
HOUSE BILL 2188

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Appelwick, Edmondson and Horn.
Read first time April 1, 1991. Referred to Committee on Judiciary.

1 AN ACT Relating to domestic relations; amending RCW 26.09.010,
2 26.09.015, 26.09.080, 26.09.090, 26.09.100, 26.09.160, 26.09.170,
3 26.09.175, 26.09.184, 26.09.225, 26.09.260, 26.09.280, 26.12.010,
4 26.12.060, 26.12.170, 26.12.190, 26.12.220, 26.18.070, 26.18.100,
5 26.18.110, 26.18.140, 26.19.020, 26.19.090, 26.21.230, 26.23.035,
6 26.23.050, 26.23.060, 26.23.070, 26.23.100, 26.23.110, 74.20.220,
7 74.20.310, 74.20A.055, and 74.20A.058; reenacting and amending RCW
8 26.09.260 and 26.23.110; adding new sections to chapter 26.12 RCW;
9 adding new sections to chapter 26.19 RCW; adding a new section to
10 chapter 26.23 RCW; adding a new section to chapter 74.20 RCW; adding
11 new sections to chapter 74.20A RCW; creating new sections; repealing
12 RCW 26.12.090, 26.12.100, 26.12.110, 26.12.120, 26.12.130, 26.12.140,
13 26.12.150, 26.12.180, 26.12.200, 26.12.210, 26.19.010, 26.19.040,
14 26.19.060, 26.19.070, 26.19.080, and 26.19.110; prescribing penalties;
15 and providing effective dates.

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

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

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

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

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

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

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

27 (6) A decree of dissolution, of legal separation, or a declaration
28 concerning the validity of a marriage shall not be awarded to one of
29 the parties, but shall provide that it affects the status previously
30 existing between the parties in the manner decreed.

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

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

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

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

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

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

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

28 **Sec. 3.** RCW 26.09.080 and 1989 c 375 s 5 are each amended to read
29 as follows:

1 In a proceeding for dissolution of the marriage, legal separation,
2 declaration of invalidity, or in a proceeding for disposition of
3 property following dissolution of the marriage by a court which lacked
4 personal jurisdiction over the absent spouse or lacked jurisdiction to
5 dispose of the property, the court shall, without regard to marital
6 misconduct, make such disposition of the property and the liabilities
7 of the parties, either community or separate, as shall appear just and
8 equitable after considering all relevant factors including, but not
9 limited to:

10 (1) The nature and extent of the community property;

11 (2) The nature and extent of the separate property;

12 (3) The duration of the marriage; ~~((and))~~

13 (4) The economic circumstances of each spouse at the time the
14 division of property is to become effective, including the desirability
15 of awarding the family home or the right to live therein for reasonable
16 periods to a spouse with whom the children reside the majority of the
17 time; and

18 (5) The past, present, and future earning or economic capacity of
19 each spouse, including the earning or economic capacity of each spouse
20 that was enhanced, diminished, or foregone during marriage.

21 **Sec. 4.** RCW 26.09.090 and 1989 c 375 s 6 are each amended to read
22 as follows:

23 ~~((1))~~ In a proceeding for dissolution of marriage, legal
24 separation, declaration of invalidity, or in a proceeding for
25 maintenance following dissolution of the marriage by a court which
26 lacked personal jurisdiction over the absent spouse, the court may
27 grant a maintenance order for either spouse. The maintenance order
28 shall be in such amounts and for such periods of time as the court

1 deems just, without regard to marital misconduct, after considering all
2 relevant factors including but not limited to:

3 ~~((a))~~ (1) The financial resources of the party seeking
4 maintenance, including separate or community property apportioned to
5 ~~((him))~~ the party, and ~~((his))~~ the party's ability to meet his or her
6 needs independently, including the extent to which a provision for
7 support of a child living with the party includes a sum for that party;

8 ~~((b))~~ (2) The time necessary to acquire sufficient education or
9 training to enable the party seeking maintenance to find employment
10 appropriate to his or her skill, interests, style of life, and other
11 attendant circumstances;

12 ~~((c))~~ (3) The standard of living established during the marriage;

13 ~~((d))~~ (4) The duration of the marriage;

14 ~~((e))~~ (5) The age, physical and emotional condition, and
15 financial obligations of the spouse seeking maintenance; ~~((and~~

16 ~~((f))~~ (6) Past, present, and future earning or economic capacity of
17 each spouse, including the earning or economic capacity of each spouse
18 that was enhanced, diminished, or foregone during marriage;

19 (7) The standard of living each spouse will experience after
20 dissolution of the marriage; and

21 (8) The ability of the spouse from whom maintenance is sought to
22 meet his or her needs and financial obligations while meeting those of
23 the spouse seeking maintenance.

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

26 (1) In a proceeding for dissolution of marriage, legal separation,
27 declaration of invalidity, maintenance, or child support, after
28 considering all relevant factors but without regard to marital
29 misconduct, the court shall order either or both parents owing a duty

1 of support to any child of the marriage dependent upon either or both
2 spouses to pay an amount determined under chapter 26.19 RCW.

3 (2) The court may require periodic (~~adjustments~~) modifications of
4 child support. Any decree requiring periodic modifications of child
5 support shall use the provisions in chapter 26.19 RCW as the basis for
6 the modification. Any decree requiring periodic modification of child
7 support that uses a basis for modification other than chapter 26.19 RCW
8 shall be void. Provisions in the decree for periodic modification
9 shall not conflict with RCW 26.09.170 except that the decree may
10 require periodic modifications of support more frequently than the time
11 periods established pursuant to RCW 26.09.170. The (~~adjustment~~)
12 automatic modification provision may be modified by the court due to
13 economic hardship consistent with the provisions of RCW
14 26.09.170(4)(a).

15 **Sec. 6.** RCW 26.09.160 and 1989 c 318 s 1 are each amended to read
16 as follows:

17 (1) The performance of parental functions and the duty to provide
18 child support are distinct responsibilities in the care of a child. If
19 a party fails to comply with a provision of a decree or temporary order
20 of injunction, the obligation of the other party to make payments for
21 support or maintenance or to permit contact with children is not
22 suspended. An attempt by a parent, in either the negotiation or the
23 performance of a parenting plan, to condition one aspect of the
24 parenting plan upon another, to condition payment of child support upon
25 an aspect of the parenting plan, to refuse to pay ordered child
26 support, to refuse to perform the duties provided in the parenting
27 plan, or to hinder the performance by the other parent of duties
28 provided in the parenting plan, (~~may~~) shall be deemed bad faith and
29 shall be punished by the court by holding the party in contempt of

1 court and by awarding to the aggrieved party reasonable attorneys' fees
2 and costs incidental in bringing a motion for contempt of court.

3 (2)(a) A motion may be filed to initiate a contempt action to
4 coerce a parent to comply with an order establishing residential
5 provisions for a child. If the court finds there is reasonable cause
6 to believe the parent has not complied with the order, the court may
7 issue an order to show cause why the relief requested should not be
8 granted.

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

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

17 (ii) The parent to pay, to the moving party, all court costs and
18 reasonable attorneys' fees incurred as a result of the noncompliance,
19 and any reasonable expenses incurred in locating or returning a child;
20 and

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

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

28 (3) On a second failure within three years to comply with a
29 residential provision of a court-ordered parenting plan, a motion may
30 be filed to initiate contempt of court proceedings according to the

1 procedure set forth in subsection (2) (a) and (b) of this section. On
2 a finding of contempt under this subsection, the court shall order:

3 (a) The noncomplying parent to provide the other parent or party
4 additional time with the child. The additional time shall be twice the
5 amount of the time missed with the child, due to the parent's
6 noncompliance;

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

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

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

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

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

28 (6) Subsections (1), (2), and (3) of this section authorize the
29 exercise of the court's power to impose remedial sanctions for contempt

1 of court and is in addition to any other contempt power the court may
2 possess.

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

8 **Sec. 7.** RCW 26.09.170 and 1990 1st ex.s. c 2 s 2 are each amended
9 to read as follows:

10 (1) Except as otherwise provided in subsection (7) of RCW
11 26.09.070, the provisions of any decree respecting maintenance or
12 support may be modified only as to installments accruing subsequent to
13 the filing of the motion for modification and, except as otherwise
14 provided in subsections (4), (5), and (8) of this section, only upon a
15 showing of a substantial change of circumstances. The remarriage of
16 the party receiving maintenance may be, but is not necessarily,
17 considered to be such a change. Any modification granted shall be
18 effective as of the date of the filing of the motion. The provisions
19 as to property disposition may not be revoked or modified, unless the
20 court finds the existence of conditions that justify the reopening of
21 a judgment under the laws of this state. An increase in the wage or
22 salary of a parent who is receiving support transfer payments as
23 defined in section 26 of this act is not a substantial change in
24 circumstances. The enactment of the 1991 amendments to RCW 26.09.080
25 and 26.09.090 in chapter ..., Laws of 1991 (this act), regarding the
26 termination of spousal maintenance do not constitute a substantial
27 change of circumstances for the purposes of this section.

