

---

SENATE BILL 5477

---

State of Washington                      54th Legislature                      1995 Regular Session

By Senators Spanel, Smith, Haugen, Winsley and Franklin

Read first time 01/24/95. Referred to Committee on Law & Justice.

1            AN ACT Relating to the production of family medical history; and  
2 amending RCW 26.09.050, 26.09.170, and 26.26.130.

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

4            **Sec. 1.** RCW 26.09.050 and 1994 sp.s. c 7 s 451 are each amended to  
5 read as follows:

6            In entering a decree of dissolution of marriage, legal separation,  
7 or declaration of invalidity, the court shall determine the marital  
8 status of the parties, make provision for a parenting plan for any  
9 minor child of the marriage, require that each parent provide a family  
10 medical history for purposes of facilitating the proper health care of  
11 the child or children, make provision for the support of any child of  
12 the marriage entitled to support, consider or approve provision for the  
13 maintenance of either spouse, make provision for the disposition of  
14 property and liabilities of the parties, make provision for the  
15 allocation of the children as federal tax exemptions, make provision  
16 for any necessary continuing restraining orders including the  
17 provisions contained in RCW 9.41.800, and make provision for the change  
18 of name of any party.

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

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

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

21       (3) Unless otherwise agreed in writing or expressly provided in the  
22 decree, provisions for the support of a child are terminated by  
23 emancipation of the child or by the death of the parent obligated to  
24 support the child.

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

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

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

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

37       (d) To add an automatic adjustment of support provision consistent  
38 with 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 child support amount  
13 set forth in the standard calculation as defined in RCW 26.19.011 and  
14 reasons for the deviation are not set forth in the findings of fact or  
15 order. The determination of twenty-five percent or more shall be based  
16 on the current income of the parties and the department shall not be  
17 required to show a substantial change of circumstances if the reasons  
18 for the deviations were not set forth in the findings of fact or order.

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

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

29 (c) If, pursuant to (a) of this subsection or subsection (9) of  
30 this section, the court adjusts or modifies a child support obligation  
31 by more than thirty percent and the change would cause significant  
32 hardship, the court may implement the change in two equal increments,  
33 one at the time of the entry of the order and the second six months  
34 from the entry of the order. Twenty-four months must pass following  
35 the second change before a motion for an adjustment under (a) of this  
36 subsection may be filed.

37 (d) A parent who is receiving transfer payments who receives a wage  
38 or salary increase may not bring a modification action pursuant to

1 subsection (1) of this section alleging that increase constitutes a  
2 substantial change of circumstances.

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

7 **Sec. 3.** RCW 26.26.130 and 1994 sp.s. c 7 s 455 are each amended to  
8 read as follows:

9 (1) The judgment and order of the court determining the existence  
10 or nonexistence of the parent and child relationship shall be  
11 determinative for all purposes.

12 (2) If the judgment and order of the court is at variance with the  
13 child's birth certificate, the court shall order that an amended birth  
14 certificate be issued.

15 (3) The judgment and order shall contain other appropriate  
16 provisions directed to the appropriate parties to the proceeding,  
17 concerning the duty of current and future support, the extent of any  
18 liability for past support furnished to the child if that issue is  
19 before the court, the furnishing of bond or other security for the  
20 payment of the judgment, or any other matter in the best interest of  
21 the child. The judgment and order may direct the father to pay the  
22 reasonable expenses of the mother's pregnancy and confinement. The  
23 judgment and order may include a continuing restraining order or  
24 injunction. In issuing the order, the court shall consider the  
25 provisions of RCW 9.41.800. The judgment and order shall direct the  
26 parent to provide information on his or her family medical history for  
27 the purposes of facilitating the health care of the child.

28 (4) Support judgment and orders shall be for periodic payments  
29 which may vary in amount. The court may limit the father's liability  
30 for the past support to the child to the proportion of the expenses  
31 already incurred as the court deems just. The court shall not limit or  
32 affect in any manner the right of nonparties including the state of  
33 Washington to seek reimbursement for support and other services  
34 previously furnished to the child.

35 (5) After considering all relevant factors, the court shall order  
36 either or both parents to pay an amount determined pursuant to the  
37 schedule and standards contained in chapter 26.19 RCW.

1 (6) On the same basis as provided in chapter 26.09 RCW, the court  
2 shall make residential provisions with regard to minor children of the  
3 parties, except that a parenting plan shall not be required unless  
4 requested by a party.

5 (7) In any dispute between the natural parents of a child and a  
6 person or persons who have (a) commenced adoption proceedings or who  
7 have been granted an order of adoption, and (b) pursuant to a court  
8 order, or placement by the department of social and health services or  
9 by a licensed agency, have had actual custody of the child for a period  
10 of one year or more before court action is commenced by the natural  
11 parent or parents, the court shall consider the best welfare and  
12 interests of the child, including the child's need for situation  
13 stability, in determining the matter of custody, and the parent or  
14 person who is more fit shall have the superior right to custody.

--- END ---