
Juvenile Justice & Family Law Committee

SSB 5369

Brief Description: Revising provisions for jurisdiction in child support matters.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Kline, Long and Costa; by request of Department of Social and Health Services).

Brief Summary of Substitute Bill

- Allows the custodial parent (in addition to the responsible parent) to be a party to administrative hearings to establish child support.
- Authorizes notices for child support proceedings to be served using parcel delivery service.
- Authorizes the Division of Child Support to excuse the legal custodian from support payments if the legal custodian has been wrongfully deprived of physical custody of the child, whether or not the child is receiving public assistance.
- Makes other changes to the statutes governing establishment and enforcement of child support orders.

Hearing Date: 2/21/02

Staff: Trudes Hutcheson (786-7384).

Background:

Child support obligations may be established either judicially, by a superior court, or administratively, by the Division of Child Support (DCS). The DCS may establish a support obligation after a dissolution if the superior court has not already done so. The DCS may also establish a support order pursuant to a paternity action.

When establishing a support order administratively, the DCS must serve a notice and finding of financial responsibility to the responsible parent. Notice is generally given by personal service or certified mail. The notice and finding sets forth the amount of child support the responsible parent is required to pay. The responsible parent may request a hearing within

20 days of the date of service of the notice. The responsible parent must show cause why the finding of financial responsibility is incorrect or should be modified.

A parent's child support obligation is calculated under the child support schedule set in statute. Under the schedule, the parents' presumptive support obligation is based upon their combined monthly net income and the number and ages of the children.

Individuals who receive public assistance assign their rights to any child support to the state as reimbursement for the assistance they receive on behalf of the children. The state becomes a party to the action in child support proceedings and is represented by the attorney general or, in some counties, the prosecuting attorney.

If the parent required to pay support is the legal custodian of a child receiving public assistance, and the parent has been wrongfully deprived of physical custody of the child, the DCS may excuse the person from support payments.

Summary of Bill:

Changes are made to various provisions governing establishment and enforcement of child support.

When parents who are subject to a court order for child support marry each other, the child support provisions in the superior court order are terminated.

The DCS must serve notice on both the responsible parent and the custodial parent (including a custodian who is a nonparent) when establishing child support obligations administratively. The custodial parent may participate in proceedings regarding the responsible parent's child support obligation. The parties who appear for the proceedings may enter an agreed settlement, which may be different from the terms of the DCS notice and finding of financial responsibility. The hearing officer may enter an order that is different from the terms stated in the notice and finding of financial responsibility if the obligation is supported by credible evidence.

If the responsible parent's support obligation was based on a standard other than the statutory support schedule, the DCS may seek a hearing to adjust the support obligation.

Notice of proceedings may be served to the county prosecuting attorney, instead of the attorney general's office, in cases where the state is a party. Notice of child support proceedings may be served by parcel delivery service with a return receipt.

The DCS is authorized to excuse the legal custodian from support payments if the legal custodian has been wrongfully deprived of physical custody of the child, whether or not the child is receiving public assistance.

Appropriation: None.

Fiscal Note: Not requested.

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