

HOUSE BILL REPORT

HB 1260

As Reported by House Committee On: Judiciary

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 Kilduff, Muri, Goodman, Rodne, Klippert, Kirby, Walkinshaw, Stokesbary, Jinkins and Stanford.

Brief History:

Committee Activity:

Judiciary: 1/21/15, 1/29/15 [DP].

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 Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Klippert, Muri, Orwall, Stokesbary and Walkinshaw.

Staff: Edie Adams (786-7180).

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.

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.

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.

There is no similar 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:

(In support) This bill gives credit where credit is due and provides equity for our veterans who have child support obligations. The DCS currently is allowed to credit a parent's child support obligations when other types of benefits are paid on behalf of a child, such as Social Security benefits and workers' compensation benefits. Veteran's Administration benefits come out of the funds that the veteran would otherwise receive, so if the veteran is not given a credit, the veteran will have to pay a second time from another source of income.

(Opposed) None.

Persons Testifying: Representative Kilduff, prime sponsor; and Rick Bartholomew, Washington State Bar Association.

Persons Signed In To Testify But Not Testifying: None.