

HOUSE BILL REPORT

HB 2553

As Passed House:

February 12, 2004

Title: An act relating to the distribution of child support amongst multiple cases.

Brief Description: Revising the distribution of child support amongst multiple cases.

Sponsors: By Representatives Pettigrew, Delvin and Dickerson; by request of Department of Social and Health Services.

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 1/28/04, 2/4/04 [DP].

Floor Activity:

Passed House: 2/12/04, 95-0.

Brief Summary of Bill

- Modifies the requirement of the Department of Social and Health Services to establish rules to provide for distribution of current and past-due child support to require distribution of past-due support and proportionate distribution of current support.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: Do pass. Signed by 7 members: Representatives Dickerson, Chair; Pettigrew, Vice Chair; Delvin, Ranking Minority Member; Carrell, Hinkle, Lovick and Upthegrove.

Staff: Sonja Hallum (786-7092).

Background:

The Division of Child Support (DCS) has a significant number of cases throughout the state for which they are collecting support. Support paid to DCS is deposited in a registry and must be distributed to the family or families to whom support is owed. Support collected for families receiving public assistance is retained by the state.

If the obligor has multiple cases, DCS must divide the support payment between the cases. The DCS will apply a support payment to an obligor's current support obligations first. If current support is owed to multiple families, support is paid to each family proportionally based upon the amount of current support owed each family. Once current support is fully satisfied, any additional money is applied to any arrears and divided among the families based on the proportionate size of the debts, subject to minor exceptions.

Summary of Bill:

The bill distinguishes between distribution of support for current support payments and past-due support payments. The Department of Social and Health Services (Department) is required to develop rules for the proportionate distribution of current support payments if a responsible parent owes a support obligation for two or more Title IV-D cases under the Social Security Act. The Department is also required to develop distribution of past-due support payments if a responsible parent owes a support obligation for two or more Title IV-D cases under the Social Security Act; however, the distribution is not required to be proportionate.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The change is intended to apply in cases where a parent owes support on two or more cases and one of the cases is in another state. It only changes the way arrears are distributed, not current support. It allows a larger portion to go to Washington cases until the arrears are paid in full. This puts Washington in line with several other states that operate this way with respect to the distribution of child support.

Testimony Against: We oppose treating citizens differently because they live in different states. It is not appropriate to treat the children differently. If the state has paid money for support of a child the state can be paid first, but we should not treat citizens differently.

Persons Testifying: (In support) Representative Pettigrew, prime sponsor; and David Stillman, Department of Social and Health Services, Division of Child Support.

(Opposed) Rick Bartholomew, Washington State Bar Association, Family Law Section.

Persons Signed In To Testify But Not Testifying: None.