

SENATE BILL REPORT

SSB 5369

As Passed Senate, January 30, 2002

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

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 History:

Committee Activity: Judiciary: 2/1/01, 2/6/01 [DPS].

Passed Senate: 3/10/01, 47-0; 1/30/02, 47-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5369 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Staff: Lisa Ellis (786-7421)

Background: The Department of Social and Health Services, Division of Child Support, is responsible for collecting child support in many situations, both to reimburse for public funds paid to support children and to assist custodial parents in collecting support and medical insurance. The proceedings are often complex and involve numerous parties. The Division of Child Support suggests that some statutes involving adjustment and termination of support orders, service of process, and defining the status of the actual custodian of the dependent child as a party in support proceedings need modification.

Summary of Bill: The following changes are made in actions for collection of child support:

- (1) Provisions for child support are terminated when the parents marry each other after an order setting child support payments becomes effective;
- (2) In some circumstances, a petition for modification of child support payments must be served on the prosecuting attorney of the county in which the action is filed;
- (3) A child's custodian who is not a parent has the same notice and hearing rights as a custodial parent in administrative proceedings setting child support obligations;
- (4) Child support orders based on payment standards which were previously in effect can be changed in an administrative proceeding filed by the Division of Child Support;

- (5) Service authorized by certified mail includes delivery by a parcel delivery service when a return receipt is obtained; and
- (6) An administrative law judge is given the authority to enter a support order which differs from that originally requested by the department if any party appears and presents credible evidence supporting that order, or if the parties agree.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: There is currently no provision about the effect of remarriage of parents on child support orders. When the county prosecuting attorney represents DSHS in child support proceedings, it is easier if documents are served on that agency rather than the Attorney General's office, who would then have to transfer them to the county prosecutor. Custodians of children whose support is the subject of administrative hearings need notice and the right to participate in the hearing, just as parents do, so they can protect their interest in receiving child support payments. DSHS needs standing to correct default administrative orders for support which were not based upon actual ability to pay. Authorizing service of process by parcel delivery service which requires a signed return receipt would substantially reduce costs for DSHS.

Testimony Against: None.

Testified: David Stillman, Legislative Coordinator, Division of Child Support, DSHS; Ellen Nolan, Division of Child Support, DSHS; Martha Hardin, Superior Court Judge's Association.

House Amendment(s): The Division of Child Support is authorized to serve notice on financial institutions using regular mail if there is a central levy or garnishment address and if the notice is clearly identified as a levy or garnishment order. The Division of Child Support is not authorized to use parcel delivery services as a means of serving notice to parties in child support proceedings.