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THE SUPREME COURT OF NEW HAMPSHIRE

9th Circuit Court-Nashua Family Division
Case No. 2024-0715
Citation: In the Matter of Stansfield & Patti, 2026 N.H. 17

IN THE MATTER OF JILL STANSFIELD AND TODD PATTI

Submitted: October 15, 2025
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Todd Patti did not appear.

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GOULD, J.

[¶1] The petitioner, Jill Stansfield (mother), appeals an order of the Circuit Court (Rauseo, J.) approving a parenting plan but ruling that it lacked subject matter jurisdiction to both award child support and issue other support-related orders. We reverse and remand.

I. Background

[¶2] The following facts are drawn from the trial court order and the record. The mother and the respondent, Todd Patti (father), are the unmarried parents of two children. The parties separated in January 2023. In March 2023, the father stopped depositing his pay into the parties' joint account and stopped contributing to any expenses. Sometime thereafter, the father informed the mother that he was relocating to Florida. In October 2023, the mother, a resident of New Hampshire, filed a parenting petition seeking final orders, including an order requiring the father to pay child support.

[¶3] The father did not file an appearance, and the trial court held a final default hearing on August 12, 2024. The trial court then issued a final parenting decree and a parenting plan but declined to issue a child support order. The mother filed a motion to reconsider, and the court scheduled a hearing. At the hearing, the trial court agreed that it had personal jurisdiction over the father but stated that it lacked subject matter jurisdiction to award child support because of language contained in RSA 546-B:31, a provision of the Uniform Interstate Family Support Act (UIFSA). See RSA 546-B:31 (2021). In its narrative order denying the motion to reconsider, the trial court explained that it “does not have subject matter jurisdiction under RSA 546-B:31, which requires that a responding tribunal such as New Hampshire having personal jurisdiction over its parties may only issue a Support Order if the individual seeking the order resides outside of New Hampshire.” The mother argues on appeal that the trial court erred when it declined to issue a child support order for lack of subject matter jurisdiction. We agree.

II. Analysis

[¶4] A court does not have power to hear a case concerning subject matters over which it lacks jurisdiction. Colburn v. Saykaly, 173 N.H. 162, 164 (2020). Whether a trial court has subject matter jurisdiction is a question of law. Id. Our standard of review is de novo. Id.

[¶5] Because the jurisdiction of the family division is conferred entirely by statute, “we look to the relevant statutes to determine whether the family division ha[s] subject matter jurisdiction.” In the Matter of Muller & Muller, 164 N.H. 512, 517 (2013). RSA 490-D:2 provides that the family division has exclusive jurisdiction over “[p]etitions for divorce, nullity of marriage, alimony, custody of children, support, and to establish paternity.” RSA 490-D:2 (Supp. 2025). By its plain language, RSA 490-D:2 provides the family division with the authority to issue orders for child support, and with the creation of the circuit court, RSA 490-F:3 conferred that authority on the circuit court. See RSA 490-F:3 (Supp. 2025).

[¶6] The question we address in this appeal is whether RSA 546-B:31 divests the circuit court of subject matter jurisdiction conferred by RSA 490-D:2 when a person seeks support from someone who resides in another state, even when the trial court has personal jurisdiction over both parties. For the reasons discussed below, we conclude that RSA 546-B:31 has no effect on the circuit court’s subject matter jurisdiction in this case.

[¶7] We rely on our ordinary rules of statutory construction to interpret UIFSA. In the Matter of Penichet & Corroon, 177 N.H. 227, 230 (2025). Accordingly, we first look to the language of the statute itself and, if possible, construe that language according to its plain and ordinary meaning. Id. In doing so, we will not consider what the legislature might have said or add language that the legislature did not see fit to include. In the Matter of Scott & Pierce, 160 N.H. 354, 359 (2010). We consider words or phrases within the context of the statute as a whole rather than in isolation, and we construe all parts of a statute together to effectuate its overall purpose. Id. at 359-60. Doing so enables us to interpret statutory language in light of the policy or purpose sought to be advanced by the statutory scheme. Id. at 360.

[¶8] Because UIFSA is a uniform law, we may also take into account the official comments to UIFSA, later amendments to UIFSA when “they provide insight into the intended meaning of New Hampshire’s existing statute,” and the interpretation of UIFSA by courts in other jurisdictions. In the Matter of Ball & Ball, 168 N.H. 133, 137 (2015) (quotation omitted) (observing that “uniform laws should be interpreted to effect their general purpose to make uniform the laws of those states that enact them” (quotation omitted)); see RSA 546-B:56 (2021) (stating that, in applying and construing RSA chapter 546-B, “consideration must be given to the need to promote uniformity of the law with respect to its subject matter among the states that enact it”).

