

# HOUSE BILL REPORT

## HB 2559

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### As Reported By House Committee On:

Law & Justice

**Title:** An act relating to child support day care and special child rearing expenses.

**Brief Description:** Revising the allocation of child support day care and other child rearing expenses between parents.

**Sponsors:** Representatives Lambert, Carrell, Patterson, Morris, Wolfe, Smith, Mitchell and Thompson.

### Brief History:

#### Committee Activity:

Law & Justice: 1/30/96 [DP].

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass. Signed by 16 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Murray; Robertson; Smith and Sterk.

**Staff:** Edie Adams (786-7180).

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

Day care and special child rearing expenses, such as tuition and long-distance transportation costs, are not included in the presumptive amount. The parents share those expenses in the same proportion as they share the basic child support obligation. The court may include extraordinary expenses such as day care in the monthly support payment one parent (the "obligor") must make to the other parent (the "obligee"). In other cases, the obligor must pay his or her share when the extraordinary expense is incurred.

**Summary of Bill:** If an obligor pays court or administratively ordered day care or special child rearing expenses that are not actually incurred, the obligee must reimburse the obligor for the overpayment, if the overpayment amounts to at least 20 percent of the obligor's annual day care or special child rearing expenses.

The obligor may seek reimbursement by instituting an action in Superior Court or by filing an application for an adjudicative hearing with the Department of Social and Health Services. Any ordered reimbursement shall be applied first as an offset to child support arrearages of the obligor. If the obligor does not have child support arrearages, the reimbursement may be in the form of a direct payment by the obligee or a credit against the obligor's future support payments. If the reimbursement is in the form of a credit against future support payments, the credit must be spread over a 12-month period.

Unless agreed to by the obligee, an obligor may not pay more than his or her proportionate share of day care or other special child rearing expenses in advance and then deduct the overpayment from future support payments.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This is a long overdue clarification of the law. It will prevent parents from wrongfully retaining payments for day care that are not actually incurred.

**Testimony Against:** It is not clear in the bill whether only an annual review would occur. The bill specifies that the obligee may agree to prepayment, but there is no requirement that the Department of Social and Health Services be notified of this agreement.

**Testified:** Representative Lambert, prime sponsor; Patricia Morgan, Washington State Bar Association, Family Law Section (pro); Michele Delo, Washington Families for Noncustodial Rights (pro); Judy Turpin, Northwest Women's Law Center (pro); and Mike Ricchio, Department of Social and Health Services (with concerns).