

# HOUSE BILL REPORT

## ESHB 2554

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**As Passed House:**

March 10, 2004

**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:** By House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Kagi, Lovick, Delvin, Pettigrew, Rockefeller and Wood; by request of Department of Social and Health Services).

**Brief History:**

**Committee Activity:**

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

**Floor Activity:**

Passed House: 3/10/04, 97-0.

**Brief Summary of Engrossed Substitute Bill**

- Authorizes the Department of Social and Health Services (DSHS) to seek child support from parents of a child placed in foster care as a result of a dependency or termination action, including a child with a developmental disability.
- Statutorily authorizes the DSHS to administratively establish child support for a child in a dependency or termination action, in the absence of a court order.

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### HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Dickerson, Chair; Pettigrew, Vice Chair; Delvin, Ranking Minority Member; Lovick and Upthegrove.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Carrell and Hinkle.

**Staff:** Sonja Hallum (786-7092).

**Background:**

A parent of a child in foster care may be ordered to pay child support for the care of the child. The support may be established by court order or administratively by the Department of Social and Health Services (DSHS) in the absence of a court order.

The DSHS is statutorily prohibited from collecting child support for children who have been determined to be eligible for services through the Department of Developmental Disabilities. The statutes prohibit collection actions against parents of children who are eligible for admission to, or 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.

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**Summary of Engrossed Substitute Bill:**

The bill statutorily clarifies that the DSHS may administratively establish an order of child support in an action brought under chapter 13.34 RCW which pertains to actions involving dependencies and termination of the parent-child relationship.

The DSHS is required to refer a case to the Division of Child Support whenever state or federal funds are expended for the care and maintenance of a child placed into care as a result of a dependency or termination action, unless the DSHS, including a child with a developmental disability, finds that there is good cause not to pursue collection of child support against the parent or parents of the child.

The bill removes the prohibition against the DSHS instituting a collection action against parents of children eligible for admission to, or who have been discharged from, a residential habilitation center unless the child is placed into care as a result of a dependency or termination action. 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.

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**Appropriation:** None.**Fiscal Note:** Requested on February 5, 2004.**Effective Date:** The bill takes effect on July 1, 2004.**Testimony For:** (In support on original bill) It seems to be equitable that we should ask

parents of children in foster care to contribute to the costs of the care of the children. There is strong support from the Governor on this bill. Washington extends the requirement of parents in many areas including JRA, dependencies, and public assistance to offset the costs to the State in caring for their children. The only exception is with the parents of developmentally disabled children. There is an exception if the parents do not have the ability to pay and there are a number of kids at DSHS whose parents are exempted. The bill also has a good cause exception and before a parent is ordered to pay child support there will be a look at whether there is good cause for the parent of the child not to pay.

(With concerns on original bill) There are unintended consequences of this bill on the DD system. There are children with developmental disabilities who are served through the Children's Administration and others who are served through Voluntary Placement through the Division of Developmental Disabilities. This bill creates an inequity for those children served to the Division of Developmental Disabilities.

**Testimony Against:** (Opposed on original bill) On the face of this it looks like a fairness issue, but it may not be as fair as it appears. There are two different populations of kids with developmental disabilities and this bill would allow parents of kids in institutions to not get charged. There are inequities in the Children's Administration. It is difficult to raise a child with developmental disabilities. There are very few children in RHCs. The State has a long history of caring for children with developmental disabilities. We object to requiring the parents of any kids to have to work with DCS.

**Persons Testifying:** (In support) Representative Dickerson, prime sponsor; Robin Zukoski, Office of the Governor; and David Stillman, Department of Social and Health Services, Division of Child Support.

(With concerns) Sue Elliott, The Arc of Washington; and Donna Patrick, Developmental Disabilities Council.

(Opposed) Phil Jordan, Washington Protection and Advocacy System; and Dave Wood, Families United.

**Persons Signed In To Testify But Not Testifying:** None.