

CERTIFICATION OF ENROLLMENT

**ENGROSSED SECOND SUBSTITUTE SENATE BILL 5120**

Chapter 367, Laws of 1991  
(partial veto)

52nd Legislature  
1991 Regular Session

CHILD SUPPORT--UNIFORM ECONOMIC TABLE AND REVISED PROVISIONS

EFFECTIVE DATE: 9/1/91

Passed by the Senate April 23, 1991  
Yeas 36 Nays 10

JOEL PRITCHARD  
**President of the Senate**

Passed by the House April 18, 1991  
Yeas 67 Nays 27

JOE KING  
**Speaker of the  
House of Representatives**

Approved May 21, 1991, with the  
exception of sections 1, 3, 5, 8,  
23, 24, 28, 29, 32, 34, 35, 36,  
50 and 53, which are vetoed.

BOOTH GARDNER  
**Governor of the State of Washington**

CERTIFICATE

I, Gordon Golob, Secretary of the  
Senate of the State of Washington, do  
hereby certify that the attached is  
**ENGROSSED SECOND SUBSTITUTE SENATE  
BILL 5120** as passed by the Senate and  
the House of Representatives on the  
dates hereon set forth.

GORDON A. GOLOB  
**Secretary**

FILED

May 21, 1991 - 2:20 p.m.

**Secretary of State  
State of Washington**



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**ENGROSSED SECOND SUBSTITUTE SENATE BILL 5120**

AS AMENDED BY THE HOUSE

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Passed Legislature - 1991 Regular Session

**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** Senate Committee on Ways & Means (originally sponsored by Senators Nelson, Rasmussen, Thorsness, Stratton, Saling, McCaslin, Hayner, Erwin, L. Smith, Newhouse, Amondson, Johnson, Bailey, Gaspard, Vognild, Matson, West, Owen, Bauer, Snyder, Roach and Oke).

Read first time March 7, 1991.

1            AN ACT Relating to child support; amending RCW 26.09.010,  
2 26.09.015, 26.09.100, 26.09.160, 26.09.170, 26.09.175, 26.09.184,  
3 26.09.225, 26.09.280, 26.12.010, 26.12.060, 26.12.170, 26.12.190,  
4 26.12.220, 26.18.100, 26.18.110, 26.18.140, 26.19.001, 26.19.020,  
5 26.19.090, 26.21.230, 26.23.035, 26.23.050, 26.23.060, 26.23.070,  
6 26.23.100, 74.20.220, 74.20.310, and 74.20A.055; reenacting and  
7 amending RCW 26.09.260; adding new sections to chapter 26.12 RCW;  
8 adding new sections to chapter 26.19 RCW; adding new sections to  
9 chapter 26.23 RCW; adding new sections to chapter 74.20A RCW; creating  
10 new sections; repealing RCW 26.12.090, 26.12.100, 26.12.110, 26.12.120,  
11 26.12.130, 26.12.140, 26.12.150, 26.12.180, 26.12.200, 26.12.210,  
12 26.19.010, 26.19.040, 26.19.060, 26.19.070, 26.19.080, and 26.19.110;  
13 prescribing penalties; and providing an effective date.

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

2 Sec. 1. RCW 26.09.010 and 1989 c 375 s 1 are each amended to read  
3 as follows:

4 (1) Except as otherwise specifically provided herein, the  
5 practice in civil action shall govern all proceedings under this  
6 chapter, except that trial by jury is dispensed with.

7 (2) A proceeding for dissolution of marriage, legal separation or  
8 a declaration concerning the validity of a marriage shall be entitled  
9 "In re the marriage of ..... and ....." Such proceeding  
10 ((may)) shall be filed in the superior court of the county where the  
11 petitioner or respondent resides. Upon motion and hearing before the  
12 superior court of the county where the proceeding is filed, the court  
13 may waive venue in that county for good cause shown.

14 (3) In cases where there has been no prior proceeding in this state  
15 involving the marital status of the parties or support obligations for  
16 a minor child, a separate parenting and support proceeding between the  
17 parents shall be entitled "In re the parenting and support of  
18 ....." Such proceeding shall be filed in the superior court of  
19 the county where the petitioner or respondent resides. Upon motion and  
20 hearing before the superior court of the county where the proceeding is  
21 filed, the court may waive venue in that county for good cause shown.

22 (4) The initial pleading in all proceedings under this chapter  
23 shall be denominated a petition. A responsive pleading shall be  
24 denominated a response. Other pleadings, and all pleadings in other  
25 matters under this chapter shall be denominated as provided in the  
26 civil rules for superior court.

27 (5) In this chapter, "decree" includes "judgment".

28 (6) A decree of dissolution, of legal separation, or a declaration  
29 concerning the validity of a marriage shall not be awarded to one of

1 *the parties, but shall provide that it affects the status previously*  
2 *existing between the parties in the manner decreed.*

3 *\*Sec. 1 was vetoed, see message at end of chapter.*

4 **Sec. 2.** RCW 26.09.015 and 1989 c 375 s 2 are each amended to read  
5 as follows:

6 (1) In any proceeding under this chapter, the matter may be  
7 set for mediation of the contested issues before or concurrent with the  
8 setting of the matter for hearing. The purpose of the mediation  
9 proceeding shall be to reduce acrimony which may exist between the  
10 parties and to develop an agreement assuring the child's close and  
11 continuing contact with both parents after the marriage is dissolved.  
12 The mediator shall use his or her best efforts to effect a settlement  
13 of the dispute.

14 (2) Each superior court may make available a mediator. The  
15 mediator may be a member of the professional staff of a family court or  
16 mental health services agency, or may be any other person or agency  
17 designated by the court. In order to provide mediation services, the  
18 court is not required to institute a family court.

19 (3) Mediation proceedings shall be held in private and shall be  
20 confidential. The mediator shall not testify as to any aspect of the  
21 mediation proceedings. This subsection shall not apply to postdecree  
22 mediation required pursuant to a parenting plan.

23 (4) The mediator shall assess the needs and interests of the child  
24 or children involved in the controversy and may interview the child or  
25 children if the mediator deems such interview appropriate or necessary.

26 (5) Any agreement reached by the parties as a result of mediation  
27 shall be reported to the court and to counsel for the parties by the  
28 mediator on the day set for mediation or any time thereafter designated  
29 by the court.

1       (~~(6) This section shall not apply to postdecree mediation required~~  
2 ~~pursuant to a parenting plan.~~)

4       **\*Sec. 3.** RCW 26.09.100 and 1990 1st ex.s. c 2 s 1 are each amended  
5 to read as follows:

6           (1) In a proceeding for dissolution of marriage, legal  
7 separation, declaration of invalidity, maintenance, or child support,  
8 after considering all relevant factors but without regard to marital  
9 misconduct, the court shall order either or both parents owing a duty  
10 of support to any child of the marriage dependent upon either or both  
11 spouses to pay an amount determined under chapter 26.19 RCW.

12           (2) The court may require periodic (~~adjustments~~) modifications of  
13 child support. That portion of any decree that requires periodic  
14 modifications of child support shall use the provisions in chapter  
15 26.19 RCW as the basis for the modification. That portion of any  
16 decree that requires periodic modification of child support that uses  
17 a basis for modification other than chapter 26.19 RCW shall be void.  
18 Provisions in the decree for periodic modification shall not conflict  
19 with RCW 26.09.170 except that the decree may require periodic  
20 modifications of support more frequently than the time periods  
21 established pursuant to RCW 26.09.170. The (~~adjustment~~) automatic  
22 modification provision may be modified by the court due to economic  
23 hardship consistent with the provisions of RCW 26.09.170(4)(a).

24 \*Sec. 3 was vetoed, see message at end of chapter.

25       **Sec. 4.** RCW 26.09.160 and 1989 c 318 s 1 are each amended to read  
26 as follows:

27           (1) The performance of parental functions and the duty to  
28 provide child support are distinct responsibilities in the care of a  
29 child. If a party fails to comply with a provision of a decree or

1 temporary order of injunction, the obligation of the other party to  
2 make payments for support or maintenance or to permit contact with  
3 children is not suspended. An attempt by a parent, in either the  
4 negotiation or the performance of a parenting plan, to condition one  
5 aspect of the parenting plan upon another, to condition payment of  
6 child support upon an aspect of the parenting plan, to refuse to pay  
7 ordered child support, to refuse to perform the duties provided in the  
8 parenting plan, or to hinder the performance by the other parent of  
9 duties provided in the parenting plan, (~~may~~) shall be deemed bad  
10 faith and shall be punished by the court by holding the party in  
11 contempt of court and by awarding to the aggrieved party reasonable  
12 attorneys' fees and costs incidental in bringing a motion for contempt  
13 of court.

14 (2)(a) A motion may be filed to initiate a contempt action to  
15 coerce a parent to comply with an order establishing residential  
16 provisions for a child. If the court finds there is reasonable cause  
17 to believe the parent has not complied with the order, the court may  
18 issue an order to show cause why the relief requested should not be  
19 granted.

20 (b) If, based on all the facts and circumstances, the court finds  
21 after hearing that the parent, in bad faith, has not complied with the  
22 order establishing residential provisions for the child, the court  
23 (~~may~~) shall find the parent in contempt of court. Upon a finding of  
24 contempt, the court shall order:

25 (i) The noncomplying parent to provide the moving party additional  
26 time with the child. The additional time shall be equal to the time  
27 missed with the child, due to the parent's noncompliance;

28 (ii) The parent to pay, to the moving party, all court costs and  
29 reasonable attorneys' fees incurred as a result of the noncompliance,

1 and any reasonable expenses incurred in locating or returning a child;  
2 and

3 (iii) The parent to pay, to the moving party, a civil penalty, not  
4 less than the sum of one hundred dollars.

5 The court may also order the parent to be imprisoned in the county  
6 jail, if the parent is presently able to comply with the provisions of  
7 the court-ordered parenting plan and is presently unwilling to comply.  
8 The parent may be imprisoned until he or she agrees to comply with the  
9 order, but in no event for more than one hundred eighty days.

10 (3) On a second failure within three years to comply with a  
11 residential provision of a court-ordered parenting plan, a motion may  
12 be filed to initiate contempt of court proceedings according to the  
13 procedure set forth in subsection (2) (a) and (b) of this section. On  
14 a finding of contempt under this subsection, the court shall order:

15 (a) The noncomplying parent to provide the other parent or party  
16 additional time with the child. The additional time shall be twice the  
17 amount of the time missed with the child, due to the parent's  
18 noncompliance;

19 (b) The noncomplying parent to pay, to the other parent or party,  
20 all court costs and reasonable attorneys' fees incurred as a result of  
21 the noncompliance, and any reasonable expenses incurred in locating or  
22 returning a child; and

23 (c) The noncomplying parent to pay, to the moving party, a civil  
24 penalty of not less than two hundred fifty dollars.

25 The court may also order the parent to be imprisoned in the county  
26 jail, if the parent is presently able to comply with the provisions of  
27 the court-ordered parenting plan and is presently unwilling to comply.  
28 The parent may be imprisoned until he or she agrees to comply with the  
29 order but in no event for more than one hundred eighty days.



1 (4) For purposes of subsections (1), (2), and (3) of this section,  
2 the parent shall be deemed to have the present ability to comply with  
3 the order establishing residential provisions unless he or she  
4 establishes otherwise by a preponderance of the evidence. The parent  
5 shall establish a reasonable excuse for failure to comply with the  
6 residential provision of a court-ordered parenting plan by a  
7 preponderance of the evidence.

8 (5) Any monetary award ordered under subsections (1), (2), and (3)  
9 of this section may be enforced, by the party to whom it is awarded, in  
10 the same manner as a civil judgment.

11 (6) Subsections (1), (2), and (3) of this section authorize the  
12 exercise of the court's power to impose remedial sanctions for contempt  
13 of court and is in addition to any other contempt power the court may  
14 possess.

15 (7) Upon motion for contempt of court under subsections (1) through  
16 (3) of this section, if the court finds the motion was brought without  
17 reasonable basis, the court shall order the moving party to pay to the  
18 nonmoving party, all costs, reasonable attorneys' fees, and a civil  
19 penalty of not less than one hundred dollars.

20 *\*Sec. 5. RCW 26.09.170 and 1990 1st ex.s. c 2 s 2 are each amended*  
21 *to read as follows:*

22 *(1) Except as otherwise provided in subsection (7) of RCW*  
23 *26.09.070 and subsection (10) of this section, the provisions of any*  
24 *decree respecting maintenance or support may be modified only as to*  
25 *installments accruing subsequent to the filing of the motion for*  
26 *modification and, except as otherwise provided in subsections (4), (5),*  
27 *((and)) (8), (9), and (10) of this section, only upon a showing of a*  
28 *substantial change of circumstances. Any modification granted shall be*  
29 *effective as of the date of the filing of the motion. The provisions*  
30 *effective as of the date of the filing of the motion. The provisions*

1 as to property disposition may not be revoked or modified, unless the  
2 court finds the existence of conditions that justify the reopening of  
3 a judgment under the laws of this state. An increase in the wage or  
4 salary of a parent who is receiving support transfer payments as  
5 defined in section 24 of this act is not a substantial change in  
6 circumstances.

7 (2) Unless otherwise agreed in writing or expressly provided in the  
8 decree the obligation to pay future maintenance is terminated upon the  
9 death of either party or the remarriage of the party receiving  
10 maintenance.

11 (3) Unless otherwise agreed in writing or expressly provided in the  
12 decree, provisions for the support of a child are terminated by  
13 emancipation of the child or by the death of the parent obligated to  
14 support the child.

15 (4) Unless a decree provides for more frequent modifications of  
16 child support as provided in RCW 26.09.100, an order of child support  
17 may be modified one year or more after it has been entered without  
18 showing a substantial change of circumstances:

19 (a) If the order in practice works a severe economic hardship on  
20 either party or the child;

21 (b) If a party requests ~~((an adjustment))~~ a modification in an  
22 order for child support which was based on guidelines which determined  
23 the amount of support according to the child's age, and the child is no  
24 longer in the age category on which the current support amount was  
25 based;

26 (c) If a child is still in high school, upon a finding that there  
27 is a need to extend support beyond the eighteenth birthday to complete  
28 high school; or

29 (d) To add ~~((an))~~ automatic ~~((adjustment))~~ modification of support  
30 provisions ~~((consistent with))~~ as provided in RCW 26.09.100.

1 (5) An order or decree entered prior to June 7, 1984, may be  
2 modified without showing a substantial change of circumstances if the  
3 requested modification is to:

4 (a) Require health insurance coverage for a child named therein; or

5 (b) Modify an existing order for health insurance coverage.

6 (6) An obligor's voluntary unemployment or voluntary  
7 underemployment, by itself, is not a substantial change of  
8 circumstances.

9 (7) The department of social and health services may file an action  
10 to modify an order of child support if public assistance money is being  
11 paid to or for the benefit of the child and the child support order is  
12 twenty-five percent or more below the ((appropriate)) presumptive child  
13 support amount set forth in the standard calculation as defined in  
14 section ((4(2))) 24 of this act and reasons for the deviation are not  
15 set forth in the findings of fact or order. The determination of  
16 twenty-five percent or more shall be based on the current income of the  
17 parties and the department shall not be required to show a substantial  
18 change of circumstances if the reasons for the deviations were not set  
19 forth in the findings of fact or order.

20 (8)(a) ((Except as provided in (b) and (c) of this subsection,))  
21 Unless a decree provides for more frequent modification of child  
22 support as provided in RCW 26.09.100, all decrees entered on, before,  
23 or after September 1, 1991, that contain orders regarding child support  
24 ((decrees)) may be ((adjusted)) modified once every twenty-four months  
25 based upon changes in the income of the parents without a showing of  
26 substantially changed circumstances. Either party may initiate the  
27 modification pursuant to procedures of RCW 26.09.175.

28 (b) All decrees entered on, before, or after September 1, 1991, may  
29 be modified based upon changes in the child support schedule  
30 established in chapter 26.19 RCW without a substantial change in

1 circumstances. Parents whose decrees are entered on, before ((the  
2 effective date of this act)), or after the effective date of this  
3 section may petition the court for a modification based on the changes  
4 in the child support schedule after twelve months has expired from the  
5 entry of the decree or the most recent modification setting child  
6 support, whichever is later. However, if a party is granted relief  
7 under this provision, twenty-four months must pass before another  
8 petition for modification may be filed pursuant to (a) of this  
9 subsection.

10 (c) A party may petition for modification in cases of substantially  
11 changed circumstances, under subsection (1) of this section, at any  
12 time. However, if relief is granted under subsection (1) of this  
13 section, twenty-four months must pass before a petition for  
14 modification under (a) of this subsection may be filed.

15 (d) If, pursuant to (a) and (b) of this subsection, the court  
16 modifies a child support obligation by more than thirty percent and the  
17 change would cause significant hardship, the court may implement the  
18 change in two equal increments, one at the time of the entry of the  
19 order and the second six months from the entry of the order. Twenty-  
20 four months must pass following the second change before a petition for  
21 modification under (a) of this subsection may be filed.

