

**SENATE BILL REPORT**

**ESSB 5996**

**AS PASSED SENATE, JUNE 26, 1991**

**Brief Description:** Making adjustments to child support guidelines.

**SPONSORS:** Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Rasmussen and Johnson).

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** That Substitute Senate Bill No. 5996 be substituted therefor, and the substitute bill do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; M. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

**Staff:** Susan Carlson (786-7418)

**Hearing Dates:** June 20, 1991

**BACKGROUND:**

Governor Gardner vetoed a number of sections of the child support bill passed by the Legislature during the regular session. In his veto message, the Governor indicated that the sections were vetoed for various technical and policy reasons, but primarily because of his concern for the impact on families with children.

The bill would have excluded overtime, second job income, contract-related benefits, and nonrecurring bonuses from income but allowed the court to deviate from the standard calculation of child support based on those resources. The bill also would have allowed the court to deviate if the child spent significant time with the parent paying support. Postsecondary educational support for tuition was limited to the amount paid by state residents at a Washington university. Provisions in decrees that allow periodic modifications of support would have been deemed void if they did not use the current child support statutes as the basis for modification. In addition, the bill would have prevented either parent from restricting access to the child's health and education records. Some of these sections have been revised in an effort to address the Governor's concerns.

**SUMMARY:**

Periodic modifications of child support must use the current child support laws as the basis for modification. Upon motion of a party, the court must modify that portion of a decree that fails to comply with child support laws as to

installments accruing subsequent to the court's modification order.

A motion for modification based on changes in the economic table or standards may be brought within 24 months of entry of the decree or the last modification, whichever is later.

Neither parent may veto access to education records requested by the other parent. Education records for kindergarten through twelfth grade are limited to academic, attendance and disciplinary records. Postsecondary education records are limited to enrollment and academic records necessary to determine, establish or continue support.

Social security benefits and disability insurance benefits are included in income. Overtime, income from second jobs, bonuses and contract-related benefits are included in income but may be a basis for deviation if the court finds they are not a recurring source of income. Income of a new spouse or of other adults in the household is excluded from income and may only be a basis for deviation if that parent requests deviation for some other reason. In deciding whether to impute income, the court may consider the parent's work history, education, health, age, and any other relevant factors. When there is no information to the contrary, the court must use U.S. Bureau of the Census reports as a basis for imputing income. The court may not impute income to a parent who is employed full-time unless the court finds the parent is underemployed purposely to reduce the parent's child support obligation.

Deviations from the standard calculation of child support may be allowed based on tax planning, the receipt of gifts or prizes, or extraordinary debt or expenses. If a child spends a significant amount of time with the parent obligated to pay support, the court may deviate after considering evidence of increased or decreased expenses resulting from the residential schedule. The court may also deviate if either parent has children from other relationships to whom they owe a duty of support.

A child receiving postsecondary educational support must enroll in an accredited school, must be pursuing studies commensurate with the child's vocational goals, and must be in good academic standing. The court must direct that either or both parents' payments be made directly to the institution if feasible.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested June 19, 1991

**Effective Date:** September 1, 1991

**TESTIMONY FOR:**

Overall, the bill offers improvements on some of the vetoed sections of the child support bill passed in the regular session.

**TESTIMONY AGAINST:**

The provision allowing deviation based on the residential schedule allows too much judicial discretion. Social security and disability benefits should be specifically listed as income. The requirement that dissolution decrees use the current child support laws as a basis for any periodic modifications allowed therein may adversely affect some decrees which have provisions outside the child support statutes.

**TESTIFIED:** Lonnie Johns-Brown, N.O.W. (pro); Bob Hoyden, P.O.P.S. (pro); Pat Thibaudeau, Washington Community Mental Health Council (pro); Nancy Hawkins, Northwest Women's Law Center (con); Ann Simons, Washington Women United (pro); Jeff Larsen, Washington Association for Citizens with Disabilities (pro)