

SENATE BILL REPORT

ESHB 1760

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, APRIL 1, 1993

Brief Description: Regulating obligations for child support and spousal maintenance.

SPONSORS: House Committee on Judiciary (originally sponsored by Representatives H. Myers, Brough, Appelwick, Miller, Johanson, Chappell, Ludwig, Scott and Mastin)

HOUSE COMMITTEE ON JUDICIARY

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Staff: Susan Carlson (786-7418)

Hearing Dates: March 25, 1993; April 1, 1993

BACKGROUND:

A variety of provisions exist to enforce child support obligations, including wage assignments. The definitions governing wage assignments have been interpreted to only allow the enforcement of spousal maintenance through a wage assignment order if child support is also due. It has been suggested that the wage assignment provisions should be amended to allow use of that remedy to collect spousal maintenance regardless whether child support is also owed.

Federal law provides that wages or other "remuneration for employment" of federal employees may be collected for child support or spousal maintenance. Remuneration for employment includes payments for a wide range of benefits including pensions and retirement pay. "Remuneration for employment" is not included in the definition of "earnings" against which a wage assignment may be enforced.

Current statutes specifically provide for enforcement of a court order requiring an obligor to provide health insurance coverage for a dependent child. However, these provisions do not explicitly address the collection of any insurance deductibles or out-of-pocket medical expenses not covered by insurance.

SUMMARY:

Spousal maintenance may be collected by use of a mandatory wage assignment order. The order has priority over all other garnishments, except for child support wage assignment orders. If more than one spousal maintenance wage assignment is asserted against the obligor's wages, and the total due exceeds the amount of nonexempt earnings, the employer must apportion the nonexempt earnings equally among the obligees.

Wage assignment orders for child support or spousal maintenance remain in effect for one year after the employee has left employment or until the employer is no longer in possession of any earnings owed to the employee, whichever is later.

A mandatory wage assignment may be asserted against "remuneration for employment" as payable by the federal government to the obligor.

The court has continuing jurisdiction to enforce a child support or maintenance order and may use contempt to collect all sums due, including arrearages. Venue for the action can be in the superior court of the county where the obligee resides, as well as where the dependent child or obligor reside, or where the prior order was entered.

The obligee and the Office of Support Enforcement are authorized to collect the obligor's portion of any deductible paid for medical expenses, or any medical expenses incurred that exceed the coverage of a health insurance plan. The amount must be reduced to a sum certain in a court order before the obligee or the department may enforce collection through a wage assignment order.

Appropriation: none

Revenue: none

Fiscal Note: requested March 26, 1993

TESTIMONY FOR:

The bill will assist obligees in collecting spousal maintenance.

TESTIMONY AGAINST: None

TESTIFIED: Barbara Baker, Puget Sound Legal Assistance Foundation
(pro)