22 ~~((e) A parent who is receiving transfer payments who receives a~~  
23 ~~wage or salary increase may not bring a modification action pursuant to~~  
24 ~~(a) of this subsection alleging that increase constitutes a substantial~~  
25 ~~change of circumstances under subsection (1) of this section.))~~

26 (9) Any decree, separation agreement, contract, or other agreement  
27 that conflicts with RCW 26.09.170(8) shall, upon motion of a party, be  
28 modified to conform to the requirements of RCW 26.09.170(8).

29 (10) A parent obligated to pay support, who was on active duty for  
30 the United States military for the "Desert Shield" or "Desert Storm"

1 operations of the United States war with Iraq, may bring a motion for  
2 modification of child support without a substantial change of  
3 circumstances for purposes of a retroactive adjustment of child support  
4 commencing from the beginning of the active duty until the date the  
5 parent was no longer on active duty. The parent must bring the motion  
6 for modification within ninety days of the end of the parent's active  
7 duty. The motion for modification may only be granted if the parent's  
8 income or resources were reduced while on active duty. Any  
9 modification granted that reduces child support during the parent's  
10 term of active duty shall be a prospective credit against future child  
11 support payments in an amount and over a period of time as determined  
12 in the court's discretion.

13 \*Sec. 5 was vetoed, see message at end of chapter.

14 **Sec. 6.** RCW 26.09.175 and 1990 1st ex.s. c 2 s 3 are each amended  
15 to read as follows:

16 (1) A proceeding for the modification of an order of child  
17 support shall commence with the filing of a petition(~~(, a supporting~~  
18 ~~financial affidavit,)~~) and worksheets. The petition (~~(and affidavit)~~)  
19 shall be in substantially the form prescribed by the administrator for  
20 the courts. There shall be a fee of twenty dollars for the filing of  
21 a petition for modification of dissolution.

22 (2) The petitioner shall serve upon the other party the summons, a  
23 copy of the petition (~~(and affidavit, and a blank copy of a financial~~  
24 ~~affidavit))~~, and the worksheets in the form prescribed by the  
25 administrator for the courts. If the modification proceeding is the  
26 first action filed in this state, service shall be made by personal  
27 service. If the decree to be modified was entered in this state,  
28 service shall be by personal service or by any form of mail requiring  
29 a return receipt. If the support obligation has been assigned to the

1 state pursuant to RCW 74.20.330 (~~and notice has been filed with the~~  
2 ~~court~~) or the state has a subrogated interest under RCW 74.20A.030,  
3 the summons, petition, (~~affidavit,~~) and worksheets shall also be  
4 served on the attorney general. Proof of service shall be filed with  
5 the court.

6 (3) The responding party's answer (~~and completed financial~~  
7 ~~affidavit~~) and worksheets shall be served and the answer filed within  
8 twenty days after service of the petition or sixty days if served out  
9 of state. The responding party's failure to file an answer within the  
10 time required shall result in entry of a default judgment for the  
11 petitioner.

12 (4) At any time after responsive pleadings are filed, either party  
13 may schedule the matter for hearing.

14 (5) Unless both parties stipulate to arbitration or the presiding  
15 judge authorizes oral testimony pursuant to subsection (6) of this  
16 section, a petition for modification of an order of child support shall  
17 be heard by the court on affidavits, the petition, answer, and  
18 worksheets only.

19 (6) A party seeking authority to present oral testimony on the  
20 petition to modify a support order shall file an appropriate motion not  
21 later than ten days after the time of notice of hearing. Affidavits  
22 and exhibits setting forth the reasons oral testimony is necessary to  
23 a just adjudication of the issues shall accompany the petition. The  
24 affidavits and exhibits must demonstrate the extraordinary features of  
25 the case. Factors which may be considered include, but are not limited  
26 to: (a) Substantial questions of credibility on a major issue; (b)  
27 insufficient or inconsistent discovery materials not correctable by  
28 further discovery; or (c) particularly complex circumstances requiring  
29 expert testimony.

1 (7) The administrator for the courts shall develop and prepare, in  
2 consultation with interested persons, model forms or notices for the  
3 use of the procedure provided by this section, including a notice  
4 advising of the right of a party to proceed with or without benefit of  
5 counsel.

6 **Sec. 7.** RCW 26.09.184 and 1989 c 375 s 9 are each amended to read  
7 as follows:

8 (1) OBJECTIVES. The objectives of the permanent parenting  
9 plan are to:

10 (a) Provide for the child's physical care;

11 (b) Maintain the child's emotional stability;

12 (c) Provide for the child's changing needs as the child grows and  
13 matures, in a way that minimizes the need for future modifications to  
14 the permanent parenting plan;

15 (d) Set forth the authority and responsibilities of each parent  
16 with respect to the child, consistent with the criteria in RCW  
17 26.09.187 and 26.09.191;

18 (e) Minimize the child's exposure to harmful parental conflict;

19 (f) Encourage the parents, where appropriate under RCW 26.09.187  
20 and 26.09.191, to meet their responsibilities to their minor children  
21 through agreements in the permanent parenting plan, rather than by  
22 relying on judicial intervention; and

23 (g) To otherwise protect the best interests of the child consistent  
24 with RCW 26.09.002.

25 (2) CONTENTS OF THE PERMANENT PARENTING PLAN. The permanent  
26 parenting plan shall contain provisions for resolution of future  
27 disputes between the parents, allocation of decision-making authority,  
28 and residential provisions for the child.

1 (3) DISPUTE RESOLUTION. A process for resolving disputes, other  
2 than court action, shall be provided unless precluded or limited by RCW  
3 26.09.187 or 26.09.191. A dispute resolution process may include  
4 counseling, mediation, or arbitration by a specified individual or  
5 agency, or court action. In the dispute resolution process:

6 (a) Preference shall be given to carrying out the parenting plan;

7 (b) The parents shall use the designated process to resolve  
8 disputes relating to implementation of the plan, except those related  
9 to financial support, unless an emergency exists;

10 (c) A written record shall be prepared of any agreement reached in  
11 counseling or mediation and of each arbitration award and shall be  
12 provided to each party;

13 (d) If the court finds that a parent has used or frustrated the  
14 dispute resolution process without good reason, the court shall award  
15 attorneys' fees and financial sanctions to the prevailing parent;

16 (e) The parties have the right of review from the dispute  
17 resolution process to the superior court; and

18 (f) The provisions of (a) through (e) of this subsection shall be  
19 set forth in the decree.

20 (4) ALLOCATION OF DECISION-MAKING AUTHORITY.

21 (a) The plan shall allocate decision-making authority to one or  
22 both parties regarding the children's education, health care, and  
23 religious upbringing. The parties may incorporate an agreement related  
24 to the care and growth of the child in these specified areas, or in  
25 other areas, into their plan, consistent with the criteria in RCW  
26 26.09.187 and 26.09.191. Regardless of the allocation of decision-  
27 making in the parenting plan, either parent may make emergency  
28 decisions affecting the health or safety of the child.

29 (b) Each parent may make decisions regarding the day-to-day care  
30 and control of the child while the child is residing with that parent.



1 (c) When mutual decision making is designated but cannot be  
2 achieved, the parties shall make a good-faith effort to resolve the  
3 issue through the dispute resolution process.

4 (5) RESIDENTIAL PROVISIONS FOR THE CHILD. The plan shall include  
5 a residential schedule which designates in which parent's home each  
6 minor child shall reside on given days of the year, including provision  
7 for holidays, birthdays of family members, vacations, and other special  
8 occasions, consistent with the criteria in RCW 26.09.187 and 26.09.191.

9 (6) PARENTS' OBLIGATION UNAFFECTED. If a parent fails to comply  
10 with a provision of a parenting plan or a child support order, the  
11 other parent's obligations under the parenting plan or the child  
12 support order are not affected. Failure to comply with a provision in  
13 a parenting plan or a child support order may result in a finding of  
14 contempt of court, under RCW 26.09.160.

15 (7) PROVISIONS TO BE SET FORTH IN PERMANENT PARENTING PLAN. The  
16 permanent parenting plan shall set forth the provisions of subsections  
17 (3) (a) through (c), (4) (b) and (c), and (6) of this section.

18 **\*Sec. 8.** *RCW 26.09.225 and 1990 1st ex.s. c 2 s 18 are each amended*  
19 *to read as follows:*

20  
21 *(1) Each parent shall have full and equal access to the*  
22 *education ((and health care)) records of the child absent a court order*  
23 *to the contrary. Educational records include records of public and*  
24 *private schools in all grades kindergarten through twelve and any form*  
25 *of alternative school or postsecondary educational institution for all*  
26 *periods for which child support is paid or the child is the dependent*  
27 *in fact of the parent requesting access to the records. Neither parent*  
28 *may veto the access requested by the other parent and neither parent*  
29 *nor child nor any educational institution may assert a privilege on*  
30 *behalf of the child.*

1        (2) Each parent shall have full and equal access to the health care  
2 records of the child absent a court order to the contrary. Neither  
3 parent may veto the access requested by the other parent and neither  
4 parent nor child nor health care provider may assert a privilege on  
5 behalf of the child.

6        \*Sec. 8 was vetoed, see message at end of chapter.

7        **Sec. 9.** RCW 26.09.260 and 1989 c 375 s 14 and 1989 c 318 s 3 are  
8 each reenacted and amended to read as follows:

9                (1) Except as otherwise provided in subsection (4) of this  
10 section, the court shall not modify a prior custody decree or a  
11 parenting plan unless it finds, upon the basis of facts that have  
12 arisen since the prior decree or plan or that were unknown to the court  
13 at the time of the prior decree or plan, that a substantial change has  
14 occurred in the circumstances of the child or the nonmoving party and  
15 that the modification is in the best interest of the child and is  
16 necessary to serve the best interests of the child.

17        (2) In applying these standards, the court shall retain the  
18 residential schedule established by the decree or parenting plan  
19 unless:

20                (a) The parents agree to the modification;

21                (b) The child has been integrated into the family of the petitioner  
22 with the consent of the other parent in substantial deviation from the  
23 parenting plan;

24                (c) The child's present environment is detrimental to the child's  
25 physical, mental, or emotional health and the harm likely to be caused  
26 by a change of environment is outweighed by the advantage of a change  
27 to the child; or

28                (d) The court has found the nonmoving parent in contempt of court  
29 at least twice within three years because the parent failed to comply

1 with the residential time provisions in the court-ordered parenting  
2 plan, or the parent has been convicted of custodial interference in the  
3 first or second degree under RCW 9A.40.060 or 9A.40.070.

4 ~~((2))~~ (3) A conviction of custodial interference in the first or  
5 second degree under RCW 9A.40.060 or 9A.40.070 shall constitute a  
6 substantial change of circumstances for the purposes of this section.

7 ~~((3))~~ (4) The court may order adjustments to a parenting plan  
8 upon a showing of a substantial change in circumstances of either  
9 parent or of the child, and without consideration of the factors set  
10 forth in subsection (2) of this section, if the proposed modification  
11 is only a:

12 (a) Modification in the dispute resolution process; or

13 (b) Minor modification in the residential schedule that:

14 (i) Does not change the residence the child is scheduled to reside  
15 in the majority of the time; and

16 (ii) Does not exceed twenty-four full days in a calendar year or  
17 five full days in a calendar month; or

18 (iii) Is based on a change of residence or an involuntary change in  
19 work schedule by a parent which makes the residential schedule in the  
20 parenting plan impractical to follow.

21 (5) If the court finds that a motion to modify a prior decree or  
22 parenting plan has been brought in bad faith, the court shall assess  
23 the attorney's fees and court costs of the nonmoving parent against the  
24 moving party.

25 **Sec. 10.** RCW 26.09.280 and 1987 c 460 s 20 are each amended to  
26 read as follows:

27 ~~((Hereafter))~~ Every action or proceeding to change, modify,  
28 or enforce any final order, judgment, or decree ~~((heretofore—~~  
29 ~~hereafter))~~ entered in any dissolution or legal separation or

1 declaration concerning the validity of a marriage, whether under this  
2 chapter or prior law, (~~(in relation to)~~) regarding the parenting plan  
3 or child support for the minor children of the marriage may be brought  
4 in the county where (~~said~~) the minor children are then residing, or  
5 in the court in which (~~said~~) the final order, judgment, or decree was  
6 entered, or in the county where the parent or other person who has the  
7 care, custody, or control of the (~~said~~) children is then residing.

8 **Sec. 11.** RCW 26.12.010 and 1983 c 219 s 1 are each amended to read  
9 as follows:

10 Each superior court shall exercise the jurisdiction  
11 conferred by this chapter and while sitting in the exercise of such  
12 jurisdiction shall be known and referred to as the "family court." A  
13 family law proceeding under this chapter is any proceeding under this  
14 title or any proceeding in which the family court is requested to  
15 adjudicate or enforce the rights of the parties or their children  
16 regarding the determination or modification of parenting plans, child  
17 custody, visitation, or support, or the distribution of property or  
18 obligations.

19 **Sec. 12.** RCW 26.12.060 and 1988 c 232 s 4 are each amended to read  
20 as follows:

21 The (~~family~~) court commissioners shall: (1) (~~Receive all~~  
22 ~~applications and complaints filed in the family court for the purpose~~  
23 ~~of disposing of them pursuant to this chapter~~) Make appropriate  
24 referrals to county family court services program if the county has a  
25 family court services program; (2) (~~investigate~~) order investigation  
26 and reporting of the facts upon which to base warrants, subpoenas,  
27 orders or directions in actions or proceedings (~~filed in or~~  
28 ~~transferred to the family court pursuant to~~) under this chapter; (3)

1 (~~for the purpose of this chapter,~~) exercise all the powers and  
2 perform all the duties of (~~regular~~) court commissioners; (4) (~~hold~~  
3 ~~conciliation conferences with parties to and hearings in proceedings~~  
4 ~~under this chapter and~~) make written reports of all proceedings had  
5 which shall become a part of the record of the family court; (5)  
6 provide (~~such~~) supervision (~~in connection with~~) over the exercise  
7 of its jurisdiction as the judge of the family court may order; (6)  
8 cause the orders and findings of the family court to be entered in the  
9 same manner as orders and findings are entered in cases in the superior  
10 court; (7) cause (~~such~~) other reports to be made and records kept as  
11 will indicate the value and extent of (~~such conciliation service~~)  
12 reconciliation, mediation, investigation, and treatment services; and  
13 (8) conduct hearings under chapter 13.34 RCW as provided in RCW  
14 13.04.021.

15       **Sec. 13.** RCW 26.12.170 and 1983 c 219 s 5 are each amended to read  
16 as follows:

17               (~~The hearing shall be conducted informally as a conference~~  
18 ~~or series of conferences to effect the reconciliation of the parties or~~  
19 ~~an amicable adjustment or settlement of the issues of the~~  
20 ~~controversy.~~) To facilitate and promote the purposes of this chapter,  
21 (~~the~~) family court judges and court commissioners may order or  
22 recommend family court services, drug and alcohol abuse evaluations and  
23 monitoring of the parties through public or private treatment services,  
24 other treatment services, the aid of physicians, psychiatrists, (~~or~~)  
25 other specialists, or other services or may recommend the aid of the  
26 pastor or director of any religious denomination to which the parties  
27 may belong. (~~Such aid, however, shall be at the expense of the~~  
28 ~~parties involved and shall not be at the expense of the court or of the~~

1 ~~county unless the board of county commissioners shall specifically~~  
2 ~~authorize such aid.))~~

3 If the court has reasonable cause to believe that a child of the  
4 parties has suffered abuse or neglect it may file a report with the  
5 proper law enforcement agency or the department of social and health  
6 services as provided in RCW 26.44.040. Upon receipt of such a report  
7 the law enforcement agency or the department of social and health  
8 services will conduct an investigation into the cause and extent of the  
9 abuse or neglect. The findings of the investigation may be made  
10 available to the court if ordered by the court as provided in RCW  
11 42.17.310(3). The findings shall be restricted to the issue of abuse  
12 and neglect and shall not be considered custody investigations.

13 **Sec. 14.** RCW 26.12.190 and 1983 c 219 s 7 are each amended to read  
14 as follows:

15 (1) ~~((During the period of thirty days after filing a~~  
16 ~~petition for conciliation no family law proceeding shall be filed by~~  
17 ~~either party and further proceedings in a family law proceeding then~~  
18 ~~pending in the superior court shall be stayed and the case transferred~~  
19 ~~to the family court.))~~ The family court shall have jurisdiction and  
20 full power in all pending cases to make, alter, modify, and enforce all  
21 temporary and permanent orders ~~((, orders for))~~ regarding the following:  
22 Parenting plans, child support, custody of children, visitation,  
23 possession of property, maintenance, contempt, custodial interference,  
24 and orders for attorneys' fees, suit money or costs as may appear just  
25 and equitable. Court commissioners or judges shall not have authority  
26 to require the parties to mediate disputes concerning child support.

