HOUSE BILL REPORT
SSB 5369

As Passed House - Amended:
March 5, 2002

Title: An act relating to jurisdiction in child support matters.

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

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

Brief History:
  Committee Activity:
    Juvenile Justice & Family Law: 2/21/02, 2/28/02 [DPA].
  Floor Activity:
    Passed House - Amended: 3/5/02, 96-0.

Brief Summary of Substitute Bill
(As Amended by House)

· Allows the custodial parent (in addition to the responsible parent) to be a party to administrative hearings to establish child support.

· Authorizes the Division of Child Support (DCS) 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.

· Allows the DCS to serve notices to withhold and deliver on financial institutions using regular mail to a central garnishment address.

· Makes other changes to the statutes governing establishment and enforcement of child support orders.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: Do pass as amended. Signed by 7 members: Representatives Dickerson, Chair; Darneille, Vice Chair; Delvin, Ranking Minority Member; Armstrong, Carrell, Eickmeyer and Tokuda.

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).

When establishing a support order administratively, the DCS must serve a notice and finding of financial responsibility to the responsible parent. 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 to 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 received on behalf of the children. The state becomes a party to the action 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.

The DCS enforces child support obligations using a variety of methods, including orders to withhold and deliver. An order to withhold and deliver can apply to a person's wages as well as to other personal property, such as money in a bank account.

Summary of Amended 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. 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 reponsibility 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.

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.

The DCS may serve notices to withhold and deliver on financial institutions by regular mail if the financial institution designates a central garnishment address and the notice is clearly identified as a garnishment order.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill will help the DCS in its procedures. It will also allow the agency to take into consideration, in both public assistance and nonassistance cases, whether a parent has been wrongfully deprived of a child. The vast majority of documents sent to employers are sent by regular mail. This reduces the cost of serving. The parcel delivery will provide the agency with an alternative method of service.

Testimony Against: Service by mail wastes time because often the addresses are incorrect and mail gets returned to the sender. The state should use a process server instead of service by mail or parcel delivery. Employers will reject parcel deliveries. Personal servers continue to try to serve the person and ultimately get service of notices done faster than mail. Parcel delivery service does not protect a person's due process. Personal service assures that service is complete.

Testified: (In support) Georgiann DeKay, and David Stillman, Division of Child Support.

(Opposed) Dennis Copeland, Legal Couriers Incorporated; and Marshall West, ABC Legal Services.