

HOUSE BILL REPORT

HB 2120

As Reported By House Committee On:
Judiciary

Title: An act relating to the termination of stepparent liability for child support.

Brief Description: Limiting stepparent liability for child support.

Sponsors: Representatives Radcliff, Constantine, Carrell and Kessler.

Brief History:

Committee Activity:

Judiciary: 2/3/00 [DP].

Brief Summary of Bill

- Eliminates the statutory obligation of stepparents to provide child support for stepchildren.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 9 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Cox; Dickerson; Kastama; Lantz; Lovick and McDonald.

Minority Report: Without recommendation. Signed by 3 members: Representatives Lambert, Republican Vice Chair; Esser and Schindler.

Staff: Trudes Hutcheson (786-7384).

Background:

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

Under the statute, a stepparent's obligation to support stepchildren terminates: (a) when a petition for dissolution or legal separation is filed and the stepparent moves to terminate support; (b) when a decree of dissolution or legal separation is entered; or (c) upon death.

In 1998, the state supreme court ruled in Harmon v. DSHS that the statutory child support schedule could not be used to establish child support obligations for stepparents. The schedule is the only mechanism available for courts and the Division of Child Support (DCS) to establish support obligations. After the Harmon decision, DCS stopped enforcing existing stepparent obligations and stopped establishing new stepparent obligations.

Summary of Bill:

The statutory obligation of a stepparent to provide child support to his or her stepchildren is removed. A stepparent's obligation to support a stepchild under the family expense statute ends upon the termination of the relationship of the husband and wife.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Child support should not be paid by nonparents, such as stepparents. This bill should be retroactive.

Testimony Against: None.

Testified: Bill Bruder.