

# HOUSE BILL ANALYSIS

## HB 1380

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**Title:** An act relating to child support health care expenses.

**Brief Description:** Changing the allocation of child support health care expenses between parents.

**Sponsors:** Representatives Lambert, Wolfe, Sheahan, Mitchell, Dunshee, Mason and Scott.

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Staff:** Trudes Hutcheson (786-7384).

**Background:** A court establishes a parent's presumptive basic child support obligation— by using an economic table located in Washington's child support schedule. The table takes into consideration the combined monthly net income of both parents, the number of children, and the children's ages. Each parent's share of the basic child support obligation is based on each parent's share of the combined monthly net income.

Ordinary health care expenses are included in the economic table. The table assumes that 5 percent of the monthly amount of support due is spent on ordinary health care expenses. Monthly health care expenses that exceed 5 percent of the basic child support obligation are considered extraordinary health care expenses. Extraordinary health care expenses are not included in the presumptive basic child support amount, and must be shared by the parents in the same proportion as the basic child support obligation.

The term health care expenses— is not defined in statute or case law.

**Summary of Bill:** Ordinary health care expenses are calculated on an annual, calendar-year basis, instead of a monthly basis. Ordinary health care expenses are calculated by multiplying 5 percent of the basic child support obligation by 12. The parent receiving child support payments is responsible for paying the ordinary health care expenses. Any health care expenses exceeding the annual ordinary health care expenses are deemed extraordinary health care expenses.

Once the amount constituting the annual ordinary health care expenses has been incurred, the parent receiving child support payments must notify the parent paying the child support that any additional health care expenses incurred in that calendar

year constitute extraordinary health care expenses. The parent receiving the child support payments must provide documentation to show that the ordinary health care expenses have incurred. The parents will share the extraordinary health care expenses in the same proportion they share the basic child support obligation. The parent paying child support is responsible for reimbursing the other parent for extraordinary health care expenses as the expenses are incurred.

Health care expenses– are those expenses allowed as federal income tax deductions for medical care.

**Fiscal Note:** Not requested.

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

Office of Program Research