
Judiciary Committee

HB 1009

Title: An act relating to establishing work groups to periodically review and update the child support schedule.

Brief Description: Establishing work groups to periodically review and update the child support schedule.

Sponsors: Representatives Moeller, Wallace, Linville, Wood and Dickerson.

Brief Summary of Bill

- Requires the Division of Child Support (DCS) to: (a) convene a work group to continue the work of the 2005 work group; and (b) convene a work group every four years, starting in 2011, to review the child support guidelines;
- Requires the Joint Legislative Audit and Review Committee, starting in 2011 and every four years thereafter, to analyze child support data, review the application of child support guidelines and the recommendations of the work group, and review other information;
- Requires the summary report on child support orders and modifications to be sent to the DCS rather than the Administrative Office of the Courts.

Hearing Date: 1/16/07

Staff: Trudes Tango (786-7384).

Background:

The Division of Child Support (DCS), which is within the Department of Social and Health Services, is responsible for administering Washington's child support enforcement program. The DCS provides support enforcement services to parents receiving public assistance and to those non-assistance parents who request support enforcement services.

Mechanism for Review

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Current law requires the Legislature to review the child support schedule, which contains guidelines and the economic table, every four years to determine whether the support schedule results in appropriate support orders. While the Legislature has considered modifications to the child support guidelines over the years, there has not been a major substantive change made to the methods for calculating child support or to the economic table.

Order Summary Report

The order summary report is a form created by the Administrative Office of the Courts (AOC). A party seeking to establish or modify a child support order must file an order summary report with the court clerk, and the clerk must send those forms to the AOC. The purpose of the form is to collect data necessary for reviews of the child support schedule.

Child Support Work Group

In March of 2005, the Governor charged the DCS to convene a workgroup to address issues related to the review of the state child support guidelines. The Governor's request was in response to a letter received by the DCS from the federal Office of Child Support Enforcement (OCSE). OCSE expressed concern that Washington's child support guidelines had not been adequately reviewed in several years as required by federal law. Failure to adequately review the child support guidelines could result in a recommendation by OCSE to disapprove Washington State's child support state plan. Disapproval could result in suspension of federal payments for the DCS's program, as well as jeopardize some of the federal money the state receives for the Temporary Assistance for Needy Families program.

In response to the Governor's request, DCS established a Child Support Guidelines Workgroup. The workgroup's report was to include:

- (a) recommendations for needed amendments to the state's child support guidelines statutes;
- (b) a process for improving record keeping of orders entered; and
- (c) a better method of ensuring that the state's child support guidelines are reviewed and updated as federally required.

The workgroup met monthly from April 2005 until December of 2005. It issued a report on January 16, 2006, and made a number of final recommendations to the Legislature.

Summary of Bill:

Order Summary Report

The format of the order summary report is revised. The report must be included at the top of the first page of the child support worksheets, but it is not to be considered part of the worksheet. The order summary report must contain all data the Division of Child Support (DCS) needs to perform a quadrennial review of the child support schedule. On a monthly basis, the clerk of the court must transmit all child support worksheets and order summary reports to the DCS. The DCS must store and maintain all of the order summary report data and prepare a report at least every four years.

Mechanism for Review

By August 1, 2007, the DCS must convene a work group to continue the work of the 2005 work group and produce recommendations to the Legislature by December 1, 2007. The work group must review and make recommendations to the Legislature on specific issues. The 21-member work group shall consist of:

- (a) the director of the DCS;

- (b) a professor of law specializing in family law;
- (c) a representative from the Washington State Bar Association's Family Law Executive Committee;
- (d) an economist;
- (e) a representative of the tribal community;
- (f) two representatives from the Superior Court Judges' Association, including a superior court judge and a court commissioner familiar with child support issues;
- (g) a representative from the AOC;
- (h) a prosecutor;
- (i) a representative from legal services;
- (j) three non-custodial parents;
- (k) three custodial parents;
- (l) four legislators; and
- (m) an administrative law judge.

Beginning in 2011, and every four years thereafter, the DCS must convene a work group with similar membership to review the laws, administrative rules, and practices surrounding child support. Reports to the Legislature are due October 1, 2011 and every four years thereafter.

JLARC Review

Beginning in 2011, and every four years thereafter, the Joint Legislative Audit and Review Committee (JLARC), subject to their approval, or any other entity designated by the Legislature, must review and analyze data collected from the order summary reports, review the recommendations made by the work groups, review data on the costs of child rearing, and review data on the application of the child support guidelines. The JLARC must report to the Legislature by July 1, 2011, and every four years thereafter.

Appropriation: None.

Fiscal Note: Requested on January 11, 2007.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.