CHAPTER 140
HB 1564-FN - FINAL VERSION

2024 SESSION

24-2039
05/10

HOUSE BILL ***1564-FN***

AN ACT relative to the child support guidelines.

SPONSORS: Rep. Kuttab, Rock. 17; Rep. M. Smith, Straf. 10; Rep. Ball, Rock. 25; Rep. DeSimone, Rock. 18; Rep. Maggiore, Rock. 23; Rep. Yokela, Rock. 32; Rep. Edwards, Rock. 31; Rep. B. Boyd, Hills. 12; Rep. Gibbons, Hills. 20; Rep. Popovici-Muller, Rock. 17; Sen. Birdsell, Dist 19

COMMITTEE: Children and Family Law

ANALYSIS

This bill revises criteria for adjustment of the child support guidelines based on the parenting schedule and increases the child support self-support reserve.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to the child support guidelines.

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

140:1 New Paragraph; Child Support Guidelines; Definition of Eligible Child Care Costs Added. Amend RSA 458-C:2 by inserting after paragraph III the following new paragraph:

III-a. "Eligible child care costs" are the costs for child care incurred by either parent, necessitated by the parent's employment, paid to a child care provider.

140:2 New Paragraphs; Child Support Guidelines; Definitions of Parenting Time and Parenting Schedule Added. Amend RSA 458-C:2 by inserting after paragraph VIII-a the following new paragraphs:

VIII-b. "Parenting time" is a period of time when a parent has physical responsibility for their children.

VIII-c. "Parenting schedule" is a schedule agreed-to by the parents, or ordered by the court, which specifies the days of the week and hours of the day when each parent has parenting time with their children.

(a) An "approximately equal parenting schedule" is a parenting schedule where each parent has parenting time for greater than 40 percent of the annual parenting schedule.

(b) A "substantially shared parenting schedule" is a parenting schedule where each parent has parenting time for greater than 35 percent of the annual parenting schedule.

140:3 New Paragraph; Child Support Guidelines; Definition of "Substantially Similar Incomes" Added. Amend RSA 458-C:2 by inserting after paragraph X the following new paragraph:

X-a. "Substantially similar incomes" are cases where the difference between the gross monthly incomes of the parents is not greater than 10 percent.

140:4 Child Support; Self-Support Reserve. Amend RSA 458-C:2, X to read as follows:

X. "Self-support reserve" means [~~115~~] ***130*** percent of the federal poverty guideline for a single person living alone, as determined annually by the United States Department of Health and Human Services.

140:5 Child Care Guidelines; Adjustment for Special Circumstances. RSA 458-C:5, I(h) is repealed and reenacted to read as follows:

(h) Parenting schedule.

(1) In cases where the parties will each be financially responsible for 50 percent of all eligible child care costs, 50 percent of all uninsured medical expenses for the children, and 50 percent of any agreed-upon extracurricular activities in which the children may participate; and the parties:

(A) Have substantially similar incomes and an approximately equal parenting schedule, there is a rebuttable presumption that a $0 child support obligation is appropriate.

(B) Have substantially similar incomes and a substantially shared parenting schedule, there is a rebuttable presumption that a deviation from the child support guidelines is appropriate.

(C) Do not have substantially similar incomes and do not have an approximately equal or substantially shared parenting schedule, there is a rebuttable presumption that the child support guidelines calculation provides the appropriate child support obligation.

(D) Do not have substantially similar incomes but do have an approximately equal or substantially shared parenting schedule, the child support guidelines calculation may or may not provide the appropriate child support obligation. This determination shall be made in the best interest of the children, with the paramount consideration being whether, with any proposed adjustment to the guidelines, the income of the lower earning parent enables that parent to meet the costs of child rearing in a similar or approximately equal style to that of the other parent.

(E) Have a substantially shared or approximately equal parenting schedule and no extraordinary circumstances, a child support order should not result in the obligee parent having higher adjusted monthly income than the obligor parent, after adjusting for Federal Income Taxes and Social Security and Medicare expenses for each parent, as provided under the current child support guidelines table.

(2) Subparagraph (1) may not apply in cases where extraordinary circumstances are present, such as the care of a child with significant health issues, long distances between the parents' residences, or the parent's unusual or unpredictable work schedules, or in cases where there is evidence of abuse, as defined in RSA 173-B:1, I. Subparagraph (1) shall not apply when the application of the presumption is deemed not to be in the best interest of the children.

140:6 Parental Rights and Responsibilities; Definition of Parenting Schedule. Amend RSA 461-A:1, VII to read as follows:

VII. "Parenting schedule" means the schedule [~~of when the child is in the care of each parent~~] ***agreed to by the parents, or ordered by the court, which specifies the days of the week and hours of the day when each parent has parenting time with their children***.

140:7 Effective Date. This act shall take effect January 1, 2025.

Approved: July 03, 2024
Effective Date: January 01, 2025