

HOUSE BILL REPORT

HB 1186

As Amended by Senate:

Title: An act relating to social security benefits.

Brief Description: Concerning social security benefits.

Sponsors: Representatives Appelwick and Padden.

Brief History:

Committee Activity:

Law & Justice: 1/25/95, 1/31/95 [DP].

Floor Activity:

Passed House: 2/17/95, 94-0.

Senate Amended.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 15 members: Representatives Padden, Chair; Delvin, Vice Chair; Hickel, Vice Chair; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith and Veloria.

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 retired or deceased. No state 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 retirement benefits as a credit against the support obligation. Another recent case has held that Social Security death benefits will be allowed against an estate's child support obligations only when the credit is specifically provided for in the dissolution decree, thereby indicating the parties' intent.

Summary of Bill: When the Social Security administration pays Social Security longevity benefits or death 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.

EFFECT OF SENATE AMENDMENT(S):

Technical amendments are made to use terminology used by the Social Security Administration.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: There isn't any justifiable reason not to credit Social Security administration retirement and death benefits towards a person's child support obligations, especially when disability payments are credited.

Testimony Against: None.

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

Votes on Final Passage:

Yeas 94; Excused 4

Excused: Fuhrman, Quall, Robertson, Van Luven