

Introduction to Child Support

Child Support in New Hampshire

Under New Hampshire law, all parents must support their children. In most cases, the parent who is responsible for the child's primary residence is the parent to receive child support from the other.

Who must pay child support?

A parent must financially support his or her children, even if:

- the parent and child live in different households, or,
- the parents were not married to each other when the child was born, or,
- either parent remarries, or,
- the parent who provides the child's primary residence is employed or receives public assistance, or,
- the parent who provides the child's primary residence refuses to allow visitation, or,
- the parent who does not provide the child's primary residence lives or works in another state.

Children are entitled to support until they reach age 18, or end their high school education, whichever happens later, or support may extend through their college education.

What is the Division of Child Support Services (DCSS)?

The New Hampshire Division of Child Support Services ("DCSS") is a state agency which provides help in:

- locating absent parents,
- establishing paternity,
- establishing support orders,

- enforcing support orders and collecting support from the parent.

Child support services are available to any parent or guardian with whom the child lives, even when the other parent lives in another state. To reach DCSS Client Services, call 1-800-852-3345 Extension 4745 or 603-271-4427 or visit the [DHHS Division of Child Support Services website](#).

Receiving public assistance

If you are receiving public assistance, child support services are automatically provided. *If you receive Temporary Aid to Needy Families , TANF your right to child support is transferred , assigned to the State , up to the amount of assistance you receive*

Not receiving public assistance

If you are not receiving public assistance, you must file an application if you want DCSS services. Applications for services are available at the nearest Health and Human Services district office, or by calling Client Services at 1-800-852-3345 Ext. 4745 or 603-271-4427.

You do not have to wait for DCSS to act in order to request child support. You may request child support on your own (pro se), or with the help of an attorney.

Paternity and child support.

Paternity must be established before a father can be required to pay child support. The law now allows you to file a paternity action up to the child's 18th birthday. Contact DCSS for help in establishing paternity. You may also call 603 Legal Aid to request more information.

How do I ask for child support?

To ask a court to order child support, you start the process by filing a Petition for Parental Rights and Responsibilities, or include the request in a Petition for Divorce. **See our page on filing a Petition for Parental Rights & Responsibilities.**

What is a petition?

A petition is the paper that tells the court the facts of the case, begins the case against the other party, and asks for court orders. You can get a blank petition form from the court.

You must file the petition with the Superior Court or Family Division in the county where either parent or the child lives. If you are unsure where to file, check the [court's website](#) that lists courts by county and town, or call the Court at (603) 271-6418.

In the petition you must state:

- The names and addresses of both parents;
- The names and ages of the children;
- That the paternity of the children is established (see "Paternity and child support" in this pamphlet);
- Whether or not the State has provided or is providing aid for the support of the children (if so, then a copy of the petition must be sent to DCSS – Legal Office; 129 Pleasant Street; Concord, NH 03301-3857 at the time it is filed with the court);
- That support for the children is requested.

How do I notify the other party?

When you file the petition, you must supply the court with an original and two copies (three total). The court then returns two copies to you with "Orders of Notice." The Orders of Notice are court orders and directions which apply to you and will apply to the other party once he or she receives them.

After you get the papers back from the court, read the Orders carefully. There may be specific instructions for you about providing proper notice to the other party. Unless there are instructions otherwise, you must have the Sheriff deliver (serve) a copy of them to the other parent. Send BOTH copies of the documents to the Sheriff in the county where the other parent lives with a letter requesting service at the other parent's home. It is important that you make a copy for yourself before sending them to the Sheriff. After the Sheriff serves the documents, the Sheriff will return one copy to you with a "Return of Service" indicating that service was accomplished. You must file the Return of Service with the court. **The Sheriff charges a fee for the service and mileage traveled, unless a waiver is granted (see below).**

What about filing fees?

There are service fees and fees for filing the petition with the court. You can request waiver of these fees by filing a Motion to Waive Filing and Service Fees. You will have to submit a sworn financial affidavit in order to establish that you are not able to pay the necessary fees. Ask the court clerk for a financial affidavit form. The court may or may not grant the motion.

What forms must I file?

When you request an order for child support, both parents are required to file the following three forms that you can get from the Superior Court and Family Division Clerk's Offices.

