

SENATE BILL REPORT

SB 5685

As Reported By Senate Committee On:
Law & Justice, March 4, 1997

Title: An act relating to calculation of child support.

Brief Description: Calculating child support.

Sponsors: Senators Roach, Hargrove, Hochstatter, Schow, Strannigan and Johnson.

Brief History:

Committee Activity: Law & Justice: 2/18/97, 3/4/97 [DPS, DNPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5685 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, Haugen, Long, McCaslin, Stevens and Zarelli.

Minority Report: Do not pass substitute.

Signed by Senator Fairley.

Staff: Mychal Schwartz (786-7444)

Background: Washington's child support schedule contains an economic table. The economic table establishes a presumptive basic child support amount based on the combined monthly net income of the parents and the number and ages of the children. Each parent's share of the presumptive amount is based on each parent's share of the combined monthly net income.

Each parent's monthly net income is determined by subtracting specified expenses (such as taxes, mandatory pension payments, and mandatory union or professional dues) from the parent's monthly gross income. Monthly gross income includes income from any source, such as salaries, wages, commissions, overtime, income from second jobs, benefits, dividends and interest, bonuses, and workers' compensation and retirement benefits.

If the court determines that a particular source of income included in the calculation of the basic support obligation is not a recurring source of income, such as overtime, bonuses, or income from second jobs, the court may deviate from the standard support calculation.

Summary of Substitute Bill: Wages earned for overtime hours worked, whether or not the overtime was mandatory or voluntary, must not be included in the calculation of gross monthly income.

If a parent has at least one full-time job that requires the parent to work at least 40 hours per week, any income derived from any additional jobs must not be included in the calculation of gross monthly income.

Substitute Bill Compared to Original Bill: The original bill was not considered.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The law punishes non-custodial parents for trying to get ahead. The custodial parent has no accountability. The support schedule may force a non-custodial parent to live below the poverty line because of its inherent unfairness. This bill levels the playing field. Courts do not follow the mandate of the law as passed by the Legislature, making it very difficult for the non-custodial parent to get a modification to the support order. By removing these two items from the calculation, the non-custodial parent will not be subject to such unreasonable demands and the system will be able to avoid becoming overwrought with modifications.

Testimony Against: This bill may conflict with federal law. If it does, passage of the bill would jeopardize \$70-80 million. This issue was already addressed when the child support regulations were redrafted in the 1980's. Problems would arise from the passage of this bill because jobs are structured differently (overtime v. no overtime, contract work v. full time, standard sub 40-hour work weeks, etc.). Existing law allows for deviations from the standard calculations for non-recurring income.

Testified: PRO: Dave Harmon, Washington Families for Non-custodial Rights; Jamaica Filgo, Washington Families for Non-custodial Rights; CON: Judy Turpin, Northwest Women's Law Center; Michael Ricchio, DSHS, Division of Child Support; Martha Harden, Superior Court Judge's Association.