28 (2) Unless otherwise agreed in writing or expressly provided in the
29 decree the obligation to pay future maintenance is terminated upon the

1 death of either party (~~or the remarriage of the party receiving~~
2 maintenance)).

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

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

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

13 (b) If a party requests (~~(an adjustment)~~) a modification in an
14 order for child support which was based on guidelines which determined
15 the amount of support according to the child's age, and the child is no
16 longer in the age category on which the current support amount was
17 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)~~) modification of support
22 provisions (~~(consistent with)~~) as provided in 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.

1 (7) The department of social and health services may file an action
2 to modify an order of child support if public assistance money is being
3 paid to or for the benefit of the child and the child support order is
4 twenty-five percent or more below the (~~appropriate~~) presumptive child
5 support amount set forth in the standard calculation as defined in
6 section (~~(4(2))~~) 26 of this act and reasons for the deviation are not
7 set forth in the findings of fact or order. The determination of
8 twenty-five percent or more shall be based on the current income of the
9 parties and the department shall not be required to show a substantial
10 change of circumstances if the reasons for the deviations were not set
11 forth in the findings of fact or order.

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

20 (b) All decrees entered on, before, or after September 1, 1991, may
21 be modified based upon changes in the child support schedule
22 established in chapter 26.19 RCW without a substantial change in
23 circumstances. Parents whose decrees are entered on, before (~~the~~
24 effective date of this act)), or after the effective date of this
25 section may petition the court for a modification based on the changes
26 in the child support schedule after twelve months has expired from the
27 entry of the decree or the most recent modification setting child
28 support, whichever is later. However, if a party is granted relief
29 under this provision, twenty-four months must pass before another

1 petition for modification may be filed pursuant to (a) of this
2 subsection.

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

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

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

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

22 **Sec. 8.** RCW 26.09.175 and 1990 1st ex.s. c 2 s 3 are each amended
23 to read as follows:

24 (1) A proceeding for the modification of an order of child support
25 shall commence with the filing of a petition~~((, a supporting financial
26 affidavit,))~~ and worksheets. The petition ~~((and affidavit))~~ shall be
27 in substantially the form prescribed by the administrator for the
28 courts. There shall be a fee of twenty dollars for the filing of a
29 petition for modification of dissolution.

1 (2) The petitioner shall serve upon the other party the summons, a
2 copy of the petition (~~and affidavit, and a blank copy of a financial~~
3 ~~affidavit~~), and the worksheets in the form prescribed by the
4 administrator for the courts. If the modification proceeding is the
5 first action filed in this state, service shall be made by personal
6 service. If the decree to be modified was entered in this state,
7 service shall be by personal service or by any form of mail requiring
8 a return receipt. If the support obligation has been assigned to the
9 state pursuant to RCW 74.20.330 (~~and notice has been filed with the~~
10 ~~court~~) or the state has a subrogated interest under RCW 74.20A.030,
11 the summons, petition, (~~affidavit,~~) and worksheets shall also be
12 served on the attorney general. Proof of service shall be filed with
13 the court.

14 (3) The responding party's answer (~~and completed financial~~
15 ~~affidavit~~) and worksheets shall be served and the answer filed within
16 twenty days after service of the petition or sixty days if served out
17 of state. The responding party's failure to file an answer within the
18 time required shall result in entry of a default judgment for the
19 petitioner.

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

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

27 (6) A party seeking authority to present oral testimony on the
28 petition to modify a support order shall file an appropriate motion not
29 later than ten days after the time of notice of hearing. Affidavits
30 and exhibits setting forth the reasons oral testimony is necessary to

1 a just adjudication of the issues shall accompany the petition. The
2 affidavits and exhibits must demonstrate the extraordinary features of
3 the case. Factors which may be considered include, but are not limited
4 to: (a) Substantial questions of credibility on a major issue; (b)
5 insufficient or inconsistent discovery materials not correctable by
6 further discovery; or (c) particularly complex circumstances requiring
7 expert testimony.

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

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

15 (1) OBJECTIVES. The objectives of the permanent parenting plan are
16 to:

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

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

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

22 (d) Set forth the authority and responsibilities of each parent
23 with respect to the child, consistent with the criteria in RCW
24 26.09.187 and 26.09.191;

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

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

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

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

7 (3) DISPUTE RESOLUTION. A process for resolving disputes, other
8 than court action, shall be provided unless precluded or limited by RCW
9 26.09.187 or 26.09.191. A dispute resolution process may include
10 counseling, mediation, or arbitration by a specified individual or
11 agency, or court action. In the dispute resolution process:

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

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

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

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

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

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

26 (4) ALLOCATION OF DECISION-MAKING AUTHORITY.

27 (a) The plan shall allocate decision-making authority to one or
28 both parties regarding the children's education, health care, and
29 religious upbringing. The parties may incorporate an agreement related
30 to the care and growth of the child in these specified areas, or in

1 other areas, into their plan, consistent with the criteria in RCW
2 26.09.187 and 26.09.191. Regardless of the allocation of decision-
3 making in the parenting plan, either parent may make emergency
4 decisions affecting the health or safety of the child.

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

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

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

15 (6) PARENTS' OBLIGATION UNAFFECTED. If a parent fails to comply
16 with a provision of a parenting plan or a child support order, the
17 other parent's obligations under the parenting plan or the child
18 support order are not affected. Failure to comply with a provision in
19 a parenting plan or a child support order may result in a finding of
20 contempt of court, under RCW 26.09.160.

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

24 **Sec. 10.** RCW 26.09.225 and 1990 1st ex.s. c 2 s 18 are each
25 amended to read as follows:

26 (1) Each parent shall have full and equal access to the education
27 (~~and health care~~) records of the child absent a court order to the
28 contrary. Educational records include records of public and private
29 schools in all grades kindergarten through twelve and any form of

1 alternative school or postsecondary educational institution for all
2 periods for which child support is paid or the child is the dependent
3 in fact of the parent requesting access to the records. Neither parent
4 may veto the access requested by the other parent and neither parent
5 nor child nor any educational institution may assert a privilege on
6 behalf of the child.

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

12 **Sec. 11.** RCW 26.09.260 and 1989 c 375 s 14 and 1989 c 318 s 3 are
13 each reenacted and amended to read as follows:

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

22 (2) In applying these standards, the court shall retain the
23 residential schedule established by the decree or parenting plan
24 unless:

25 (a) The parents agree to the modification;

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

1 (c) The child's present environment is detrimental to the child's
2 physical, mental, or emotional health and the harm likely to be caused
3 by a change of environment is outweighed by the advantage of a change
4 to the child; or

5 (d) The court has found the nonmoving parent in contempt of court
6 at least twice within three years because the parent failed to comply
7 with the residential time provisions in the court-ordered parenting
8 plan, or the parent has been convicted of custodial interference in the
9 first or second degree under RCW 9A.40.060 or 9A.40.070.

10 ~~((+2))~~ (3) A conviction of custodial interference in the first or
11 second degree under RCW 9A.40.060 or 9A.40.070 shall constitute a
12 substantial change of circumstances for the purposes of this section.

13 ~~((+3))~~ (4) The court may order adjustments to a parenting plan
14 upon a showing of a substantial change in circumstances of either
15 parent or of the child, and without consideration of the factors set
16 forth in subsection (2) of this section, if the proposed modification
17 is only a:

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

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

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

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

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

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

1 **Sec. 12.** RCW 26.09.280 and 1987 c 460 s 20 are each amended to
2 read as follows:

3 (~~Hereafter~~) Every action or proceeding to change, modify, or
4 enforce any final order, judgment, or decree (~~heretofore or~~
5 ~~hereafter~~) entered in any dissolution or legal separation or
6 declaration concerning the validity of a marriage, whether under this
7 chapter or prior law, (~~in relation to~~) regarding the parenting plan
8 or child support for the minor children of the marriage may be brought
9 in the county where (~~said~~) the minor children are then residing, or
10 in the court in which (~~said~~) the final order, judgment, or decree was
11 entered, or in the county where the parent or other person who has the
12 care, custody, or control of the (~~said~~) children is then residing.

13 **Sec. 13.** RCW 26.12.010 and 1983 c 219 s 1 are each amended to read
14 as follows:

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

23 **Sec. 14.** RCW 26.12.060 and 1988 c 232 s 4 are each amended to read
24 as follows:

25 The (~~family~~) court commissioners shall: (1) (~~Receive all~~
26 ~~applications and complaints filed in the family court for the purpose~~
27 ~~of disposing of them pursuant to this chapter~~) Make appropriate
28 referrals to county family court services program if the county has a

1 family court services program; (2) ~~((investigate))~~ order investigation
2 and reporting of the facts upon which to base warrants, subpoenas,
3 orders or directions in actions or proceedings ~~((filed in or~~
4 ~~transferred to the family court pursuant to))~~ under this chapter; (3)
5 ~~((for the purpose of this chapter,))~~ exercise all the powers and
6 perform all the duties of ~~((regular))~~ court commissioners; (4) ~~((hold~~
7 ~~conciliation conferences with parties to and hearings in proceedings~~
8 ~~under this chapter and))~~ make written reports of all proceedings had
9 which shall become a part of the record of the family court; (5)
10 provide ~~((such))~~ supervision ~~((in connection with))~~ over the exercise
11 of its jurisdiction as the judge of the family court may order; (6)
12 cause the orders and findings of the family court to be entered in the
13 same manner as orders and findings are entered in cases in the superior
14 court; (7) cause ~~((such))~~ other reports to be made and records kept as
15 will indicate the value and extent of ~~((such conciliation service))~~
16 reconciliation, mediation, investigation, and treatment services; and
17 (8) conduct hearings under chapter 13.34 RCW as provided in RCW
18 13.04.021.

