

SENATE BILL REPORT

EHB 1619

As Reported By Senate Committee On:
Law & Justice, March 30, 1995

Title: An act relating to proportionate sharing of child support expenses not included in the child support economic table.

Brief Description: Revising child support provision for day care expenses.

Sponsors: Representative Appelwick.

Brief History:

Committee Activity: Law & Justice: 3/21/95, 3/30/95 [DPA].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Staff: Susan Carlson (786-7418)

Background: The child support schedule contains an economic table which establishes a presumptive amount of child support based on the combined monthly net income of the parents and the number and ages of the children. Each parent's share of the presumptive amount is based on the parent's share of the combined monthly net income.

Day-care and special child rearing expenses, such as tuition and long-distance transportation costs, are not included in the presumptive amount. The parents share those expenses in the same proportion as they share the presumptive child support obligation. The court may include these expenses in an obligor's monthly support payment, or the obligor may be required to pay his or her share when the expense is incurred.

The court may deviate from the presumptive child support payment established by the economic table if the child spends a significant amount of time with the parent who is obligated to pay support.

Summary of Amended Bill: If an obligor pays for day care or special child rearing expenses that are not actually incurred, the obligee must reimburse the obligor for the overpayment. Reimbursement may be in the form of a credit against future support payments upon agreement of both parties, or pursuant to a court or administrative order. Absent agreement of the obligee, an obligor is not entitled to pay more than his or her proportionate share of these expenses in advance and then subsequently deduct the overpayment from future support payments.

Expenses incurred by the non-custodial parent when the child visits that parent are not included in the economic table. The court must grant a residential credit to the non-custodial parent unless the child is receiving aid to families with dependent children benefits. A formula is established for determining the amount of the residential credit and the credit is then deducted from the monthly support payment.

Current law granting courts discretion to deviate from the presumptive support payment if the child spends significant time with the non-residential parent is stricken.

Amended Bill Compared to Original Bill: The original bill did not provide for a residential credit.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: A parent paying child support should be entitled to a credit if the support included payment for extraordinary expenses that were not incurred. The bill encourages the parties to resolve the overpayments between themselves.

Testimony Against: The bill will make it difficult for the department to keep accurate payment records, especially if the parties agree to a credit and OSE is not informed of the agreement.

Testified: PRO: Doug Becker, WSBA Family Law Section; Bob Hoyden, WA Families for Non-Custodial Rights; CON: Mike Ricchio, DSHS Child Support Division.