

Multiple Agency Fiscal Note Summary

Bill Number: 2279 P S HB	Title: Child support
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Estimated Cash Receipts

Agency Name	2011-13		2013-15		2015-17	
	GF- State	Total	GF- State	Total	GF- State	Total
Office of Administrative Hearings	Non-zero but indeterminate cost. Please see discussion."					
Department of Social and Health Services	Non-zero but indeterminate cost. Please see discussion."					
Total \$	0	0	0	0	0	0

Estimated Expenditures

Agency Name	2011-13			2013-15			2015-17		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Office of Administrative Hearings	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Department of Social and Health Services	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total	0.0	\$0	\$0	0.0	\$0	\$0	0.0	\$0	\$0

Local Gov. Courts *									
Local Gov. Other **	Non-zero but indeterminate cost. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Impact

NONE

Prepared by: David Dula, OFM	Phone: (360) 902-0543	Date Published: Final 2/ 6/2012
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID 31679

FNS029 Multi Agency rollup

Judicial Impact Fiscal Note

Bill Number: 2279 P S HB	Title: Child support	Agency: 055-Admin Office of the Courts
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Part I: Estimates



No Fiscal Impact

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.

Legislative Contact	Trudes Tango	Phone: 360-786-7384	Date: 01/30/2012
Agency Preparation:	Charlotte Jensen	Phone: 360-705-5213	Date: 02/02/2012
Agency Approval:	Dirk Marler	Phone: 360-705-5211	Date: 02/02/2012
OFM Review:	David Dula	Phone: (360) 902-0543	Date: 02/02/2012

Request # -1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

Proposed Substitute Bill Summary

Since the residential schedule credit adjustment provisions are removed in this version, the current process remains. The increased number of hearings, length of hearings, and additional requests for review of court commissioner rulings identified in the Expenditure section below are no longer anticipated. Therefore, it is assumed that the proposed substitute bill will have minimal fiscal impact on the courts statewide.

Section 5 amends RCW 26.19.075. The residential schedule credit adjustment is removed from this version. This version continues to allow the current process of considering the residential schedule as a basis for deviation from the standard calculation.

Section 6 adds new sections to chapter 26.19 RCW that allows for adjustments to the standard support calculation for the children not before the court.

Sections 7 and 8 in the prior version related to the shared residential credit and are removed in this substitute version.

Section 9 has been renumbered and becomes Section 7 in this version. It amends RCW 26.19.090. Before determining the parents' obligation for postsecondary educational support, the court shall consider other funding sources when determining the unmet need for support.

Section 10 directing the AOC to develop the worksheet for calculating the residential credit has been removed.

Original Bill Summary

Section 3 amends RCW 26.19.020, which includes the table setting out the monthly basic support obligation per child.

Section 5 amends RCW 26.19.075 and removes criteria for deviations for a significant amount of residential time the obligated parent has with the child, and the deviation for children from other relationships.

Section 6 and 7 add new sections to chapter 26.19 RCW that allow for adjustments to the standard support calculation for the children not before the court and for a shared residential schedule.

Section 8 adds a new section to chapter 26.19 RCW that sets out the residential time table credit worksheet.

Section 9 amends RCW 26.19.090. Before determining the parents' obligation for postsecondary educational support, the court shall consider other funding sources when determining the unmet need for support.

Section 10 amends RCW 26.19.050 directs the AOC to develop the worksheet for calculating the residential credit.

II. B - Cash Receipts Impact

II. C - Expenditures

Proposed Substitute Bill

As provided above, the expenditures identified below are no longer anticipated under the proposed substitute bill. Therefore, it is assumed that the proposed substitute will have minimal fiscal impact on the courts statewide.

Original Bill

Expenditure assumptions based on court input:

- Hearings involving child support could increase by 25 percent.

- The average child support hearing could take an average of 42 minutes longer.
- A trial in a case that includes child support issues could take an average of 60 minutes longer.
- Judicial time required to review a court commissioner's ruling is approximately 105 minutes.
- Approximately 41% of the domestic relations cases filed in 2010 had orders of child support.

Increase Trial Length:

Caseload information for 2010 reports that there were 1,328 trials in domestic relations cases. Assuming 41% of those trials involved children there could be approximately 544 trials that would include issues related to residential schedules and/or child support. Based on court input, these trials could require additional hearing time. In addition, there were 167 trials in paternity cases in 2010. All of those cases involve children. It is assumed that those trials included issues related to residential schedules and/or child support and would be require additional hearing time.

