

SENATE BILL REPORT

SB 5473

As Reported By Senate Committee On:
Law & Justice, January 11, 1996

Title: An act relating to standards for determining child support obligations for parents with a combined monthly net income of less than six hundred dollars.

Brief Description: Revising standards for determining child support obligations.

Sponsors: Senator Smith.

Brief History:

Committee Activity: Law & Justice: 1/31/95, 2/6/95; 1/11/96 [DPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5473 be substituted therefor, and the substitute bill do pass.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Staff: Susan Carlson (786-7418)

Background: Federal law requires every state to establish guidelines for child support awards. The guidelines must include a rebuttable presumption that the award resulting from application of the guidelines is the correct amount of support that should be awarded. Washington's child support schedule establishes a minimum support amount of \$25 per child per month for parents with combined monthly net income of \$600 or less per month. The Western District of the U.S. District Court has held that this \$25 minimum child support payment is an irrebuttable child support obligation and, therefore, is in conflict with federal law.

Summary of Substitute Bill: For combined monthly net incomes of less than \$600, a support order of \$25 per child per month must be entered for each parent unless the obligor parent establishes that it would be unjust or inappropriate in that particular case. In deciding whether to deviate below the presumptive minimum payment, the court may consider the best interests of the child and the circumstances of each parent. The circumstances to be considered can include comparative hardship to the affected households, assets or liabilities, and earning capacity.

Substitute Bill Compared to Original Bill: Language is reinstated from current statute relating to the court's authority to deviate from the minimum payment.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The bill makes Washington law consistent with federal law and recognizes that some parents are unable to pay \$25 per child.

Testimony Against: None.

Testified: PRO: Michelle Delo, Jamaica Filgo, Washington Families for Noncustodial Rights; Dinnen Cleary, Columbia Legal Services; Mary Hammerly, WA State Bar Association Family Law Section.