
HOUSE BILL 2187

State of Washington 61st Legislature 2009 Regular Session

By Representative Williams

Read first time 02/12/09. Referred to Committee on Judiciary.

1 AN ACT Relating to day care expenses in child support obligations;
2 and amending RCW 26.19.080.

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

4 **Sec. 1.** RCW 26.19.080 and 1996 c 216 s 1 are each amended to read
5 as follows:

6 (1) The basic child support obligation derived from the economic
7 table shall be allocated between the parents based on each parent's
8 share of the combined monthly net income.

9 (2) Ordinary health care expenses are included in the economic
10 table. Monthly health care expenses that exceed five percent of the
11 basic support obligation shall be considered extraordinary health care
12 expenses. Extraordinary health care expenses shall be shared by the
13 parents in the same proportion as the basic child support obligation.

14 (3) Day care and special child rearing expenses, such as tuition
15 and long-distance transportation costs to and from the parents for
16 visitation purposes, are not included in the economic table. These
17 expenses shall be shared by the parents in the same proportion as the
18 basic child support obligation. The parent incurring day care expenses
19 shall attempt to notify the obligor and the department, if the

1 department is enforcing the support obligation, of the day care
2 expenses incurred within three months of the date the obligee first
3 enrolls the child in a day care or within three months from the time
4 there has been a significant change in the amount of day care expenses
5 previously being paid or within three months of the day care expenses
6 being incurred if the day care expenses were not previously known to
7 the obligor. Notification may be by regular mail, in person, or any
8 other reasonable method. If an obligor pays court or administratively
9 ordered day care or special child rearing expenses that are not
10 actually incurred, the obligee must reimburse the obligor for the
11 overpayment if the overpayment amounts to at least twenty percent of
12 the obligor's annual day care or special child rearing expenses. The
13 obligor may institute an action in the superior court or file an
14 application for an adjudicative hearing with the department of social
15 and health services for reimbursement of day care and special child
16 rearing expense overpayments that amount to twenty percent or more of
17 the obligor's annual day care and special child rearing expenses. Any
18 ordered overpayment reimbursement shall be applied first as an offset
19 to child support arrearages of the obligor. If the obligor does not
20 have child support arrearages, the reimbursement may be in the form of
21 a direct reimbursement by the obligee or a credit against the obligor's
22 future support payments. If the reimbursement is in the form of a
23 credit against the obligor's future child support payments, the credit
24 shall be spread equally over a twelve-month period. Absent agreement
25 of the obligee, nothing in this section entitles an obligor to pay more
26 than his or her proportionate share of day care or other special child
27 rearing expenses in advance and then deduct the overpayment from future
28 support transfer payments.

29 (4) The court may exercise its discretion to determine the
30 necessity for and the reasonableness of all amounts ordered in excess
31 of the basic child support obligation.

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