

Senate Children and Family Law Committee

Joshua Schauer 271-3077

HB 213, relative to wage garnishment for child support.

Hearing Date: April 3, 2025

Time Opened: 9:53 a.m.

Time Closed: 10:10 a.m.

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

Members of the Committee Absent : None

Bill Analysis: This bill adds restrictions to the circumstances for an income assignment.

Sponsors:

Rep. Spillane

Rep. Aures

Rep. DeSimone

Rep. Roy

Rep. Seidel

Rep. Ulery

Rep. Kofalt

Sen. Innis

Sen. Murphy

Who supports the bill: Representative James Spillane (R-2), Representative Debra DeSimone (R-18), Betty Gay, Gayle Drobat, Lisa Post, Dave Biss, Mimi Alberu, Jim and Nina Kelly.

Who opposes the bill: Robert Tangway, Janet Lucas.

Summary of testimony presented in support:

Representative James Spillane: Rockingham 2

- Representative Spillane stated that this bill passed through the house last term and is a simple fix.
- He stated that the current law affords people the ability to not garnish wages as a default. He elaborated, saying that the current system is set up so that when there is child support, the default is people automatically have their wages garnished, regardless of payment history.
- He said that there is a section of this law that if both parties agree, they can make their own payment schedule, he says however, that families are not told this by the court.
- He said HB 213 seeks to require the judge to inform both parties that they have that right in the final court hearing of their case.

- The judge would also provide them with a form that says the details of when the garnishment of wages will become mandatory, and other provisions related to the garnishment of wages.
- He gave a personal example of how he was not informed of this provision during his divorce, and had his wages garnished automatically when he would rather have set up a payment plan amicably with his ex-wife.
- The form that the judge is to hand out to the parties will inform when wage garnishment will be mandatory unless an agreement is made between the two parties. It would also be put in writing for the court, the parameters of the agreed upon private payment plan.
- He said that the committee on the house side asked that they pull a fiscal note because it may cost money to develop the form.

Senator Long asked that if two parties have agreed to a payment plan then the court cannot garnish the wages or null the agreement between the two parties?

Representative Spillane said that under current law the way its written into the garnishment, it says wages shall be garnished unless both parties agree to an alternate method of payment.

- He said that it would have to be an agreement of both parties, and it would have to have been already decided how the payments would be processed. Under the garnishment, the law currently allows the court to start garnishing if the paying party falls into a delinquent state and fails to pay.

Betty Gay: Former Representative

- Ms. Gay stated that this bill is good because it requires people to be informed of their payment plan options.
- She asked that the form that the parties are required to fill out be added to line five, because if both parties come to an agreement as evidenced by the signature, then no one can plead ignorance.
- She said that other than that parameter, this bill is good.

Representative Debra DeSimone: District 18

- Representative DeSimone said that she co-sponsored the bill, and that the bill helps child support agencies that are inundated with the garnishment and collection of wages.
- She said many times the garnishment of wages is unnecessary and that an agreed to payment plan could be a more amicable solution for many couples.
- She said that most parents want to support their children and reiterated that the bill would decrease the workload of the child support agency.

- The bill would also give parents the opportunity to pay on their own schedule if agreed upon by both parties.

Representative James Spillane, Rockingham 2

- Representative Spillane wanted to bring awareness to line 5 of the bill, where the word *arraignment* should be *arrangement* and if the committee would amend that.

Summary of testimony presented in opposition:

Robert Tangway

- Mr. Tangway stated that he opposes HB 213.
- He stated that the bill is written on false terms, and that what really needs to happen is the removal of 173:B.
- He said that the state is funded by the federal government, and that over one third of the state's budget comes from federal grants.
- He stressed that what is happening is not garnishment but rather something called income assignment.
- He claimed that DHHS is contracting with the courts to rush litigants through and claimed that the current system encourages families to break up.