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

21 ~~((The hearing shall be conducted informally as a conference or~~
22 ~~series of conferences to effect the reconciliation of the parties or an~~
23 ~~amicable adjustment or settlement of the issues of the controversy.))~~
24 To facilitate and promote the purposes of this chapter, ~~((the))~~ family
25 court judges and court commissioners may order or recommend family
26 court services, drug and alcohol abuse evaluations and monitoring of
27 the parties through public or private treatment services, other
28 treatment services, the aid of physicians, psychiatrists, ((or)) other
29 specialists, or other services or may recommend the aid of the pastor

1 or director of any religious denomination to which the parties may
2 belong. (~~Such aid, however, shall be at the expense of the parties
3 involved and shall not be at the expense of the court or of the county
4 unless the board of county commissioners shall specifically authorize
5 such aid.~~)

6 If the court has reasonable cause to believe that a child of the
7 parties has suffered abuse or neglect it may file a report with the
8 proper law enforcement agency or the department of social and health
9 services as provided in RCW 26.44.040. Upon receipt of such a report
10 the law enforcement agency or the department of social and health
11 services will conduct an investigation into the cause and extent of the
12 abuse or neglect. The findings of the investigation may be made
13 available to the court if ordered by the court as provided in RCW
14 42.17.310(3). The findings shall be restricted to the issue of abuse
15 and neglect and shall not be considered custody investigations.

16 **Sec. 16.** RCW 26.12.190 and 1983 c 219 s 7 are each amended to read
17 as follows:

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

1 (2) ~~((If, after the expiration of such thirty day period or the~~
2 ~~formal conclusion of the proceedings for conciliation, the controversy~~
3 ~~between the parties has not been terminated, either party may apply for~~
4 ~~further relief by filing in the clerk's office additional pleadings or~~
5 ~~by asking that the pending case be set for trial. The family court has~~
6 ~~full jurisdiction to hear, try, and determine family law proceedings~~
7 ~~under the laws relating thereto, and to retain jurisdiction of the case~~
8 ~~for further hearings on decrees or orders to be made therein.~~

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

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

26 **Sec. 17.** RCW 26.12.220 and 1980 c 124 s 1 are each amended to read
27 as follows:

28 (1) The legislative authority of any county may authorize family
29 court services as provided in RCW 26.12.230. The legislative authority

1 may impose a fee in excess of that prescribed in RCW 36.18.010 for the
2 issuance of a marriage license(~~(: PROVIDED, That such)~~). The fee
3 shall not exceed eight dollars.

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

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

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

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

1 (6) The county legislative authority may establish rules of
2 eligibility for (~~(conciliation)~~) the family court services funded under
3 this section (~~(so long as its)~~). The rules (~~(do)~~) shall not conflict
4 with rules of the court adopted under chapter 26.12 RCW or any other
5 statute.

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

13 NEW SECTION. Sec. 18. The family court shall give proceedings
14 involving children priority over cases without children.

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

1 NEW SECTION. **Sec. 20.** All acts and proceedings of the court
2 commissioners shall be subject to revision by the superior court as
3 provided in RCW 2.24.050.

4 NEW SECTION. **Sec. 21.** (1) Any state funds appropriated in the
5 omnibus operating budget appropriations act for the 1991-93 biennium to
6 the office of the administrator for the courts for the purposes of
7 funding county family courts and county family court services shall be
8 distributed to the eligible counties as provided in this section.

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

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

24 (4) The office of the administrator for the courts shall accept
25 applications for state funds until March 1, 1992. After the
26 application period expires, the office of the administrator for the
27 courts shall determine each eligible county's percentage of the funds
28 appropriated for family courts and family court services. An eligible
29 county's percentage share of the appropriated funds shall be the same

1 percentage as the number of cases filed in that county under Title 26
2 RCW, divided by the number of cases filed under Title 26 RCW in all the
3 eligible counties. The initial determination of the number of case
4 filings in each eligible county shall be based upon the office of the
5 administrator for the courts' most recent annual report. The office of
6 the administrator for the courts shall adjust the calculation of the
7 number of filings in each county if any county has a disproportionate
8 number of filings due to changes of venue or cases in which both
9 parties live in another county. The office of the administrator for
10 the courts may begin disbursing the state funds by July 1, 1992, to
11 eligible counties. The office of the administrator for the courts
12 shall disburse the state funds not later than January 1, 1993, to
13 eligible counties. The counties must use the state funds over a
14 one-year period from the date of disbursement. The counties that
15 provide family courts and family court services pursuant to a joint
16 family court services contract under RCW 26.12.230 may apply for state
17 funds jointly and their eligibility for state funding shall be
18 determined in the same manner as the eligibility of individual
19 counties.

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

1 **Sec. 22.** RCW 26.18.070 and 1987 c 435 s 18 are each amended to
2 read as follows:

3 (1) A petition or motion seeking a mandatory wage assignment in an
4 action under RCW 26.18.040 may be filed by an obligee if the obligor is
5 (~~more than fifteen days~~) past due in child support payments in an
6 amount equal to or greater than the support payable for one month. The
7 petition or motion shall include a sworn statement by the obligee,
8 stating the facts authorizing the issuance of the wage assignment
9 order, including:

10 (a) That the obligor, stating his or her name and residence, is
11 (~~more than fifteen days~~) past due in child support payments in an
12 amount equal to or greater than the support payable for one month;

13 (b) A description of the terms of the support order requiring
14 payment of support, and the amount past due;

15 (c) The name and address of the obligor's employer;

16 (d) That notice by personal service or any form of mail requiring
17 a return receipt, has been provided to the obligor (~~at least fifteen~~
18 ~~days~~) prior to the obligee seeking a mandatory wage assignment, unless
19 the order for support states that the obligee may seek a mandatory wage
20 assignment without notice to the obligor; and

21 (e) In cases not filed by the state, whether the obligee has
22 received public assistance from any source and, if the obligee has
23 received public assistance, that the department of social and health
24 services has been notified in writing of the pending action.

25 (2) If the court in which a mandatory wage assignment is sought
26 does not already have a copy of the support order in the court file,
27 then the obligee shall attach a copy of the support order to the
28 petition or motion seeking the wage assignment.

1 support order (if applicable) is dollars per, and
2 the amount of the current and continuing support obligation under the
3 support order is dollars per

4 You are hereby commanded to answer this order by filling in the
5 attached form according to the instructions, and you must mail or
6 deliver the original of the answer to the court, one copy to the
7 Washington state support registry, one copy to the obligee or obligee's
8 attorney, and one copy to the obligor within twenty days after service
9 of this wage assignment order upon you.

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

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

14 (a) The sum of the accrued support debt and the current support
15 obligation;

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

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

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

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

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

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

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

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

4 You shall promptly notify the court and the Washington state
5 support registry if and when the employee is no longer employed by you.
6 If you no longer employ the employee, the wage assignment order shall
7 remain in effect for one year after the employee has left your
8 employment or you are no longer in possession of any earnings owed to
9 the employee. You shall continue to hold the wage assignment order
10 during that one-year period. If the employee returns to your
11 employment during the one-year period you shall immediately begin to
12 withhold the employee's earnings according to the terms of the wage
13 assignment order. If the employee has not returned to your employment
14 within one year, the wage assignment will cease to have effect at the
15 expiration of the one-year period.

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

20 You shall deliver a copy of this order to the obligor as soon as is
21 reasonably possible. This wage assignment order has priority over any
22 other wage assignment or garnishment, except for another wage
23 assignment or garnishment for child support, or order to withhold or
24 deliver under chapter 74.20A RCW.

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

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

4 DATED THIS ... day of ..., 19

5 -----

6 Obligee, Judge/Court, Commissioner
7 or obligee's attorney

8 **Sec. 24.** RCW 26.18.110 and 1989 c 416 s 11 are each amended to
9 read as follows:

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

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

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

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

1 (b) The Washington state support registry that the accrued child
2 support debt has been paid, provided the wage assignment order contains
3 the language set forth under RCW 26.18.100(2)(b). The employer shall
4 promptly notify the Washington state support registry when the employee
5 is no longer employed. If the employer no longer employs the employee,
6 the wage assignment order shall remain in effect for one year after the
7 employee has left the employment or the employer has been in possession
8 of any earnings owed to the employee. The employer shall continue to
9 hold the wage assignment order during that one-year period. If the
10 employee returns to the employer's employment during the one-year
11 period the employer shall immediately begin to withhold the employee's
12 earnings according to the terms of the wage assignment order. If the
13 employee has not returned within one year, the wage assignment shall
14 cease to have effect at the expiration of the one-year period; or

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

18 (4) The employer may deduct a processing fee from the remainder of
19 the employee's earnings after withholding under the wage assignment
20 order, even if the remainder is exempt under RCW 26.18.090. The
21 processing fee may not exceed (a) ten dollars for the first
22 disbursement made by the employer to the Washington state support
23 registry; and (b) one dollar for each subsequent disbursement to the
24 clerk.

