

# Senate Children and Family Law Committee

*Declan Donahue 271-3324*

**HB 1229**, relative to waivers of alimony.

**Hearing Date:** March 19, 2026

**Time Opened:** 12:06 p.m.

**Time Closed:** 12:14 p.m.

**Members of the Committee Present:** Senators Abbas, Sullivan and Long

**Members of the Committee Absent :** None

**Bill Analysis:** This bill requires waivers of alimony to be enforced unless the waiver is found invalid.

---

**Sponsors:**

Rep. Markell

Rep. Kuttab

Rep. Litchfield

Rep. M. Pearson

---

**Who supports the bill:** Rep. Jay Markell, Rep. Debra DiSimone, Curtis Howland, Pamela Harders, Aubrey Freedman

**Who opposes the bill:** Georgina Lambert

**Summary of testimony presented:**

**Representative Jay Markell (Rockingham - District 18)**

- Senator Abbas preempted the bill introduction and stated that it may be as simple as making one of the roman numerals 8 instead of 7 to address a conflict with HB 1228, but he is not certain.
- This bill brings the state into the present with how alimony is viewed and agreements are made.
- A key case here is Norberg, where the Supreme Court decided it would retain jurisdiction over alimony.
- It is contrary to the idea of settlement to have orders and agreements where parties can agree to waive past, present or future alimony but have that not be enforceable when the court takes jurisdiction.
- Presently, if you enter into a prenuptial agreement in New Hampshire, most of the time the property aspects of the case can be enforced according to their terms as long as it wouldn't be unconscionable to enforce it.
- You can never be sure in prenuptial agreements if you can properly waive alimony or be compensated for it.

- This creates a greater likelihood that an agreement would be enforced absent certain barriers to contract formation or enforcement.
- Current contract law would then apply to these agreements in terms of unconscionability.
- Now you would have greater reliability and predictability in the management of the case and foster settlement.
- A party aggrieved through no fault of their own would then be able to seek alimony.
- Massachusetts does this, where waivers of alimony can be treated as contract matters.
- This is not an anti-alimony bill, but recognizes things have changed and fosters settlement where people resolved their cases in a way that adds predictability in a divorce case.
- Senator Abbas highlighted the defenses to contract enforcement brought up by Rep. Markell and asked if that is what inspired the language of this bill.
  - o Yes. For a South Carolina case migrated from New Hampshire, when asked for a legal opinion relative to the enforcement of a prenuptial agreement, Rep. Markell stated that they are treated as contracts with heightened scrutiny by the New Hampshire Supreme Court.

**Representative Debra DiSimone (Rockingham - District 18)**

- The statutes need to be updated, we are a very litigious society and some people are just not savvy to the law.
- HB 1229 gives the court the law to refer to guide their decisions when it comes to waiving alimony, stating what they should and should not consider when making a ruling.

DD  
Date Hearing Report completed: March 31, 2026