

SENATE BILL REPORT

SHB 3016

As Reported by Senate Committee On:
Human Services & Corrections, February 25, 2010

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

Committee Activity: Human Services & Corrections: 2/23/10, 2/25/10 [DPA, w/oRec].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Kauffman and McAuliffe.

Minority Report: That it be referred without recommendation.

Signed by Senator Carrell.

Staff: Shani Bauer (786-7468)

Background: The Division of Child Support (DCS) provides assistance in establishing, modifying, and collecting child support. DCS is required to provide services if a family is receiving assistance (Temporary Assistance to Needy Families) or if a party who is not receiving assistance applies for services. When services are being provided, DCS may enforce an order previously established by the court or establish an order administratively. If DCS is enforcing an order established by the court, the court retains jurisdiction to modify that support order.

Under current Washington law, a child support order may be modified:

- upon a showing of a substantial change in circumstances;

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- without a change of circumstances if at least one year has passed since the order was entered and the order works a severe economic hardship on one of the parties, the child's age is no longer in the age category of the scale used to calculate the support order, the order needs to be extended beyond the child's 18th birthday because the child is still in high school, or to add an automatic adjustment to support provision;
- to require health insurance coverage for the child; or
- when 24 months have passed since the order was entered.

DCS may file an action with the court to modify a support order if assistance is paid for the child and the order is 25 percent or more below the appropriate child support amount.

To be in compliance with federal law, DCS must review a support order and seek modification, if appropriate, if there is an assignment of support (because the child is receiving assistance), or a party to a support order being enforced by DCS requests a review.

Summary of Bill (Recommended Amendments): DCS may file an action to modify or adjust a child support order when the order is at least 25 percent above or below the appropriate child support amount and public assistance is being paid for the child or a party to the order or another state or jurisdiction has requested a review in a nonassistance case.

DCS may file an action to modify or adjust an order of child support under any other provision authorized by the statute when:

- public assistance is being paid to or for the benefit of the child;
- a party to the order in a nonassistance case has requested a review; or
- another state or jurisdiction has requested a modification of the order.

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.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Amendments): DCS may file an action to modify or adjust a child support order at any time authorized by the statute if public assistance money is being paid to or for the benefit of the child, a party to the order in a nonassistance case has requested a review, or another state or jurisdiction has requested a modification of the order. Terminology is amended for consistency and the statute is reorganized for clarity.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Substitute House Bill: PRO: The bill is being requested to clarify that DCS may file a modification in nonassistance cases and allows testimony by phone in these proceedings. It also clarifies that a modification can be sought if

the modification would result in an increase or decrease of support. We have worked on draft changes with staff and believe the latest draft meets those concerns.

Persons Testifying: PRO: David Stillman, Director of Child Support, Department of Social and Health Services.