

**SENATE BILL REPORT**

**HB 2216**

**AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 22, 1994**

**Brief Description:** Concerning social security benefits.

**SPONSORS:** Representatives Appelwick, Padden and Campbell

**HOUSE COMMITTEE ON JUDICIARY**

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** Do pass.

Signed by Senators A. Smith, Chairman; Ludwig, Vice Chairman; Hargrove, Nelson, Roach, Schow and Spanel.

**Staff:** Susan Carlson (786-7418)

**Hearing Dates:** February 18, 1994; February 22, 1994

**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 Washington case held that the court has discretion to determine whether to treat Social Security payments as a credit against the support obligation.

**SUMMARY:**

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.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

Social Security payments made on behalf of a child should be a credit against child support.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Robert Taub, WA State Bar Association (pro)