

HOUSE BILL REPORT

HB 1618

As Reported By House Committee On:

Law & Justice

Title: An act relating to removal of ordinary health care expense from the child support economic table.

Brief Description: Removing ordinary health care expense from the child support economic table.

Sponsors: Representative Appelwick.

Brief History:

Committee Activity:

Law & Justice: 2/15/95, 2/21/95 [DP].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 14 members: Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Lambert; McMahan; Morris; Robertson; Sheahan and Smith.

Minority Report: Do not pass. Signed by 3 members: Representatives Cody; Thibaudeau and Veloria.

Staff: Pat Shelledy (786-7149).

Background: Washington's child support schedule contains an economic table. The economic table establishes a presumptive basic child support amount for the parents' children. The presumptive amount varies depending on the combined monthly income of the parents, the number of children, and the children's ages. Each parent's share of the presumptive amount is based on each parent's share of the combined monthly net income.

Ordinary health care expenses are included in the economic table. The table assumes that 5 percent of the monthly amount of support due is spent on ordinary health care expenses. Monthly health care expenses that exceed 5 percent of the basic support obligation are considered extraordinary health care expenses. Extraordinary health

care expenses are variable, are not included in the presumptive amount, and are to be shared by the parents in the same proportion as the basic child support obligation.

Ordinary health care expenses are not defined other than by reference to the presumption that 5 percent of the basic support obligation is spent on health care expenses.

Summary of Bill: Ordinary health care expenses will no longer be included in the basic support obligation. The economic table's presumptive amounts are lowered by 5 percent accordingly. All health care expenses will be shared by the parents in the same proportion as the basic support obligation.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The current distinction between ordinary and extraordinary medical expenses is confusing and requires cumbersome accounting of medical expenses for each child. Obligor may have the perception that the receiving parent is getting a windfall if medical expenses are not incurred in a given month. Litigation arises over the issue whether the medical costs should be annualized. The bill won't create more litigation if the rule is clear.

Testimony Against: The bill will lead to increased litigation to enforce payment of medical expenses and to resolve disputes about medical expenses. Because going to court is costly and time-consuming, recipients of child support won't attempt to enforce the order and consequently will pay the other parent's share of the medical expenses when the other parent won't pay his or her share. Most counties already annualize the expenses to avoid the ambiguity in existing law.

Testified: Pat Morgan, Washington State Bar Association, Family Law Section (pro); Gary Marsell, Washington Families (pro); and Nancy Hawkins, Northwest Women's Law Center (con).