

# HOUSE BILL REPORT

## SHB 3016

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### As Passed Legislature

**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:** House Committee on Judiciary (originally sponsored by Representative Pedersen; by request of Department of Social and Health Services).

#### **Brief History:**

##### **Committee Activity:**

Judiciary: 1/28/10, 2/1/10 [DPS].

##### **Floor Activity:**

Passed House: 2/10/10, 96-0.

Senate Amended.

Passed Senate: 3/5/10, 48-0.

House Concurred.

Passed House: 3/8/10, 97-0.

Passed Legislature.

#### **Brief Summary of Substitute Bill**

- Establishes provisions for the Department of Social and Health Services to file an action to modify or adjust child support orders in public assistance and non-assistance cases when certain conditions are met.
- 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.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne,

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*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.*

Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley, Kirby, Ormsby, Roberts and Ross.

**Staff:** Trudes Tango (786-7384).

**Background:**

A party to a child support order may petition the court for modification upon a showing of a substantial change in circumstances at anytime. An order may be modified one year or more after it has been entered without a showing of a substantial change in circumstances for limited reasons, such as if the order works a severe economic hardship on either party or the child or if the child is still in high school and support beyond the child's 18th birthday is needed. All child support orders may be adjusted once every 24 months based upon changes in the parents' income without a showing of a substantial change in circumstances. In addition, an order may be adjusted 24 months from the date of the entry or the last adjustment, whichever is later, based upon changes in the child support economic table established in statute.

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.

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 are not set forth in findings.

**Summary of Substitute Bill:**

In cases in which assistance is being paid on behalf of the child, the DCS may file an action to modify or adjust a child support order if the order is at least 25 percent *above or* below the standard calculation and the reasons for deviation are not set forth in findings.

In nonassistance cases, the DCS may file an action to modify or adjust an order if the case meets the DCS's review criteria, the order is at least 25 percent above or below the standard calculation, and a party to the order or another jurisdiction has requested review. In addition, the DCS may file an action, in nonassistance cases, to modify or adjust a child support order under any of the statutorily authorized circumstances if a party to the order requests review.

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:** Available.

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

**Staff Summary of Public Testimony:**

(In support) This bill simply clarifies the DCS standing in non-assistance cases. The DCS authority to proceed in non-assistance cases is conditioned on a request from a party to the order. The bill is also in response to feedback the DCS has received from parents who want to be able to testify by telephone at court hearings. Under the Uniform Interstate Family Support Act, testimony by telephone is already allowed so this bill simply extends the provision to Washington parents. The bill also updates the statute to bring it in compliance with federal law. The statute implies that the DCS can only seek a modification if the order is below the standard calculation. The DCS must seek a modification if the order goes up or down. The DCS seeks fair and appropriate orders. The federal law requires states to have a reasonable, quantifiable formula to determine if the DCS will seek modification in all cases. The federal government does not specify whether the formula must be in statute or rule.

(Opposed) None.

**Persons Testifying:** Representative Pedersen, prime sponsor; and David Stillman, Division of Child Support of Department of Social and Health Services.

**Persons Signed In To Testify But Not Testifying:** None.