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SENATE BILL 6385

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State of Washington

54th Legislature

1996 Regular Session

By Senators Hochstatter, Hargrove, Schow, Long, Johnson, Finkbeiner, Haugen and Roach

Read first time 01/12/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to child support modification; and amending RCW  
2 26.09.100.

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

4 **Sec. 1.** RCW 26.09.100 and 1991 sp.s. c 28 s 1 are each amended to  
5 read as follows:

6 (1) In a proceeding for dissolution of marriage, legal separation,  
7 declaration of invalidity, maintenance, or child support, after  
8 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 automatic periodic adjustments or  
13 modifications of child support. That portion of any decree that  
14 requires periodic adjustments or modifications of child support shall  
15 use the provisions in chapter 26.19 RCW as the basis for the adjustment  
16 or modification. Provisions in the decree for periodic adjustment or  
17 modification shall not conflict with RCW 26.09.170 except that the  
18 decree may require periodic adjustments or modifications of support

1 more frequently than the time periods established pursuant to RCW  
2 26.09.170.

3 (3) Upon motion of a party and without a substantial change of  
4 circumstances, the court shall modify the decree to comply with  
5 subsection (2) of this section as to installments accruing subsequent  
6 to entry of the court's order on the motion for modification.

7 (4)(a) If a custodial parent seeks modification of child support  
8 for the purpose of paying for child day care costs, the modification  
9 shall be denied by the court if the noncustodial parent or other  
10 relative declares his or her willingness to provide the requested  
11 allotment of child day care.

12 (b) As used in this subsection, "other relative" includes  
13 grandparents, aunts, uncles, and first cousins.

14 (c) Any nonparent providing child day care is subject to the  
15 investigation requirements of RCW 74.15.030.

16 (5) The adjustment or modification provision may be modified by the  
17 court due to economic hardship consistent with the provisions of RCW  
18 26.09.170(4)(a).

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