

HOUSE BILL REPORT

HB 2123

As Reported by House Committee On:
Children & Family Services

Title: An act relating to requiring support payments for a child with a developmental disability in out-of-home care.

Brief Description: Authorizing collection of support payments for children with developmental disabilities in out-of-home care.

Sponsors: Representatives Kagi, Sommers, Haigh, Chase, Kenney and Edwards.

Brief History:

Committee Activity:

Children & Family Services: 3/4/03, 3/5/03 [DP].

Brief Summary of Bill

- Authorizes the Department of Social and Health Services to seek support from the parents or physical custodian of a child, including a child with a developmental disability, in out-of-home care.
- Authorizes the Department of Social and Health Services to establish an administrative order for support in a dependency action, in the absence of a court order setting support.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass. Signed by 5 members: Representatives Kagi, Chair; Darneille, Vice Chair; Dickerson, Miloscia and Pettigrew.

Minority Report: Do not pass. Signed by 3 members: Representatives Boldt, Ranking Minority Member; Bailey and Shabro.

Staff: Cynthia Forland (786-7152).

Background:

When a child enters foster care, either through voluntary placement by the parents or by court order, the parents of the child are required to pay child support to the Department

of Social and Health Services (DSHS), unless the DSHS determines that there is good cause not to collect. The amount of the support payments is set according to the Washington State Child Support Schedule. In addition, the Division of Children and Family Services applies to receive any benefits for which the child in foster care is eligible, such as Supplemental Security Income (SSI).

In 1998 the Legislature eliminated the requirement that parents of a child with a developmental disability, who believed they were no longer able to care for the child in their home, go to court and give up custody of the child to secure an out-of-home placement for the child. Under the Voluntary Placement Program (VPP), parents are now able to enter into a voluntary placement agreement to secure these services through the Division of Developmental Disabilities (DDD) of the DSHS. The services are provided in three types of out-of-home placements: family foster care; family group care; and other residential, including community-based supported living and intensive tenant support.

When a child is in an out-of-home placement under the VPP, the child's care is paid for with a combination of state funds, federal funds, and the child's SSI benefits. Parents are encouraged to continue to provide the child with such things as clothing, special items, gifts, and outings. Licensed providers who care for the child in a licensed out-of-home placement setting are paid directly through a contract with the DDD according to an established rate structure.

The DSHS does not establish or enforce child support obligations for children in foster care, either through voluntary placement by the parents or by court order, who have been certified as eligible for services through the DDD. State law provides that no collection action may be taken against parents of children eligible for admission to, or who have been discharged from, a Residential Habilitation Center. For the period July 1, 1993, through June 30, 1995, a collection action was authorized to be taken against parents of children with developmental disabilities placed in community-based residential care. The amount of support that the DSHS was allowed to collect from the parents could not exceed one-half of the parents' support obligation accrued while the child was in community-based residential care.

The DSHS may initiate, continue, maintain, or execute an action to establish, enforce, and collect a support obligation, including establishing paternity and performing related services, in cases involving public assistance benefits. In other cases, the DSHS may conduct these activities through the Attorney General or prosecuting attorney.

Summary of Bill:

When state or federal funds are expended for the care and maintenance of a child with a developmental disability, whether placed in care as a result of a dependency case or a

voluntary placement agreement, the DSHS is required to refer the case to the Division of Child Support, unless the DSHS finds that there is good cause not to pursue collection of child support against the parent or parents of the child.

The DSHS is authorized to seek support from the parents of a child when state or federal funds are expended for the care and maintenance of that child, including a child with a developmental disability, or when the DSHS receives an application for services from the physical custodian of the child, unless the DSHS finds that there is good cause not to pursue collection of child support against the parent or parents.

There is no longer a restriction on collection action taken against parents of children eligible for admission to, or who have been discharged from, a Residential Habilitation Center. Expired language authorizing the DSHS to take collection action against parents of children with developmental disabilities who are placed in community-based residential care is removed.

In a dependency action, the DSHS may establish an administrative order for support upon receipt of a referral or application for support enforcement services, in the absence of a court order setting support.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2003.

Testimony For: This bill holds parents of children with developmental disabilities in foster care to the same standard as all other parents with children in foster care. Currently the DSHS is prohibited from collecting child support from parents of children with developmental disabilities in foster care. The child support collected will offset the cost of care for the child.

Testimony Against: None.

Testified: David Stillman, Division of Child Support, Department of Social and Health Services.