

SENATE BILL REPORT

SB 5120

AS REPORTED BY COMMITTEE ON WAYS & MEANS, MARCH 6, 1991

Brief Description: Making adjustments to child support guidelines.

SPONSORS: Senators Nelson, Rasmussen, Thorsness, Stratton, Saling, McCaslin, Hayner, Erwin, L. Smith, Newhouse, Amondson, Johnson, Bailey, Gaspard, Vognild, Matson, West, Owen, Bauer, Snyder, Roach and Oke.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5120 be substituted therefor, and the substitute bill do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Madsen, Newhouse, and Rasmussen.

Staff: Susan Carlson (786-7418)

Hearing Dates: January 28, 1991, February 5, 1991

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5120 be substituted therefor, and the second substitute bill do pass.

Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, Newhouse, Owen, Saling, L. Smith, and West.

Minority Report: Do not pass.

Signed by Senators L. Kreidler, Niemi, Rinehart, Talmadge, Williams, and Wojahn.

Staff: Cindi Holmstrom (786-7115)

Hearing Dates: March 5, 1991; March 6, 1991

BACKGROUND:

Currently, the economic table used to determine child support may be varied up to 25 percent by counties. Twenty-six counties have adopted lower economic tables. The federal government has indicated this does not comply with its requirement that state child support guidelines be uniformly applied throughout the state.

Current law does not provide an accountability procedure for determining if the support payment is benefitting the child. There is also a concern that the current laws do not adequately address situations involving a second family or children from other relationships.

In 1990, legislation was vetoed by the Governor relating to the definition of gross income, application of the child support schedule for combined incomes less than \$600 and those in excess of \$5,000 per month, and payment of day care and other extraordinary expenses.

SUMMARY:

A revised economic table from Clark County is adopted and the ability of local jurisdictions to vary the table is eliminated. The table incorporates reductions from the Child Support Commission table of up to 25 percent for combined net incomes above \$2,500. The top level of combined monthly net income is \$5,000, but the court may order an additional amount of support for higher incomes in unusual cases.

The parent paying child support may file a motion for an accounting of how support is being spent by the receiving parent. If the judge finds at a preliminary hearing that reasonable cause exists to believe that the support is not benefitting the child, a show cause hearing may be held. Costs and attorney fees may be awarded if the motion is brought in bad faith. A motion for accounting may not be filed more than once every twelve months.

Monthly gross income includes spousal maintenance actually received. Deductions from gross income include spousal maintenance to the extent actually paid, up to \$2,000 in voluntary pension payments, and court-ordered payments of child support for children from other relationships to the extent actually paid. Income of a new spouse or other adults in the household must be disclosed but may not be included in gross income.

The court shall consider deviating from the standard calculation if the child spends a significant amount of time with the parent obligated to pay support.

The court shall impute income to a parent voluntarily underemployed or voluntarily unemployed based upon that parent's work history.

Payments for postsecondary education must be made to the educational institution, if feasible.

If combined income is less than \$600, the support order must be no less than \$25 per month. A parent's child support obligation may not reduce net income below the need standard established by DSHS.

The parent making the support payment is entitled to proof of amounts paid for day care, transportation costs, extraordinary health care costs, and other extraordinary expenses of the children. The parent entitled to reimbursement may seek an order compelling payment. Wage assignment orders may be obtained to collect court-ordered money.

EFFECT OF PROPOSED SUBSTITUTE:

A parent filing for modification of child support must provide documentation of changes in expenses or income.

The parents' level of education is not a factor for court consideration in deciding whether to award postsecondary educational support. A child receiving such support must make available academic records and grades to both parents. Postsecondary support shall be automatically suspended during periods the child fails to comply with conditions.

The minimum support order for income less than \$600 is not less than \$25 per month per child. A parent's child support obligation is not affected by the DSHS need standard.

Wage assignment in relation to day care and extraordinary expenses may not be requested by the Office of Support Enforcement without first obtaining documentation from both parents. A definition of "day care expenses" is provided.

Other technical amendments are made.

EFFECT OF PROPOSED SECOND SUBSTITUTE:

Sections 4 and 7 of the act are made contingent on funding in the omnibus appropriations act. (Section 4 authorizes a parent to file a motion for accounting of the child support; section 7 of the act relates to proof and reimbursement for day care and other extraordinary expenses.)

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR (Law & Justice):

The current child support laws result in support awards that are unfair and punitive to noncustodial parents. The laws inadequately address situations involving income of a new spouse or children from other relationships. The economic table results in support awards that are too high.

TESTIMONY AGAINST (Law & Justice):

The Child Support Commission economic table provides appropriate child support awards. Counties should not be allowed to deviate from the commission table.

TESTIFIED (Law & Justice): Mike Carrell, Jeri Short, Brent Whiting, Jan Morford, P.O.P.S. (pro); David Hogan, Department of Social and Health Services (con); Deborah Senn, Nancy Hawkins, Northwest Women's Law Center (con)

TESTIMONY FOR (Ways & Means):

This law will bring Washington State into compliance with federal requirements for a uniform statewide child support schedule. Two-thirds of the counties are already using this new schedule.

TESTIMONY AGAINST (Ways & Means):

The current commission schedule is working, as shown in a recent study prepared by the Washington State Institute for Public Policy.

TESTIFIED (Ways & Means): Robert Hoyden, POPS (pro); James Maples (con); Sharon Dodge, Need for Support Enforcement (con); Dave Hogan, DSHS (con)