25 (5) An order for wage assignment for support entered under this
26 chapter shall have priority over any other wage assignment or
27 garnishment, except for another wage assignment or garnishment for
28 child support, or order to withhold and deliver under chapter 74.20A
29 RCW.

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

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

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

14 (c) Is unwilling to comply with the other requirements of this
15 section.

16 Liability may be established in superior court. Awards in superior
17 court shall include costs, interest under RCW 19.52.020 and 4.56.110,
18 and reasonable attorneys' fees.

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

21 (8) No employer may discharge, discipline, or refuse to hire an
22 employee because of the entry or service of a wage assignment issued
23 and executed under this chapter. ~~((A person who violates this~~
24 ~~subsection may be found by the court to be in contempt of court and may~~
25 ~~be punished as provided by law))~~ If an employer discharges,
26 disciplines, or refuses to hire an employee in violation of this
27 section, the employee or person shall have a cause of action against
28 the employer. The employer shall be liable for double the amount of
29 damages suffered as a result of the violation and for costs and
30 reasonable attorneys' fees, and shall be subject to a civil penalty of

1 not more than two thousand five hundred dollars for each violation.
2 The employer may also be ordered to hire, rehire, or reinstate the
3 aggrieved individual.

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

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

10 **Sec. 25.** RCW 26.18.140 and 1984 c 260 s 14 are each amended to
11 read as follows:

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

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

1 NEW SECTION. **Sec. 26.** DEFINITIONS. Unless the context clearly
2 requires otherwise, the definitions in this section apply throughout
3 this chapter.

4 (1) "Basic child support obligation" means the monthly child
5 support obligation determined from the economic table based on the
6 parties' combined monthly net income and the number of children for
7 whom support is owed.

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

10 (3) "Court" means a superior court judge, court commissioner, and
11 presiding and reviewing officers who administratively determine or
12 enforce child support orders.

13 (4) "Deviation" means a child support amount that differs from the
14 standard calculation.

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

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

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

27 (8) "Standards" means the standards for determination of child
28 support as provided in sections 29 through 33 of this act and RCW
29 26.19.090.

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

4 (10) "Support transfer payment" means the amount of money the court
5 orders one parent to pay for child support after determination of the
6 standard calculation and deviations. If certain expenses or credits are
7 expected to fluctuate and the order states a formula or percentage to
8 determine the additional amount or credit on an ongoing basis, the term
9 "support transfer payment" does not mean the additional amount or
10 credit.

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

14 **Sec. 27.** RCW 26.19.020 and 1990 1st ex.s. c 2 s 19 are each
15 amended to read as follows:

16 ~~ECONOMIC TABLE. ((If approved by a majority vote of the superior
17 court judges of a county, the superior court may adopt by local court
18 rule an economic table that shall be used by the superior court of that
19 county, instead of the economic table adopted by the commission, to
20 determine the appropriate amount of child support. The economic table
21 adopted by the superior court shall not vary by more than twenty five
22 percent from the economic table adopted by the commission and shall not
23 vary the economic table for combined monthly net income of two thousand
24 five hundred dollars or less.))~~

25 The legislature adopts the following economic table:

26 ECONOMIC TABLE
27 MONTHLY BASIC SUPPORT OBLIGATION PER CHILD
28 KEY: A = AGE 0-11 B = AGE 12-18

1	COMBINED			
2	MONTHLY		ONE	TWO
3	NET		CHILD	CHILDREN
4	INCOME		FAMILY	FAMILY
5	-----			
6		A	B	A
7	-----			
8	0			
9	100			
10	200			
11	300	For combined monthly net income less than \$600 see		
12	400	section 33 of this act.		
13	500			
14	600	133	164	103
15	700	155	191	120
16	800	177	218	137
17	900	199	246	154
18	1000	220	272	171
19	1100	242	299	188
20	1200	264	326	205
21	1300	285	352	221
22	1400	307	379	238
23	1500	327	404	254
24	1600	347	428	269
25	1700	367	453	285
26	1800	387	478	300
27	1900	407	503	316
28	2000	427	527	331
29	2100	447	552	347
30	2200	467	577	362
31	2300	487	601	378
32	2400	506	626	393
33	2500	526	650	408
34	2600	535	662	417
35	2700	544	673	423
36	2800	553	684	430
37	2900	561	692	435
38	3000	567	701	441
39	3100	574	708	445
40	3200	578	715	449
41	3300	583	721	453
42	3400	585	724	455
43	3500	588	727	457
44	3600	591	729	459
45	3700	593	732	461
46	3800	598	740	465
47	3900	615	759	477
48	4000	629	778	489
49	4100	645	797	501
50	4200	662	818	514
51	4300	677	837	526
52	4400	692	856	538
53	4500	707	873	548
54	4600	721	891	560
55	4700	735	908	572
56	4800	749	927	582
57	4900	765	945	594
58	5000	779	963	606

1	<u>5100</u>	<u>794</u>	<u>982</u>	<u>618</u>	<u>762</u>
2	<u>5200</u>	<u>809</u>	<u>1,000</u>	<u>629</u>	<u>776</u>
3	<u>5300</u>	<u>824</u>	<u>1,019</u>	<u>639</u>	<u>790</u>
4	<u>5400</u>	<u>839</u>	<u>1,037</u>	<u>651</u>	<u>805</u>
5	<u>5500</u>	<u>853</u>	<u>1,055</u>	<u>663</u>	<u>819</u>
6	<u>5600</u>	<u>868</u>	<u>1,073</u>	<u>676</u>	<u>833</u>
7	<u>5700</u>	<u>884</u>	<u>1,091</u>	<u>687</u>	<u>847</u>
8	<u>5800</u>	<u>898</u>	<u>1,111</u>	<u>698</u>	<u>862</u>
9	<u>5900</u>	<u>914</u>	<u>1,129</u>	<u>710</u>	<u>877</u>
10	<u>6000</u>	<u>929</u>	<u>1,148</u>	<u>722</u>	<u>891</u>
11	<u>6100</u>	<u>945</u>	<u>1,167</u>	<u>734</u>	<u>906</u>
12	<u>6200</u>	<u>960</u>	<u>1,186</u>	<u>746</u>	<u>921</u>
13	<u>6300</u>	<u>975</u>	<u>1,206</u>	<u>758</u>	<u>936</u>
14	<u>6400</u>	<u>990</u>	<u>1,225</u>	<u>770</u>	<u>951</u>
15	<u>6500</u>	<u>1,006</u>	<u>1,244</u>	<u>782</u>	<u>966</u>
16	<u>6600</u>	<u>1,021</u>	<u>1,262</u>	<u>794</u>	<u>981</u>
17	<u>6700</u>	<u>1,038</u>	<u>1,281</u>	<u>806</u>	<u>996</u>
18	<u>6800</u>	<u>1,053</u>	<u>1,302</u>	<u>818</u>	<u>1,011</u>
19	<u>6900</u>	<u>1,069</u>	<u>1,321</u>	<u>831</u>	<u>1,026</u>
20	<u>7000</u>	<u>1,085</u>	<u>1,340</u>	<u>844</u>	<u>1,041</u>

21	-----					
22	<u>COMBINED</u>					
23	<u>MONTHLY</u>	<u>THREE</u>	<u>FOUR</u>	<u>FIVE</u>		
24	<u>NET</u>	<u>CHILDREN</u>	<u>CHILDREN</u>	<u>CHILDREN</u>		
25	<u>INCOME</u>	<u>FAMILY</u>	<u>FAMILY</u>	<u>FAMILY</u>		
26	-----					
27		<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>	
28	-----					
29	<u>0</u>					
30	<u>100</u>					
31	<u>200</u>					
32	<u>300</u>					
33	<u>400</u>					
34	<u>500</u>					

For combined monthly net income less than \$600 see section 33 of this act.

