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ENGROSSED HOUSE BILL 2120

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State of Washington                      56th Legislature                      1999 Regular Session

By Representatives Radcliff, Constantine, Carrell and Kessler

Read first time 02/16/1999. Referred to Committee on Judiciary.

1            AN ACT Relating to the termination of stepparent liability for  
2 child support; and amending RCW 26.16.200, 26.16.205, and 74.20A.020.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 26.16.200 and 1983 1st ex.s. c 41 s 2 are each amended  
5 to read as follows:

6            Neither husband or wife is liable for the debts or liabilities of  
7 the other incurred before marriage, nor for the separate debts of each  
8 other, nor is the rent or income of the separate property of either  
9 liable for the separate debts of the other: PROVIDED, That the  
10 earnings and accumulations of the husband shall be available to the  
11 legal process of creditors for the satisfaction of debts incurred by  
12 him prior to marriage, and the earnings and accumulations of the wife  
13 shall be available to the legal process of creditors for the  
14 satisfaction of debts incurred by her prior to marriage. For the  
15 purpose of this section, neither the husband nor the wife shall be  
16 construed to have any interest in the earnings of the other: PROVIDED  
17 FURTHER, That no separate debt, except a child support or maintenance  
18 obligation, may be the basis of a claim against the earnings and  
19 accumulations of either a husband or wife unless the same is reduced to

1 judgment within three years of the marriage of the parties. The  
2 obligation of a parent (~~(or stepparent)~~) to support a child may be  
3 collected out of the parent's (~~(or stepparent's)~~) separate property,  
4 the parent's (~~(or stepparent's)~~) earnings and accumulations, and the  
5 parent's or stepparent's share of community personal and real property.  
6 Funds in a community bank account which can be identified as the  
7 earnings of the nonobligated spouse are exempt from satisfaction of the  
8 child support obligation of the debtor spouse.

9 **Sec. 2.** RCW 26.16.205 and 1990 1st ex.s. c 2 s 13 are each amended  
10 to read as follows:

11 The expenses of the family and the education of the children,  
12 including stepchildren, are chargeable upon the property of both  
13 husband and wife, or either of them, and they may be sued jointly or  
14 separately. (~~((When a petition for dissolution of marriage or a  
15 petition for legal separation is filed, the court may, upon motion of  
16 the stepparent, terminate the obligation to support the stepchildren.))~~)  
17 The obligation to support stepchildren shall cease (~~((upon the entry of  
18 a decree of dissolution, decree of legal separation, or death))~~) when a  
19 petition for dissolution of marriage or a petition for legal separation  
20 is filed.

21 **Sec. 3.** RCW 74.20A.020 and 1997 c 58 s 805 are each amended to  
22 read as follows:

23 Unless a different meaning is plainly required by the context, the  
24 following words and phrases as hereinafter used in this chapter and  
25 chapter 74.20 RCW shall have the following meanings:

26 (1) "Department" means the state department of social and health  
27 services.

28 (2) "Secretary" means the secretary of the department of social and  
29 health services, the secretary's designee or authorized representative.

30 (3) "Dependent child" means any person:

31 (a) Under the age of eighteen who is not self-supporting, married,  
32 or a member of the armed forces of the United States; or

33 (b) Over the age of eighteen for whom a court order for support  
34 exists.

35 (4) "Support obligation" means the obligation to provide for the  
36 necessary care, support, and maintenance, including medical expenses,

1 of a dependent child or other person as required by statutes and the  
2 common law of this or another state.

3 (5) "Superior court order" means any judgment, decree, or order of  
4 the superior court of the state of Washington, or a court of comparable  
5 jurisdiction of another state, establishing the existence of a support  
6 obligation and ordering payment of a set or determinable amount of  
7 support moneys to satisfy the support obligation. For purposes of RCW  
8 74.20A.055, orders for support which were entered under the uniform  
9 reciprocal enforcement of support act by a state where the responsible  
10 parent no longer resides shall not preclude the department from  
11 establishing an amount to be paid as current and future support.

12 (6) "Administrative order" means any determination, finding,  
13 decree, or order for support pursuant to RCW 74.20A.055, or by an  
14 agency of another state pursuant to a substantially similar  
15 administrative process, establishing the existence of a support  
16 obligation and ordering the payment of a set or determinable amount of  
17 support moneys to satisfy the support obligation.

