

SENATE BILL REPORT

HB 1186

As Reported By Senate Committee On:
Law & Justice, March 16, 1995

Title: An act relating to social security benefits.

Brief Description: Concerning social security benefits.

Sponsors: Representatives Appelwick and Padden.

Brief History:

Committee Activity: Law & Justice: 3/16/95 [DPA].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Smith, Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Staff: Susan Carlson (786-7418)

Background: When the Social Security Administration pays social security disability dependency benefits on behalf of a child of a disabled person, the child support statutes provide that the benefits must be credited towards the disabled person's child support obligation.

Social security payments are also made to children when the parent is retired or deceased. No state statute addresses whether these payments should be credited against any outstanding child support obligation of the parent. A recent case has held that the court has discretion to determine whether to treat social security retirement benefits as a credit against the support obligation. Another recent case has held that social security death benefits will be allowed against an estate's child support obligations only when the credit is specifically provided for in the dissolution decree.

It has been suggested that the Legislature should provide that social security retirement and death benefits must be credited toward a person's child support obligation.

Summary of Amended Bill: When the Social Security Administration pays social security retirement benefits or survivors insurance benefits on behalf of a child of a retired person or a deceased person, the benefits must be credited towards the retired or deceased person's child support obligations for the period for which benefits are paid.

Amended Bill Compared to Original Bill: Technical amendments are made to conform with terminology used by the Social Security Administration.

Appropriation: None.

Fiscal Note: Requested on March 8, 1995.

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

Testimony For: Social security benefits paid on behalf of a child should be credited towards the child support obligation of the parent who earned the social security benefits.

Testimony Against: None.

Testified: Robert Taub, WSBA Family Law Section (pro).