

HOUSE BILL ANALYSIS

HB 1720

Title: An act relating to stepparents' financial responsibility.

Brief Description: Limiting stepparents' financial responsibility where the parent-child relationship has been terminated.

Sponsors: Representatives Sheahan, Wolfe, Keiser, Mitchell, Smith, Clements, Gombosky, Sullivan, Anderson, Tokuda and Carrell.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Trudes Hutcheson (786-7384).

Background: There are several statutes establishing the rights and responsibilities of a husband and wife. The family support statute provides that the expenses of the family and the education of the children, including stepchildren, are chargeable upon both the husband and wife.

Under the family support statute, a stepparent is required to support his or her stepchildren until: (a) divorce; (b) legal separation; (c) death; or (d) upon motion by the stepparent, the time a petition for divorce or legal separation is filed.

Before the enactment of the family support statute, the common law rule provided that stepparents were financially responsible for their stepchildren when an in loco parentis- relationship was established. An in loco parentis- relationship existed when a person undertook the care and control over a child and assumed the status of a parent. Unlike formal adoption, the in loco parentis- relationship was generally deemed temporary. Therefore, under common law, the stepparent's support obligation lasted only as long as the in loco parentis- relationship. Either the child or the stepparent could sever the relationship. When a stepchild moved out of the stepparent's home, the in loco parentis- relationship was terminated, and the obligation to support that stepchild was terminated.

The state supreme court recently held that a stepparent's obligation to support a stepchild does not terminate when the stepchild leaves the stepparent's home. *Harmon v. Department of Social and Health Services*, 83 Wn. App. 596 (1996). The court held that the family support statute listed the events that must occur before a stepparent's support obligation ended, and by enacting that statute, the Legislature intended to depart from the common law rule.

Because the stepparent's obligation to support the stepchild ends only upon certain events, the stepparent may be responsible for the stepchild even when the stepchild resides outside the stepparent's home. If the state distributes public assistance money to or for the benefit of a child, the state may seek reimbursement of that money from the responsible parent. Responsible parent— includes a natural parent, adoptive parent, stepparent, or other person acknowledging paternity of the child.

Summary of Bill: A stepparent's obligation to support a stepchild ends upon the termination of the stepparent and stepchild relationship by either party. For the purposes of the public assistance statutes, a stepparent is not a responsible parent— when the stepparent and stepchild relationship has been terminated by either party.

Fiscal Note: Not requested.

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