

SENATE BILL REPORT

SB 5212

As of January 30, 1995

Title: An act relating to child support enforcement.

Brief Description: Implementing improvements to the child support enforcement program.

Sponsors: Senator Quigley; by request of Department of Social and Health Services.

Brief History:

Committee Activity: Law & Justice: 1/31/95.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Susan Carlson (786-7418)

Background: The Division of Child Support (formerly Office of Support Enforcement) has proposed legislation to amend the child support enforcement statutes in three areas.

Current law allows a custodial parent's address to be omitted from an administrative child support order, but there is no comparable provision relating to court orders.

The division serves a notice and finding of financial responsibility to initiate the process of establishing an administrative child support order. The obligor served this notice has 20 days to request a hearing. If no request is made, the notice becomes an enforceable child support order. If the obligor later obtains reduction of the support order, the division cannot refund any support payments that have already been collected. The division suggests that if an obligor establishes good cause for not requesting a hearing within 20 days, refund of payments in excess of the later order should be allowed.

An alleged father who has signed an affidavit of paternity may subsequently request genetic testing to contest the affidavit. The testing is paid for by the state. A one-year time limit is proposed on the right to request genetic testing that is arranged by the division.

Summary of Bill: The address of the custodial parent may be omitted from a superior court order if the parent is receiving services from the Division of Child Support. If the address is omitted, the order must also state that the parent's address is known to the division, and the obligor may submit a request for disclosure to the division.

If an obligor shows good cause for not requesting a hearing within 20 days of receiving a notice and finding of financial responsibility, and the support obligation has been lowered from that established in the notice, the department may refund the difference if it still holds the money. The department may not refund support money that is previously distributed to the obligee.

An alleged father has one year from the date the notice and finding of parental responsibility is served to request that the Division of Child Support arrange for genetic testing. The issue of parentage may be contested at any time through an action in superior court.

Appropriation: None.

Fiscal Note: Requested on January 24, 1995.

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