

---

**SENATE BILL 5344**

---

**State of Washington**                      **54th Legislature**                      **1995 Regular Session**

**By** Senators Wojahn, Smith, Haugen and Kohl

Read first time 01/19/95. Referred to Committee on Law & Justice.

1            AN ACT Relating to enhancing the child support enforcement program;  
2 amending RCW 26.09.170 and 67.70.255; and adding a new section to  
3 chapter 26.26 RCW.

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

5            **Sec. 1.** RCW 26.09.170 and 1992 c 229 s 2 are each amended to read  
6 as follows:

7            (1) Except as otherwise provided in subsection (7) of RCW  
8 26.09.070, the provisions of any decree respecting maintenance or  
9 support may be modified: (a) Only as to installments accruing  
10 subsequent to the petition for modification or motion for adjustment  
11 except motions to compel court-ordered adjustments, which shall be  
12 effective as of the first date specified in the decree for implementing  
13 the adjustment; and, (b) except as otherwise provided in subsections  
14 (4), (5), (8), and (9) of this section, only upon a showing of a  
15 substantial change of circumstances. The provisions as to property  
16 disposition may not be revoked or modified, unless the court finds the  
17 existence of conditions that justify the reopening of a judgment under  
18 the laws of this state.

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

5 (3) Unless otherwise agreed in writing or expressly provided in the  
6 decree, provisions for the support of a child are terminated by  
7 emancipation of the child or by the death of the parent obligated to  
8 support the child.

9 (4) An order of child support may be modified one year or more  
10 after it has been entered without showing a substantial change of  
11 circumstances:

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

14 (b) If a party requests an adjustment in an order for child support  
15 which was based on guidelines which determined the amount of support  
16 according to the child's age, and the child is no longer in the age  
17 category on which the current support amount was based;

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

21 (d) To add an automatic adjustment of support provision consistent  
22 with RCW 26.09.100.

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

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

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

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

31 (7) The department of social and health services may file an action  
32 to modify an order of child support if public assistance money is being  
33 paid to or for the benefit of the child and the child support order is  
34 (~~twenty-five~~) twenty percent or more below the appropriate child  
35 support amount set forth in the standard calculation as defined in RCW  
36 26.19.011 and reasons for the deviation are not set forth in the  
37 findings of fact or order. The determination of (~~twenty-five~~) twenty  
38 percent or more shall be based on the current income of the parties and  
39 the department shall not be required to show a substantial change of

1 circumstances if the reasons for the deviations were not set forth in  
2 the findings of fact or order.

3 (8)(a) All child support decrees may be adjusted once every twenty-  
4 four months based upon changes in the income of the parents without a  
5 showing of substantially changed circumstances. Either party may  
6 initiate the adjustment by filing a motion and child support  
7 worksheets.

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

13 (c) If, pursuant to (a) of this subsection or subsection (9) of  
14 this section, the court adjusts or modifies a child support obligation  
15 by more than thirty percent and the change would cause significant  
16 hardship, the court may implement the change in two equal increments,  
17 one at the time of the entry of the order and the second six months  
18 from the entry of the order. Twenty-four months must pass following  
19 the second change before a motion for an adjustment under (a) of this  
20 subsection may be filed.

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

25 (9) An order of child support may be adjusted twenty-four months  
26 from the date of the entry of the decree or the last adjustment or  
27 modification, whichever is later, based upon changes in the economic  
28 table or standards in chapter 26.19 RCW.

29 (10) If a child support order varies twenty percent or more from  
30 the basic child support obligation as defined in RCW 26.19.011, the  
31 variance shall constitute a rebuttable presumption that a substantial  
32 change in the circumstances of the parties has occurred. This shall  
33 not apply to orders that vary from the child support schedule as a  
34 result of deviations from the schedule approved by the court or an  
35 administrative hearings officer.

36 NEW SECTION. Sec. 2. A new section is added to chapter 26.26 RCW  
37 to read as follows:

1       Upon the birth of a child to a woman unmarried at the time of birth  
2 or conception, the administrator or person in charge of a hospital or  
3 similar institution in which births occur, or the administrator's or  
4 person's agent, shall:

5       (1) Provide an opportunity for the child's mother and putative  
6 father to complete an acknowledgment of parentage under this chapter;  
7 and

8       (2) Provide written information, that the department of social and  
9 health services shall furnish, to the mother regarding the benefits of  
10 having her child's paternity established and of the availability of  
11 services to establish paternity, including an application for child  
12 support enforcement services.

13       **Sec. 3.** RCW 67.70.255 and 1986 c 83 s 2 are each amended to read  
14 as follows:

15       (1) Any state agency or political subdivision that maintains  
16 records of debts owed to the state or political subdivision, or that  
17 the state is authorized to enforce or collect, including past-due child  
18 support, may submit data processing tapes containing debt information  
19 to the lottery in a format specified by the lottery. State agencies or  
20 political subdivisions submitting debt information tapes shall provide  
21 updates on a regular basis at intervals not to exceed one month and  
22 shall be solely responsible for the accuracy of the information  
23 contained therein.

24       (2) The lottery shall include the debt information submitted by  
25 state agencies or political subdivisions in its validation and prize  
26 payment process. The lottery shall delay payment of a prize exceeding  
27 six hundred dollars for a period not to exceed two working days, to any  
28 person owing a debt to a state agency or political subdivision pursuant  
29 to the information submitted in subsection (1) of this section. The  
30 lottery shall contact the state agency or political subdivision that  
31 provided the information to verify the debt. The prize shall be paid  
32 to the claimant if the debt is not verified by the submitting state  
33 agency or political subdivision within two working days. If the debt  
34 is verified, the prize shall be disbursed pursuant to subsection (3) of  
35 this section.

36       (3) Prior to disbursement, any lottery prize exceeding six hundred  
37 dollars shall be set off against any debts owed by the prize winner to

1 a state agency or political subdivision, or that the state is  
2 authorized to enforce or collect.

--- END ---