
Cc: Committee Bill File

**HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW**

**EXECUTIVE SESSION on HB 126**

**BILL TITLE:** relative to choosing the accrual date for child support payments.

**DATE:** February 7, 2023

**LOB ROOM:** 206-208

**MOTIONS: OUGHT TO PASS**

Moved by Rep. Raymond | Seconded by Rep. Moulton | Vote: 1-14

**MOTIONS: INEXPEDIENT TO LEGISLATE**

Moved by Rep. DeSimone | Seconded by Rep. Gregg | Vote: 15-1

**CONSENT CALENDAR: YES**

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep Peter Petrigno, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2023 7:58:02 AM
Roll Call Committee Registers Report

2023 SESSION

## Children and Family Law

Bill #: HB 126 Motion: ITL AM #: _____ Exec Session Date: 2/7/23

| Members | YEAS | Nays | NV |
|---|---|---|---|
| Pearson, Mark A. Chairman | ✓ | | |
| Long, Patrick T. Vice Chairman | ✓ | | |
| DeSimone, Debra L. | ✓ | | |
| Bickford, David A. | | ✓ | |
| Nelson, Jodi L | ✓ | | |
| McMahon, Charles E. | ✓ | | |
| Ball, Lorie | ✓ | | |
| Panek, Sandra L | ✓ | | |
| Seidel, Sheila C | ✓ | | |
| Grossman, Gaby M. | ✓ | | |
| Levesque, Cassandra N. | ✓ | | |
| Petrigno, Peter Clerk | ✓ | | |
| Perez, Maria | ✓ | | |
| Gregg, Alicia C | ✓ | | |
| Moulton, Candace | ✓ | | |
| Raymond, Heather | ✓ | | |
| **TOTAL VOTE:** | 15 | 1 | |

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2023 7:58:02 AM
Roll Call Committee Registers Report

2023 SESSION

## Children and Family Law

**Bill #:** HB 126 **Motion:** OTP **AM #:** — **Exec Session Date:** 2/7/23

| Members | YEAS | Nays | NV |
|---|---|---|---|
| Pearson, Mark A. Chairman | | ✓ | |
| Long, Patrick T. Vice Chairman | | ✓ | |
| DeSimone, Debra L. | | ✓ | |
| Bickford, David A. | ✓ | | |
| Nelson, Jodi L | | ✓ | |
| McMahon, Charles E. | | ✓ | |
| Ball, Lorie | | ✓ | |
| Panek, Sandra L | | ✓ | |
| Seidel, Sheila C | | ✓ | |
| Grossman, Gaby M. | | ✓ | |
| Levesque, Cassandra N. | | ✓ | |
| Petrigno, Peter Clerk | | ✓ | |
| Perez, Maria | | ✓ | |
| Gregg, Alicia C | | ✓ | |
| Moulton, Candace | | ✓ | |
| Raymond, Heather | | ✓ | |
| **TOTAL VOTE:** | 1 | 14 | |

**HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW**

**PUBLIC HEARING ON HB 126**

**BILL TITLE:** **relative to choosing the accrual date for child support payments.**

**DATE:** **January 17, 2023**

**LOB ROOM:** **206-208** **Time Public Hearing Called to Order:** **10:28 am**

**Time Adjourned:** **11:05 am**

**Committee Members: Reps. M.Pearson, Long, Petrigno, DeSimone, Bickford, J. Nelson, Ball, Panek Seidel, Grossman, Levesque, M.Perez Gregg and Raymond.**

**Bill Sponsors:**
**Rep. Spillane** **Rep. Roy** **Rep. A. Lekas**
**Rep. Edwards** **Rep. DeSimone**

**TESTIMONY**

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

***Rep. Spillane**
- Introduced his bill
- People get paid at different times. This bill would align with individual pay schedule.

***Vivian Girard**
- In opposition
- Silva vs. Silva case, "Passing this bill is irrelative"
- Amend the bill relative to those self employed who struggle, to give them 90 days. otherwise W2 earners, the 1st. or 15th of the month doesn't matter.

