
Judiciary Committee

HB 3016

Title: An act relating to updating provisions concerning the modification, review, and adjustment of child support orders to improve access to justice and to ensure compliance with federal requirements.

Brief Description: Updating provisions concerning the modification, review, and adjustment of child support orders to improve access to justice and to ensure compliance with federal requirements.

Sponsors: Representative Pedersen; by request of Department of Social and Health Services.

Brief Summary of Bill

- Allows the Division of Child Support of the Department of Social and Health Services to file an action to modify child support orders for public assistance and non-assistance cases under certain circumstances.
- Requires the court to allow parties and witnesses to testify by telephone or other electronic means in child support modification proceedings, unless good cause is shown.

Hearing Date: 1/28/10

Staff: Trudes Tango (786-7384).

Background:

The Division of Child Support (DCS) of the Department of Social and Health Services provides services to establish, modify, and collect child support. The DCS must provide services if a family is receiving Temporary Assistance to Needy Families (assistance). The parent receiving assistance assigns his or her right to child support to the DCS as reimbursement for the assistance. In those cases, the DCS may enforce a child support order previously established by the court or establish an order administratively. If the DCS is enforcing an order established by the court, the court generally retains jurisdiction to modify that support order. Except under

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.

certain circumstances, a child support order may be modified only upon a showing of a substantial change of circumstances.

In cases where assistance is being paid for the child, the DCS may file an action to modify a child support order if the support order is 25 percent or more below the appropriate support amount established in the standard calculation and the reasons for deviation from that amount is not set forth in findings. In addition, the DCS must review a support order and seek modification, if appropriate, where the family is receiving assistance and a party to a DCS-enforced support order requests a review.

Summary of Bill:

The DCS may file an action to modify or adjust a child support order if assistance is being paid for the child. The 25 percent criteria is removed from statute.

In non-assistance cases, the DCS may file an action to modify or adjust an order when services have been requested by another state or jurisdiction. In addition, the DCS may file an action to modify or adjust an order in non-assistance cases when a party to the order request services and the DCS determines that the case meets other review criteria established by rules consistent with federal law.

The DCS may file an action to modify a child support order at any time in cases of substantially changed circumstances, whether or not assistance is being provided to the family.

If testimony other than an affidavit is required in any modification proceeding, the court must permit a party or witness to testify by telephone or other electronic means, unless good cause is shown.

Appropriation: None.

Fiscal Note: Received.

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