

HB 320-FN - VERSION ADOPTED BY BOTH BODIES

2025 SESSION

25-0383

09/11

HOUSE BILL

320-FN

AN ACT

relative to enforcement of marital property settlements.

SPONSORS:

Rep. Markell, Rock. 18; Rep. DeSimone, Rock. 18; Rep. Bernardy, Rock. 36; Rep. L. Walsh, Rock. 15; Rep. M. Pearson, Rock. 34

COMMITTEE:

Children and Family Law

ANALYSIS

This bill enacts standards governing a motion or petition for contempt or for the enforcement of a property settlement or decree of divorce, including allowing a respondent to argue that the term is invalid.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to enforcement of marital property settlements.

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

1 1 New Section; Annulment, Divorce, and Separation; Enforcement; Defense. Amend RSA 458
2 by inserting after section 51 the following new section:

3 458:51-a Enforcement; Defense.

4 I. Upon motion or petition by a party for enforcement of a final property settlement or decree
5 of divorce, or for contempt related to any proceeding under this chapter, the court shall enforce such
6 settlement or decree according to its terms, unless the settlement or decree or relevant part thereof,
7 is shown to be invalid due to fraud, duress, deceit, impossibility, misrepresentation, mutual mistake,
8 undue influence, or subsequent illegality by a preponderance of the evidence.

9 II. In the enforcement of any such final decree, the court shall fashion remedies that place
10 the parties in the position as if the decree had been fully performed according to its terms.

11 III. This section shall apply to any motion or petition filed after the effective date of this
12 section, regardless of when the underlying settlement or decree was entered.

13 2 Effective Date. This act shall take effect January 1, 2026.

**HB 320-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to enforcement of marital property settlements.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

METHODOLOGY:

This bill enacts standards governing a motion or petition for contempt or for the enforcement of a property settlement or decree of divorce, including allowing a respondent to argue that the term is invalid.

The Judicial Branch does not expect this change in the law would result in more than \$10,000 to \$100,000 of additional costs associated with an increased litigation and additional labor by judges and court staff.

AGENCIES CONTACTED:

Judicial Branch