27 (2) ~~((If, after the expiration of such thirty day period or the~~  
28 ~~formal conclusion of the proceedings for conciliation, the controversy~~  
29 ~~between the parties has not been terminated, either party may apply for~~

1 further relief by filing in the clerk's office additional pleadings or  
2 by asking that the pending case be set for trial. The family court has  
3 full jurisdiction to hear, try, and determine family law proceedings  
4 under the laws relating thereto, and to retain jurisdiction of the case  
5 for further hearings on decrees or orders to be made therein.

6 (3) The conciliation provisions of this chapter may be used  
7 concerning support, visitation, contempt, or for modification based on  
8 changed conditions or for other problems between the parties related to  
9 the family law proceeding.

10 (4) Except as specifically so provided nothing in this chapter  
11 shall be construed to repeal, nullify or change the law and procedure  
12 relating to family law proceedings. The family court shall, when  
13 application for relief is made under this chapter, apply provisions  
14 governing family law proceedings in the same manner as if the action  
15 had been brought thereunder in the superior court, save that the  
16 conciliation procedures of the family court shall be applied so far as  
17 appropriate to arrive at an amicable settlement of all issues in  
18 controversy)) Family court investigation, evaluation, mediation,  
19 treatment, and reconciliation services, and any other services may be  
20 used to assist the court to develop an order as the court deems  
21 necessary to preserve the marriage, implement an amicable settlement,  
22 and resolve the issues in controversy.

23 **Sec. 15.** RCW 26.12.220 and 1980 c 124 s 1 are each amended to read  
24 as follows:

25 (1) The legislative authority of any county may authorize  
26 family court services as provided in RCW 26.12.230. The legislative  
27 authority may impose a fee in excess of that prescribed in RCW  
28 36.18.010 for the issuance of a marriage license( (:— PROVIDED, That  
29 such)). The fee shall not exceed eight dollars.

1 (2) In addition to any other funds used therefor, the governing  
2 body of any county shall use the proceeds from the fee increase  
3 authorized by this section to pay the expenses of the family court and  
4 the family court services under chapter 26.12 RCW. If there is no  
5 family court in the county, the legislative authority may provide such  
6 services through other county agencies or may contract with a public or  
7 private agency or person to provide such services. Family court  
8 services also may be provided jointly with other counties as provided  
9 in RCW 26.12.230.

10 (3) The family court services program may hire professional  
11 employees to provide the investigation, evaluation and reporting, and  
12 mediation services, or the county may contract for these services, or  
13 both. To facilitate and promote the purposes of this chapter, the  
14 court may order or recommend the aid of physicians, psychiatrists, or  
15 other specialists.

16 (4) The family court services program may provide or contract for:  
17 (a) Mediation; (b) investigation, evaluation, and reporting to the  
18 court; and (c) reconciliation; and may provide a referral mechanism for  
19 drug and alcohol testing, monitoring, and treatment; and any other  
20 treatment, parenting, or anger management programs the family court  
21 professional considers necessary or appropriate.

22 (5) Services other than family court investigation, evaluation,  
23 reconciliation, and mediation services shall be at the expense of the  
24 parties involved absent a court order to the contrary. The parties  
25 shall bear all or a portion of the family court investigation,  
26 evaluation, reconciliation, and mediation services according to the  
27 parties' ability to pay.

28 (6) The county legislative authority may establish rules of  
29 eligibility for ~~((conciliation))~~ the family court services funded under  
30 this section ~~((so long as its))~~. The rules ~~((do))~~ shall not conflict



1 with rules of the court adopted under chapter 26.12 RCW or any other  
2 statute.

3 ~~((4))~~ (7) The legislative authority may establish fees for family  
4 court investigation, evaluation, reconciliation, and mediation services  
5 under this chapter according to the parties' ability to pay for the  
6 services. Fees collected under this section shall be collected and  
7 deposited in the same manner as other county funds are collected and  
8 deposited, and shall be maintained in a separate account to be used as  
9 provided in this section.

10 NEW SECTION. Sec. 16. The family court shall give  
11 proceedings involving children priority over cases without children.

12 NEW SECTION. Sec. 17. The court may appoint a guardian ad  
13 litem to represent the interests of a minor or dependent child when the  
14 court believes the appointment of a guardian is in the best interests  
15 of the child in any proceeding under this chapter. The family court  
16 services professionals shall make a recommendation to the court  
17 regarding whether a guardian ad litem should be appointed for the  
18 child. The court shall enter an order for costs, fees, and  
19 disbursements to cover the costs of the guardian ad litem. The court  
20 may order either or both parents to pay for the costs of the guardian  
21 ad litem, according to their ability to pay. If both parents are  
22 indigent, the county shall bear the cost of the guardian, subject to  
23 appropriation for guardians' ad litem services by the county  
24 legislative authority.

25 NEW SECTION. Sec. 18. All acts and proceedings of the  
26 court commissioners shall be subject to revision by the superior court  
27 as provided in RCW 2.24.050.

1        NEW SECTION.    **Sec. 19.**

(1) Any state funds appropriated in

2 the omnibus operating budget appropriations act for the 1991-93  
3 biennium to the office of the administrator for the courts for the  
4 purposes of funding county family courts and county family court  
5 services shall be distributed to the eligible counties as provided in  
6 this section.

7        (2) Any appropriation in the omnibus operating budget  
8 appropriations act for the purposes of implementing this section is  
9 contingent on an equal amount of money being provided by the county  
10 from nonstate sources, whether public or private.

11        (3) Any county that has implemented or has committed to implement  
12 a family court and family court services on or before January 1, 1993,  
13 is eligible for available appropriated state funds if the county: (a)  
14 Obtains approval of an application under subsection (4) of this  
15 section; and (b) commits to spend money from public or private nonstate  
16 funding sources over a one-year period beginning on the date the county  
17 receives state funding, in an amount that is equal to or greater than  
18 the state funds distributed to the county under subsection (4) of this  
19 section. Any state funding is contingent on the county maintaining the  
20 family court and the family court services over the one-year period  
21 after disbursement of state funds to the county.

22        (4) The office of the administrator for the courts shall accept  
23 applications for state funds until March 1, 1992. After the  
24 application period expires, the office of the administrator for the  
25 courts shall determine each eligible county's percentage of the funds  
26 appropriated for family courts and family court services. An eligible  
27 county's percentage share of the appropriated funds shall be the same  
28 percentage as the number of cases filed in that county under Title 26  
29 RCW, divided by the number of cases filed under Title 26 RCW in all the  
30 eligible counties. The initial determination of the number of case

1 filings in each eligible county shall be based upon the office of the  
2 administrator for the courts' most recent annual report. The office of  
3 the administrator for the courts shall adjust the calculation of the  
4 number of filings in each county if any county has a disproportionate  
5 number of filings due to changes of venue or cases in which both  
6 parties live in another county. The office of the administrator for  
7 the courts may begin disbursing the state funds by July 1, 1992, to  
8 eligible counties. The office of the administrator for the courts  
9 shall disburse the state funds not later than January 1, 1993, to  
10 eligible counties. The counties must use the state funds over a  
11 one-year period from the date of disbursement. The counties that  
12 provide family courts and family court services pursuant to a joint  
13 family court services contract under RCW 26.12.230 may apply for state  
14 funds jointly and their eligibility for state funding shall be  
15 determined in the same manner as the eligibility of individual  
16 counties.

17 (5) The office of the administrator for the courts shall develop an  
18 application form for applying for state funds under this subsection.  
19 The office of the administrator for the courts shall develop rules to  
20 determine whether a county applying for state funds (a) has implemented  
21 or has committed to implement a family court and family court services  
22 under this chapter; (b) has committed nonstate funds for a one-year  
23 period following disbursement of the state funds to continue the family  
24 court and the family court services through that one-year period; and  
25 (c) has spent the matching funds required to obtain the state funds.

26 **Sec. 20.** RCW 26.18.100 and 1989 c 416 s 10 are each amended to  
27 read as follows:

28 The wage assignment order shall be substantially in the  
29 following form:

1 IN THE SUPERIOR COURT OF THE STATE OF  
2 WASHINGTON IN AND FOR THE COUNTY OF

3  
4 .....

5 .....,

6 Obligee

No.....

7 vs.

8 .....,

WAGE ASSIGNMENT

9 Obligor

ORDER

10 .....,

11 Employer

12 THE STATE OF WASHINGTON TO: .....

13 Employer

14 AND TO: .....

15 Obligor

16 The above-named obligee claims that the above-named obligor is more  
17 than fifteen days past due in child support payments in an amount equal  
18 to or greater than the child support payable for one month. The amount  
19 of the accrued child support debt as of this date is .....  
20 dollars, the amount of arrearage payments specified in the support  
21 order (if applicable) is ..... dollars per ....., and the  
22 amount of the current and continuing support obligation under the  
23 support order is ..... dollars per .....

24 You are hereby commanded to answer this order by filling in the  
25 attached form according to the instructions, and you must mail or

1 deliver the original of the answer to the court, one copy to the  
2 Washington state support registry, one copy to the obligee or obligee's  
3 attorney, and one copy to the obligor within twenty days after service  
4 of this wage assignment order upon you.

5 If you possess any earnings due and owing to the obligor, then you  
6 shall do as follows:

7 (1) Withhold from the obligor's earnings each month, or from each  
8 regular earnings disbursement, the lesser of:

9 (a) The sum of the accrued support debt and the current support  
10 obligation;

11 (b) The sum of the specified arrearage payment amount and the  
12 current support obligation; or

13 (c) Fifty percent of the disposable earnings of the obligor.

14 (2) The total amount withheld above is subject to the wage  
15 assignment order, and all other sums may be disbursed to the obligor.

16 (3) Upon receipt of this wage assignment order you shall make  
17 immediate deductions from the obligor's earnings and remit to the  
18 Washington state support registry the proper amounts at each regular  
19 pay interval.

20 You shall continue to withhold the ordered amounts from nonexempt  
21 earnings of the obligor until notified by:

22 (a) The court that the wage assignment has been modified or  
23 terminated; ~~((or))~~

24 (b) The Washington state support registry, office of support  
25 enforcement that the accrued child support debt has been paid; or

26 (c) The court that has entered an order delaying, modifying, or  
27 terminating the wage assignment order and has approved an alternate  
28 payment plan as provided in RCW 26.23.050(2).

29 You shall promptly notify the court and the Washington state  
30 support registry if and when the employee is no longer employed by you.

1 If you no longer employ the employee, the wage assignment order shall  
2 remain in effect for one year after the employee has left your  
3 employment or you are no longer in possession of any earnings owed to  
4 the employee. You shall continue to hold the wage assignment order  
5 during that one-year period. If the employee returns to your  
6 employment during the one-year period you shall immediately begin to  
7 withhold the employee's earnings according to the terms of the wage  
8 assignment order. If the employee has not returned to your employment  
9 within one year, the wage assignment will cease to have effect at the  
10 expiration of the one-year period.

11 You shall deliver the withheld earnings to the Washington state  
12 support registry at each regular pay interval(~~(, but the first delivery~~  
13 ~~shall occur no sooner than twenty days after your receipt of this wage~~  
14 ~~assignment order))~~).

15 You shall deliver a copy of this order to the obligor as soon as is  
16 reasonably possible. This wage assignment order has priority over any  
17 other wage assignment or garnishment, except for another wage  
18 assignment or garnishment for child support, or order to withhold or  
19 deliver under chapter 74.20A RCW.

20 WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO  
21 ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR OBLIGOR'S CLAIMED  
22 SUPPORT DEBT TO THE OBLIGEE OR SUBJECT TO CONTEMPT OF COURT.

23 NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE  
24 SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT  
25 THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.

26 DATED THIS ... day of ..., 19 ....

1 -----

2 Obligee, Judge/Court, Commissioner  
3 or obligee's attorney

4 **Sec. 21.** RCW 26.18.110 and 1989 c 416 s 11 are each amended to  
5 read as follows:

6 (1) An employer upon whom service of a wage assignment order  
7 has been made shall answer the order by sworn affidavit within twenty  
8 days after the date of service. The answer shall state whether the  
9 obligor is employed by or receives earnings from the employer, whether  
10 the employer will honor the wage assignment order, and whether there  
11 are multiple child support attachments against the obligor.

12 (2) If the employer possesses any earnings due and owing to the  
13 obligor, the earnings subject to the wage assignment order shall be  
14 withheld immediately upon receipt of the wage assignment order. The  
15 withheld earnings shall be delivered to the Washington state support  
16 registry at each regular pay interval(~~(, but the first delivery shall~~  
17 ~~occur no sooner than twenty days after receipt of the wage assignment~~  
18 ~~order)).~~

19 (3) The employer shall continue to withhold the ordered amounts  
20 from nonexempt earnings of the obligor until notified by:

21 (a) The court that the wage assignment has been modified or  
22 terminated; (~~or~~)

23 (b) The Washington state support registry that the accrued child  
24 support debt has been paid, provided the wage assignment order contains  
25 the language set forth under RCW 26.18.100(2)(b). The employer shall  
26 promptly notify the Washington state support registry when the employee  
27 is no longer employed. If the employer no longer employs the employee,  
28 the wage assignment order shall remain in effect for one year after the  
29 employee has left the employment or the employer has been in possession

1 of any earnings owed to the employee. The employer shall continue to  
2 hold the wage assignment order during that one-year period. If the  
3 employee returns to the employer's employment during the one-year  
4 period the employer shall immediately begin to withhold the employee's  
5 earnings according to the terms of the wage assignment order. If the  
6 employee has not returned within one year, the wage assignment shall  
7 cease to have effect at the expiration of the one-year period; or

8 (c) The court that has entered an order delaying, modifying, or  
9 terminating the wage assignment order and has approved an alternate  
10 payment plan as provided in RCW 26.23.050(2).

11 (4) The employer may deduct a processing fee from the remainder of  
12 the employee's earnings after withholding under the wage assignment  
13 order, even if the remainder is exempt under RCW 26.18.090. The  
14 processing fee may not exceed (a) ten dollars for the first  
15 disbursement made by the employer to the Washington state support  
16 registry; and (b) one dollar for each subsequent disbursement to the  
17 clerk.

18 (5) An order for wage assignment for support entered under this  
19 chapter shall have priority over any other wage assignment or  
20 garnishment, except for another wage assignment or garnishment for  
21 child support, or order to withhold and deliver under chapter 74.20A  
22 RCW.

23 (6) An employer who fails to withhold earnings as required by a  
24 wage assignment issued under this chapter may be held liable to the  
25 obligee for ~~((the amounts disbursed to the obligor in violation of the~~  
26 ~~wage assignment order, and may be found by the court to be in contempt~~  
27 ~~of court and may be punished as provided by law))~~ one hundred percent  
28 of the support debt, or the amount of support moneys that should have  
29 been withheld from the employee's earnings whichever is the lesser  
30 amount, if the employer:



1 (a) Fails or refuses, after being served with a wage assignment  
2 order, to deduct and promptly remit from the unpaid earnings the  
3 amounts of money required in the order;

4 (b) Fails or refuses to submit an answer to the notice of wage  
5 assignment after being served; or

6 (c) Is unwilling to comply with the other requirements of this  
7 section.

8 Liability may be established in superior court. Awards in superior  
9 court shall include costs, interest under RCW 19.52.020 and 4.56.110,  
10 and reasonable attorneys' fees.

11 (7) No employer who complies with a wage assignment issued under  
12 this chapter may be liable to the employee for wrongful withholding.

13 (8) No employer may discharge, discipline, or refuse to hire an  
14 employee because of the entry or service of a wage assignment issued  
15 and executed under this chapter. ~~((A person who violates this~~  
16 ~~subsection may be found by the court to be in contempt of court and may~~  
17 ~~be punished as provided by law)) If an employer discharges,  
18 disciplines, or refuses to hire an employee in violation of this  
19 section, the employee or person shall have a cause of action against  
20 the employer. The employer shall be liable for double the amount of  
21 damages suffered as a result of the violation and for costs and  
22 reasonable attorneys' fees, and shall be subject to a civil penalty of  
23 not more than two thousand five hundred dollars for each violation.  
24 The employer may also be ordered to hire, rehire, or reinstate the  
25 aggrieved individual.~~

26 (9) An employer may combine amounts withheld from various employees  
27 into a single payment to the Washington state support registry, if the  
28 payment includes a listing of the amounts attributable to each employee  
29 and other information as required by the registry.

1 (10) An employer shall deliver a copy of the wage assignment order  
2 to the obligor as soon as is reasonably possible.

3 **Sec. 22.** RCW 26.18.140 and 1984 c 260 s 14 are each amended to  
4 read as follows:

5 (1) Except as provided in subsection (2) of this section, in  
6 a hearing to quash, modify, or terminate the wage assignment order, the  
7 court may grant relief only upon a showing that the wage assignment  
8 order causes extreme hardship or substantial injustice. Satisfaction  
9 by the obligor of all past due payments subsequent to the issuance of  
10 the wage assignment order is not grounds to quash, modify, or terminate  
11 the wage assignment order. If a wage assignment order has been in  
12 operation for twelve consecutive months and the obligor's support  
13 obligation is current, the court may terminate the order upon motion of  
14 the obligor unless the obligee can show good cause as to why the wage  
15 assignment order should remain in effect.

