

SENATE BILL REPORT

2SHB 2462

As of March 08, 2006

Title: An act relating to establishing work groups to periodically review and update the child support schedule.

Brief Description: Establishing work groups to periodically review and update the child support schedule.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Moeller, Wallace and Roberts).

Brief History: Passed House: 3/07/06, 98-0.

Committee Activity: Human Services & Corrections:

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Shani Bauer (786-7468)

Background: The Division of Child Support (DCS), which is within the Department of Social and Health Services, is responsible for administering Washington's child support enforcement program. The DCS provides support enforcement services to parents receiving public assistance and to those non-assistance parents who request support enforcement services.

Federal law requires child support obligations to be calculated pursuant to a set of child support guidelines established by the State. The guidelines must result in the calculation of an appropriate amount of support in the majority of cases and must be reviewed at least once every four years to ensure that their application results in the determination of appropriate child support amounts.

Current state law requires that the Legislature review the child support schedule every four years. While the Legislature has considered modifications to the child support guidelines over the years, the last major, substantive change made to the existing child support schedule and related guidelines occurred in 1991.

In 2005, the State of Washington received a letter from the Federal Office of Child Support Enforcement (OCSE) expressing concern that the state's child support guidelines had not been adequately reviewed as required by federal law. Failure to adequately review the child support guidelines could result in disapproval of Washington's child support state plan. Disapproval of the state plan would result in immediate suspension of all federal matching funds paid for DCS's program, as well as jeopardize a portion of the federal block grant for the Temporary Assistance for Needy Families program.

In response to the OCSE letter, in March of 2005, the Governor charged the DCS with putting together a Child Support Guidelines Work Group (CSGWG) to examine a number of issues

related to child support, including the adequacy of Washington's child support guidelines. The CSGWG met monthly from April 2005 until December of 2005 and submitted a report to the Legislature in January of 2006. The CSGWG made a number of final recommendations to the Legislature as follows:

- Revise the Order Summary Report to include the necessary data elements for future review of the support schedule;
- Revise the mechanism for reviewing the support schedule under current law by requiring the DCS to convene a work group every four years with a prescribed list of member representation;
- Treat children not before the court using the Whole Family Formula;
- Update the Economic Table using the mid-point between the Rothbarth-Betson and the Engle estimator; and
- Raise the presumptive level for combined net income to be used when calculating the child support obligation.

The Order Summary Report is a form created in 1990 by the Administrative Office of the Court to collect data necessary for reviews of the child support schedule. Any party that seeks to establish or modify a child support order is required by law to file the Order Summary Report with the court clerk.

Summary of Bill: Order Summary Report: The format of the Order Summary Report is revised and must contain all necessary data in order for the DCS to perform a quadrennial review of the child support guidelines. The report must be included at the top of the first page of the child support worksheets, but is not to be considered part of the worksheet. On at least a monthly basis, the clerk of the superior court must transmit all child support worksheets and Order Summary Reports that have been filed with the court to the DCS. The DCS must store and maintain all of the order summary report data and prepare a report at least every four years.

Joint Legislative Audit and Review Committee Review (JLARC): Beginning in 2010, and every four years thereafter, JLARC (subject to JLARC's approval) or any other entity designated by the Legislature, must review the following: the data collected in the order summary report; the recommendations of the prior work group; data related to the cost of child rearing; and research and data regarding the application of, and deviation from, the child support guidelines. After conducting a review, JLARC must submit a report to the Legislature no later than July 1, 2010, and every four years thereafter.

Review of Current Child Support Guidelines: By April 1, 2006, the DCS must convene a work group to review the current laws, administrative rules and practices surrounding child support. The objective of the work group is to continue the work of the 2005 CSGWG, and produce findings and recommendations to the Legislature, including recommendations for legislative action, by December 1, 2006.

Work group membership is prescribed as well as a list of specific policy issues to be reviewed by the work group.

Review of Future Child Support Guidelines: Beginning in 2010, and every four years thereafter, the DCS must convene a work group to review the current laws, administrative

rules and practices surrounding child support. The Work group must report its findings and recommendations to the Legislature by October 1, 2010, and every four years thereafter. Work group membership is prescribed with similar membership to the current review.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: Yes.

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