Increased Hearing Time:

Caseload information for 2010 reports that there were 15,646 domestic relations cases resolved by agreement. It is assumed that 6,415 cases (41%) of those cases involved children. Based on court input it is assumed that 1,604 cases annually (25%) that were previously settled would now be contested and require additional hearing time. There were 10,051 paternity cases resolved by agreement. All of those cases involve children. Based on the same court input, it is assumed that 2,513 paternity cases annually that were previously settled would now be contested and require additional hearing time.

Review of Court Commissioner Rulings:

In cases that included a final order of child support entered in 2011, 91 of those cases also included revision of a commissioner's ruling. Based on the same court input, it is assumed that there would be an additional nine cases each year that would require judicial review of a court commissioner's ruling.

Superior Court Judges and Staff:

Based on the assumptions described in the attached document, the additional judicial time required to address the support issues covered by this legislation will result in the need for 3.2 additional superior court judges, 7.64 additional superior court staff, and 10.58 additional county clerk staff. The annual expenditure impact to the state will be \$377,298. The annual expenditure impact to the counties will be \$1,795,160 (not including capital costs).

There are currently 188 superior court judge positions. The statutorily mandated (RCW 2.56.030) objective workload methodology estimates a need for 255 superior court judges. This is a gap of 67 judge FTE. Thus, only 74% of the superior court judge need is currently being met by elected full-time superior court judges. Some jurisdictions have chosen to establish and fund court commissioner positions instead of elected judge positions. There are currently 56 FTE court commissioner positions.

Capital

There is no direct impact to the state capital budget. However, local jurisdictions may incur the capital costs for each additional judicial position.

For each additional superior court judicial position, 1,970 square feet of space is needed. For each additional administrative staff position, 120 square feet of space is needed. Washington State Office of Financial Management, Capital Section, staff estimate that the average cost per square foot is \$350. Based on this information, the capital cost for this bill for counties would be \$2,970,292.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Individual State Agency Fiscal Note

Bill Number: 2279 P S HB	Title: Child support	Agency: 110-Office of Administrative Hearings
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost. Please see discussion.

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact:	Trudes Tango	Phone: 360-786-7384	Date: 01/30/2012
Agency Preparation:	Jane Habegger	Phone: 360-753-4625	Date: 02/02/2012
Agency Approval:	Virgil Sweeney	Phone: 360-586-4949	Date: 02/02/2012
OFM Review:	Diamatris Winston	Phone: (360) 902-7657	Date: 02/02/2012

Request # PSHB2279-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

Effect of Substitute Bill:

- (1) The substitute bill removes the residential schedule credit adjustment provisions and restores current law which allows judges to deviate from the standard child support calculation to recognize time a child or children spend with the non-custodial parent.
- (2) The substitute bill makes it discretionary for judges to adjust a standard child support calculation for children not before the court.
- (3) The substitute bill makes changes to the postsecondary support provisions of the bill.

The Office of Administrative Hearings believes that the fiscal impact of this substitute bill is indeterminate. The primary section which may impact our caseload, and specifically cause an increase in filings of Petitions for Modification of a child support order, is Section 3, the changes to the Economic Table. The substitute bill does not change this section of the original bill.

Effect of the Original Bill:

HB 2279 makes a number of changes to child support statutes, including the Washington State Child Support Schedule and Economic Table.

The bill:

- Modifies the Economic Table eliminating the differentiation based on the age of the child or children and adopts new figures based upon more recent economic data.
- Clarifies that the 125% federal poverty level limitation standard is for 1 person.
- Provides that the court must presumptively apply the whole family formula for children from other relationships.
- Adopts an adjustment to recognize residential credit and a table/formula which must be used when applicable.
- Makes changes to post-secondary support.
- Will be effective October 1, 2012 if adopted.

OAH assumes the largest impact from this bill will come from Section 3, which eliminates the age differentiation and makes adjustments to the Economic Table. Both of these changes could result in larger or smaller child support obligations, which could motivate any of the parties to file a petition for modification of their child support order. OAH is unable to quantify the increased number of child support modification petitions which may be filed if this bill is enacted. Therefore, the impact of this bill is indeterminate to the OAH.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

II. C - Expenditures

Request # PSHB2279-1

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

NONE

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 2279 P S HB	Title: Child support	Agency: 300-Dept of Social and Health Services
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost. Please see discussion.

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☒ Requires new rule making, complete Part V.

Legislative Contact: Trudes Tango	Phone: 360-786-7384	Date: 01/30/2012
Agency Preparation: Mickie Coates	Phone: 360-902-8077	Date: 01/31/2012
Agency Approval: Dan Winkley	Phone: 360-902-8179	Date: 01/31/2012
OFM Review: Carl Yanagida	Phone: (360) 902-0553	Date: 02/01/2012

Request # 12PSHB2279-2

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

Section 3 – Adopts a new Economic Table which provides a presumptive support obligation amount per child.