35	<u>600</u>	<u>86</u>	<u>106</u>	<u>73</u>	<u>90</u>	<u>63</u>	<u>78</u>
36	<u>700</u>	<u>100</u>	<u>124</u>	<u>85</u>	<u>105</u>	<u>74</u>	<u>91</u>
37	<u>800</u>	<u>115</u>	<u>142</u>	<u>97</u>	<u>120</u>	<u>84</u>	<u>104</u>
38	<u>900</u>	<u>129</u>	<u>159</u>	<u>109</u>	<u>135</u>	<u>95</u>	<u>118</u>
39	<u>1000</u>	<u>143</u>	<u>177</u>	<u>121</u>	<u>149</u>	<u>105</u>	<u>130</u>
40	<u>1100</u>	<u>157</u>	<u>194</u>	<u>133</u>	<u>164</u>	<u>116</u>	<u>143</u>
41	<u>1200</u>	<u>171</u>	<u>211</u>	<u>144</u>	<u>179</u>	<u>126</u>	<u>156</u>
42	<u>1300</u>	<u>185</u>	<u>228</u>	<u>156</u>	<u>193</u>	<u>136</u>	<u>168</u>
43	<u>1400</u>	<u>199</u>	<u>246</u>	<u>168</u>	<u>208</u>	<u>147</u>	<u>181</u>
44	<u>1500</u>	<u>212</u>	<u>262</u>	<u>179</u>	<u>221</u>	<u>156</u>	<u>193</u>
45	<u>1600</u>	<u>225</u>	<u>278</u>	<u>190</u>	<u>235</u>	<u>166</u>	<u>205</u>
46	<u>1700</u>	<u>238</u>	<u>294</u>	<u>201</u>	<u>248</u>	<u>175</u>	<u>217</u>
47	<u>1800</u>	<u>251</u>	<u>310</u>	<u>212</u>	<u>262</u>	<u>185</u>	<u>228</u>
48	<u>1900</u>	<u>264</u>	<u>326</u>	<u>223</u>	<u>275</u>	<u>194</u>	<u>240</u>
49	<u>2000</u>	<u>277</u>	<u>342</u>	<u>234</u>	<u>289</u>	<u>204</u>	<u>252</u>
50	<u>2100</u>	<u>289</u>	<u>358</u>	<u>245</u>	<u>303</u>	<u>213</u>	<u>264</u>
51	<u>2200</u>	<u>302</u>	<u>374</u>	<u>256</u>	<u>316</u>	<u>223</u>	<u>276</u>
52	<u>2300</u>	<u>315</u>	<u>390</u>	<u>267</u>	<u>330</u>	<u>233</u>	<u>288</u>
53	<u>2400</u>	<u>328</u>	<u>406</u>	<u>278</u>	<u>343</u>	<u>242</u>	<u>299</u>
54	<u>2500</u>	<u>341</u>	<u>421</u>	<u>288</u>	<u>356</u>	<u>251</u>	<u>311</u>
55	<u>2600</u>	<u>347</u>	<u>429</u>	<u>294</u>	<u>363</u>	<u>257</u>	<u>317</u>
56	<u>2700</u>	<u>353</u>	<u>437</u>	<u>299</u>	<u>370</u>	<u>260</u>	<u>322</u>

1	<u>2800</u>	<u>358</u>	<u>443</u>	<u>303</u>	<u>374</u>	<u>264</u>	<u>326</u>
2	<u>2900</u>	<u>363</u>	<u>449</u>	<u>308</u>	<u>379</u>	<u>268</u>	<u>331</u>
3	<u>3000</u>	<u>368</u>	<u>454</u>	<u>311</u>	<u>384</u>	<u>271</u>	<u>335</u>
4	<u>3100</u>	<u>372</u>	<u>459</u>	<u>314</u>	<u>388</u>	<u>274</u>	<u>338</u>
5	<u>3200</u>	<u>375</u>	<u>464</u>	<u>317</u>	<u>392</u>	<u>276</u>	<u>341</u>
6	<u>3300</u>	<u>378</u>	<u>467</u>	<u>320</u>	<u>395</u>	<u>278</u>	<u>345</u>
7	<u>3400</u>	<u>379</u>	<u>469</u>	<u>321</u>	<u>397</u>	<u>279</u>	<u>347</u>
8	<u>3500</u>	<u>381</u>	<u>471</u>	<u>323</u>	<u>399</u>	<u>281</u>	<u>349</u>
9	<u>3600</u>	<u>383</u>	<u>473</u>	<u>325</u>	<u>401</u>	<u>283</u>	<u>350</u>
10	<u>3700</u>	<u>385</u>	<u>475</u>	<u>326</u>	<u>402</u>	<u>284</u>	<u>352</u>
11	<u>3800</u>	<u>388</u>	<u>479</u>	<u>328</u>	<u>405</u>	<u>286</u>	<u>354</u>
12	<u>3900</u>	<u>398</u>	<u>492</u>	<u>336</u>	<u>417</u>	<u>293</u>	<u>363</u>
13	<u>4000</u>	<u>408</u>	<u>504</u>	<u>345</u>	<u>427</u>	<u>301</u>	<u>372</u>
14	<u>4100</u>	<u>418</u>	<u>518</u>	<u>353</u>	<u>437</u>	<u>309</u>	<u>381</u>
15	<u>4200</u>	<u>429</u>	<u>530</u>	<u>363</u>	<u>447</u>	<u>317</u>	<u>391</u>
16	<u>4300</u>	<u>439</u>	<u>543</u>	<u>371</u>	<u>459</u>	<u>323</u>	<u>400</u>
17	<u>4400</u>	<u>449</u>	<u>554</u>	<u>379</u>	<u>468</u>	<u>330</u>	<u>409</u>
18	<u>4500</u>	<u>457</u>	<u>566</u>	<u>387</u>	<u>478</u>	<u>337</u>	<u>418</u>
19	<u>4600</u>	<u>467</u>	<u>578</u>	<u>395</u>	<u>489</u>	<u>344</u>	<u>426</u>
20	<u>4700</u>	<u>477</u>	<u>589</u>	<u>403</u>	<u>498</u>	<u>351</u>	<u>434</u>
21	<u>4800</u>	<u>487</u>	<u>601</u>	<u>411</u>	<u>508</u>	<u>358</u>	<u>444</u>
22	<u>4900</u>	<u>495</u>	<u>612</u>	<u>419</u>	<u>517</u>	<u>366</u>	<u>452</u>
23	<u>5000</u>	<u>506</u>	<u>625</u>	<u>426</u>	<u>528</u>	<u>373</u>	<u>461</u>
24	<u>5100</u>	<u>515</u>	<u>637</u>	<u>435</u>	<u>538</u>	<u>380</u>	<u>469</u>
25	<u>5200</u>	<u>524</u>	<u>648</u>	<u>443</u>	<u>548</u>	<u>387</u>	<u>478</u>
26	<u>5300</u>	<u>534</u>	<u>660</u>	<u>451</u>	<u>558</u>	<u>394</u>	<u>486</u>
27	<u>5400</u>	<u>544</u>	<u>673</u>	<u>460</u>	<u>567</u>	<u>401</u>	<u>496</u>
28	<u>5500</u>	<u>553</u>	<u>684</u>	<u>468</u>	<u>578</u>	<u>409</u>	<u>505</u>
29	<u>5600</u>	<u>563</u>	<u>696</u>	<u>477</u>	<u>589</u>	<u>416</u>	<u>513</u>
30	<u>5700</u>	<u>573</u>	<u>708</u>	<u>484</u>	<u>599</u>	<u>423</u>	<u>523</u>
31	<u>5800</u>	<u>583</u>	<u>720</u>	<u>493</u>	<u>609</u>	<u>430</u>	<u>531</u>
32	<u>5900</u>	<u>593</u>	<u>732</u>	<u>501</u>	<u>618</u>	<u>438</u>	<u>540</u>
33	<u>6000</u>	<u>602</u>	<u>745</u>	<u>510</u>	<u>629</u>	<u>445</u>	<u>549</u>
34	<u>6100</u>	<u>612</u>	<u>757</u>	<u>517</u>	<u>640</u>	<u>451</u>	<u>558</u>
35	<u>6200</u>	<u>622</u>	<u>768</u>	<u>526</u>	<u>650</u>	<u>459</u>	<u>567</u>
36	<u>6300</u>	<u>632</u>	<u>782</u>	<u>535</u>	<u>660</u>	<u>466</u>	<u>577</u>
37	<u>6400</u>	<u>642</u>	<u>794</u>	<u>543</u>	<u>670</u>	<u>474</u>	<u>586</u>
38	<u>6500</u>	<u>652</u>	<u>806</u>	<u>551</u>	<u>682</u>	<u>481</u>	<u>595</u>
39	<u>6600</u>	<u>662</u>	<u>818</u>	<u>560</u>	<u>693</u>	<u>489</u>	<u>604</u>
40	<u>6700</u>	<u>672</u>	<u>832</u>	<u>569</u>	<u>703</u>	<u>496</u>	<u>613</u>
41	<u>6800</u>	<u>683</u>	<u>844</u>	<u>577</u>	<u>713</u>	<u>504</u>	<u>622</u>
42	<u>6900</u>	<u>693</u>	<u>856</u>	<u>585</u>	<u>723</u>	<u>512</u>	<u>631</u>
43	<u>7000</u>	<u>703</u>	<u>869</u>	<u>594</u>	<u>735</u>	<u>519</u>	<u>641</u>

44 For combined monthly net income that
45 exceeds \$7000 see section 33 of this act.

46 NEW SECTION. Sec. 28. The administrator for the courts shall
47 review the support schedule every four years to determine if the
48 application of the support schedule results in appropriate support
49 orders. The administrator for the courts shall report findings
50 regarding the application of the schedule to the legislature. Upon the

1 review and approval of the office of financial management, the
2 department of social and health services shall pay the reasonable and
3 necessary costs of this review process.