***Matthew Hayes, Bureau of Child Support Services**
- Submitted written testimony
- No position on this bill
- Spoke of statutes that maybe in conflict with the bill.

**Rep. DeSimone - Co-Sponsor**
- In Support of bill
- Spoke of the consistency of regular child support payment.

**Respectfully submitted,**

**Rep. Lorie Ball, Clerk**

# SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB 126 Date: 1/17/23

Committee: Children and Family Law

**** Please Print All Information ****

| Name | Address | Phone | Representing | Pro | Con |
|---|---|---|---|---|---|
| Rep. Notter | | | Hills 12 | ✓ | |
| Vivian Girard | 162 Broad St | Hollis | 603-557-4534 | ✓ | |
| REP Jess Edwards | (Auburn) | | | ✓ | |
| Rep Walt Stapleton | 603-495-1034 | | Sullivan Co #6 | ✓ | |
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# House Remote Testify

## Children and Family Law Committee Testify List for Bill HB126 on 2023-01-1

Support: 2  Oppose: 0  Neutral: 0  Total to Testify: 0

Export to Excel

| Name | City, State<br>Email Address | Title | Representing | Position | Testifying | Non-Germane | S |
|---|---|---|---|---|---|---|---|
| Werme, Paula | Milford, NH<br>pwerme@comcast.net | A Member of the Public | Myself | Support | No | No | 1 |
| Sheehan, Vanessa | Milford, NH<br>vanessa@vanessa4nh.com | An Elected Official | Hillsborough 43 (Milford) | Support | No | No | 1 |

HB 126
1/17/23

HB-126 Accrual date on child support

Thank you Chair and Members of Committee,

-My name is Vivian Girard (formerly Silva). I disagree with this Bill. It does not make any difference putting a date on the child support so passing this bill is irrelevant.

-With over twenty five hearings and five appeals to the supreme court (two of these appeals were combined), and three bad judges, the courts just could not get it right. I was successful at the supreme court on my appeals and the case was remanded back to the same family division judge who chose not to comply with the supreme court decisions based on the RSA 458.

-I can see how a W-2 employee could help but self employed people need to go off when they get paid a specific date may not work.

-DCSS should not pull a driver's license from a self employed individual preventing them from working if they are truly trying to pay vs someone who has the money in their bank account and traveling the world instead of paying arrears. There is a criminal penalty in a civil venue. I agree with not renewing a passport but more thought needs to be put into this.

-In my case my ex'es court financial affidavit shows an income of $150,000/yr. He enjoys vacations to Puerto Rico, Paris and the Grand Canyon and recently purchased a Porsche Cayenne in addition to his Italian motorcycle and 25 ft ski boat -all the while having child support arrears in excess of $51,000-he has never been held in contempt. It appears that there are no consequences for contempts and Robert Silva is the person I know if his arrears went away. How many more are there that you don't know about.

-YES!!! This caused strain on my finances and my children. He tells my kids he pays full support when he does not. There is no accountability for paying child support for him and how much a white collar individual is treated differently. My relationship with my children has been damaged because of this and it will never be the same. This extra stress that was put on me to make up the difference which in turn puts stress on my children.

-This is abuse of the system. It would be great if I got child support this entire time, no one holds white collars accountable. I could have done more with my children such as pizza, ice cream and trips.

-I would have had more TRUST and respect for this court system. The court system treats white and blue collar individuals unequally. This can be VERY dangerous to families. No matter what date you hold for child support they hold the WRONG people to a different standard than others.

-Orders cost too much to pay lawyers, no decision from court comes out in a timely manner. Causes financial hardship.

Again, I can see how a W-2 employee could help but self employed people need to go off when they get paid however this is not the case.

Vivian Girard Timber Post Bed & Breakfast LLC. -Owner/Operator 603-557-4534

Case Name: In the Matter of Robert Silva and Vivian Silva
Case Number: 659-2015-DM-00731

**UNIFORM SUPPORT ORDER**

4. Obligor is ORDERED to PAY THE FOLLOWING AMOUNTS (See Standing Orders 4A-4G.):

4.1 ☑ **CHILD SUPPORT:** $ 1,670.00 per Month.

