

HOUSE BILL REPORT

HB 2216

As Passed House
February 8, 1994

Title: An act relating to social security benefits.

Brief Description: Concerning social security benefits.

Sponsors: Representatives Appelwick, Padden and Campbell.

Brief History:

Reported by House Committee on:
Judiciary, February 1, 1994, DP;
Passed House, February 8, 1994, 94-0.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 15 members:
Representatives Appelwick, Chair; Johanson, Vice Chair;
Padden, Ranking Minority Member; Ballasiotes, Assistant
Ranking Minority Member; Campbell; Chappell; Eide; Forner;
J. Kohl; Long; Morris; H. Myers; Schmidt; Scott and Tate.

Staff: Pat Shelledy (786-7149).

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 over age 65 or deceased. No 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 payments as a credit against the support obligation.

Summary of Bill: When the Social Security administration pays Social Security longevity benefits or death insurance benefits on behalf of a child of a retired person or a deceased person, those benefits will be credited towards the retired or deceased person's child support obligations for the period for which benefits are paid.

Fiscal Note: Not requested.

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

Testimony For: The same principle that allows Social Security disability benefits to be credited towards child support applies to payment of longevity and death benefits. Legislation is necessary because a recent case held that the court has discretion to credit the benefits towards the support obligation.

Testimony Against: None.

Witnesses: Paula Crane, Washington State Bar Association Family Law Section (pro).