

**SENATE BILL REPORT**

**SB 6318**

**AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 3, 1994**

**Brief Description:** Revising methods for calculating child support.

**SPONSORS:** Senators Hargrove, Skratek, Owen, Erwin, Vognild, Sellar, Nelson, Newhouse, McDonald, Roach and Hochstatter

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** That Substitute Senate Bill No. 6318 be substituted therefor, and the substitute bill do pass.

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

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

**Hearing Dates:** January 25, 1994; February 3, 1994

**BACKGROUND:**

Legislative intent in current law provides that child support should be commensurate with the parents' income, resources, and standard of living. When calculating support, overtime and income from second jobs is included in income. The court may deviate from the standard calculation after considering income of a new spouse or of other adults in the household. The court may also deviate based on children from other relationships, but the other children may not be counted for purpose of calculating the basic child support obligation.

Current law does not provide an accountability procedure for determining if the parent receiving child support is using the money for the benefit of the child.

**SUMMARY:**

Legislative intent in establishing the child support schedule includes a recognition that all parties to a divorce suffer a reduced standard of living as a result of the divorce.

Overtime pay is excluded from income for purposes of calculating child support. If a parent has a full-time job, income derived from a second or additional job is also excluded from income. Income of a new spouse or other adults in the household may not be considered for purposes of deviating from the standard calculation.

Children from other relationships to whom either parent owes a duty of support are counted for purposes of determining the child support obligation.

A parent obligated to pay child support may file a motion for an accounting of how the support is being spent. The court must hold a preliminary hearing to determine if there is reasonable cause to believe that the support is not benefitting the child. If reasonable cause is found, the court may either set the matter for show cause hearing or order mediation. Costs and attorney fees can be awarded to the parent receiving support if the motion was brought in bad faith. A motion for an accounting may not be filed more than once every twelve months.

**EFFECT OF PROPOSED SUBSTITUTE:**

The substitute bill allows the court to count children from other relationships for purposes of calculating child support. Income of a new spouse or other adult living in the household may not be considered for determination unless they have children who are counted in the child support calculation. All other sections of the original bill are omitted.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

If there are children from other relationships involved, all the children should be treated equally when calculating support. A new spouse or other adult's income should not be considered when calculating support.

**TESTIMONY AGAINST:**

Current law provides judges appropriate guidelines for calculating support.

**TESTIFIED:** Michele Delo, Cindy Wall, Rachel Burke, Genie Saline, Washington Families for Noncustodial Rights (pro); Lonnie Johns-Brown, NOW (con); Mike Ricchio, OSE (con); Ann Simons, Washington Women United (con)