16 (2) The court may enter an order delaying, modifying, or  
17 terminating the wage assignment order and order the obligor to make  
18 payments directly to the obligee if the court approves an alternate  
19 payment plan as provided in RCW 26.23.050(2).

20 **\*Sec. 23.** RCW 26.19.001 and 1988 c 275 s 1 are each amended to read  
22 as follows:

23 *The legislature intends, in establishing a child support*  
24 *schedule, to insure that child support orders are adequate to meet a*  
25 *child's basic needs and to provide additional child support*  
26 *commensurate with the parents' own income((7)) and resources((7—and*  
27 *standard of living)) while recognizing that all parties to a divorce*  
28 *may by necessity suffer a reduced standard of living as a result of the*

1 *divorce. The legislature also intends that the child support*  
2 *obligation should be equitably apportioned between the parents.*

3 *The legislature finds that these goals will be best achieved by the*  
4 *adoption and use of a state-wide child support schedule. Use of a*  
5 *state-wide schedule will benefit children and their parents by:*

6 *(1) Increasing the adequacy of child support orders through the use*  
7 *of economic data as the basis for establishing the child support*  
8 *schedule;*

9 *(2) Increasing the equity of child support orders by providing for*  
10 *comparable orders in cases with similar circumstances; and*

11 *(3) Reducing the adversarial nature of the proceedings by*  
12 *increasing voluntary settlements as a result of the greater*  
13 *predictability achieved by a uniform state-wide child support schedule.*

14 *\*Sec. 23 was vetoed, see message at end of chapter.*

15 *\*NEW SECTION. Sec. 24. DEFINITIONS. Unless the context*  
17 *clearly requires otherwise, the definitions in this section apply*  
18 *throughout this chapter.*

19 *(1) "Basic child support obligation" means the monthly child*  
20 *support obligation determined from the economic table based on the*  
21 *parties' combined monthly net income and the number of children for*  
22 *whom support is owed.*

23 *(2) "Child support schedule" means the standards, economic table,*  
24 *worksheets, and instructions, as defined in this chapter.*

25 *(3) "Court" means a superior court judge, court commissioner, and*  
26 *presiding and reviewing officers who administratively determine or*  
27 *enforce child support orders.*

28 *(4) "Deviation" means a child support amount that differs from the*  
29 *standard calculation.*

1       (5) "Economic table" means the child support table for the basic  
2 support obligation provided in RCW 26.19.020.

3       (6) "Instructions" means the instructions developed by the office  
4 of the administrator for the courts pursuant to RCW 26.19.050 for use  
5 in completing the worksheets.

6       (7) "Multiple families" means all the possible combinations of  
7 families in which a party has children from more than one relationship  
8 to whom the party owes a duty to support. Possible combinations  
9 include any natural, adopted, or stepchildren to whom the person owes  
10 a duty of support, whether or not the children are illegitimate or were  
11 born during a former or existing marriage, and whether or not the  
12 children reside with the person obligated to support them.

13       (8) "Standards" means the standards for determination of child  
14 support as provided in sections 27 through 33 of this act and RCW  
15 26.19.090.

16       (9) "Standard calculation" means the presumptive amount of child  
17 support owed as determined from the child support schedule before the  
18 court considers any reasons for deviation.

19       (10) "Support transfer payment" means the amount of money the court  
20 orders one parent to pay to another parent or custodian for child  
21 support after determination of the standard calculation and deviations.  
22 If certain expenses or credits are expected to fluctuate and the order  
23 states a formula or percentage to determine the additional amount or  
24 credit on an ongoing basis, the term "support transfer payment" does  
25 not mean the additional amount or credit.

26       (11) "Worksheets" means the forms developed by the office of the  
27 administrator for the courts pursuant to RCW 26.19.050 for use in  
28 determining the amount of child support.

29 \*Sec. 24 was vetoed, see message at end of chapter.



1	2200	467	577	362	448
2	2300	487	601	378	467
3	2400	506	626	393	486
4	2500	526	650	408	505
5	2600	534	661	416	513
6	2700	542	670	421	520
7	2800	549	679	427	527
8	2900	556	686	431	533
9	3000	561	693	436	538
10	3100	566	699	439	543
11	3200	569	704	442	546
12	3300	573	708	445	549
13	3400	574	710	446	551
14	3500	575	711	447	552
15	3600	577	712	448	553
16	3700	578	713	449	554
17	3800	581	719	452	558
18	3900	596	736	463	572
19	4000	609	753	473	584
20	4100	623	770	484	598
21	4200	638	788	495	611
22	4300	651	805	506	625
23	4400	664	821	516	637
24	4500	677	836	525	649
25	4600	689	851	535	661
26	4700	701	866	545	673
27	4800	713	882	554	685
28	4900	726	897	564	697
29	5000	738	912	574	708
30	5100	751	928	584	720
31	5200	763	943	593	732
32	5300	776	959	602	744
33	5400	788	974	612	756
34	5500	800	989	622	768
35	5600	812	1004	632	779
36	5700	825	1019	641	791
37	5800	837	1035	650	803
38	5900	850	1050	660	815
39	6000	862	1065	670	827
40	6100	875	1081	680	839
41	6200	887	1096	689	851
42	6300	899	1112	699	863
43	6400	911	1127	709	875
44	6500	924	1142	718	887
45	6600	936	1157	728	899
46	6700	949	1172	737	911
47	6800	961	1188	747	923
48	6900	974	1203	757	935
49	7000	986	1218	767	946

50	-----						
51	<u>COMBINED</u>						
52	<u>MONTHLY</u>	<u>THREE</u>		<u>FOUR</u>		<u>FIVE</u>	
53	<u>NET</u>	<u>CHILDREN</u>		<u>CHILDREN</u>		<u>CHILDREN</u>	
54	<u>INCOME</u>	<u>FAMILY</u>		<u>FAMILY</u>		<u>FAMILY</u>	
55	-----						
56		<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>
57	-----						

1     0  
 2     100  
 3     200  
 4     300  
 5     400  
 6     500  
 7

For income less than \$600 the obligation is based upon the resources and living expenses of each household. Minimum support shall not be less than \$25 per child per month.

8	<u>600</u>	<u>86</u>	<u>106</u>	<u>73</u>	<u>90</u>	<u>63</u>	<u>78</u>
9	<u>700</u>	<u>100</u>	<u>124</u>	<u>85</u>	<u>105</u>	<u>74</u>	<u>91</u>
10	<u>800</u>	<u>115</u>	<u>142</u>	<u>97</u>	<u>120</u>	<u>84</u>	<u>104</u>
11	<u>900</u>	<u>129</u>	<u>159</u>	<u>109</u>	<u>135</u>	<u>95</u>	<u>118</u>
12	<u>1000</u>	<u>143</u>	<u>177</u>	<u>121</u>	<u>149</u>	<u>105</u>	<u>130</u>
13	<u>1100</u>	<u>157</u>	<u>194</u>	<u>133</u>	<u>164</u>	<u>116</u>	<u>143</u>
14	<u>1200</u>	<u>171</u>	<u>211</u>	<u>144</u>	<u>179</u>	<u>126</u>	<u>156</u>
15	<u>1300</u>	<u>185</u>	<u>228</u>	<u>156</u>	<u>193</u>	<u>136</u>	<u>168</u>
16	<u>1400</u>	<u>199</u>	<u>246</u>	<u>168</u>	<u>208</u>	<u>147</u>	<u>181</u>
17	<u>1500</u>	<u>212</u>	<u>262</u>	<u>179</u>	<u>221</u>	<u>156</u>	<u>193</u>
18	<u>1600</u>	<u>225</u>	<u>278</u>	<u>190</u>	<u>235</u>	<u>166</u>	<u>205</u>
19	<u>1700</u>	<u>238</u>	<u>294</u>	<u>201</u>	<u>248</u>	<u>175</u>	<u>217</u>
20	<u>1800</u>	<u>251</u>	<u>310</u>	<u>212</u>	<u>262</u>	<u>185</u>	<u>228</u>
21	<u>1900</u>	<u>264</u>	<u>326</u>	<u>223</u>	<u>275</u>	<u>194</u>	<u>240</u>
22	<u>2000</u>	<u>277</u>	<u>342</u>	<u>234</u>	<u>289</u>	<u>204</u>	<u>252</u>
23	<u>2100</u>	<u>289</u>	<u>358</u>	<u>245</u>	<u>303</u>	<u>213</u>	<u>264</u>
24	<u>2200</u>	<u>302</u>	<u>374</u>	<u>256</u>	<u>316</u>	<u>223</u>	<u>276</u>
25	<u>2300</u>	<u>315</u>	<u>390</u>	<u>267</u>	<u>330</u>	<u>233</u>	<u>288</u>
26	<u>2400</u>	<u>328</u>	<u>406</u>	<u>278</u>	<u>343</u>	<u>242</u>	<u>299</u>
27	<u>2500</u>	<u>341</u>	<u>421</u>	<u>288</u>	<u>356</u>	<u>251</u>	<u>311</u>
28	<u>2600</u>	<u>346</u>	<u>428</u>	<u>293</u>	<u>362</u>	<u>256</u>	<u>316</u>
29	<u>2700</u>	<u>351</u>	<u>435</u>	<u>298</u>	<u>368</u>	<u>259</u>	<u>321</u>
30	<u>2800</u>	<u>356</u>	<u>440</u>	<u>301</u>	<u>372</u>	<u>262</u>	<u>324</u>
31	<u>2900</u>	<u>360</u>	<u>445</u>	<u>305</u>	<u>376</u>	<u>266</u>	<u>328</u>
32	<u>3000</u>	<u>364</u>	<u>449</u>	<u>308</u>	<u>380</u>	<u>268</u>	<u>331</u>
33	<u>3100</u>	<u>367</u>	<u>453</u>	<u>310</u>	<u>383</u>	<u>270</u>	<u>334</u>
34	<u>3200</u>	<u>369</u>	<u>457</u>	<u>312</u>	<u>386</u>	<u>272</u>	<u>336</u>
35	<u>3300</u>	<u>371</u>	<u>459</u>	<u>314</u>	<u>388</u>	<u>273</u>	<u>339</u>
36	<u>3400</u>	<u>372</u>	<u>460</u>	<u>315</u>	<u>389</u>	<u>274</u>	<u>340</u>
37	<u>3500</u>	<u>373</u>	<u>461</u>	<u>316</u>	<u>390</u>	<u>275</u>	<u>341</u>
38	<u>3600</u>	<u>374</u>	<u>462</u>	<u>317</u>	<u>391</u>	<u>276</u>	<u>342</u>
39	<u>3700</u>	<u>375</u>	<u>463</u>	<u>318</u>	<u>392</u>	<u>277</u>	<u>343</u>
40	<u>3800</u>	<u>377</u>	<u>466</u>	<u>319</u>	<u>394</u>	<u>278</u>	<u>344</u>
41	<u>3900</u>	<u>386</u>	<u>477</u>	<u>326</u>	<u>404</u>	<u>284</u>	<u>352</u>
42	<u>4000</u>	<u>395</u>	<u>488</u>	<u>334</u>	<u>413</u>	<u>291</u>	<u>360</u>
43	<u>4100</u>	<u>404</u>	<u>500</u>	<u>341</u>	<u>422</u>	<u>298</u>	<u>368</u>
44	<u>4200</u>	<u>413</u>	<u>511</u>	<u>350</u>	<u>431</u>	<u>305</u>	<u>377</u>
45	<u>4300</u>	<u>422</u>	<u>522</u>	<u>357</u>	<u>441</u>	<u>311</u>	<u>385</u>
46	<u>4400</u>	<u>431</u>	<u>532</u>	<u>364</u>	<u>449</u>	<u>317</u>	<u>392</u>
47	<u>4500</u>	<u>438</u>	<u>542</u>	<u>371</u>	<u>458</u>	<u>323</u>	<u>400</u>
48	<u>4600</u>	<u>446</u>	<u>552</u>	<u>377</u>	<u>467</u>	<u>329</u>	<u>407</u>
49	<u>4700</u>	<u>455</u>	<u>562</u>	<u>384</u>	<u>475</u>	<u>335</u>	<u>414</u>
50	<u>4800</u>	<u>463</u>	<u>572</u>	<u>391</u>	<u>483</u>	<u>341</u>	<u>422</u>
51	<u>4900</u>	<u>470</u>	<u>581</u>	<u>398</u>	<u>491</u>	<u>347</u>	<u>429</u>
52	<u>5000</u>	<u>479</u>	<u>592</u>	<u>404</u>	<u>500</u>	<u>353</u>	<u>437</u>
53	<u>5100</u>	<u>487</u>	<u>602</u>	<u>411</u>	<u>509</u>	<u>359</u>	<u>443</u>
54	<u>5200</u>	<u>494</u>	<u>611</u>	<u>418</u>	<u>517</u>	<u>365</u>	<u>451</u>
55	<u>5300</u>	<u>503</u>	<u>621</u>	<u>425</u>	<u>525</u>	<u>371</u>	<u>458</u>
56	<u>5400</u>	<u>511</u>	<u>632</u>	<u>432</u>	<u>533</u>	<u>377</u>	<u>466</u>
57	<u>5500</u>	<u>518</u>	<u>641</u>	<u>439</u>	<u>542</u>	<u>383</u>	<u>473</u>
58	<u>5600</u>	<u>527</u>	<u>651</u>	<u>446</u>	<u>551</u>	<u>389</u>	<u>480</u>

1	5700	535	661	452	559	395	488
2	5800	543	671	459	567	401	495
3	5900	551	681	466	575	407	502
4	6000	559	691	473	584	413	509
5	6100	567	701	479	593	418	517
6	6200	575	710	486	601	424	524
7	6300	583	721	493	609	430	532
8	6400	591	731	500	617	436	539
9	6500	599	740	506	626	442	546
10	6600	607	750	513	635	448	554
11	6700	615	761	520	643	454	561
12	6800	623	770	527	651	460	568
13	6900	631	780	533	659	466	575
14	7000	639	790	540	668	472	583

15        The economic table is presumptive for combined monthly net incomes  
16 up to and including five thousand dollars. When combined monthly net  
17 income exceeds five thousand dollars, support shall not be set at an  
18 amount lower than the presumptive amount of support set for combined  
19 monthly net incomes of five thousand dollars unless the court finds a  
20 reason to deviate below that amount. The economic table is advisory  
21 but not presumptive for combined monthly net incomes that exceed five  
22 thousand dollars. When combined monthly net income exceeds seven  
23 thousand dollars, the court may set support at an advisory amount of  
24 support set for combined monthly net incomes between five thousand and  
25 seven thousand dollars or the court may exceed the advisory amount of  
26 support set for combined monthly net incomes of seven thousand dollars  
27 upon written findings of fact.

28        NEW SECTION. Sec. 26.                The legislature shall review the  
29 support schedule every four years to determine if the application of  
30 the support schedule results in appropriate support orders.

31        NEW SECTION. Sec. 27. STANDARDS FOR CHILD SUPPORT SCHEDULE  
32 APPLICATION. (1) Application of the child support schedule. The  
33 child support schedule shall be applied:

34        (a) In each county of the state;



1 (b) In judicial and administrative proceedings under this title or  
2 Title 13 or 74 RCW;

3 (c) In all proceedings in which child support is determined or  
4 modified;

5 (d) In setting temporary and permanent support;

6 (e) In automatic modification provisions or decrees entered  
7 pursuant to RCW 26.09.100; and

8 (f) In addition to proceedings in which child support is determined  
9 for minors, to adult children who are dependent on their parents and  
10 for whom support is ordered pursuant to RCW 26.09.100.

11 The provisions of this chapter for determining child support and  
12 reasons for deviation from the standard calculation shall be applied in  
13 the same manner by the court, presiding officers, and reviewing  
14 officers.

15 (2) **Written findings of fact supported by the evidence.** An order  
16 for child support shall be supported by written findings of fact upon  
17 which the support determination is based and shall include reasons for  
18 any deviation from the standard calculation and reasons for denial of  
19 a party's request for deviation from the standard calculation.

20 (3) **Completion of worksheets.** Worksheets in the form developed by  
21 the office of the administrator for the courts shall be completed under  
22 penalty of perjury and filed in every proceeding in which child support  
23 is determined. The court shall not accept incomplete worksheets or  
24 worksheets that vary from the worksheets developed by the office of the  
25 administrator for the courts.

26 (4) **Court review of the worksheets and order.** The court shall  
27 review the worksheets and the order setting support for the adequacy of  
28 the reasons set forth for any deviation or denial of any request for  
29 deviation and for the adequacy of the amount of support ordered. Each  
30 order shall state the amount of child support calculated using the

1 standard calculation and the amount of child support actually ordered.  
2 Worksheets shall be attached to the decree or order or if filed  
3 separately shall be initialed or signed by the judge and filed with the  
4 order.

