

SENATE BILL REPORT

SB 5793

As Passed Senate, March 9, 2015

Title: An act relating to providing credit towards child support obligations for veterans benefits.

Brief Description: Providing credit towards child support obligations for veterans benefits.

Sponsors: Senators Darneille, Conway and O'Ban.

Brief History:

Committee Activity: Law & Justice: 2/10/15, 2/17/15, 2/18/15 [DP].

Passed Senate: 3/09/15, 49-0.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Kohl-Welles, Pearson and Roach.

Staff: Melissa Burke-Cain (786-7755)

Background: Veterans Administration (VA) benefits generally may not be garnished. However, federal statutes and regulations allow for the apportionment of VA benefits to provide spouses and dependents with financial support under some circumstances. The VA may apportion a veteran's pension or compensation benefits to the veteran's dependent children if the veteran is not paying a child support obligation. An apportionment will generally not be made if it would cause undue hardship to the veteran.

The Washington child support enforcement statutes provide that when the Social Security Administration pays disability dependency benefits, retirement benefits, or survivor's benefits on behalf of a child of a disabled, retired, or deceased person, those benefits must be credited toward the parent's child support obligations for the period for which benefits are paid. A similar provision gives a credit to the parent when worker's compensation benefits are paid by the Department of Labor and Industries on behalf of or on account of the parent's children. Currently the Division of Child Support is not authorized to grant credit to an obligor parent for the amounts of the parent's VA benefits that are apportioned by the VA on behalf of the parent's dependent children.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: VA benefits that are apportioned to pay child support on behalf of a veteran's child must be credited to the satisfaction of the veteran's child support obligation for the period for which benefits are paid.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This will help the many children in poverty and also give credit where credit is due for VA benefits apportioned for support of minor children.

Persons Testifying: PRO: Senator Darneille, prime sponsor.