

HOUSE BILL REPORT

HB 2154

*As Reported By House Committee on:
Judiciary*

Title: An act relating to child support and maintenance.

Brief Description: Changing provisions relating to domestic relations.

Sponsor(s): Representative Appelwick.

Brief History:

Reported by House Committee on:
Judiciary, March 6, 1991, DPS.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *That Substitute House Bill No. 2154 be substituted therefor, and the substitute bill do pass.*
Signed by 19 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; Inslee; Locke; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Staff: Pat Shelledy (786-7149).

Background:

Venue. The chapter governing dissolution actions establishes the venue in which the parties may bring various motions under the chapter. The venue in a civil action to initiate a divorce or separation is in the county where the petitioner lives. The statute lacks a specific venue provision to identify the venue for actions in cases that involve a parenting plan or a child support action.

A separate venue statute exists for motions to change or enforce an order under a parenting plan. That venue statute establishes venue for the parenting plan but does not specifically mention that the statute applies to child support modifications.

Motions for modifications. The provisions of any decree respecting maintenance or support may be modified only as to installments accruing subsequent to the motion for the

modification. The statute is somewhat unclear whether any modification granted must be effective as of the date of filing the motion.

Access to educational records. Each divorced parent of a child has a right to access to the child's education and health care records unless a court enters an order to the contrary.

Summary of Substitute Bill:

Venue. Technical changes clarify existing venue statutes. In cases regarding the parenting plan or the child support obligations between the parents, in which no prior proceeding has been initiated in the state of Washington, the venue for that proceeding will be in the superior court where the petitioner resides. The venue statute for actions to change, modify, or enforce any final order regarding the parenting plan for the minor children is amended to add that the venue statute applies to actions for modifications of child support.

Modifications for support or maintenance. The modification of support or maintenance statute is changed and clarified to provide that any modification of a decree for maintenance or support must be effective as of date of filing of the motion.

Access to records. The current right of both divorced parents of a child to access to their child's educational and health care records is clarified to include records of public and private schools in all grades K through 12 and post-secondary educational institutions for all periods for which child support is paid or the child is the dependent in fact of the parent requesting access to the records. Neither parent may veto the other parent's access to the records, and neither parent, nor child, nor any educational institution, nor health care provider may assert a privilege on behalf of the child.

Substitute Bill Compared to Original Bill: A provision that changed requirements for service of process of a motion for modification is stricken. Technical corrections are made to clarify that modifications must be effective from the date of filing the motion.

Fiscal Note: Not requested.

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

Testimony For: None.

Testimony Against: The provision changing the rules that a motion for modification must be filed with the court before a default judgment may be entered places pro se litigants, who are ill equipped to understand the legal consequences of service, subject to entry of default judgments when they should not be subject to default. The provisions allowing parents access to all educational and health records should be changed to protect certain records from dissemination if the dissemination would endanger the child's emotional or physical welfare or endanger another person's safety. Specifically abrogating other laws that provide for confidentiality of certain health records of a child is overbroad and conflicts with other specific statutes guaranteeing that confidentiality.

Witnesses: Deborah Senn, Northwestern Women's Law Center (con).