

FINAL BILL REPORT

HB 1186

C 236 L 95

Synopsis as Enacted

Brief Description: Concerning social security benefits.

Sponsors: Representatives Appelwick and Padden.

House Committee on Law & Justice

Senate Committee on Law & Justice

Background: When the Social Security administration pays Social Security disability dependency benefits on behalf of a child of a disabled person, the benefits are a credit against any child support obligation owed by the disabled person.

Social Security payments are also made to children when the obligated parent is retired or deceased. No state statute addresses whether these payments should be credited against any outstanding child support obligation. A recent case has held that the court has discretion to determine whether to treat Social Security retirement benefits as a credit against the support obligation. Another recent case has held that Social Security survivors insurance benefits will be credited against an estate's child support obligations only when the dissolution decree explicitly provides for the credit.

Summary: When the Social Security administration pays Social Security retirement benefits or survivors insurance benefits on behalf of a child of a retired or deceased person, those benefits must be credited towards the retired or deceased person's child support obligations.

Votes on Final Passage:

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|--------|----|---|-------------------|
| House | 94 | 0 | |
| Senate | 45 | 0 | (Senate amended) |
| House | 97 | 0 | (House concurred) |

Effective: July 23, 1995