

SENATE BILL REPORT

SB 6400

As Reported By Senate Committee On:
Law & Justice, January 31, 1996

Title: An act relating to child support.

Brief Description: Revising child support rules.

Sponsors: Senators Hargrove, Owen, Schow, Hochstatter and Roach.

Brief History:

Committee Activity: Law & Justice: 1/25/96, 1/31/96 [DP-WM, DNP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass and be referred to Committee on Ways & Means.
Signed by Senators Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Minority Report: Do not pass.
Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings and Quigley.

Staff: Susan Carlson (786-7418)

Background: The child support laws require the court to consider all income and resources of the parents when establishing a support obligation. Income is defined to include overtime and income from second jobs. The support obligation is determined by reference to a child support schedule. The schedule includes an economic table that establishes a presumptive amount of child support based on the combined monthly net income of both parents, the number of children, and the age of the children.

The court may deviate from the standard calculation of support if the child spends a significant amount of time with the parent who is obligated to pay support. The court may also deviate from the standard calculation when a parent has children from other relationships to whom the parent owes a duty of support. Children from other relationships may not be counted in the number of children for purposes of determining the basic support obligation. The court may consider court-ordered payments of child support for children from other relationships only to the extent that the support is actually paid.

Day care or special child rearing expenses are not included in the economic table. These expenses are to be apportioned between the parents based on each parent's income.

It has been suggested that income from overtime or second jobs should not be included when calculating support. There is also concern that the courts are not providing adequate deviations from the basic support obligation for residential time spent with the non-custodial parent and for children from other relationships.

Summary of Bill: All income and resources of each parent's household must be disclosed when the court determines the child support obligation, but only the income of the parents of the children whose support is at issue may be used in the calculation. Overtime and income from a second job is excluded from gross monthly income.

Provisions allowing the court to deviate based on children from other relationships are modified. Language prohibiting counting children from other relationships for purposes of determining the basic support obligation is stricken. Also, language is stricken that restricts the court to only consider other children to whom the parents owe a duty of support and for whom support is actually paid.

Provisions allowing the court to deviate based on the residential schedule of the child are stricken, and a mandatory residential credit is established to be deducted from the obligor's support payment. A formula is established for calculating the credit that considers the number of overnight visits per year. The court may not grant a residential credit if the child to whom the obligation is owed, or the parent with whom the child resides, is receiving aid to families with dependent children benefits.

The obligee is required to reimburse an obligor parent if payment is made for day care or special child rearing expenses that are not actually incurred. The reimbursement may be a credit against future support payments upon agreement of both parties or pursuant to a court or administrative order. Obligor's are not entitled to pay more than their share of these expenses in advance and then deduct the overpayment from future support transfer payments.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: For purposes of calculating child support obligations, income from overtime or second jobs should not be included. Also, the parent paying support should be entitled to a day-for-day residential credit for time the child spends with that parent.

Testimony Against: The court should continue to be able to consider income from overtime and second jobs. Restricting consideration of that income may jeopardize compliance with federal requirements. The residential credit will increase conflict over visitation.

Testified: PRO: Michelle Delo, Jamaica Filgo, WA Families for Non-Custodial Rights; Doug Martin; Jerry Lukin; Julie Drennen; CON: Judge Faith Ireland, Superior Court Judges Assoc.; Mike Ricchio, DSHS Division of Child Support; Carolyn Davis, NW Women's Law Center.