5 **\*NEW SECTION.** **Sec. 28.** STANDARDS FOR ALLOCATION OF CHILD SUPPORT  
6 OBLIGATION BETWEEN PARENTS. (1) *The parents' total obligation for*  
7 *support shall be based on their combined monthly net income, resources,*  
8 *and special child rearing costs.*

9  
10 (2) *The basic child support obligation derived from the economic*  
11 *table shall be allocated between the parents based on each parent's*  
12 *share of the combined monthly net income.*

13 (3) *Ordinary health care expenses are included in the economic*  
14 *table. Monthly health care expenses that exceed five percent of the*  
15 *basic support obligation shall be considered extraordinary health care*  
16 *expenses. Extraordinary health care expenses, day care expenses, and*  
17 *special child rearing expenses such as tuition and long distance*  
18 *transportation costs to and from the parents for visitation purposes,*  
19 *are not included in the economic table. These expenses shall be shared*  
20 *by the parents in the same proportion as the basic support obligation.*  
21 *These expenses may be listed as a specific dollar amount or as a*  
22 *percentage amount. Day care expenses include, but are not limited to,*  
23 *day care expenses incurred while the parent in custody of the child is*  
24 *working, pursuing accredited educational training, or obtaining medical*  
25 *care.*

26 (4) *The court shall exercise discretion to determine the necessity*  
27 *for and the reasonableness of all amounts ordered in excess of the*  
28 *basic support obligation.*

29 \*Sec. 28 was vetoed, see message at end of chapter.

2 **NEW SECTION.** *Sec. 29.* STANDARDS FOR DETERMINATION OF INCOME.

3 *(1) Consideration of all income.* All income and resources of each  
4 parent's household shall be disclosed and considered by the court when  
5 the court determines the child support obligation of each parent as  
6 provided in sections 29 through 33 of this act. Only the income of the  
7 parents of the children whose support is at issue shall be calculated  
8 for purposes of calculating the basic support obligation. Income and  
9 resources of any other person shall not be included in calculating the  
10 basic support obligation.

11 *(2) Verification of income.* Tax returns for the preceding two  
12 years and current paystubs shall be provided to verify income and  
13 deductions. Other sufficient verification shall be required for income  
14 and deductions which do not appear on tax returns or paystubs.

15 *(3) Income sources included in gross monthly income.* Except as  
16 specifically excluded in subsection (4) of this section, monthly gross  
17 income shall include income from any source, including:

- 18 *(a) Salaries;*
- 19 *(b) Wages;*
- 20 *(c) Commissions;*
- 21 *(d) Deferred compensation;*
- 22 *(e) Recurring bonuses;*
- 23 *(f) Dividends;*
- 24 *(g) Interest;*
- 25 *(h) Trust income;*
- 26 *(i) Severance pay;*
- 27 *(j) Annuities;*
- 28 *(k) Capital gains;*
- 29 *(l) Pension retirement benefits;*

1 (m) *Workers' compensation;*

2 (n) *Unemployment benefits; and*

3 (o) *Spousal maintenance actually received.*

4 (4) **Income sources excluded from gross monthly income.** The  
5 following income and resources shall be disclosed but shall not be  
6 included in gross income:

7 (a) *Income of a new spouse or income of other adults in the*  
8 *household;*

9 (b) *Child support received from other relationships;*

10 (c) *Nonrecurring income from bonuses, contract-related cash and*  
11 *noncash benefits, gifts, and prizes. The burden of proving that these*  
12 *sources of income are nonrecurring is on the parent seeking to exclude*  
13 *them from gross income;*

14 (d) *Overtime, whether mandatory or voluntary;*

15 (e) *If the parent has at least one full-time job that requires the*  
16 *parent to work a minimum of forty hours per week, income derived from*  
17 *a second job or additional jobs other than the full-time job;*

18 (f) *Aid to families with dependent children;*

19 (g) *Supplemental security income;*

20 (h) *General assistance; and*

21 (i) *Food stamps.*

22 *Receipt of income and resources from aid to families with dependent*  
23 *children, supplemental security income, general assistance, and food*  
24 *stamps shall not be a reason to deviate from the standard calculation.*

25 (5) **Determination of net income.** The following expenses shall be  
26 disclosed and deducted from gross monthly income to calculate net  
27 monthly income:

28 (a) *Federal and state income taxes;*

29 (b) *Federal insurance contributions act deductions;*

30 (c) *Mandatory pension plan payments;*

1 (d) Mandatory union or professional dues;  
2 (e) State industrial insurance premiums;  
3 (f) Court-ordered spousal maintenance to the extent actually paid;  
4 (g) Up to two thousand dollars per year in voluntary pension  
5 payments actually made if the contributions were made for the two tax  
6 years preceding the earlier of the (i) tax year in which the parties  
7 separated with intent to live separate and apart or (ii) tax year in  
8 which the parties filed for dissolution; and

9 (h) Normal business expenses and self-employment taxes for self-  
10 employed persons. Justification shall be required for any business  
11 expense deduction about which there is disagreement.

12 Items deducted from gross income under this subsection shall not be  
13 a reason to deviate from the standard calculation.

14 (6) **Imputation of income.** The court shall impute income to a parent  
15 when the parent is voluntarily unemployed or voluntarily underemployed.  
16 The court shall determine whether the parent is voluntarily  
17 underemployed or voluntarily unemployed based upon that parent's work  
18 history, education, health, age, and other relevant factors. A parent  
19 will not be deemed underemployed if that parent is gainfully employed  
20 on a full-time basis. Income shall not be imputed for an unemployable  
21 parent.

22 \*Sec. 29 was vetoed, see message at end of chapter.

23 NEW SECTION. **Sec. 30.** Veterans' disability pensions or  
24 regular compensation for disability incurred in or aggravated by  
25 service in the United States armed forces paid by the veterans'  
26 administration shall be disclosed to the court. The court may consider  
27 either type of compensation as disposable income for purposes of  
28 calculating the child support obligation. Aid and attendant care  
29 payments to prevent hospitalization paid by the veterans'

1 administration solely to provide physical home care for a disabled  
2 veteran, and special medical compensation paid under 38 U.S.C. Sec. 314  
3 (k) through (r) to provide either special care or special aids, or  
4 both, to assist with routine daily functions shall also be disclosed.  
5 The court may not include either aid and attendant care or special  
6 medical compensation payments in gross income for purposes of  
7 calculating the child support obligation or for purposes of deviating  
8 from the standard calculation.

9 NEW SECTION. **Sec. 31.** Payments from any source, other  
10 than veterans' aid and attendance allowances or special medical  
11 compensation paid under 38 U.S.C. Sec. 314 (k) through (r), for  
12 services provided by an attendant in case of a disability when the  
13 disability necessitates the hiring of the services of an attendant  
14 shall be disclosed but shall not be included in gross income and shall  
15 not be a reason to deviate from the standard calculation.

16 \*NEW SECTION. **Sec. 32.** STANDARDS FOR DEVIATION FROM THE STANDARD  
17 CALCULATION. *(1) Reasons for deviation from the standard calculation*  
18 *include but are not limited to the following:*

19 *(a) Sources of income and tax planning. The court may deviate from*  
20 *the standard calculation after consideration of the following resources*  
21 *and income:*

22 *(i) Income of a new spouse if the parent who is married to the new*  
23 *spouse is asking for a deviation based on any other reason. Income of*  
24 *a new spouse is not, by itself, a sufficient reason for deviation;*

25 *(ii) Income of other adults in the household if the parent who is*  
26 *living with the other adult is asking for a deviation based on any*  
27 *other reason. Income of the other adults in the household is not, by*  
28 *itself, a sufficient reason for deviation;*  
29

1 (iii) Child support actually received from other relationships;

2 (iv) Overtime, whether mandatory or voluntary;

3 (v) Nonrecurring bonuses;

4 (vi) Contract-related cash benefits and contract-related noncash  
5 benefits that reduce living expenses;

6 (vii) Gifts;

7 (viii) Prizes;

8 (ix) Income derived from a second job or additional jobs that was  
9 excluded from gross income under section 29 of this act;

10 (x) Possession of wealth, including but not limited to savings,  
11 investments, real estate holdings and business interests, vehicles,  
12 boats, pensions, bank accounts, insurance plans, or other assets;

13 (xi) Extraordinary income of a child; or

14 (xii) Tax planning considerations. A deviation for tax planning  
15 may be granted only if the child would not receive a lesser economic  
16 benefit due to the tax planning.

17 (b) **Debt and high expenses.** The court may deviate from the  
18 standard calculation after consideration of the following expenses:

19 (i) Extraordinary debt not voluntarily incurred;

20 (ii) A significant disparity in the living costs of the parents due  
21 to conditions beyond their control;

22 (iii) Special needs of disabled children; or

23 (iv) Special medical, educational, or psychological needs of the  
24 children.

25 (c) **Residential schedule.** The court may deviate from the standard  
26 calculation if the child spends a significant amount of time with the  
27 parent who is obligated to make a support transfer payment. The court  
28 may not deviate on that basis if the deviation will result in  
29 insufficient funds in the house receiving the support to meet the basic  
30 needs of the child or if the child is receiving aid to families with

1 dependent children. When determining the amount of the deviation, the  
2 court shall consider evidence concerning the increased expenses to a  
3 parent making support transfer payments resulting from the significant  
4 amount of time spent with that parent and shall consider the decreased  
5 expenses, if any, to the party receiving the support resulting from the  
6 significant amount of time the child spends with the parent making the  
7 support transfer payment.

8 (d) **Multiple families.** The court may deviate from the standard  
9 calculation when either or both of the parents before the court have  
10 children in multiple families to whom the parent owes a duty of  
11 support.

12 (i) The child support schedule shall be applied to the mother,  
13 father, and children of the family before the court to determine the  
14 presumptive amount of support.

15 (ii) Children from families other than the children of the parties  
16 before the court shall not be counted in the number of children for  
17 purposes of determining the basic support obligation and the standard  
18 calculation.

19 (iii) When considering a deviation from the standard calculation  
20 for children in the family before the court, the court may consider  
21 only other children to whom the parent owes a duty of support. The  
22 court may consider court-ordered payments of child support for children  
23 from other families only to the extent that the support is actually  
24 paid.

25 (iv) When the court has determined that either or both parents have  
26 multiple families, deviations under this section shall be based on  
27 consideration of the total circumstances of both households. All child  
28 support obligations paid, received, and owed for all children in the  
29 multiple families shall be disclosed and considered.



1       (2) All income and resources of the parties before the court, new  
2 spouses, and other adults in the households shall be disclosed and  
3 considered as provided in this section. The presumptive amount of  
4 support shall be determined according to the child support schedule.  
5 Unless specific reasons for deviation are set forth in the written  
6 findings of fact and are supported by the evidence, the court shall  
7 order each parent to pay the amount of support determined by using the  
8 standard calculation.

9       (3) The court shall enter findings that specify reasons for any  
10 deviation or any denial of a party's request for any deviation from the  
11 standard calculation made by the court. The court shall not consider  
12 reasons for deviation until the court determines the standard  
13 calculation for each parent.

14       (4) When reasons exist for deviation, the court shall exercise  
15 discretion in considering the extent to which the factors would affect  
16 the support obligation.

17       (5) Agreement of the parties is not by itself adequate reason for  
18 any deviations from the standard calculation.

19       \*Sec. 32 was vetoed, see message at end of chapter.

20       NEW SECTION.   **Sec. 33.**   STANDARDS FOR ESTABLISHING LOWER AND UPPER  
21 LIMITS ON CHILD SUPPORT AMOUNTS.       (1) **Limit at forty-five percent of**  
22 **a parent's net income.** Neither parent's total child support obligation  
23 may exceed forty-five percent of net income except for good cause  
24 shown. Good cause includes but is not limited to possession of  
25 substantial wealth, children with day care expenses, special medical  
26 need, educational need, psychological need, and larger families.

27       (2) **Income below six hundred dollars.** When combined monthly net  
28 income is less than six hundred dollars, a support order of not less  
29 than twenty-five dollars per child per month shall be entered for each

1 parent. A parent's support obligation shall not reduce his or her net  
2 income below the need standard for one person established pursuant to  
3 RCW 74.04.770, except for the mandatory minimum payment of twenty-five  
4 dollars per child per month as required in this section or in cases  
5 where the court finds reasons for deviation under section 32 of this  
6 act. This section shall not be construed to require monthly  
7 substantiation of income.

8 (3) **Income above five thousand and seven thousand dollars.** The  
9 economic table is presumptive for combined monthly net incomes up to  
10 and including five thousand dollars. When combined monthly net income  
11 exceeds five thousand dollars, support shall not be set at an amount  
12 lower than the presumptive amount of support set for combined monthly  
13 net incomes of five thousand dollars unless the court finds a reason to  
14 deviate below that amount. The economic table is advisory but not  
15 presumptive for combined monthly net incomes that exceed five thousand  
16 dollars. When combined monthly net income exceeds seven thousand  
17 dollars, the court may set support at an advisory amount of support set  
18 for combined monthly net incomes between five thousand and seven  
19 thousand dollars or the court may exceed the advisory amount of support  
20 set for combined monthly net incomes of seven thousand dollars upon  
21 written findings of fact.

22 **\*Sec. 34.** *RCW 26.19.090 and 1990 1st ex.s. c 2 s 9 are each amended*  
23 *to read as follows:*

24  
25 STANDARDS FOR POSTSECONDARY EDUCATIONAL SUPPORT AWARDS. (1)  
26 *The child support schedule shall be advisory and not mandatory for*  
27 *postsecondary educational support. The maximum amount of child support*  
28 *the court may award to pay for the cost of tuition is the amount of*  
29 *tuition set for students who are residents of the state of Washington*  
30 *who attend a state-funded four-year university.*

1       (2) When considering whether to order support for postsecondary  
2 educational expenses, the court shall determine whether the child is in  
3 fact dependent and is relying upon the parents for the reasonable  
4 necessities of life. The court shall exercise its discretion when  
5 determining whether and for how long to award postsecondary educational  
6 support based upon consideration of factors that include but are not  
7 limited to the following: Age of the child; the child's needs; the  
8 expectations of the parties for their children when the parents were  
9 together; the child's prospects, desires, aptitudes, abilities or  
10 disabilities; the nature of the postsecondary education sought; and the  
11 parents' level of education, standard of living, and current and future  
12 resources. Also to be considered are the amount and type of support  
13 that the child would have been afforded if the parents had stayed  
14 together.

15       (3) The child must be enrolled in an accredited academic or  
16 vocational school, actively pursuing a course of study commensurate  
17 with the child's vocational goals, and must be in good academic  
18 standing as defined by the institution ((or)). The child shall also  
19 make available all academic records and grades to both parents as a  
20 condition of receiving postsecondary educational support. Each parent  
21 shall have full and equal access to the postsecondary education records  
22 as provided in RCW 26.09.225. The court-ordered postsecondary  
23 educational support ((may)) shall be automatically suspended during the  
24 period or periods the child fails to comply with these conditions.  
25 ~~((The court in its discretion may order that the payment be made~~  
26 ~~directly to the parent who has been receiving the transfer payments, to~~  
27 ~~the educational institution if feasible, or to the child.)) The court  
28 shall not order the payment of postsecondary educational expenses  
29 beyond the child's twenty-third birthday, except for exceptional  
30 circumstances, such as mental, physical, or emotional disabilities.~~

1       (4) The court shall direct that either or both parents' payments  
2 for postsecondary educational expenses be made directly to the  
3 educational institution if feasible. If direct payments are not  
4 feasible, then the court in its discretion may order that either or  
5 both parents' payments be made directly to the child if the child does  
6 not reside with either parent. If the child resides with one of the  
7 parents the court may direct that the parent making the support  
8 transfer payments make the payments to the child or to the parent who  
9 has been receiving the support transfer payments.

10 \*Sec. 34 was vetoed, see message at end of chapter.

12       \*NEW SECTION.       Sec. 35.       REIMBURSEMENT AND VERIFICATION OF  
13 EXTRAORDINARY EXPENSES.       (1)(a) *If sum certain amounts are established*  
14 *for day care, transportation costs, extraordinary health care, or other*  
15 *extraordinary expenses, and are set forth in the decree, those sums*  
16 *shall be payable as part of the regularly paid support transfer payment*  
17 *ordered by the court. The parent making the support transfer payment is*  
18 *entitled to proof of the amount paid for those expenses.*

19       (b) *If an amount for those expenses is not specified in the decree*  
20 *or those amounts fluctuate and are not part of the support transfer*  
21 *payment, the parent paying these expenses shall be entitled to prompt*  
22 *reimbursement of the other parent's share of those expenses.*  
23 *Reimbursement must be made promptly but not later than thirty days*  
24 *after receipt of proof of payment of these expenditures. The parent*  
25 *paying those expenses is entitled to proof of the amount paid for those*  
26 *expenses.*

27       (2)(a) *If reimbursement is not made within the thirty-day period or*  
28 *is incomplete due to a nonsufficient fund check or other failure to*  
29 *pay, the parent seeking reimbursement may by motion obtain an order*  
30 *compelling payment with statutory interest. If a parent requests proof*

1 of payment and it is not provided within thirty days, the party may  
2 move to compel production of the documents. The court shall award  
3 actual court costs and reasonable attorneys' fees to the prevailing  
4 party in every motion filed under this section except upon a showing of  
5 good cause for nonpayment.

