

HOUSE BILL REPORT

HB 1145

As Passed House:
March 13, 2013

Title: An act relating to providing credit towards child support obligations for veterans benefits.

Brief Description: Providing credit towards child support obligations for veterans benefits.

Sponsors: Representatives Goodman, Klippert, Roberts, Orwall, Moscoso, Lias, Upthegrove, Ryu, Green, Morrell and Fey.

Brief History:

Committee Activity:

Judiciary: 1/30/13, 2/5/13 [DP];

Appropriations Subcommittee on Health & Human Services: 2/20/13, 2/25/13 [DP].

Floor Activity:

Passed House: 3/13/13, 98-0.

Brief Summary of Bill

- Provides that Veteran's Administration benefits apportioned on behalf of a child of the veteran must be treated as if the benefits are paid toward satisfaction of the veteran's child support obligation.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 13 members: Representatives Pedersen, Chair; Hansen, Vice Chair; Rodne, Ranking Minority Member; O'Ban, Assistant Ranking Minority Member; Goodman, Hope, Jinkins, Kirby, Klippert, Nealey, Orwall, Roberts and Shea.

Staff: Edie Adams (786-7180).

HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON HEALTH & HUMAN SERVICES

Majority Report: Do pass. Signed by 9 members: Representatives Morrell, Chair; Harris, Ranking Minority Member; Cody, Green, Jinkins, Kagi, Ormsby, Ross and Schmick.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Andy Toulon (786-7178).

Background:

Veteran's Administration (VA) benefits generally may not be garnished. However, federal statutes and regulations allow for the apportionment of VA benefits to provide spouses and dependents with financial support under some circumstances. The VA may apportion a veteran's pension or compensation benefits to the veteran's dependent children if the veteran is not paying his or her child support obligation. An apportionment will generally not be made if it would cause undue hardship to the veteran.

The Division of Child Support (DCS) 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.

The child support enforcement statutes provide that when the Social Security Administration pays Social Security disability dependency benefits, retirement benefits, or survivor's benefits on behalf of a child of a disabled, retired, or deceased person, those benefits must be credited towards the parent's child support obligations for the period for which benefits are paid. A similar provision gives a credit to the parent when worker's compensation benefits are paid by the Department of Labor and Industries on behalf of or on account of the parent's children.

Currently, there is no statute authorizing the DCS to grant credit to an obligor parent for the amounts of the parent's VA benefits that are apportioned by the VA on behalf of the parent's dependent children.

Summary of Bill:

Veteran's Administration benefits that are apportioned to pay child support on behalf of a child of the veteran must be treated for all purposes as if the veteran paid the benefits toward the satisfaction of the veteran's child support obligation for the period for which benefits are paid.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony (Judiciary):

(In support) This bill will help veterans receive credit for the amounts of their veteran's benefits that are apportioned to their children, so that the veteran is not paying twice for child support. This provides equity for our veterans who have child support obligations. The Department of Social and Health Services currently credits a parent's child support

obligations when Social Security dependent benefits are paid to a child, but they are not counting apportioned veteran's benefits payments towards the veteran's child support obligations.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations Subcommittee on Health & Human Services):

(In support) Veterans are inadvertently being double charged for child support. Individuals who have child support deducted from social security or workers compensation get it credited back to them, but there is no provision in law that allows this to occur for veterans. We have heard stories of veterans being rendered homeless because the Division of Child Support did not have the authority not to require veterans to pay child support, even though they already had paid it through their veterans benefits.

(Opposed) None.

Persons Testifying (Judiciary): Representative Goodman, prime sponsor; and David Mace, Seattle Union Gospel Mission.

Persons Testifying (Appropriations Subcommittee on Health & Human Services): Representative Goodman, prime sponsor.

Persons Signed In To Testify But Not Testifying (Judiciary): None.

Persons Signed In To Testify But Not Testifying (Appropriations Subcommittee on Health & Human Services): None.