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**Juvenile Justice & Family Law  
Committee**

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**HB 2517**

**Brief Description:** Providing for an accounting of how child support payments are being spent.

**Sponsors:** Representative Benson.

**Brief Summary of Bill**

- Allows a parent to file a motion with the court to request an accounting of how child support payments are being spent by the receiving parent.
- Allows the court to modify a support order, regardless of when the order was entered, if the court finds that payments are not being spent to benefit the child and modification would more accurately reflect what is needed.

**Hearing Date:** 1/29/02

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

**Background:**

Court orders establishing or modifying child support obligations must include certain notices to the parents. One such notice is a statement that the receiving parent might be required to submit an accounting of how the support is being spent to benefit the child. However, there are no explicit guidelines or procedures in statute that the court must follow when determining whether to order an accounting.

A child support order may only be modified as to installments accruing subsequent to the petition for modification and generally only upon a showing of a substantial change in circumstances.

However, a support order may be modified one year or more after it was entered without showing a substantial change of circumstances if:

- the order in practice works a severe economic hardship on either party or the child;
- the order was based on guidelines regarding the child's age, and the child is no longer

- in that age category;
- the child is still in high school and upon a finding that there is a need to extend support beyond the 18<sup>th</sup> birthday to complete high school; or
- to add a provision for automatic periodic adjustments.

All child support orders may be adjusted once every 24 months based upon changes in the parents' incomes without a showing of a substantial change in circumstances.

**Summary of Bill:**

A parent obligated to pay child support may file a motion with the court requesting an accounting of how the support is being spent by the receiving parent. The parent seeking the accounting must include an affidavit stating the facts he or she relied upon in determining that an accounting is necessary.

If the motion does not show good cause for ordering an accounting, the court may order the parent to pay costs and reasonable attorneys' fees to the parent responding to the motion.

If the motion does show good cause, the court may order the receiving parent to account for the payments received in the two months immediately preceding the order for accounting.

The court must review the accounting within a reasonable time. If it finds that the receiving parent has not spent the payments for the benefit of the child, the court may:

- order the receiving parent to file periodic accountings to the court;
- order the receiving parent to spend the payments for the benefit of the child;
- order the payments to be paid to a protective payee for the benefit of the child; or
- modify the order under the modification statute.

The motion for accounting does not apply to the Division of Child Support when the agency has been assigned child support payments because the parent is receiving public assistance.

The modification statute is amended to remove the requirement that a child support order be in effect for at least a year before it can be modified without showing a substantial change of circumstances. In addition to the other reasons currently listed in the statute, a court may modify an order if it finds that the receiving parent is not spending the payment for the benefit of the child and modification of the obligation would more accurately reflect the amount of support needed based on the parents' income, resources, and standard of living.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

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