4 NEW SECTION. **Sec. 29.** STANDARDS FOR CHILD SUPPORT SCHEDULE
5 APPLICATION. (1) **Application of the child support schedule.** The child
6 support schedule shall be applied:

7 (a) In each county of the state;

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

10 (c) In all proceedings in which child support is determined or
11 modified;

12 (d) In setting temporary and permanent support;

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

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

18 The provisions of this chapter for determining child support and
19 reasons for deviation from the standard calculation shall be applied in
20 the same manner by the court, presiding officers, and reviewing
21 officers.

22 (2) **Written findings of fact supported by the evidence.** An order
23 for child support shall be supported by written findings of fact upon
24 which the support determination is based and shall include reasons for
25 any deviation from the standard calculation.

26 (3) **Completion of worksheets.** Worksheets in the form developed by
27 the office of the administrator for the courts shall be completed under
28 penalty of perjury and filed in every proceeding in which child support
29 is determined. The court shall not accept incomplete worksheets or

1 worksheets that vary from the worksheets developed by the office of the
2 administrator for the courts.

3 (4) **Court review of the worksheets and order.** The court shall
4 review the worksheets and the order setting support for the adequacy of
5 the reasons set forth for any deviation and for the adequacy of the
6 amount of support ordered. Each order shall state the amount of child
7 support calculated using the standard calculation and the amount of
8 child support actually ordered. Worksheets shall be attached to the
9 decree or order or if filed separately shall be initialed or signed by
10 the judge and filed with the order.

11 NEW SECTION. **Sec. 30.** STANDARDS FOR ALLOCATION OF CHILD SUPPORT
12 OBLIGATION BETWEEN PARENTS. (1) The parents' total obligation for
13 support shall be based on their combined monthly net income, resources,
14 and special child rearing costs.

15 (2) The basic child support obligation derived from the economic
16 table shall be allocated between the parents based on each parent's
17 share of the combined monthly net income.

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

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

1 NEW SECTION. **Sec. 31.** STANDARDS FOR DETERMINATION OF INCOME. (1)

2 **Consideration of all income.** All income and resources of each parent's
3 household shall be disclosed and considered by the court when the court
4 determines the child support obligation of each parent. However, for
5 purposes of calculating the basic support obligation, only the income
6 of the parents of the children whose support is at issue shall be
7 calculated. Income and resources of any other person shall not be
8 included in calculating the basic support obligation.

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

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

- 16 (a) Salaries;
- 17 (b) Wages;
- 18 (c) Commissions;
- 19 (d) Deferred compensation;
- 20 (e) Recurring bonuses;
- 21 (f) Dividends;
- 22 (g) Interest;
- 23 (h) Trust income;
- 24 (i) Severance pay;
- 25 (j) Annuities;
- 26 (k) Capital gains;
- 27 (l) Pension retirement benefits;
- 28 (m) Workers' compensation;
- 29 (n) Unemployment benefits; and
- 30 (o) Spousal maintenance actually received.

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

4 (a) Income of a new spouse or income of other adults in the
5 household;

6 (b) Child support received from other relationships;

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

11 (d) Overtime, whether mandatory or voluntary;

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

15 (f) Aid to families with dependent children;

16 (g) Supplemental security income;

17 (h) General assistance;

18 (i) Veterans aid and attendance allowance or special medical
19 compensation paid under 38 U.S.C. Sec. 314 (k) through (r); and

20 (j) Food stamps.

21 Receipt of income and resources from aid to families with dependent
22 children, supplemental security income, general assistance, veterans
23 aid and attendance allowance or special medical compensation paid under
24 38 U.S.C. Sec. 314 (k) through (r), and food stamps shall not be a
25 reason to deviate from the standard calculation.

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

29 (a) Federal and state income taxes;

30 (b) Federal insurance contributions act deductions;

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

10 (h) Normal business expenses and self-employment taxes for self-

11 employed persons. Justification shall be required for any business

12 expense deduction about which there is disagreement.

13 Items deducted from gross income under this subsection shall not be

14 a reason to deviate from the standard calculation.

15 (6) **Imputation of income.** The court shall impute income to a parent

16 when the parent is voluntarily unemployed or voluntarily underemployed.

17 The court shall determine whether the parent is voluntarily

18 underemployed or voluntarily unemployed based upon that parent's work

19 history. A parent will not be deemed underemployed if that parent is

20 gainfully employed on a full-time basis. Income shall not be imputed

21 for an unemployable parent.

22 NEW SECTION. **Sec. 32.** STANDARDS FOR DEVIATION FROM THE STANDARD

23 CALCULATION. (1) Reasons for deviation from the standard calculation

24 are as follows:

25 (a) **Sources of income and tax planning.** The court may deviate from

26 the standard calculation after consideration of the following resources

27 and income:

- 28 (i) Income of a new spouse;
- 29 (ii) Income of other adults in the household;

- 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;
- 5 (vii) Gifts;
- 6 (viii) Prizes;
- 7 (ix) Income derived from a second job or additional jobs that was
- 8 excluded from gross income under section 31 of this act;
- 9 (x) Possession of wealth, including but not limited to savings,
- 10 investments, real estate holdings and business interests, vehicles,
- 11 boats, pensions, bank accounts, insurance plans, or other assets;
- 12 (xi) Extraordinary income of a child; or
- 13 (xii) Tax planning considerations. A deviation for tax planning
- 14 may be granted only if the child would not receive a lesser economic
- 15 benefit due to the tax planning.

16 (b) **Debt and high expenses.** The court may deviate from the

17 standard calculation after consideration of the following expenses:

- 18 (i) Extraordinary debt not voluntarily incurred;
- 19 (ii) A significant disparity in the living costs of the parents due
- 20 to conditions beyond their control;
- 21 (iii) Special needs of disabled children; or
- 22 (iv) Special medical, educational, or psychological needs of the
- 23 children.

24 (c) **Residential schedule.** The court may deviate from the standard

25 calculation if the child spends a significant amount of time with the

26 parent who is obligated to make a support transfer payment. The court

27 may not deviate on that basis if the deviation will result in

28 insufficient funds in the house receiving the support to meet the basic

29 needs of the child or if the child is receiving aid to families with

30 dependent children. When determining the amount of the deviation, the

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

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

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

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

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

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

29 (2) All income and resources of the parties before the court, new
30 spouses, and other adults in the households shall be disclosed and

1 considered. The presumptive amount of support shall be determined
2 according to the child support schedule. Unless specific reasons for
3 deviation are set forth in the written findings of fact and are
4 supported by the evidence, the court shall order each parent to pay the
5 amount of support determined by using the standard calculation.

6 (3) The court shall enter findings that specify reasons for any
7 deviation from the standard calculation made by the court. The court
8 shall not consider reasons for deviation until the court determines the
9 standard calculation for each parent.

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

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

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

22 (2) **Income below six hundred dollars.** When combined monthly net
23 income is less than six hundred dollars, a support order of not less
24 than twenty-five dollars per child per month shall be entered for each
25 parent. A parent's support obligation shall not reduce his or her net
26 income below the need standard for one person established pursuant to
27 RCW 74.04.770, except for the mandatory minimum payment of twenty-five
28 dollars per child per month as required in this section or in cases
29 where the court finds reasons for deviation under section 34 of this

1 act. This section shall not be construed to require monthly
2 substantiation of income.

3 (3) **Income above seven thousand dollars.** When combined monthly net
4 income exceeds the highest combined monthly net income for which a
5 presumptive amount of support is established, child support shall not
6 be set at a level lower than that amount from the table unless the
7 court finds reasons for deviations below that level, but the court has
8 discretion to establish support at higher levels upon written findings
9 of fact.

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

12 STANDARDS FOR POSTSECONDARY EDUCATIONAL SUPPORT AWARDS. The child
13 support schedule shall be advisory and not mandatory for postsecondary
14 educational support. When considering whether to order support for
15 postsecondary educational expenses, the court shall determine whether
16 the child is in fact dependent and is relying upon the parents for the
17 reasonable necessities of life. The court shall exercise its
18 discretion when determining whether and for how long to award
19 postsecondary educational support based upon consideration of factors
20 that include but are not limited to the following: Age of the child;
21 the child's needs; the expectations of the parties for their children
22 when the parents were together; the child's prospects, desires,
23 aptitudes, abilities or disabilities; the nature of the postsecondary
24 education sought; and the parents' level of education, standard of
25 living, and current and future resources. Also to be considered are
26 the amount and type of support that the child would have been afforded
27 if the parents had stayed together. The child must be enrolled in an
28 accredited academic or vocational school, actively pursuing a course of
29 study commensurate with the child's vocational goals, and must be in

1 good academic standing as defined by the institution (~~(or)~~). The child
2 shall also make available all academic records and grades to both
3 parents as a condition of receiving postsecondary educational support.
4 Each parent shall have full and equal access to the postsecondary
5 education records as provided in RCW 26.09.225. The court-ordered
6 postsecondary educational support (~~(may)~~) shall be automatically
7 suspended during the period or periods the child fails to comply with
8 these conditions. (~~The court in its discretion may order that the~~
9 ~~payment be made directly to the parent who has been receiving the~~
10 ~~transfer payments, to the educational institution if feasible, or to~~
11 ~~the child.~~) The court shall not order the payment of postsecondary
12 educational expenses beyond the child's twenty-third birthday, except
13 for exceptional circumstances, such as mental, physical, or emotional
14 disabilities. The court shall direct that either or both parents'
15 payments for postsecondary educational expenses be made directly to the
16 educational institution if feasible. If direct payments are not
17 feasible, then the court in its discretion may order that either or
18 both parents' payments be made directly to the child if the child does
19 not reside with either parent. If the child resides with one of the
20 parents the court may direct that the parent making the support
21 transfer payments make the payments to the child or to the parent who
22 has been receiving the support transfer payments.