6 (b) Wage assignment orders may be obtained pursuant to chapter  
7 26.18 RCW to collect court-ordered basic child support, day care,  
8 health care, long-distance transportation costs, or other extraordinary  
9 expenses, attorneys' fees, court costs, or any other item ordered by  
10 the court. A parent to whom basic child support, day care, health  
11 care, long-distance transportation costs, or other extraordinary  
12 expenses are to be paid based on a percentage share of the costs, may  
13 by motion obtain a court order reducing the amounts owed to a sum  
14 certain and then enforce collection of that amount by a wage assignment  
15 order. The office of support enforcement shall not request a wage  
16 assignment in any case of purported nonsupport without obtaining  
17 documentation from both parents, except that the office of support  
18 enforcement may request a wage assignment after receipt of  
19 documentation from the party seeking payment of the extraordinary  
20 expenses, if the parent obligated to make the payment fails to comply  
21 with the request for documentation within thirty days of the date  
22 requested.

23 \*Sec. 35 was vetoed, see message at end of chapter.

24 **\*NEW SECTION.** Sec. 36. A new section is added to chapter 26.23 RCW  
25 to read as follows:

26 If a support order does not state the current and future support  
27 obligation for extraordinary expenses such as day care, extraordinary  
28 health care, long-distance transportation costs, other extraordinary  
29 expenses or other variable costs in a fixed dollar amount but states  
30

1 *them as a percentage share of the costs or as variable expenses subject*  
2 *to collection as those expenses are incurred as provided in section 35*  
3 *of this act, then the office of support enforcement must obtain*  
4 *documentation as required in this section prior to issuing a notice of*  
5 *support owed pursuant to RCW 26.23.110. The office of support*  
6 *enforcement must obtain documentation from the payee which verifies the*  
7 *actual expenditure of any variable expense or extraordinary expense*  
8 *that the office of support enforcement seeks to collect as part of the*  
9 *support debt. In addition, prior to issuing a notice of support owed*  
10 *under RCW 26.23.100, the office of support enforcement must request*  
11 *documentation from the payor to determine whether the payor has paid*  
12 *all or a portion of the variable or extraordinary expenses or has any*  
13 *documentation regarding the amount of any variable or extraordinary*  
14 *expense the office of support enforcement seeks to collect. If the*  
15 *payor fails to respond to the request for documentation within thirty*  
16 *days from the date of the request, and the office of support*  
17 *enforcement has obtained documentation from the payee, the office of*  
18 *support enforcement may issue the notice of support owed pursuant to*  
19 *RCW 26.23.110.*

20 *\*Sec. 36 was vetoed, see message at end of chapter.*

21 **Sec. 37.** RCW 26.21.230 and 1963 c 45 s 30 are each amended to read  
22 as follows:

23 The obligee, the prosecuting attorney, or the attorney general  
24 may register the foreign support order in a court of this state in the  
25 manner( (~~, with the effect and for the purposes herein~~)) provided for in  
26 this chapter for the purpose of modification and enforcement of the  
27 support provisions. The court shall only have jurisdiction to consider  
28 the child support provisions of the order. The modification shall be  
29 pursuant to RCW 26.09.170 and 26.09.175.

1       **Sec. 38.** RCW 26.23.035 and 1989 c 360 s 34 are each amended to  
2 read as follows:

3       (1) (~~The child support registry shall distribute all moneys~~  
4 ~~received in compliance with 42 U.S.C. Sec. 657. Support received by~~  
5 ~~the office of support enforcement shall be distributed promptly but not~~  
6 ~~later than eight days from the date of receipt unless circumstances~~  
7 ~~exist which make such distribution impossible. Such circumstances~~  
8 ~~include when: (a) The location of the custodial parent is unknown; (b)~~  
9 ~~the child support debt is in litigation; or (c) the responsible parent~~  
10 ~~or custodial parent cannot be identified. When, following termination~~  
11 ~~of public assistance, the office of support enforcement collects~~  
12 ~~support, all moneys collected up to the maximum of the support due for~~  
13 ~~the period following termination from public assistance shall, to the~~  
14 ~~extent permitted by federal law, be paid to the custodial parent before~~  
15 ~~any distribution to the office of support enforcement under federal~~  
16 ~~law. This section shall not apply to support collected through~~  
17 ~~intercepting federal tax refunds under 42 U.S.C. Sec. 664. When a~~  
18 ~~responsible parent has more than one support obligation, or a support~~  
19 ~~debt is owed to more than one party, moneys received will be~~  
20 ~~distributed between the parties proportionally, based upon the amount~~  
21 ~~of the support obligation and/or support debt owed.)) The department  
22 of social and health services shall adopt rules for the distribution of  
23 support money collected by the office of support enforcement. These  
24 rules shall:~~

25       (a) Comply with 42 U.S.C. Sec. 657;

26       (b) Direct the office of support enforcement to distribute support  
27 money within eight days of receipt, unless one of the following  
28 circumstances, or similar circumstances specified in the rules,  
29 prevents prompt distribution:

30       (i) The location of the custodial parent is unknown;

1        (ii) The support debt is in litigation;

2        (iii) The office of support enforcement cannot identify the  
3 responsible parent or the custodian;

4        (c) Provide for proportionate distribution of support payments if  
5 the responsible parent owes a support obligation or a support debt for  
6 two or more Title IV-D cases; and

7        (d) Authorize the distribution of support money, except money  
8 collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to  
9 the IV-D custodian before the debt owed to the state when the custodian  
10 stops receiving a public assistance grant.

11        (2) The office of support enforcement may distribute support  
12 payments to the payee under the support order or to another person who  
13 has lawful physical custody of the child or custody with the payee's  
14 consent. The payee may file an application for an adjudicative  
15 proceeding to challenge distribution to such other person. Prior to  
16 distributing support payments to any person other than the payee, the  
17 registry shall:

18        (a) Obtain a written statement from the child's physical custodian,  
19 under penalty of perjury, that the custodian has lawful custody of the  
20 child or custody with the payee's consent;

21        (b) Mail to the responsible parent and to the payee at the payee's  
22 last known address a copy of the physical custodian's statement and a  
23 notice which states that support payments will be sent to the physical  
24 custodian; and

25        (c) File a copy of the notice with the clerk of the court that  
26 entered the original support order.

27        (3) If the Washington state support registry distributes a support  
28 payment to a person in error, the registry may obtain restitution by  
29 means of a set-off against future payments received on behalf of the  
30 person receiving the erroneous payment, or may act according to RCW



1 74.20A.270 as deemed appropriate. Any set-off against future support  
2 payments shall be limited to amounts collected on the support debt and  
3 ten percent of amounts collected as current support.

4 **Sec. 39.** RCW 26.23.050 and 1989 c 360 s 15 are each amended to  
5 read as follows:

6 (1) Except as provided in subsection (2) of this section, the  
7 superior court shall include in all superior court orders which  
8 establish or modify a support obligation:

9 (a) A provision which orders and directs that the responsible  
10 parent make all support payments to the Washington state support  
11 registry;

12 (b) A statement that a notice of payroll deduction may be issued or  
13 other income withholding action under chapter 26.18 RCW or chapter  
14 74.20A RCW may be taken, without further notice to the responsible  
15 parent((:

16 ~~(i) If a support payment is not paid when due, and an amount equal~~  
17 ~~to or greater than the support payable for one month is owed under an~~  
18 ~~order entered prior to July 1, 1990; or~~

19 ~~(ii)) at any time after entry of the court order ((for orders~~  
20 ~~entered by the court on or after July 1, 1990)), unless:~~

21 (i) One of the parties demonstrates, and the court finds, that  
22 there is good cause not to require immediate income withholding; or

23 (ii) The parties reach a written agreement that is approved by the  
24 court that provides for an alternate arrangement; and

25 (c) A statement that the receiving parent may be required to submit  
26 an accounting of how the support is being spent to benefit the child.

27 (2) The court may order the responsible parent to make payments  
28 directly to the person entitled to receive the payments or, for orders  
29 entered on or after July 1, 1990, direct that the issuance of a notice

1 of payroll deduction or other income withholding actions be delayed  
2 until a support payment is past due if the court approves an alternate  
3 payment plan. The parties to the order must agree to such a plan and  
4 the plan must contain reasonable assurances that payments will be made  
5 in a regular and timely manner. The court may approve such a plan and  
6 modify or terminate the payroll deduction or other income withholding  
7 action at the time of entry of the order or at a later date upon motion  
8 and agreement of the parties. If the order directs payment to the  
9 person entitled to receive the payments instead of to the Washington  
10 state support registry, the order shall include a statement that the  
11 order may be submitted to the registry if a support payment is past  
12 due. If the order directs delayed issuance of the notice of payroll  
13 deduction or other income withholding action, the order shall include  
14 a statement that such action may be taken, without further notice, at  
15 any time after a support payment is past due. The provisions of this  
16 subsection do not apply if the department is providing public  
17 assistance under Title 74 RCW.

18 (3) The office of administrative hearings and the department of  
19 social and health services shall require that all support obligations  
20 established as administrative orders include a provision which orders  
21 and directs that the responsible parent shall make all support payments  
22 to the Washington state support registry. All administrative orders  
23 shall also state that a notice of payroll deduction may be issued, or  
24 other income withholding action taken without further notice to the  
25 responsible parent((÷

26 ~~(a) If a support payment is not paid when due and an amount equal~~  
27 ~~to or greater than the support payable for one month is owed under an~~  
28 ~~order entered prior to July 1, 1990; or~~

29 ~~(b)) at any time after entry of the order ((for administrative~~  
30 ~~orders entered on or after July 1, 1990)), unless:~~

1 (a) One of the parties demonstrates, and the presiding officer  
2 finds, that there is good cause not to require immediate income  
3 withholding; or

4 (b) The parties reach a written agreement that is approved by the  
5 presiding officer that provides for an alternate agreement.

6 (4) If the support order does not include the provision ordering  
7 and directing that all payments be made to the Washington state support  
8 registry and a statement that a notice of payroll deduction may be  
9 issued if a support payment is past due or at any time after the entry  
10 of the order, the office of support enforcement may serve a notice on  
11 the responsible parent stating such requirements and authorizations.  
12 Service may be by personal service or any form of mail requiring a  
13 return receipt.

14 (5) Every support order shall state:

15 (a) That payment shall be made to the Washington state support  
16 registry or in accordance with the alternate payment plan approved by  
17 the court;

18 (b) That a notice of payroll deduction may be issued or other  
19 income withholding action under chapter 26.18 RCW or chapter 74.20A RCW  
20 may be taken, without further notice to the responsible parent((+

21 ~~(i) If a support payment is not paid when due and an amount equal~~  
22 ~~to or greater than the support payable for one month is owed under an~~  
23 ~~order entered prior to July 1, 1990; or~~

24 ~~(ii))) at any time after entry of an order by the court ((on or~~  
25 ~~after July 1, 1990)), unless:~~

26 (i) The court approves an alternate payment plan under subsection  
27 (2) of this section;

28 (ii) One of the parties demonstrates, and the court finds, that  
29 there is good cause not to require immediate income withholding; or

1        (iii) The parties reach an alternate agreement that is approved by  
2 the court that provides for an alternate arrangement;

3        (c) The income of the parties, if known, or that their income is  
4 unknown and the income upon which the support award is based;

5        (d) The support award as a sum certain amount;

6        (e) The specific day or date on which the support payment is due;

7        (f) The social security number, residence address, and name of  
8 employer of the responsible parent;

9        (g) The social security number and residence address of the  
10 physical custodian except as provided in subsection (6) of this  
11 section;

12        (h) The names, dates of birth, and social security numbers, if any,  
13 of the dependent children;

14        (i) That the parties are to notify the Washington state support  
15 registry of any change in residence address;

16        (j) That any parent owing a duty of child support shall be  
17 obligated to provide health insurance coverage for his or her child if  
18 coverage that can be extended to cover the child is or becomes  
19 available to that parent through employment or is union-related as  
20 provided under RCW 26.09.105;

21        (k) That if proof of health insurance coverage is not provided  
22 within twenty days, the obligee or the department may seek direct  
23 enforcement of the coverage through the obligor's employer or union  
24 without further notice to the obligor as provided under chapter 26.18  
25 RCW; and

26        (l) The reasons for not ordering health insurance coverage if the  
27 order fails to require such coverage.

28        (6) The physical custodian's address shall be omitted from an order  
29 entered under the administrative procedure act. A responsible parent  
30 whose support obligation has been determined by such administrative

1 order may request the physical custodian's residence address by  
2 submission of a request for disclosure under RCW 26.23.120.

3 (7) The superior court clerk, the office of administrative  
4 hearings, and the department of social and health services shall,  
5 within five days of entry, forward to the Washington state support  
6 registry, a true and correct copy of all superior court orders or  
7 administrative orders establishing or modifying a support obligation  
8 which provide that support payments shall be made to the support  
9 registry. If a superior court order entered prior to January 1, 1988,  
10 directs the responsible parent to make support payments to the clerk,  
11 the clerk shall send a true and correct copy of the support order and  
12 the payment record to the registry for enforcement action when the  
13 clerk identifies that a payment is more than fifteen days past due.  
14 The office of support enforcement shall reimburse the clerk for the  
15 reasonable costs of copying and sending copies of court orders to the  
16 registry at the reimbursement rate provided in Title IV-D of the social  
17 security act.

18 (8) Receipt of a support order by the registry or other action  
19 under this section on behalf of a person or persons who are not  
20 recipients of public assistance is deemed to be a request for support  
21 enforcement services under RCW 74.20.040 to the fullest extent  
22 permitted under federal law.

23 (9) After the responsible parent has been ordered or notified to  
24 make payments to the Washington state support registry in accordance  
25 with subsection (1), (~~((2), or))~~ (3), or (4) of this section, the  
26 responsible parent shall be fully responsible for making all payments  
27 to the Washington state support registry and shall be subject to  
28 payroll deduction or other income withholding action. The responsible  
29 parent shall not be entitled to credit against a support obligation for  
30 any payments made to a person or agency other than to the Washington

1 state support registry. A civil action may be brought by the payor to  
2 recover payments made to persons or agencies who have received and  
3 retained support moneys paid contrary to the provisions of this  
4 section.

5 **Sec. 40.** RCW 26.23.060 and 1989 c 360 s 32 are each amended to  
6 read as follows:

7 (1) The office of support enforcement may issue a notice of  
8 payroll deduction:

9 (a) As authorized by a support order that contains the income  
10 withholding notice provisions in RCW 26.23.050 or a substantially  
11 similar notice; or

12 (b) After service of a notice containing an income withholding  
13 provision under this chapter or chapter 74.20A RCW.

14 (2) The ((department may)) office of support enforcement shall  
15 serve a notice of payroll deduction upon a responsible parent's  
16 employer ((for child support obligations if the responsible parent  
17 fails to pay child support as due in an amount equal to or greater than  
18 the support payable for one month. Service shall be)) or upon the  
19 employment security department for the state in possession of or owing  
20 any benefits from the unemployment compensation fund to the responsible  
21 parent pursuant to Title 50 RCW by personal service or by any form of  
22 mail requiring a return receipt.

23 ((+2)) (3) Service of a notice of payroll deduction upon an  
24 employer or employment security department requires ((an)) the employer  
25 or employment security department to immediately make a mandatory  
26 payroll deduction from the responsible ((parent/employee's)) parent's  
27 unpaid disposable earnings or unemployment compensation benefits. The  
28 employer or employment security department shall thereafter deduct each  
29 pay period the amount stated in the notice divided by the number of pay

1 periods per month. The payroll deduction each pay period shall not  
2 exceed fifty percent of the responsible ~~((parent/employee's))~~ parent's  
3 disposable earnings.

4 ~~((+3))~~ (4) A notice of payroll deduction for support shall have  
5 priority over any wage assignment ~~((or))~~, garnishment, attachment, or  
6 other legal process.

7 ~~((+4))~~ (5) The notice of payroll deduction shall be in writing and  
8 include:

9 (a) The name and social security number of the ~~((employee))~~  
10 responsible parent;

11 (b) The amount to be deducted from the responsible parent's  
12 disposable earnings each month, or alternate amounts and frequencies as  
13 may be necessary to facilitate processing of the payroll deduction ~~((by~~  
14 ~~the employer))~~;

15 (c) A statement that the total amount withheld shall not exceed  
16 fifty percent of the responsible parent's disposable earnings; and

17 (d) The address to which the payments are to be mailed or  
18 delivered.

19 ~~((+5))~~ (6) An informational copy of the notice of payroll  
20 deduction shall be mailed to the last known address of the responsible  
21 parent by regular mail.