4.2 ☐ Arrearage of $ 2839. as of 12/15/15 payable $ 100. per month

4.3 ☐ Medical arrearage of $ 0.00 as of _____ payable $ 0.00 per _____.

4.4 ☑ **SPOUSAL SUPPORT (ALIMONY):** $ 1,700 per month * see ¶ 21.

4.5 ☐ Arrearage of $ TBD as of 12/15/15 payable $ 0.00 per _____.

4.6 ☐ Alimony shall terminate _____

5. Payments on all ordered amounts shall begin on 11-9-15 (Service = 11/9/15

All ordered amounts shall be payable to ☑ Obligee ☐ DCSS ☐ Other _____ see 458-C:7

6. ☑ This order complies with the child support guidelines. RSA 458 - C.

{ } This order, entered upon obligor's default, is based on a reasonable estimate of obligor's income. Compliance with the guidelines cannot be determined.

☐ The following special circumstances warrant an adjustment from the guidelines :

_____

7. Support ordered is payable by immediate income assignment.

☐ 8. The Court finds that there is good cause to suspend the immediate income assignment because :

☐ Obligor and obligee have agreed in writing.

☐ Payments have been timely and it would be in the best interest of the minor child(ren) because:

_____

☐ 9A. Obligor is unemployed and MUST REPORT EFFORTS TO SEEK EMPLOYMENT **(See Standing Order 9A).**

☐ 9B. Upon employment the Obligor shall bring the matter forward for recalculation of support. Failure to do so may result in a recalculated support order effective the date of employment.

**MEDICAL SUPPORT FINDINGS (Paragraphs 10 through 15)**

10. OBLIGOR'S medical support reasonable cost obligation: $ 313.00 per month.

10A. ☐ The medical support reasonable cost obligation is adjusted from the presumptive amount because of the following special circumstances (See Standing Order 6):

_____

_____

11. Private health insurance coverage ☐ is not available ☑ is available to the OBLIGOR in an amount equal to or less than the amount of the medical support reasonable cost obligation ordered in paragraph 10.

12. ☐ Private health insurance coverage available to the OBLIGOR is not accessible to the child(ren).

1,666.00 -- monthly effective 3-27-15

DCSS 8737 10/10

accrual 27th

STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD SUPPORT SERVICES

# OBLIGEE'S STATEMENT OF ARREARAGES

| YEAR: 2018 | | | |
|---|---|---|---|
| MONTH | ORDER AMOUNT | PAID AMOUNT | DUE AMOUNT |
| Jan | | | |
| Feb | 1,666.00 | 533.80 | 1132.20 |
| Mar | 1,666.00 | 533.80 | 1132.20 |
| Apr | 1,666.00 | 533.80 | 1132.20 |
| May | 1,666.00 | 533.80 | 1132.20 |
| June | 1,666.00 | 533.80 | 1132.20 |
| July | 1,666.00 | 533.80 | 1132.20 |
| Aug | 1,666.00 | 533.80 | 1132.20 |
| Sept | 1,666.00 | 533.80 | 1132.20 |
| Oct | 1,666.00 | 533.80 | 1132.20 |
| Nov | 1,666.00 | 533.80 | 1132.20 |
| Dec | 1,666.00 | 533.80 | 1132.20 |
| TOTAL ARREARAGE FOR YEAR 2018 | | | $12454.20 |

