

5120-S2

Sponsor(s): Senate Committee on Ways & Means (originally sponsored by Senators Nelson, Rasmussen, Thorsness, Stratton, Saling, McCaslin, Hayner, Erwin, L. Smith, Newhouse, Amondson, Johnson, Bailey, Gaspard, Vognild, Matson, West, Owen, Bauer, Snyder, Roach and Oke)

Brief Description: Making adjustments to child support guidelines.

**SB 5120-S2.E - DIGEST**

(DIGEST AS ENACTED)

Revises provisions for modification of support decrees.  
Revises the family court services program.  
Revises provisions for wage assignment procedures.  
Authorizes a parent obligated to pay child support to file a motion for an accounting of how the support money is being spent.  
Provides for a mediation proceeding to resolve disputes between parents.  
Revises child support guidelines.  
Requires a child to make available all academic records and grades to both parents as a condition of receiving postsecondary educational support.  
Establishes requirements for information to be furnished by a parent filing a motion for modification of child support.  
Repeals provisions of chapter 26.12 RCW.

VETO MESSAGE ON SB 5120-S2

May 21, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1, 3, 5, 8, 23, 24, 28, 29, 32, 34, 35, 36, 50, and 53, Engrossed Second Substitute Senate Bill No. 5120 entitled:

"AN ACT Relating to child support."

Any changes in the law affecting child support must focus on one issue -- the well-being of the children. This was my overriding concern in the actions I have taken today; I used every means possible to maintain financial support for children.

Before 1988, our child support system was haphazard and many children received little or no financial support from the noncustodial parent. These families often ended up on public assistance, experiencing all of the pitfalls of poverty.

In 1988, we succeeded in enacting a new child support system. In 1989 Washington's noncustodial parents paid an average award of \$352 per month. That amount includes all payments ordered by the court for all children, including daycare, medical and education expenses. Noncustodial parents are paying an average of 26% of their incomes in child support. These are not unreasonable support awards.

I had these facts in mind when I reviewed this legislation,

and I heard from numerous individuals and groups. I also had in mind the jeopardy our state faces with the potential loss of \$70 million in federal funds if we do not adopt a uniform economic table. These funds are essential to the well-being of children, since they fund our child support collection system.

I have said before that the child support system needed minor improvements and that it would be helpful if the legislature gave more clarity to the courts on how children in second families should be protected. Engrossed Second Substitute Senate Bill No. 5120 does not contain language on this issue. Some people have stated their belief that this legislation would put to rest issues related to child support. This is not the case. The issue of second families remains to be resolved.

The portions of this bill that are signed into law will improve the system of family court services and clarify procedures for the Office of Support Enforcement. Minor modifications will be easier to obtain and protections are added for disabled veterans.

I have vetoed certain sections for three reasons. Either they lower support to children unjustifiably, they egregiously impact families with children or they violate federal law.

Section 25, the new economic table, is signed into law. This uniform schedule will rectify the legal problems we have with the federal government. While it is imperative that the state have a uniform schedule, I am pleased that in section 26 the Legislature obligates itself to periodically review this economic table.

Section 23 is vetoed because it states an intent that children must suffer from dissolution. Although that is unfortunately true in some situations, it is poor public policy to intend that it happen.

Sections 24, 28, 29, 32 and 50 are vetoed because they unjustifiably lower support to children. The new definition of "income" eliminates consideration of all overtime, second job income, contract-related benefits, gifts, prizes and bonuses, unless the judge makes an exception. The majority of support awards in the state could be lowered because of this change. I see no reason to use a definition that arbitrarily excludes as a benefit for children these very real types of resources that are available to parents.

Section 3 is vetoed because it is likely to have a negative impact on families with children. This section requires all periodic modifications to conform to the child support statutes. It then provides that any part of an existing dissolution decree that conflicts with the statute is "void". Custodial parents will be ordered to pay back support they received under legal court orders. This is an illegal retroactive modification and it would cause hardship to children.

Section 8 is vetoed because it overrules a child's right to private medical treatment in some situations. Children over age fourteen may receive medical treatment for sexually transmitted diseases and they may also use family planning services - all without parental consent. This amendment gives parents a right to those private medical records. Furthermore, there is great concern that the language would jeopardize child abuse investigations and domestic violence protections. I strongly support the right of both parents to have full and equal access to the education and available medical records of their children, but current law already gives them that right.

Section 34 limits a court's ability to order support for postsecondary education. Current law gives the court discretion to order support and tuition payments after considering the

circumstances. This amendment prohibits a court from ordering noncustodial parents to pay tuition above that charged by the Washington university system to resident students. A child could very well live in another state where tuition is higher than our state charges. This type of cap unnecessarily limits the court's discretion and arbitrarily limits the options for children.

Sections 35, 36 and 53 change the way parents pay for extraordinary expenses and day care. The custodial parent would be required to pay these costs and bill the noncustodial parent. A custodial parent who lives in Washington, for instance, could have to pay for a roundtrip airline ticket to the state where the noncustodial parent lives, so the child could have visitation. All extra health expenses would be paid up front by the custodial parent. If the bill isn't paid after 30 days, the custodial parent must use a time-consuming court process to collect. This is unreasonably harsh. Section 35 is the companion section that modifies the Office of Support Enforcement process regarding extraordinary expenses and section 53 is the accompanying null and void section.

Section 5 contains language to allow Desert Shield and Desert Storm participants a retroactive modification for the time they were on active duty. We all laud the efforts of these fine service persons, but retroactive modifications violate federal law and work an unreasonable hardship on custodial parents. Furthermore, the bill is written with timelines that preclude nearly two-thirds of these people from taking advantage of the adjustment.

Section 1 is vetoed because of the hardship this venue change would have on rural Washingtonians and on Lincoln County. Current law allows expedited dissolutions in situations where the parties agree. I see no reason to take away this convenience.

For the reasons stated above, I have vetoed sections 1, 3, 5, 8, 23, 24, 28, 29, 32, 34, 35, 36, 50 and 53 of Engrossed Second Substitute Senate Bill No. 5120.

With the exception of sections 1, 3, 5, 8, 23, 24, 28, 29, 32, 34, 35, 36, 50, and 53, Engrossed Second Substitute Senate Bill No. 5120 is approved.

Respectfully submitted,  
Booth Gardner  
Governor