22 ~~((+6))~~ (7) An employer ~~((who))~~ or employment security department  
23 that receives a notice of payroll deduction shall make immediate  
24 deductions from the ~~((employee's))~~ responsible parent's unpaid  
25 disposable earnings and remit proper amounts to the Washington state  
26 support registry on each date the ~~((employee))~~ responsible parent is  
27 due to be paid.

28 ~~((+7))~~ (8) An employer, or the employment security department,  
29 upon whom a notice of payroll deduction is served, shall make an answer  
30 to the ~~((Washington state))~~ office of support ~~((registry))~~ enforcement

1 within twenty days after the date of service. The answer shall confirm  
2 compliance and institution of the payroll deduction or explain the  
3 circumstances if no payroll deduction is in effect. The answer shall  
4 also state whether the responsible parent is employed by or receives  
5 earnings from the employer or receives unemployment compensation  
6 benefits from the employment security department, whether the employer  
7 or employment security department anticipates paying earnings or  
8 employment compensation benefits and the amount of earnings. If the  
9 responsible parent is no longer employed, or receiving earnings from  
10 the employer, the answer shall state the present employer's name and  
11 address, if known. If the responsible parent is no longer receiving  
12 unemployment compensation benefits from the employment security  
13 department, the answer shall state the present employer's name and  
14 address, if known.

15 ((+8)) (9) The employer or employment security department may  
16 deduct a processing fee from the remainder of the ((employee's))  
17 responsible parent's earnings after withholding under the notice of  
18 payroll deduction, even if the remainder is exempt under RCW 26.18.090.  
19 The processing fee may not exceed: (a) Ten dollars for the first  
20 disbursement made ((by the employer)) to the Washington state support  
21 registry; and (b) one dollar for each subsequent disbursement to the  
22 registry.

23 ((+9)) (10) The notice of payroll deduction shall remain in effect  
24 until released by the office of support enforcement ((or)), the court  
25 enters an order terminating the notice and approving an alternate  
26 payment plan under RCW 26.23.050(2), or one year has expired since the  
27 employer has employed the responsible parent or has been in possession  
28 of or owing any earnings to the responsible parent or the employment  
29 security department has been in possession of or owing any unemployment  
30 compensation benefits to the responsible parent.



1       **Sec. 41.** RCW 26.23.070 and 1987 c 435 s 7 are each amended to read  
2 as follows:

3           (1) The employer or the employment security department may  
4 combine amounts withheld from the earnings of more than one  
5 ~~((employee))~~ responsible parent in a single payment to the Washington  
6 state support registry, listing separately the amount of the payment  
7 which is attributable to each individual ~~((employee))~~.

8           (2) No employer ~~((who))~~ nor employment security department that  
9 complies with a notice of payroll deduction under this chapter shall be  
10 civilly liable to the ~~((employee))~~ responsible parent for complying  
11 with a notice of payroll deduction under this chapter.

12       **Sec. 42.** RCW 26.23.100 and 1989 c 360 s 31 are each amended to  
13 read as follows:

14           (1) The responsible parent subject to a payroll deduction  
15 pursuant to this chapter, may file a motion in superior court to quash,  
16 modify, or terminate the payroll deduction.

17           (2) Except as provided in subsections (4) and (5) of this section,  
18 the court may grant relief only upon a showing: (a) That the payroll  
19 deduction causes extreme hardship or substantial injustice; or (b) that  
20 the support payment was not past due ((in an amount equal to or greater  
21 than the support payable for one month)) under the terms of the order  
22 when the notice of payroll deduction was served on the employer.

23           (3) Satisfaction by the obligor of all past due payments subsequent  
24 to the issuance of the notice of payroll deduction is not grounds to  
25 quash, modify, or terminate the notice of payroll deduction.

26           (4) If a notice of payroll deduction has been in operation for  
27 twelve consecutive months and the ~~((obligor's))~~ obligor's support  
28 obligation is current, upon motion of the obligor, the court may order  
29 the ~~((Washington state))~~ office of support ((registry)) enforcement to

1 terminate the payroll deduction, unless the obligee can show good cause  
2 as to why the payroll deduction should remain in effect.

3 (5) Subsection (2) of this section shall not prevent the court from  
4 ordering an alternative payment plan as provided under RCW  
5 26.23.050(2).

6 NEW SECTION. Sec. 43. A new section is added to chapter 26.23 RCW  
7 to read as follows:

8 The department shall be given twenty calendar days prior notice  
9 of the entry of any final order and five days prior notice of the entry  
10 of any temporary order in any proceeding involving child support or  
11 maintenance if the department has a financial interest based on an  
12 assignment of support rights under RCW 74.20.330 or the state has a  
13 subrogated interest under RCW 74.20A.030. Service of this notice upon  
14 the department shall be by personal service on, or mailing by any form  
15 of mail requiring a return receipt to, the office of the attorney  
16 general. The department shall not be entitled to terms for a party's  
17 failure to serve the department within the time requirements for this  
18 section, unless the department proves that the party knew that the  
19 department had an assignment of support rights or a subrogated interest  
20 and that the failure to serve the department was intentional.

21 **Sec. 44.** RCW 74.20.220 and 1979 c 141 s 367 are each amended to  
22 read as follows:

23 In order to carry out its responsibilities imposed under this  
24 chapter and as required by federal law, the state department of social  
25 and health services, through the attorney general or prosecuting  
26 attorney, is hereby authorized to:

27 (1) (~~Represent~~) Initiate an action in superior court to obtain a  
28 support order or obtain other relief related to support for a dependent

1 child (~~((or dependent children))~~) on whose behalf the department is  
2 providing public assistance (~~((is being provided in obtaining any~~  
3 ~~support order necessary to provide for his or their needs))~~) or support  
4 enforcement services under RCW 74.20.040, or to enforce (~~((any such~~  
5 ~~order previously entered))~~) a superior court order.

6 (2) (~~Appear as a friend of the court in divorce and separate~~  
7 ~~maintenance suits, or proceedings supplemental thereto, when either or~~  
8 ~~both of the parties thereto are receiving public assistance, for the~~  
9 ~~purpose of advising the court as to the financial interest of the state~~  
10 ~~of Washington therein.~~

11 (3) ~~Appear on behalf of the custodial parent of a dependent child~~  
12 ~~or children on whose behalf public assistance is being provided, when~~  
13 ~~so requested by such parent, for the purpose of assisting such parent~~  
14 ~~in securing a modification of a divorce or separate maintenance decree~~  
15 ~~wherein no support, or inadequate support, was given for such child or~~  
16 ~~children: PROVIDED, That the attorney general shall be authorized to~~  
17 ~~so appear only where it appears to the satisfaction of the court that~~  
18 ~~the parent is without funds to employ private counsel. If the parent~~  
19 ~~does not request such assistance, or refuses it when offered, the~~  
20 ~~attorney general may nevertheless appear as a friend of the court at~~  
21 ~~any supplemental proceeding, and may advise the court of such facts as~~  
22 ~~will show the financial interest of the state of Washington therein;~~  
23 ~~but the attorney general shall not otherwise participate in the~~  
24 ~~proceeding)) Appear as a party in dissolution, child support,~~  
25 parentage, maintenance suits, or other proceedings, for the purpose of  
26 representing the financial interest and actions of the state of  
27 Washington therein.

28 (3) Petition the court for modification of a superior court order  
29 when the office of support enforcement is providing support enforcement  
30 services under RCW 74.20.040.

1       (4) When the attorney general or prosecuting attorney appears in,  
2 defends, or initiates actions to establish, modify, or enforce child  
3 support obligations he or she represents the state, the best interests  
4 of the child relating to parentage, and the best interests of the  
5 children of the state, but does not represent the interests of any  
6 other individual.

7       (5) If public assistance has been applied for or granted on behalf  
8 of a child of parents who are divorced or legally separated, the  
9 attorney general or prosecuting attorney may apply to the superior  
10 court in such action for an order directing either parent or both to  
11 show cause:

12       (a) Why an order of support for the child should not be entered, or

13       (b) Why the amount of support previously ordered should not be  
14 increased, or

15       (c) Why the parent should not be held in contempt for his or her  
16 failure to comply with any order of support previously entered.

17       (~~(5)~~) (6) Initiate any civil proceedings deemed necessary by the  
18 department to secure reimbursement from the parent or parents of minor  
19 dependent children for all moneys expended by the state in providing  
20 assistance or services to said children.

21       (7) Nothing in this section limits the authority of the attorney  
22 general or prosecuting attorney to use any and all civil and criminal  
23 remedies to enforce, establish, or modify child support obligations  
24 whether or not the custodial parent receives public assistance.

25       **Sec. 45.** RCW 74.20.310 and 1979 ex.s. c 171 s 15 are each amended  
26 to read as follows:

27       (1) The provisions of RCW 26.26.090 requiring appointment of a  
28 general guardian or guardian ad litem to represent the child in an

1 action brought to determine the parent and child relationship do not  
2 apply to actions brought under chapter 26.26 RCW if:

3 ~~((1))~~ (a) The action is brought by the attorney general on behalf  
4 of the department of social and health services~~((7))~~ and the child~~((7~~  
5 ~~or the natural mother))~~); or

6 ~~((2))~~ (b) The action is brought by any prosecuting attorney on  
7 behalf of the state~~((7))~~ and the child~~((7~~  
8 ~~or the natural mother))~~ when  
9 referral has been made to the prosecuting attorney by the department of  
10 social and health services requesting such action.

11 (2) On the issue of parentage, the attorney general or prosecuting  
12 attorney functions as the child's guardian ad litem provided the  
13 interests of the state and the child are not in conflict.

14 (3) The court, on its own motion or on motion of a party, may  
15 appoint a guardian ad litem when necessary.

16 (4) The summons shall contain a notice to the parents that the  
17 parents have a right to move the court for a guardian ad litem for the  
18 child other than the prosecuting attorney or the attorney general  
19 subject to subsection (2) of this section.

20 **Sec. 46.** RCW 74.20A.055 and 1990 1st ex.s. c 2 s 21 are each  
21 amended to read as follows:

22 (1) The secretary may, in the absence of a superior court order,  
23 serve on the responsible parent or parents a notice and finding of  
24 financial responsibility requiring a responsible parent or parents to  
25 appear and show cause in an adjudicative proceeding why the finding of  
26 responsibility and/or the amount thereof is incorrect, should not be  
27 finally ordered, but should be rescinded or modified. This notice and  
28 finding shall relate to the support debt accrued and/or accruing under  
29 this chapter and/or RCW 26.16.205, including periodic payments to be  
30 made in the future ~~((for such period of time as the child or children~~

1 of said responsible parent or parents are in need)). The hearing shall  
2 be held pursuant to ((RCW 74.20A.055)) this section, chapter 34.05 RCW,  
3 the Administrative Procedure Act, and the rules of the department.

4 (2) The notice and finding of financial responsibility shall be  
5 served in the same manner prescribed for the service of a summons in a  
6 civil action or may be served on the responsible parent by certified  
7 mail, return receipt requested. The receipt shall be prima facie  
8 evidence of service. The notice shall be served upon the debtor within  
9 sixty days from the date the state assumes responsibility for the  
10 support of the dependent child or children on whose behalf support is  
11 sought. If the notice is not served within sixty days from such date,  
12 the department shall lose the right to reimbursement of payments made  
13 after the sixty-day period and before the date of notification:  
14 PROVIDED, That if the department exercises reasonable efforts to locate  
15 the debtor and is unable to do so the entire sixty-day period is tolled  
16 until such time as the debtor can be located. ((Any responsible parent  
17 who objects to all or any part of the notice and finding shall have the  
18 right for not more than twenty days from the date of service to file an  
19 application for an adjudicative proceeding. The application shall be  
20 served upon the department by registered or certified mail or  
21 personally. If no such application is made, the notice and finding of  
22 responsibility shall become final, and the debt created therein shall  
23 be subject to collection action as authorized under this chapter. If  
24 a timely application is made, the execution of notice and finding of  
25 responsibility shall be stayed pending the entry of the final  
26 administrative order. If no timely written application has previously  
27 been made, the responsible parent may petition the secretary or the  
28 secretary's designee at any time for an adjudicative proceeding as  
29 provided for in this section upon a showing of good cause for the  
30 failure to make a timely application. The filing of the petition for an

1 adjudicative proceeding after the twenty-day period shall not affect  
2 any collection action previously taken under this chapter. The  
3 granting of an application after the twenty-day period operates as a  
4 stay on any future collection action, pending entry of the final  
5 administrative order. Moneys withheld as a result of collection action  
6 in effect at the time of the granting of the application after the  
7 twenty-day period shall be delivered to the department and shall be  
8 held in trust by the department pending entry of the final  
9 administrative order. The department may petition the presiding or  
10 reviewing officer to set temporary current and future support to be  
11 paid beginning with the month in which the application after the  
12 twenty-day period is granted. The presiding or reviewing officer shall  
13 order payment of temporary current and future support if appropriate in  
14 an amount determined pursuant to the child support schedule adopted  
15 under RCW 26.19.040. In the event the responsible parent does not make  
16 payment of the temporary current and future support as ordered by the  
17 presiding or reviewing officer, the department may take collection  
18 action pursuant to chapter 74.20A RCW during the pendency of the  
19 adjudicative proceeding or thereafter to collect any amounts owing  
20 under the order. Temporary current and future support paid, or  
21 collected, during the pendency of the adjudicative proceeding shall be  
22 disbursed to the custodial parent or as otherwise appropriate when  
23 received by the department. If the final administrative order is that  
24 the department has collected from the responsible parent other than  
25 temporary current or future support, an amount greater than such  
26 parent's past support debt, the department shall promptly refund any  
27 such excess amount to such parent.

28 (3) Hearings may be held in the county of residence or other place  
29 convenient to the responsible parent.) (3) The notice and finding of  
30 financial responsibility shall set forth the amount the department has

1 determined the responsible parent owes, the support debt accrued and/or  
2 accruing, and periodic payments to be made in the future (~~for such~~  
3 ~~period of time as the child or children of the responsible parent are~~  
4 ~~in need, all computable on the basis of the need alleged~~). The notice  
5 and finding shall also include:

6 (a) A statement of the name of the recipient or custodian and the  
7 name of the child or children for whom ~~(need)~~ support is ~~(alleged)~~  
8 sought; ~~(and/or)~~

9 (b) A statement of the amount of periodic future support payments  
10 as to which financial responsibility is alleged~~(-)~~;

11 ~~((4) The notice and finding shall include)~~ (c) A statement that  
12 the responsible parent may object to all or any part of the notice and  
13 finding, and file an application for an adjudicative proceeding to show  
14 cause why said responsible parent should not be determined to be liable  
15 for any or all of the debt, past and future~~(-)~~;

16 ~~((The notice and finding shall include))~~

17 (d) A statement that, if the responsible parent fails in timely  
18 fashion to file an application for an adjudicative proceeding, the  
19 support debt and payments stated in the notice and finding, including  
20 periodic support payments in the future, shall be assessed and  
21 determined and ordered by the department and that this debt and amounts  
22 due under the notice shall be subject to collection action;

23 (e) A statement that the property of the debtor, without further  
24 advance notice or hearing, will be subject to lien and foreclosure,  
25 distraint, seizure and sale, ~~(or)~~ order to withhold and deliver,  
26 notice of payroll deduction or other collection action to satisfy the  
27 debt and enforce the support obligation established under the notice.

28 (4) A responsible parent who objects to the notice and finding of  
29 financial responsibility may file an application for an adjudicative  
30 proceeding within twenty days of the date of service of the notice or



1 thereafter as provided under this subsection. An adjudicative  
2 proceeding shall be held in the county of residence or other place  
3 convenient to the responsible parent.

4 (a) If the responsible parent files the application within twenty  
5 days, the department shall schedule an adjudicative proceeding to hear  
6 the parent's objection and determine the parents' support obligation  
7 for the entire period covered by the notice and finding of financial  
8 responsibility. The filing of the application stays collection action  
9 pending the entry of a final administrative order;

10 (b) If the responsible parent fails to file an application within  
11 twenty days, the notice and finding shall become a final administrative  
12 order. The amounts for current and future support and the support debt  
13 stated in the notice are final and subject to collection, except as  
14 provided under (c) and (d) of this subsection;

15 (c) If the responsible parent files the application more than  
16 twenty days after, but within one year of the date of service, the  
17 department shall schedule an adjudicative proceeding to hear the  
18 parents' objection and determine the parent's support obligation for  
19 the entire period covered by the notice and finding of financial  
20 responsibility. The filing of the application does not stay further  
21 collection action, pending the entry of a final administrative order,  
22 and does not affect any prior collection action;

23 (d) If the responsible parent files the application more than one  
24 year after the date of service, the department shall schedule an  
25 adjudicative proceeding at which the responsible parent must show good  
26 cause for failure to file a timely application. The filing of the  
27 application does not stay future collection action and does not affect  
28 prior collection action:

1 (i) If the presiding officer finds that good cause exists, the  
2 presiding officer shall proceed to hear the parent's objection to the  
3 notice and determine the parent's support obligation;

4 (ii) If the presiding officer finds that good cause does not exist,  
5 the presiding officer shall treat the application as a petition for  
6 prospective modification of the amount for current and future support  
7 established under the notice and finding. In the modification  
8 proceeding, the presiding officer shall set current and future support  
9 under chapter 26.19 RCW. The responsible parent need show neither good  
10 cause nor a substantial change of circumstances to justify modification  
11 of current and future support;

12 (e) The department shall retain and/or shall not refund support  
13 money collected more than twenty days after the date of service of the  
14 notice. Money withheld as the result of collection action shall be  
15 delivered to the department. The department shall distribute such  
16 money, as provided in published rules.