Financial Affidavit

The financial affidavit is a form which requires disclosure of information concerning your income and expenses. Putting false information in a financial affidavit is a crime. See our page on Financial Affidavits for more information and a link to the Court's form.

Child Support Worksheet

This form is used to calculate child support. The income information is taken from the financial affidavits. Use the child support guideline worksheet available at the Superior Court or Family Division Clerk's Office to calculate the correct support amount.

Formula

New Hampshire's child support guidelines provide a formula for determining how much child support an absent parent is required to pay. Generally the amount is 25% of adjusted gross income for one child; 33% for two children; 40% for three children; and 45% for four or more children. The amount of child support may change if there are child care expenses, or if the absent parent provides medical insurance for the children, (see Medical support), or if a judge determines there are special circumstances.

Uniform Support Order

This form becomes part of the court's order. It addresses important issues related to support payments, public assistance, medical insurance and health care expenses. It also requires both parties to inform the court of changes in address, income or employment.

Medical support

An absent parent may be required to provide medical support for his or her children and may be required to obtain health insurance coverage if it is available at a reasonable cost, such as through an employer's group health insurance policy or other group plan. You can petition the court for an order for medical support.

When the absent parent provides medical insurance coverage, he or she receives a partial credit which is likely to result in a reduction of the child support order.

Can a support order differ from the guidelines?

Parents may agree to a support order different from the guideline amount, or a court may order a different amount, if there are special circumstances. Special circumstances may include extraordinary medical, dental or education expenses; significantly high or low income of either parent; or other special circumstances that cause an order to be too low or too high. Court approval is required for any child support order that is different from the guidelines (and DCSS approval is required if a parent receives public assistance).

Contested hearing

After you have filed the necessary papers with the court, your case will be scheduled for a contested hearing. At the hearing you should be prepared to present evidence of both parents' monthly income and living expenses (pay stubs, receipts for extraordinary expenses, etc.); total number of dependents; medical insurance; and anything else that will help the judge to determine how much child support to order. After hearing the evidence, the judge will issue an order setting out the amount of child support to be paid, and addressing questions about medical insurance coverage.

If you reach an agreement with the other parent and file it with the court, you will be scheduled for an uncontested hearing instead of a contested hearing.

Can a child support order be changed?

You have the right to request review of your child support order every three years. If there has been a "substantial change" in your, or the absent parent's financial circumstances, you may request review earlier.

To request a change in your support order, file a Petition to Modify Support Order. You can obtain a Support Order Modification Kit by calling DCSS (1-800-852-3345, Ext. 4745 or 603-271-4427).

Enforcing an order

Child support orders, whether new or modified, entered on or after January 1, 1994, are subject to immediate income assignment (income withheld directly from the paycheck. Income assignments are handled through DCSS, but you must file for services with DCSS and provide a copy of the order before they will act upon the income assignment.

What can I do if child support is not paid?

It is important to keep accurate records of all support payments you receive. In cases where child support payments have been ordered but are not being made, you can file an application for services with DCSS and/or file a Motion for Contempt. If the non-paying parent is in contempt, the court may do any or all of the following:

order payments be made through DCSS (after you get this order, you must apply for services with DCSS if you have not already done so, and send them a copy of the order),

- order property to be sold,
- order the non-paying parent to be jailed until support is paid,
- order the non-paying parent to pay your costs and attorney's fees,
- order the employer to deduct the support from the non-paying parent's paycheck,
- intercept the absent parent's tax refund,

- take other legal steps to get child support.

Just one piece of the process.

Remember that in almost all cases a request for Child Support is made as just one piece of the overall process. Usually, an allocation of parental rights and responsibilities or divorce is the context in which child support is evaluated. Make sure that you carefully consider all of the implications of going forward with any legal action before filing with the Court. [Divorce](#) and [Parental Rights](#) actions both require the completion of many other kinds of forms, and orders made will have far reaching effect.

This page is based on the law in effect at the time of publication. It is issued as a public service for general information only, and is not a substitute for legal advice about the facts of your particular situation.

Try Also Reading...

- [Child Support Modification Kit](#)
- [Financial Affidavits](#)

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