

SENATE BILL REPORT

HB 2559

As Reported By Senate Committee On:
Law & Justice, February 22, 1996

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: 2/21/96, 2/22/96 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin and Schow.

Staff: Susan Carlson (786-7418)

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 the 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. In other cases, the obligor must pay his or her share when the extraordinary expense is incurred.

Summary of Bill: If an obligor pays 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 a hearing with the Department of Social and Health Services. Any ordered reimbursement must 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: Available.

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

Testimony For: The bill provides appropriate means for reimbursement of payments for day care and special child rearing expenses that were not actually incurred.

Testimony Against: It is unclear when the 12-month period specified in the bill begins. The bill may cause problems if the department is not advised of a reimbursement order issued by a court.

Testified: PRO: Rep. Lambert, prime sponsor; Representatives Patterson, Carrell, Morris and Wolfe; Patricia Morgan, WSBA Family Law Section; CON: Mike Ricchio, DSHS Division of Child Support.