17 (5) If an application for an adjudicative proceeding is filed, the  
18 presiding or reviewing officer shall determine the past liability and  
19 responsibility, if any, of the alleged responsible parent and shall  
20 also determine the amount of periodic payments to be made in the  
21 future, which amount is not limited by the amount of any public  
22 assistance payment made to or for the benefit of the child. If  
23 deviating from the child support schedule (~~adopted under RCW~~  
24 ~~26.19.040~~) in making these determinations, the presiding or reviewing  
25 officer shall (~~comply with the provisions set forth in chapter 26.19~~  
26 ~~RCW~~) apply the standards contained in the child support schedule and  
27 enter written findings of fact supporting the deviation.

28 (6) If the responsible parent fails to attend or participate in the  
29 hearing or other stage of an adjudicative proceeding, upon a showing of  
30 valid service, the presiding officer shall enter an (~~initial decision~~

1 and)) administrative order declaring the support debt and payment  
2 provisions stated in the notice and finding of financial responsibility  
3 to be assessed and determined and subject to collection action.

4 ((~~(6)~~)) (7) The final administrative order establishing liability  
5 and/or future periodic support payments shall be superseded upon entry  
6 of a superior court order for support to the extent the superior court  
7 order is inconsistent with the administrative order(~~(: PROVIDED, That~~  
8 ~~in the absence of a superior court order, either the responsible parent~~  
9 ~~or the department may petition the secretary or his designee for~~  
10 ~~issuance of an order to appear and show cause based on a showing of~~  
11 ~~good cause and material change of circumstances, to require the other~~  
12 ~~party to appear and show cause why the order previously entered should~~  
13 ~~not be prospectively modified. Said order to appear and show cause~~  
14 ~~together with a copy of the petition and affidavit upon which the order~~  
15 ~~is based shall be served in the manner of a summons in a civil action~~  
16 ~~or by certified mail, return receipt requested, on the other party by~~  
17 ~~the petitioning party. Prospective modification may be ordered, but~~  
18 ~~only upon a showing of good cause and material change of circumstances.~~

19 (~~7~~) ~~The presiding or reviewing officer shall order support payments~~  
20 ~~under the child support schedule adopted under RCW 26.19.040)).~~

21 (8) Debts determined pursuant to this section, accrued and not  
22 paid, are subject to collection action under this chapter without  
23 further necessity of action by a presiding or reviewing officer.

24 ((~~(9)~~) "~~Need~~" as used in this section shall mean the necessary costs  
25 of food, clothing, shelter, and medical attendance for the support of  
26 a dependent child or children. The amount determined by reference to  
27 the child support schedule adopted under RCW 26.19.040, shall be a  
28 rebuttable presumption of the alleged responsible parent's ability to  
29 pay and the need of the family: ~~PROVIDED, That such responsible parent~~  
30 ~~shall be presumed to have no ability to pay child support under this~~

1 ~~chapter from any income received from aid to families with dependent~~  
2 ~~children, supplemental security income, or continuing general~~  
3 ~~assistance.))~~

4 NEW SECTION. **Sec. 47.** A new section is added to chapter 74.20A  
5 RCW to read as follows:

6 (1) The department, the physical custodian, or the responsible  
7 parent may petition for a prospective modification of a final  
8 administrative order if:

9 (a) The administrative order has not been superseded by a superior  
10 court order; and

11 (b) There has been a substantial change of circumstances, except as  
12 provided under RCW 74.20A.055(4)(d).

13 (2) An order of child support may be modified one year or more  
14 after it has been entered without showing a substantial change of  
15 circumstances:

16 (a) If the order in practice works a severe economic hardship on  
17 either party or the child; or

18 (b) If a party requests an adjustment in an order for child support  
19 that was based on guidelines which determined the amount of support  
20 according to the child's age, and the child is no longer in the age  
21 category on which the current support amount was based; or

22 (c) If a child is a full-time student and reasonably expected to  
23 complete secondary school or the equivalent level of vocational or  
24 technical training before the child becomes nineteen years of age upon  
25 a finding that there is a need to extend support beyond the eighteenth  
26 birthday.

27 (3) An order may be modified without showing a substantial change  
28 of circumstances if the requested modification is to:

1 (a) Require health insurance coverage for a child covered by the  
2 order; or

3 (b) Modify an existing order for health insurance coverage.

4 (4) Support orders may be adjusted once every twenty-four months  
5 based upon changes in the income of the parents without a showing of  
6 substantially changed circumstances.

7 (5)(a) All administrative orders entered on, before, or after  
8 September 1, 1991, may be modified based upon changes in the child  
9 support schedule established in chapter 26.19 RCW without a substantial  
10 change of circumstances. The petition may be filed based on changes in  
11 the child support schedule after twelve months has expired from the  
12 entry of the administrative order or the most recent modification order  
13 setting child support, whichever is later. However, if a party is  
14 granted relief under this provision, twenty-four months must pass  
15 before another petition for modification may be filed pursuant to  
16 subsection (4) of this section.

17 (b) If, pursuant to subsection (4) of this section or (a) of this  
18 subsection, the order modifies a child support obligation by more than  
19 thirty percent and the change would cause significant hardship, the  
20 change may be implemented in two equal increments, one at the time of  
21 the entry of the order and the second six months from the entry of the  
22 order. Twenty-four months must pass following the second change before  
23 a petition for modification under subsection (4) of this section may be  
24 filed.

25 (6) An increase in the wage or salary of the parent or custodian  
26 who is receiving the support transfer payments as defined in section 24  
27 of this act is not a substantial change in circumstances for purposes  
28 of modification under subsection (1)(b) of this section. An obligor's  
29 voluntary unemployment or voluntary underemployment, by itself, is not  
30 a substantial change of circumstances.

1 (7) The department shall file the petition and a supporting  
2 affidavit with the secretary or the secretary's designee when the  
3 department petitions for modification.

4 (8) The responsible parent or the physical custodian shall follow  
5 the procedures in this chapter for filing an application for an  
6 adjudicative proceeding to petition for modification.

7 (9) Upon the filing of a proper petition or application, the  
8 secretary or the secretary's designee shall issue an order directing  
9 each party to appear and show cause why the order should not be  
10 modified.

11 (10) If the presiding or reviewing officer finds a modification is  
12 appropriate, the officer shall modify the order and set current and  
13 future support under chapter 26.19 RCW.

14 NEW SECTION. **Sec. 48.** A new section is added to chapter 74.20A  
15 RCW to read as follows:

16 When providing support enforcement services, the office of  
17 support enforcement may take action, under this chapter and chapter  
18 26.23 RCW, against a responsible parent's earnings, located in, or  
19 subject to the jurisdiction of, the state of Washington regardless of  
20 the presence or residence of the responsible parent. If the  
21 responsible parent resides in another state or country, the office of  
22 support enforcement shall serve a notice under RCW 74.20A.040 more than  
23 sixty days before taking collection action.

24 NEW SECTION. **Sec. 49.** The following acts or parts of acts  
25 are each repealed:

26 (1) RCW 26.12.090 and 1983 c 219 s 2 & 1949 c 50 s 9;

27 (2) RCW 26.12.100 and 1983 c 219 s 3 & 1949 c 50 s 10;

28 (3) RCW 26.12.110 and 1949 c 50 s 11;

- 1 (4) RCW 26.12.120 and 1983 c 219 s 4 & 1949 c 50 s 12;  
2 (5) RCW 26.12.130 and 1949 c 50 s 13;  
3 (6) RCW 26.12.140 and 1980 c 124 s 2, 1971 ex.s. c 151 s 1, & 1949  
4 c 50 s 14;  
5 (7) RCW 26.12.150 and 1949 c 50 s 15;  
6 (8) RCW 26.12.180 and 1983 c 219 s 6 & 1949 c 50 s 18;  
7 (9) RCW 26.12.200 and 1983 c 219 s 8 & 1949 c 50 s 20; and  
8 (10) RCW 26.12.210 and 1983 c 219 s 9 & 1949 c 50 s 21.

19 **\*NEW SECTION.** **Sec. 50.** *The following acts or parts of acts*  
11 *are each repealed:*

- 12 (1) *RCW 26.19.010 and 1988 c 275 s 2;*  
13 (2) *RCW 26.19.040 and 1990 1st ex.s. c 2 s 20, 1988 c 275 s 5, &*  
14 *1987 c 440 s 2;*  
15 (3) *RCW 26.19.060 and 1988 c 275 s 7;*  
16 (4) *RCW 26.19.070 and 1990 1st ex.s. c 2 s 6;*  
17 (5) *RCW 26.19.080 and 1990 1st ex.s. c 2 s 7; and*  
18 (6) *RCW 26.19.110 and 1990 1st ex.s. c 2 s 12.*

19 *\*Sec. 50 was vetoed, see message at end of chapter.*

20 **NEW SECTION.** **Sec. 51.** Sections 16 through 18 of this act  
21 are each added to chapter 26.12 RCW.

22 **NEW SECTION.** **Sec. 52.** If by June 30, 1991, the omnibus  
23 operating budget appropriations act for the 1991-93 biennium does not  
24 provide specific funding for section 19 of this act, referencing this  
25 act by bill number, section 19 of this act is null and void.

26 **\*NEW SECTION.** **Sec. 53.** *If specific funding for the*  
28 *purposes of section 35 of this act, referencing section 35 of this act*

1 *by bill and section number, is not provided by June 30, 1991, in the*  
2 *omnibus appropriations act, section 35 of this act shall be null and*  
3 *void.*

4 \*Sec. 53 was vetoed, see message at end of chapter.

5 NEW SECTION. **Sec. 54.** If any provision of this act or its  
6 application to any person or circumstance is held invalid, the  
7 remainder of the act or the application of the provision to other  
8 persons or circumstances is not affected.

9 NEW SECTION. **Sec. 55.** This act shall take effect  
10 September 1, 1991.

11 NEW SECTION. **Sec. 56.** Sections 24, 26 through 33, and 35  
12 of this act are each added to chapter 26.19 RCW.

13 NEW SECTION. **Sec. 57.** Captions as used in this act do not  
14 constitute any part of the law.

Passed the Senate April 23, 1991.

Passed the House April 18, 1991.

Approved by the Governor May 21, 1991, with the exception of  
certain items which were vetoed.

Filed in Office of Secretary of State May 21, 1991.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to sections 1, 3,  
3 5, 8, 23, 24, 28, 29, 32, 34, 35, 36, 50, and 53, Engrossed Second  
4 Substitute Senate Bill No. 5120 entitled:

5 "AN ACT Relating to child support."

6 Any changes in the law affecting child support must focus on one  
7 issue -- the well-being of the children. This was my overriding  
8 concern in the actions I have taken today; I used every means possible  
9 to maintain financial support for children.

10 Before 1988, our child support system was haphazard and many  
11 children received little or no financial support from the noncustodial  
12 parent. These families often ended up on public assistance,  
13 experiencing all of the pitfalls of poverty.



1 In 1988, we succeeded in enacting a new child support system. In  
2 1989 Washington's noncustodial parents paid an average award of \$352  
3 per month. That amount includes all payments ordered by the court for  
4 all children, including daycare, medical and education expenses.  
5 Noncustodial parents are paying an average of 26% of their incomes in  
6 child support. These are not unreasonable support awards.

7 I had these facts in mind when I reviewed this legislation, and I  
8 heard from numerous individuals and groups. I also had in mind the  
9 jeopardy our state faces with the potential loss of \$70 million in  
10 federal funds if we do not adopt a uniform economic table. These funds  
11 are essential to the well-being of children, since they fund our child  
12 support collection system.

13 I have said before that the child support system needed minor  
14 improvements and that it would be helpful if the legislature gave more  
15 clarity to the courts on how children in second families should be  
16 protected. Engrossed Second Substitute Senate Bill No. 5120 does not  
17 contain language on this issue. Some people have stated their belief  
18 that this legislation would put to rest issues related to child  
19 support. This is not the case. The issue of second families remains  
20 to be resolved.

21 The portions of this bill that are signed into law will improve the  
22 system of family court services and clarify procedures for the Office  
23 of Support Enforcement. Minor modifications will be easier to obtain  
24 and protections are added for disabled veterans.

25 I have vetoed certain sections for three reasons. Either they  
26 lower support to children unjustifiably, they egregiously impact  
27 families with children or they violate federal law.

28 Section 25, the new economic table, is signed into law. This  
29 uniform schedule will rectify the legal problems we have with the  
30 federal government. While it is imperative that the state have a  
31 uniform schedule, I am pleased that in section 26, the Legislature  
32 obligates itself to periodically review this economic table.

33 Section 23 is vetoed because it states an intent that children must  
34 suffer from dissolution. Although that is unfortunately true in some  
35 situations, it is poor public policy to intend that it happen.

36 Sections 24, 28, 29, 32 and 50 are vetoed because they  
37 unjustifiably lower support to children. The new definition of  
38 "income" eliminates consideration of all overtime, second job income,  
39 contract-related benefits, gifts, prizes and bonuses, unless the judge  
40 makes an exception. The majority of support awards in the state could  
41 be lowered because of this change. I see no reason to use a definition  
42 that arbitrarily excludes as a benefit for children these very real  
43 types of resources that are available to parents.

44 Section 3 is vetoed because it is likely to have a negative impact  
45 on families with children. This section requires all periodic  
46 modifications to conform to the child support statutes. It then  
47 provides that any part of an existing dissolution decree that conflicts  
48 with the statute is "void". Custodial parents will be ordered to pay  
49 back support they received under legal court orders. This is an  
50 illegal retroactive modification and it would cause hardship to  
51 children.

1 Section 8 is vetoed because it overrules a child's right to private  
2 medical treatment in some situations. Children over age fourteen may  
3 receive medical treatment for sexually transmitted diseases and they  
4 may also use family planning services - all without parental consent.  
5 This amendment gives parents a right to those private medical records.  
6 Furthermore, there is great concern that the language would jeopardize  
7 child abuse investigations and domestic violence protections. I  
8 strongly support the right of both parents to have full and equal  
9 access to the education and available medical records of their  
10 children, but current law already gives them that right.

11 Section 34 limits a court's ability to order support for  
12 postsecondary education. Current law gives the court discretion to  
13 order support and tuition payments after considering the circumstances.  
14 This amendment prohibits a court from ordering noncustodial parents to  
15 pay tuition above that charged by the Washington university system to  
16 resident students. A child could very well live in another state where  
17 tuition is higher than our state charges. This type of cap  
18 unnecessarily limits the court's discretion and arbitrarily limits the  
19 options for children.

20 Sections 35, 36 and 53 change the way parents pay for extraordinary  
21 expenses and day care. The custodial parent would be required to pay  
22 these costs and bill the noncustodial parent. A custodial parent who  
23 lives in Washington, for instance, could have to pay for a roundtrip  
24 airline ticket to the state where the noncustodial parent lives, so the  
25 child could have visitation. All extra health expenses would be paid  
26 up front by the custodial parent. If the bill isn't paid after 30  
27 days, the custodial parent must use a time-consuming court process to  
28 collect. This is unreasonably harsh. Section 35 is the companion  
29 section that modifies the Office of Support Enforcement process  
30 regarding extraordinary expenses and section 53 is the accompanying  
31 null and void section.

32 Section 5 contains language to allow Desert Shield and Desert Storm  
33 participants a retroactive modification for the time they were on  
34 active duty. We all laud the efforts of these fine service persons,  
35 but retroactive modifications violate federal law and work an  
36 unreasonable hardship on custodial parents. Furthermore, the bill is  
37 written with timelines that preclude nearly two-thirds of these people  
38 from taking advantage of the adjustment.

39 Section 1 is vetoed because of the hardship this venue change would  
40 have on rural Washingtonians and on Lincoln County. Current law allows  
41 expedited dissolutions in situations where the parties agree. I see no  
42 reason to take away this convenience.

43 For the reasons stated above, I have vetoed sections 1, 3, 5, 8,  
44 23, 24, 28, 29, 32, 34, 35, 36, 50 and 53 of Engrossed Second  
45 Substitute Senate Bill No. 5120.

46 With the exception of sections 1, 3, 5, 8, 23, 24, 28, 29, 32, 34,  
47 35, 36, 50, and 53, Engrossed Second Substitute Senate Bill No. 5120 is  
48 approved."