[¶9] “UIFSA is a model act adopted by the National Conference of Commissioners on Uniform State Laws at the behest of Congress. . . .” Scott & Pierce, 160 N.H. at 358 (quotation omitted). It applies when more than one jurisdiction is involved in child support proceedings, and its purpose is to avoid conflicting child support orders issued by courts in different states. Ball, 168 N.H. at 138. UIFSA has been enacted in all fifty states and the District of Columbia. Scott & Pierce, 160 N.H. at 359. It is divided into nine articles that provide the procedural and jurisdictional rules for “establishing, enforcing, and modifying child and spousal support orders and for determining parentage when more than one state is involved in these proceedings.” Id. at 359-60.

[¶10] We begin our analysis with the language of the provision on which the trial court relied when it ruled that it lacked subject matter jurisdiction to issue a child support order in this case. RSA 546-B:31 (Establishment of

Support Order) codifies Section 401 of the Uniform Act. It is found in Article 4 of UIFSA and provides in part:

- I. If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this state with personal jurisdiction over the parties may issue a support order if:
 - (a) The individual seeking the order resides outside this state; or
 - (b) The support enforcement agency seeking the order is located outside this state.

RSA 546-B:31, I; Unif. Interstate Family Support Act (2008) § 401 (amended 2015), 9 Part 1B U.L.A. 330 (2019). “Responding tribunal” is defined in UIFSA as “the authorized tribunal in a responding state or foreign country.” RSA 546-B:1, XXIV (2021). “Responding state” is defined as “a state in which a petition or comparable pleading for support or to determine parentage of a child is filed or to which a petition or comparable pleading is forwarded for filing from another state or a foreign country.” RSA 546-B:1, XXIII (2021).

[¶11] The trial court concluded that the “plain language” of RSA 546-B:31 requires that where one of the parents before it resides in a state other than New Hampshire, the nonresident parent must be the one who seeks an order establishing child support for the court to have the authority to issue a support order. The trial court read the language “may issue a support order” to mean that a tribunal has the authority to issue a support order only if the circumstances set forth in (a) or (b) exist. In isolation, this is a plausible reading of the provision. Read in the context of the statute as a whole, however, we conclude that the provision does not apply to the circumstances presented in this case.

[¶12] The trial court found that it had personal jurisdiction over the father, a finding that is supported by the record. RSA 546-B:3 enumerates eight grounds to establish jurisdiction over a nonresident party in relation to support and paternity claims. See Penichet, 177 N.H. at 231; RSA 546-B:3, I (2021). In this case, the father had resided with the children in this state; consequently, at least one of the enumerated grounds existed to establish jurisdiction over the father. See RSA 546-B:3, I(c). The official comments to the corresponding section of the uniform act state that “[i]n situations in which the long-arm statute can be satisfied, the petitioner . . . has two options: (1) utilize the long-arm statute to obtain personal jurisdiction over the respondent, or, (2) initiate a two-state proceeding under the succeeding provisions of UIFSA seeking to establish a support order in the respondent’s state of residence.” Unif. Interstate Family Support Act (2008), § 201 cmt. (amended 2015), 9 Part 1B U.L.A. at 291. The mother here pursued the first option. We therefore

conclude that the circuit court was not a “responding tribunal” in a two-state proceeding.

[¶13] Rather, RSA 546-B:11-a governs the disposition of this case. See RSA 546-B:11-a (2021). That statute, a part of the jurisdictional provisions of UIFSA Article 2, provides that “[a] tribunal of this state exercising personal jurisdiction over a nonresident in a proceeding under this chapter” may use certain procedures provided in Article 3 for purposes of exercising its subject matter jurisdiction but states that “[i]n all other respects, Articles 3 through 6 do not apply, and the tribunal shall apply the procedural and substantive law of this state.” Id. According to the official comments to this provision of the uniform law:

Assertion of long-arm jurisdiction over a nonresident results in a one-state proceeding without regard to the fact that one of the parties resides in a different state or in a foreign country. On obtaining personal jurisdiction the tribunal must apply the law of the forum. Once personal jurisdiction has been asserted [by the tribunal] over a nonresident, the issuing tribunal retains continuing exclusive jurisdiction to modify, and continuing jurisdiction to enforce a support order in accordance with the provisions of this Act.

Unif. Interstate Family Support Act (2008), § 201 cmt. (amended 2015), 9 Part 1B U.L.A. at 291. Hence, RSA 546-B:11-a makes clear that where, as here, a resident petitioner initiates a support proceeding in a tribunal that has personal jurisdiction over a nonresident respondent, Articles 3 through 6 have no applicability except as stated in that provision. Consequently, RSA 546-B:31, which is included in Article 4, does not apply under the circumstances of this case.

[¶14] For the foregoing reasons, we conclude that the trial court erred when it ruled that the language in RSA 546-B:31 precluded it from awarding child support and issuing other support-related orders. We therefore reverse and remand.

Reversed and remanded.

DONOVAN and COUNTWAY, JJ., concurred; MACDONALD, C.J., did not participate in the final vote.