

HOUSE BILL REPORT

HB 2361

As Reported By House Committee On:

Law & Justice

Title: An act relating to notice in proceedings involving support or income-withholding orders.

Brief Description: Revising notice requirements in proceedings involving support and income-withholding orders.

Sponsors: Representative Sheahan.

Brief History:

Committee Activity:

Law & Justice: 1/16/98, 1/20/98 [DP].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 13 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Mulliken; Robertson and Sherstad.

Staff: Trudes Hutcheson (786-7384).

Background: Before a party can establish, modify, or enforce a child support order, the other party has the right to receive notice of the proceedings.

Notices Under the Uniform Interstate Family Support Act

The Uniform Interstate Family Support Act (UIFSA) allows a party in one state to establish, modify, and enforce a support order when the other parent is residing in another state. Either an individual petitioner or a support enforcement agency may commence a proceeding under UIFSA.

A petitioner commences proceedings under UIFSA by either: (a) filing a petition in a tribunal in the petitioner's state to be forwarded to the appropriate tribunal in another state, or (b) filing a petition directly in the appropriate tribunal of another state which has personal jurisdiction over the other parent.

Under UIFSA, a support order or an income-withholding order issued in another state may be registered in the appropriate tribunal in this state. An order may be registered with either a superior court or the Department of Social and Health Services, Division of Child Support. Certain procedures must be followed to register a support order or income-withholding order of another state. The registering tribunal files the order as a foreign judgment, and the registered order is enforceable in the same manner and is subject to the same procedures as an order issued in this state.

When a support order or income-withholding order is registered, the registering tribunal must notify the nonregistering party. The notice must inform the nonregistering party of specific information, including the nonregistering party's right to contest the validity or enforcement of the registered order.

Notices in Child Support Cases Involving Public Assistance

Individuals who receive public assistance are required to assign their rights to child support to the state as reimbursement for the assistance received. In those cases, the state must be notified within a certain time prior to the entry of any final order or temporary order involving child support. The statute requires that notice must be given by personal service or registered mail to the attorney general's office. In some counties, the prosecutor contracts with the state to provide legal representation to the state in child support cases involving a party receiving public assistance.

Summary of Bill: UIFSA is amended to allow either the registering tribunal or the petitioner to give notice to the nonregistering party when an interstate child support obligation is registered in Washington.

When an individual has assigned his or her rights to child support to the state, prior notice of any final or temporary order involving support may be served on the prosecutor's office instead of the attorney general's office in those counties where the prosecutor represents the state in child support enforcement matters. The attorney general's office will notify, by letter, the superior courts of the counties in which notice should be given to the prosecutor.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Changing the notice provisions will make it easier and more certain that the opposing party receives notice and can timely contest the support order. The courts are not equipped to give notice to parties in interstate child support cases.

Testimony Against: None.

Testified: Tom McBride, Washington Association of Prosecuting Attorneys (pro).