| YEAR: 2019 | | | |
|---|---|---|---|
| MONTH | ORDER AMOUNT | PAID AMOUNT | DUE AMOUNT |
| Jan | 1,666.00 | 533.80 | 1132.20 |
| Feb | 1,666.00 | 533.80 | 1132.20 |
| Mar | 1,666.00 | 533.80 | 1132.20 |
| Apr | 1,666.00 | 533.80 | 1132.20 |
| May | 1,666.00 | 533.80 | 1132.20 |
| June | 1,666.00 | 533.80 | 1132.20 |
| July | 1,666.00 | 533.80 | 1132.20 |
| Aug | 1,666.00 | 533.80 | 1132.20 |
| Sept | 1,666.00 | 533.80 | 1132.20 |
| Oct | 1,666.00 | 533.80 | 1132.20 |
| Nov | 1,666.00 | 533.80 | 1132.20 |
| Dec | 1,666.00 | 533.80 | 1132.20 |
| TOTAL ARREARAGE FOR YEAR 2019 | | | $13,586.40 |

| YEAR: 2020 | | | |
|---|---|---|---|
| MONTH | ORDER AMOUNT | PAID AMOUNT | DUE AMOUNT |
| Jan | 1,666.00 | 533.80 | 1132.20 |
| Feb | 1,666.00 | 533.80 | 1132.20 |
| Mar | 1,666.00 | 492.28 | 1173.72 |
| Apr | 1,666.00 | 492.28 | 1173.72 |
| May | 1,666.00 | 6,198.80 | 4,532.80 |
| June | 1,666.00 | | |
| July | 1,666.00 | | |
| Aug | 1,666.00 | | |
| Sept | 1,666.00 | | |
| Oct | 1,666.00 | | |
| Nov | 1,666.00 | | |
| Dec | 1,666.00 | | |
| TOTAL ARREARAGE FOR YEAR 2020 | | | $79.04 |

**TOTAL ARREARAGES ON COURT-ORDERED CHILD SUPPORT *FOR ALL YEARS* ARE $ 26,119.64 AS OF: May 27, 2020**

Are you now receiving, or have you ever received public assistance (AFDC or TANF) in New Hampshire or any other state? [ ] Yes [X] No

Obligee's Signature: _____ Date: 6/1/2020

The person signing this statement appeared and signed this before me, and took oath that the facts are true.

_____ 6/1/2020
Notary Public/Justice of the Peace Date

Matthew R Passalacqua
Justice of the Peace
State of New Hampshire
My Commission Expires
April 17, 2024

For Division of Child Suport Services Use Only

Obligor's Name: Robert Silva Obligee's Name: Vivian GIRARD-SILVA

Case ID: 301604586 Case Type: [ ] IV-D AFDC/TANF [X] IV-D Non-AFDC/TANF [ ] IV-E Foster Care [ ] MA- Only

DCSS PR 99-06

**HB 126 - AS INTRODUCED**

2023 SESSION

23-0091
06/04

HOUSE BILL ***126***

AN ACT relative to choosing the accrual date for child support payments.

SPONSORS: Rep. Spillane, Rock. 2; Rep. Roy, Rock. 31; Rep. A. Lekas, Hills. 38; Rep. Edwards, Rock. 31; Rep. DeSimone, Rock. 18

COMMITTEE: Children and Family Law

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ANALYSIS

This bill permits obligors of child support debt to choose what day of the month the debt is paid.

- - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -

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 126 - AS INTRODUCED**

23-0091
06/04

STATE OF NEW HAMPSHIRE

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

AN ACT relative to choosing the accrual date for child support payments.

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

1 Alternative Method of Support Enforcement for Dependent Children; Support Debt; Creation of Support Debt. Amend RSA 161-C:4, I to read as follows:

I. Any payment of public assistance made to or for the benefit of a dependent child creates a debt due and owing to the department by any ***obligor or*** responsible parent. Except as otherwise provided in RSA 161-C:5, the amount of the debt shall be equal to the calculation of a weekly child support obligation derived in accordance with RSA 458-C:3 as applied to the ***obligor's or*** responsible parent's current income, multiplied by the number of weeks that public assistance was paid or the total amount of public assistance that was paid, whichever is less. ***The support debt shall be paid, at the obligor's or responsible parent's choosing, on either the first or the fifteenth day of the month.***

2 Effective Date. This act shall take effect 60 days after its passage.