23 NEW SECTION. Sec. 35. MOTION FOR ACCOUNTING. (1) A parent
24 obligated to make the support transfer payment may make an ex parte
25 motion for an order to show cause why the court should not order an
26 accounting of how the party receiving support is spending the support.
27 The court may not issue an order to show cause unless the court finds
28 that the parent filing the motion must be current in all support
29 payments.

1 (2)(a) The motion for an order to show cause why an accounting
2 should not be ordered must be accompanied by an affidavit setting forth
3 facts demonstrating that the party receiving support is not spending a
4 substantial portion of the support for the direct or indirect benefit
5 of the child. The motion, affidavit, and notice of the preliminary
6 hearing shall be served on the parent receiving support.

7 (b) The only issue at the show cause hearing shall be whether
8 reasonable cause exists to believe that the support is directly or
9 indirectly benefiting the child. If the court determines at the show
10 cause hearing that the facts establish reasonable cause to believe that
11 a substantial portion of the support is not directly or indirectly
12 benefiting the child, the court may do one or both of the following:

13 (i) Issue an order requiring an accounting and set an accounting
14 hearing; or (ii) order the parties to mediate the issue with a court
15 commissioner, or other appropriate person. The court's order requiring
16 an accounting shall be in writing and shall set forth the facts that
17 establish reasonable cause. The court may order the party receiving
18 support to produce at the accounting hearing such documentation as the
19 court determines is necessary to resolve the issue and which is
20 reasonably available to the party. The party receiving support shall
21 not be required to provide documentation for expenditures for more than
22 six months prior to the time of the filing of the motion to show cause.

23 (c) If the court determines at the show cause hearing that the
24 facts do not establish reasonable cause to believe that a substantial
25 portion of the support is directly or indirectly benefiting the child,
26 the court shall order the parent filing the motion and affidavit to pay
27 costs and statutory attorneys' fees to the party receiving the support.

28 The court may award reasonable attorneys' fees to the party
29 receiving support if the court determines that:

1 (i) The motion was brought in bad faith, for harassment, or
2 frivolously; or

3 (ii) The motion was based on material statements of fact which were
4 false.

5 (3) The only issue at the accounting hearing shall be whether the
6 party receiving support is spending support to directly or indirectly
7 benefit the child. If at the accounting hearing the parent obligated
8 to make the support transfer payment demonstrates by a preponderance of
9 the evidence that a substantial portion of the support is not directly
10 or indirectly benefiting the child, the court shall enter an
11 appropriate order directing the party receiving the support to spend
12 the support to benefit the child. The court may order the support
13 transfer payments to be paid to a protective payee for the benefit of
14 the child.

15 (4) If a party violates a court order directing the party to spend
16 the support to benefit the child, the court shall find the party in
17 contempt of court. In addition, the court may also impose remedies
18 other than a reduction in the support obligation of either party. A
19 finding that the support is not directly or indirectly benefiting the
20 child, or a finding of contempt for violating a court order issued
21 under this subsection shall not be a basis to reduce the support
22 obligation of the parent making the support transfer payment.

23 (5) A motion for a show cause hearing for an accounting of support
24 expenditures may not be filed nor granted more than once every twelve
25 months.

26 NEW SECTION. **Sec. 36.** REIMBURSEMENT AND VERIFICATION OF
27 EXTRAORDINARY EXPENSES. (1)(a) If sum certain amounts are established
28 for day care, transportation costs, health care, or other extraordinary
29 expenses, and are set forth in the decree, those sums shall be payable

1 as part of the regularly paid support transfer payment ordered by the
2 court. The parent making the support transfer payment is entitled to
3 proof of the amount paid for those expenses.

4 (b) If an amount for those expenses is not specified in the decree
5 or those amounts fluctuate and are not part of the support transfer
6 payment, the parent paying these expenses shall be entitled to prompt
7 reimbursement of the other parent's share of those expenses.
8 Reimbursement must be made promptly but not later than thirty days
9 after receipt of proof of payment of these expenditures. The parent
10 paying those expenses is entitled to proof of the amount paid for those
11 expenses.

12 (2)(a) If reimbursement is not made within the thirty-day period or
13 is incomplete due to a nonsufficient fund check or other failure to
14 pay, the parent seeking reimbursement may by motion obtain an order
15 compelling payment with statutory interest. If a parent requests proof
16 of payment and it is not provided within thirty days, the party may
17 move to compel production of the documents. The court shall award
18 actual court costs and reasonable attorneys' fees to the prevailing
19 party in every motion filed under this section except upon a showing of
20 good cause for nonpayment.

21 (b) Wage assignment orders may be obtained pursuant to chapter
22 26.18 RCW to collect court-ordered basic child support, day care,
23 health care, long-distance transportation costs, or other extraordinary
24 expenses, attorneys' fees, court costs, or any other item ordered by
25 the court. A parent to whom basic child support, day care, health
26 care, long-distance transportation costs, or other extraordinary
27 expenses are to be paid based on a percentage share of the costs, may
28 by motion obtain a court order reducing the amounts owed to a sum
29 certain and then enforce collection of that amount by a wage assignment
30 order.

1 (3) If disability payments are made pursuant to Title 51 RCW and
2 are classified as earnings and subject to collection by the office of
3 support enforcement pursuant to RCW 74.20A.260, the amount subject to
4 collection shall bear its proportionate share of attorneys' fees and
5 costs, if any, incurred by the injured worker or worker's dependent in
6 obtaining disability payments.

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

9 The obligee, the prosecuting attorney, or the attorney general may
10 register the foreign support order in a court of this state in the
11 manner(~~(, with the effect and for the purposes herein)~~) provided for in
12 this chapter for the purpose of modification and enforcement of the
13 support provisions. The court shall only have jurisdiction to consider
14 the child support provisions of the order. The modification shall be
15 pursuant to RCW 26.09.170 and 26.09.175.

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

18 (1) (~~The child support registry shall distribute all moneys~~
19 ~~received in compliance with 42 U.S.C. Sec. 657. Support received by~~
20 ~~the office of support enforcement shall be distributed promptly but not~~
21 ~~later than eight days from the date of receipt unless circumstances~~
22 ~~exist which make such distribution impossible. Such circumstances~~
23 ~~include when: (a) The location of the custodial parent is unknown; (b)~~
24 ~~the child support debt is in litigation; or (c) the responsible parent~~
25 ~~or custodial parent cannot be identified. When, following termination~~
26 ~~of public assistance, the office of support enforcement collects~~
27 ~~support, all moneys collected up to the maximum of the support due for~~
28 ~~the period following termination from public assistance shall, to the~~

1 extent permitted by federal law, be paid to the custodial parent before
2 any distribution to the office of support enforcement under federal
3 law. This section shall not apply to support collected through
4 intercepting federal tax refunds under 42 U.S.C. Sec. 664. When a
5 responsible parent has more than one support obligation, or a support
6 debt is owed to more than one party, moneys received will be
7 distributed between the parties proportionally, based upon the amount
8 of the support obligation and/or support debt owed.)) The department
9 of social and health services shall adopt rules for the distribution of
10 support money collected by the office of support enforcement. These
11 rules shall:

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

13 (b) Direct the office of support enforcement to distribute support
14 money within eight days of receipt, unless one of the following
15 circumstances, or similar circumstances specified in the rules,
16 prevents prompt distribution:

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

18 (ii) The support debt is in litigation;

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

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

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

28 (2) The office of support enforcement may distribute support
29 payments to the payee under the support order or to another person who
30 has lawful physical custody of the child or custody with the payee's

1 consent. The payee may file an application for an adjudicative
2 proceeding to challenge distribution to such other person. Prior to
3 distributing support payments to any person other than the payee, the
4 registry shall:

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

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

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

14 (3) If the Washington state support registry distributes a support
15 payment to a person in error, the registry may obtain restitution by
16 means of a set-off against future payments received on behalf of the
17 person receiving the erroneous payment, or may act according to RCW
18 74.20A.270 as deemed appropriate. Any set-off against future support
19 payments shall be limited to amounts collected on the support debt and
20 ten percent of amounts collected as current support.