Section 6 – Provides for discretionary adjustments to the standard support calculation based on children for whom support is not being determined in the current proceeding, but who are the children of one of the parents involved in the proceeding.

Section 8 – This act takes effect on October 1, 2012.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

The costs to implement this bill would be partially funded with federal Title IV-D funds.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

The fiscal impact from passage of this legislation is indeterminate but potentially large.

Support Order Modifications

Passage of this legislation is expected to increase requests for modifications to support orders. An increase in the number of support order modifications requested will increase workload for DCS staff, prosecuting attorneys, and the Office of Administrative Hearing (OAH). DCS reimburses OAH for the cost of hearings related to child support. Additionally, DCS's budget directly supports the costs of county prosecuting attorney staff who provide legal services in order modifications. It is not possible to estimate the increase in the number of support order modifications that will be requested under passage of this legislation and the related increase in workload/costs.

Changes in the calculation of child support order amounts may impact the amount of child support collections that is retained by the Children's Administration and the Economic Services Administration. However, the potential fiscal impact to retained support is indeterminate.

Economic Table Changes

Passage of this bill will necessitate significant changes to DCS systems (Support Schedule Generator (SSGen) and the Support Enforcement Management System (SEMS)). DCS will need 60 days after the receipt of new worksheets from the Administrative Office of the Courts (AOC) to implement the required systems changes. Total costs for these modifications are estimated at 1.2 FTEs and \$202,000 in State Fiscal Year 2012. DCS will accomplish this task by

reprioritizing work duties and delaying implementation of system enhancements and changes with the lowest priority.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

NONE

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

WAC 388-14A will require modification.

LOCAL GOVERNMENT FISCAL NOTE

Department of Community, Trade and Economic Development

Bill Number: 2279 P S HB	Title: Child support
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☐ Cities:
- ☒ Counties: Indeterminate impact due to increased need for county prosecutors and indigent defense attorneys in child support contempt actions.
- ☐ Special Districts:
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

Part II: Estimates

- ☐ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☐ Legislation provides local option:
- ☒ Key variables cannot be estimated with certainty at this time: Increase in contempt actions in child support cases.

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Indeterminate Impact

Part III: Preparation and Approval

Fiscal Note Analyst: Alice Zillah	Phone: 360-725-5035	Date: 02/06/2012
Leg. Committee Contact: Trudes Tango	Phone: 360-786-7384	Date: 01/30/2012
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 02/06/2012
OFM Review: David Dula	Phone: (360) 902-0543	Date: 02/06/2012

Part IV: Analysis

A. SUMMARY OF BILL

Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.

DIFFERENCES BETWEEN THIS VERSION AND PREVIOUS VERSION

The differences in the substitute version of the bill do not change the impacts discussed below.

SUMMARY OF THE BILL

Section 1 establishes legislative intent.

Section 3 amends RCW 26.19.020, which includes the table setting out the monthly basic support obligation per child.

Section 5 amends RCW 26.19.075 and removes criteria for deviations for a significant amount of residential time the obligated parent has with the child, and the deviation for children from other relationships.

Section 6 adds a new section to Chapter 26.19 RCW that allow for adjustments to the standard support calculation for the children not before the court and for a shared residential schedule.

Section 7 amends RCW 26.19.090. Before determining the parents' obligation for postsecondary educational support, the court shall consider other funding sources when determining the unmet need for support.

Section 8 establishes that this act takes effect Oct. 1, 2012.

B. SUMMARY OF EXPENDITURE IMPACTS

Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.

The legislation would have an indeterminate impact on counties due to increased time for prosecutors and court-appointed defense attorneys.

A non-custodial parent can be held in contempt of court if the non-custodial parent is not paying child support as ordered. The Department of Social and Health Services (DSHS) may refer a contempt action to county superior court after having exhausted administrative remedies to effect payment from the non-custodial parent. The burden of presenting the case in a contempt action lies with the county prosecutor, and each county's prosecutor sets the criteria the case must meet to prosecute the case. Indigent parents who are parties in these cases are eligible for court-appointed defense attorneys when they are found in contempt of a court order or when there is the threat of a jail sentence.

While the legislation would likely result in increased contempt actions, resulting in greater need for prosecutors and defense attorneys, data was not available to estimate the frequency with which this would occur.

C. SUMMARY OF REVENUE IMPACTS

Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.

The legislation would have no revenue impact for local government.

SOURCES:

Washington Defenders Association

Washington Association of County Officials

Department of Social and Health Services

Washington Association of Prosecuting Attorneys