

WAC 388-14A-3400 Are there limitations on how much of my income is available for child support? (1) The Washington State child support schedule (WSCSS) provides two limitations based on income, the forty-five percent limitation and the self-support reserve. The division of child support (DCS) applies these limitations when we calculate your child support obligation. These limitations do not apply to child support arrears, or to the enforcement of your child support obligation.

(a) Your basic child support obligation for all of your biological or legal children cannot exceed forty-five percent of your monthly net income, unless there are special circumstances as provided in chapter 26.19 RCW.

(i) RCW 26.19.065 provides that all of the children are entitled to a "pro rata" share of the income;

(ii) When the forty-five percent limitation applies, DCS calculates your support obligation in a way that gives each child an equal share of the income;

(iii) Either party may argue to the administrative law judge (ALJ) that "pro rata" does not mean the same as "equal," and may propose a different method of calculation or a different amount for the support obligation for the children in the case.

(b) The monthly basic child support obligation cannot reduce your net monthly income below the self-support reserve of one hundred twenty-five percent of the federal poverty guideline, unless there are special circumstances as provided in chapter 26.19 RCW.

(2) See WAC 388-14A-3405 for information on how to find information about, and how to calculate the self-support reserve.

(3) See WAC 388-14A-3405 for information on how DCS calculates and applies the self-support reserve.

(4) No matter what your monthly child support obligation may be, RCW 26.23.060 and 74.20A.090 limit the amount that can be withheld from your wages for child support to fifty percent of your disposable earnings.

[Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3400, filed 5/19/11, effective 6/19/11. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-3400, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-205.]