18 (7) "Responsible parent" means a natural parent(~~(7)~~) or adoptive  
19 parent(~~(7 or stepparent)~~) of a dependent child or a person who has  
20 signed an affidavit acknowledging paternity which has been filed with  
21 the state office of vital statistics.

22 (~~(8) ("Stepparent" means the present spouse of the person who is~~  
23 ~~either the mother, father, or adoptive parent of a dependent child, and~~  
24 ~~such status shall exist until terminated as provided for in RCW~~  
25 ~~26.16.205.~~

26 (~~(9))~~) "Support moneys" means any moneys or in-kind providings paid  
27 to satisfy a support obligation whether denominated as child support,  
28 spouse support, alimony, maintenance, or any other such moneys intended  
29 to satisfy an obligation for support of any person or satisfaction in  
30 whole or in part of arrears or delinquency on such an obligation.

31 (~~(10))~~) (9) "Support debt" means any delinquent amount of support  
32 moneys which is due, owing, and unpaid under a superior court order or  
33 an administrative order, a debt for the payment of expenses for the  
34 reasonable or necessary care, support, and maintenance, including  
35 medical expenses, of a dependent child or other person for whom a  
36 support obligation is owed; or a debt under RCW 74.20A.100 or  
37 74.20A.270. Support debt also includes any accrued interest, fees, or  
38 penalties charged on a support debt, and attorneys fees and other costs

1 of litigation awarded in an action to establish and enforce a support  
2 obligation or debt.

3 ~~((11))~~ (10) "State" means any state or political subdivision,  
4 territory, or possession of the United States, the District of  
5 Columbia, and the Commonwealth of Puerto Rico.

6 ~~((12))~~ (11) "Account" means a demand deposit account, checking or  
7 negotiable withdrawal order account, savings account, time deposit  
8 account, or money-market mutual fund account.

9 ~~((13))~~ (12) "Child support order" means a superior court order or  
10 an administrative order.

11 ~~((14))~~ (13) "Financial institution" means:

12 (a) A depository institution, as defined in section 3(c) of the  
13 federal deposit insurance act;

14 (b) An institution-affiliated party, as defined in section 3(u) of  
15 the federal deposit insurance act;

16 (c) Any federal or state credit union, as defined in section 101 of  
17 the federal credit union act, including an institution-affiliated party  
18 of such credit union, as defined in section 206(r) of the federal  
19 deposit insurance act; or

20 (d) Any benefit association, insurance company, safe deposit  
21 company, money-market mutual fund, or similar entity.

22 ~~((15))~~ (14) "License" means a license, certificate, registration,  
23 permit, approval, or other similar document issued by a licensing  
24 entity to a licensee evidencing admission to or granting authority to  
25 engage in a profession, occupation, business, industry, recreational  
26 pursuit, or the operation of a motor vehicle. "License" does not mean  
27 the tax registration or certification issued under Title 82 RCW by the  
28 department of revenue.

29 ~~((16))~~ (15) "Licensee" means any individual holding a license,  
30 certificate, registration, permit, approval, or other similar document  
31 issued by a licensing entity evidencing admission to or granting  
32 authority to engage in a profession, occupation, business, industry,  
33 recreational pursuit, or the operation of a motor vehicle.

34 ~~((17))~~ (16) "Licensing entity" includes any department, board,  
35 commission, or other organization authorized to issue, renew, suspend,  
36 or revoke a license authorizing an individual to engage in a business,  
37 occupation, profession, industry, recreational pursuit, or the  
38 operation of a motor vehicle, and includes the Washington state supreme

1 court, to the extent that a rule has been adopted by the court to  
2 implement suspension of licenses related to the practice of law.

3 ~~((18))~~ (17) "Noncompliance with a child support order" for the  
4 purposes of the license suspension program authorized under RCW  
5 74.20A.320 means a responsible parent has:

6 (a) Accumulated arrears totaling more than six months of child  
7 support payments;

8 (b) Failed to make payments pursuant to a written agreement with  
9 the department towards a support arrearage in an amount that exceeds  
10 six months of payments; or

11 (c) Failed to make payments required by a superior court order or  
12 administrative order towards a support arrearage in an amount that  
13 exceeds six months of payments.

14 ~~((19))~~ (18) "Noncompliance with a residential or visitation  
15 order" means that a court has found the parent in contempt of court  
16 under RCW 26.09.160(3) for failure to comply with a residential  
17 provision of a court-ordered parenting plan.

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