

HOUSE BILL REPORT

SB 6581

As Reported By House Committee On:

Law & Justice

Title: An act relating to standards for determining child support obligations for parents with a combined monthly net income of less than six hundred dollars.

Brief Description: Revising standards for determining child support obligations.

Sponsors: Senators Roach and Fairley.

Brief History:

Committee Activity:

Law & Justice: 2/26/98, 2/27/98 [DP].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 12 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lantz; Mulliken; Robertson and Sherstad.

Minority Report: Without recommendation. Signed by 1 member: Representative Lambert.

Staff: Trudes Hutcheson (786-7384).

Background: In 1991, the Legislature adopted a presumptive child support schedule to be applied throughout the state. Courts establish a parent's child support obligation using the economic table contained in the child support schedule.

The economic table establishes presumptive amounts based on the combined monthly net income of the parents, the age of the child, and the number of children in the family. After establishing the presumptive "basic support obligation," the court considers extraordinary expenses to establish the "standard support obligation." Finally, the court considers whether there are reasons for deviating from the standard support obligation. When the parents' combined monthly income is less than \$600, the statute requires an absolute minimum support amount of \$25 per child per month.

The federal child support laws require that a parent have the opportunity to rebut any presumed support amount. Because Washington's statute creates an irrebuttable presumption imposing \$25 per child per month, one Washington court of appeals found that Washington's statute directly conflicts with the federal law. In re the Marriage of Gilbert. Generally, when a state law conflicts with a federal law, the supremacy clause mandates that the federal law controls. The court in Gilbert held that Washington's \$25 per child per month irrebuttable presumption was invalid.

Summary of Bill: Parents with a combined monthly net income of less than \$600 may rebut the presumptive child support amount of \$25 per child per month by showing that it would be unjust or inappropriate to order that amount. The court must consider the best interests of the child and the circumstances of each parent. The circumstances can include comparative hardship to the affected households, assets or liabilities, and earning capacity.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill will make the statute consistent with the administrative rules, which already treat the \$25 minimum as a rebuttable presumption.

Testimony Against: None.

Testified: Senator Roach, prime sponsor; and Elizabeth Morgan, Division of Child Support, Department of Social and Health Services.