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March 6, 2013

RE: HB 1027 CONCERNING CHANGES TO CHLD SUPPORT

Dear Senators:

As President of the Superior Court Judges' Association (SCJA), I am writing to express SCJA's concern regarding HB 1027, which makes changes to child support. In order for judges to have the ability to make the best decisions for the support of children who come before us, we urge you to make two critical changes in Section 6(1) of the bill.

Section 6 (1) states the court "shall" make an adjustment when the obligor has children not before the court (formerly referred to as children from other relationships). That section also states that the court "shall" use the whole family formula. We urge you to change the "shall" to "may" in both places.

We oppose granting a mandatory credit in all cases, or being limited to only one method to adjust child support downward. There are two main reasons that these requirements do not serve the best interests of all the children who come before us.

First, a parent paying support who has additional children may have middle or upper class income, while the other parent may be economically disadvantaged. Automatically reducing the level of support of children residing with the economically disadvantaged parent leaves that parent without enough resources to raise the child. Children should have the benefit of support from both parents that is "commensurate with the parents' income, resources, and standard of

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living,” which is the stated intent in RCW 26.19.001.<sup>1</sup> This bill takes away the judge’s ability and discretion to look at all the circumstances and to provide proper support for children.

Second, the “shall” language takes away the court’s discretion regarding how support should be adjusted. As an example, in some cases, a judge will determine that factors such as new children warrant a downward adjustment in the obligor’s child support. The judge may not, however, find that applying the whole family method is the best approach because that method may reduce support too far. The court’s sound exercise of discretion is a cornerstone of the judiciary, something that we take especially seriously in cases involving children. That discretion is central to the court’s ability to administer justice.

We respectfully urge you to change the word “shall” to the word “may” in two places in Section 6(1). As currently written, we cannot support what, otherwise, we believe to be a good bill.

Thank you for your serious consideration of this request. Please contact me at (509) 736-3071 or our Legislative Committee Chair, Judge Kitty-Ann van Doorninck, at (253) 798-6688 if you wish to discuss this matter.

Sincerely,

Craig Matheson  
President Judge, SCJA

cc: SCJA Board of Trustees  
SCJA Legislative Committee  
Ms. Regina McDougall

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<sup>1</sup> RCW 26.19.001 provides in part: The legislature intends, in establishing a child support schedule, to insure that child support orders are adequate to meet a child's basic needs and to provide additional child support commensurate with the parents' income, resources, and standard of living. The legislature also intends that the child support obligation should be equitably apportioned between the parents.