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

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

26 (a) A provision which orders and directs that the responsible
27 parent make all support payments to the Washington state support
28 registry;

1 (b) A statement that a notice of payroll deduction may be issued or
2 other income withholding action under chapter 26.18 RCW or chapter
3 74.20A RCW may be taken, without further notice to the responsible
4 parent((÷

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

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

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

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

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

16 (2) The court may order the responsible parent to make payments
17 directly to the person entitled to receive the payments or, for orders
18 entered on or after July 1, 1990, direct that the issuance of a notice
19 of payroll deduction or other income withholding actions be delayed
20 until a support payment is past due if the court approves an alternate
21 payment plan. The parties to the order must agree to such a plan and
22 the plan must contain reasonable assurances that payments will be made
23 in a regular and timely manner. The court may approve such a plan and
24 modify or terminate the payroll deduction or other income withholding
25 action at the time of entry of the order or at a later date upon motion
26 and agreement of the parties. If the order directs payment to the
27 person entitled to receive the payments instead of to the Washington
28 state support registry, the order shall include a statement that the
29 order may be submitted to the registry if a support payment is past
30 due. If the order directs delayed issuance of the notice of payroll

1 deduction or other income withholding action, the order shall include
2 a statement that such action may be taken, without further notice, at
3 any time after a support payment is past due. The provisions of this
4 subsection do not apply if the department is providing public
5 assistance under Title 74 RCW.

6 (3) The office of administrative hearings and the department of
7 social and health services shall require that all support obligations
8 established as administrative orders include a provision which orders
9 and directs that the responsible parent shall make all support payments
10 to the Washington state support registry. All administrative orders
11 shall also state that a notice of payroll deduction may be issued, or
12 other income withholding action taken without further notice to the
13 responsible parent((÷

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

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

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

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

24 (4) If the support order does not include the provision ordering
25 and directing that all payments be made to the Washington state support
26 registry and a statement that a notice of payroll deduction may be
27 issued if a support payment is past due or at any time after the entry
28 of the order, the office of support enforcement may serve a notice on
29 the responsible parent stating such requirements and authorizations.

1 Service may be by personal service or any form of mail requiring a
2 return receipt.

3 (5) Every support order shall state:

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

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

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

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

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

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

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

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

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

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

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

27 (g) The social security number and residence address of the
28 physical custodian except as provided in subsection (6) of this
29 section;

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

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

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

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

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

17 (6) The physical custodian's address shall be omitted from an order
18 entered under the administrative procedure act. A responsible parent
19 whose support obligation has been determined by such administrative
20 order may request the physical custodian's residence address by
21 submission of a request for disclosure under RCW 26.23.120.

22 (7) The superior court clerk, the office of administrative
23 hearings, and the department of social and health services shall,
24 within five days of entry, forward to the Washington state support
25 registry, a true and correct copy of all superior court orders or
26 administrative orders establishing or modifying a support obligation
27 which provide that support payments shall be made to the support
28 registry. If a superior court order entered prior to January 1, 1988,
29 directs the responsible parent to make support payments to the clerk,
30 the clerk shall send a true and correct copy of the support order and

1 the payment record to the registry for enforcement action when the
2 clerk identifies that a payment is more than fifteen days past due.
3 The office of support enforcement shall reimburse the clerk for the
4 reasonable costs of copying and sending copies of court orders to the
5 registry at the reimbursement rate provided in Title IV-D of the social
6 security act.

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

12 (9) After the responsible parent has been ordered or notified to
13 make payments to the Washington state support registry in accordance
14 with subsection (1), (~~((2), or))~~ (3), or (4) of this section, the
15 responsible parent shall be fully responsible for making all payments
16 to the Washington state support registry and shall be subject to
17 payroll deduction or other income withholding action. The responsible
18 parent shall not be entitled to credit against a support obligation for
19 any payments made to a person or agency other than to the Washington
20 state support registry. A civil action may be brought by the payor to
21 recover payments made to persons or agencies who have received and
22 retained support moneys paid contrary to the provisions of this
23 section.

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

26 (1) The office of support enforcement may issue a notice of payroll
27 deduction:

1 (a) As authorized by a support order that contains the income
2 withholding notice provisions in RCW 26.23.050 or a substantially
3 similar notice; or

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

6 (2) The ((department may)) office of support enforcement shall
7 serve a notice of payroll deduction upon a responsible parent's
8 employer ((for child support obligations if the responsible parent
9 fails to pay child support as due in an amount equal to or greater than
10 the support payable for one month. Service shall be)), a person, or
11 organization, whether public or private, in possession of or owing
12 earnings to the responsible parent by personal service or by any form
13 of mail requiring a return receipt.

14 ((+2)) (3) Service of a notice of payroll deduction upon an
15 employer, person, or organization requires ((an)) the employer, person,
16 or organization to immediately make a mandatory payroll deduction from
17 the responsible ((parent/employee's)) parent's unpaid disposable
18 earnings. The employer, person, or organization shall thereafter
19 deduct each pay period the amount stated in the notice divided by the
20 number of pay periods per month. The payroll deduction each pay period
21 shall not exceed fifty percent of the responsible ((parent/employee's))
22 parent's disposable earnings.

23 ((+3)) (4) A notice of payroll deduction for support shall have
24 priority over any wage assignment ((or)), garnishment, attachment, or
25 other legal process.

26 ((+4)) (5) The notice of payroll deduction shall be in writing and
27 include:

28 (a) The name and social security number of the ((employee))
29 responsible parent;

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

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

7 (d) The address to which the payments are to be mailed or
8 delivered.

9 ~~((+5))~~ (6) An informational copy of the notice of payroll
10 deduction shall be mailed to the last known address of the responsible
11 parent by regular mail.

12 ~~((+6))~~ (7) An employer, person, or organization who receives a
13 notice of payroll deduction shall make immediate deductions from the
14 ~~((employee's))~~ responsible parent's unpaid disposable earnings and
15 remit proper amounts to the Washington state support registry on each
16 date the ~~((employee))~~ responsible parent is due to be paid.

17 ~~((+7))~~ (8) An employer, person, or organization, upon whom a
18 notice of payroll deduction is served, shall make an answer to the
19 ~~((Washington state))~~ office of support ~~((registry))~~ enforcement within
20 twenty days after the date of service. The answer shall confirm
21 compliance and institution of the payroll deduction or explain the
22 circumstances if no payroll deduction is in effect. The answer shall
23 also state whether the responsible parent is employed by or receives
24 earnings from the employer, whether the employer, person, or
25 organization anticipates paying earnings and the amount of earnings.
26 If the responsible parent is no longer employed, or receiving earnings
27 from the employer, person, or organization, the answer shall state the
28 present employer's name and address, if known.

29 ~~((+8))~~ (9) The employer, person, or organization may deduct a
30 processing fee from the remainder of the ~~((employee's))~~ responsible

1 parent's earnings after withholding under the notice of payroll
2 deduction, even if the remainder is exempt under RCW 26.18.090. The
3 processing fee may not exceed: (a) Ten dollars for the first
4 disbursement made (~~by the employer~~) to the Washington state support
5 registry; and (b) one dollar for each subsequent disbursement to the
6 registry.

7 (~~(9)~~) (10) The notice of payroll deduction shall remain in effect
8 until released by the office of support enforcement (~~(or)~~), the court
9 enters an order terminating the notice and approving an alternate
10 payment plan under RCW 26.23.050(2), or one year has expired since the
11 employer, person, or organization has employed the responsible parent
12 or has been in possession of or owing any earnings to the responsible
13 parent.

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

16 (1) The employer, person, or organization may combine amounts
17 withheld from the earnings of more than one (~~employee~~) responsible
18 parent in a single payment to the Washington state support registry,
19 listing separately the amount of the payment which is attributable to
20 each individual (~~employee~~).

21 (2) No employer, person, or organization who complies with a notice
22 of payroll deduction under this chapter shall be civilly liable to the
23 (~~employee~~) responsible parent for complying with a notice of payroll
24 deduction under this chapter.

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

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

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

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

13 (4) If a notice of payroll deduction has been in operation for
14 twelve consecutive months and the (~~obligor's~~) obligor's support
15 obligation is current, upon motion of the obligor, the court may order
16 the (~~Washington state~~) office of support (~~registry~~) enforcement to
17 terminate the payroll deduction, unless the obligee can show good cause
18 as to why the payroll deduction should remain in effect.

19 (5) Subsection (2) of this section shall not prevent the court from
20 ordering an alternative payment plan as provided under RCW
21 26.23.050(2).

22 **Sec. 43.** RCW 26.23.110 and 1989 c 360 s 16 and 1989 c 175 s 77 are
23 each reenacted and amended to read as follows:

24 (1) The department may serve a notice of support owed on a
25 responsible parent when a support order:

26 (a) Does not state the current and future support obligation as a
27 fixed dollar amount; or

28 (b) Contains an escalation clause or adjustment provision for which
29 additional information not contained in the order is needed to

1 determine the amount of the accrued debt and/or the current and future
2 obligation.

3 (2) The notice of support owed shall facilitate enforcement of the
4 support order and implement and effectuate the terms of the order,
5 rather than modify those terms. (~~(When the office of support~~
6 ~~enforcement issues a notice of support owed, the office shall inform~~
7 ~~the payee under the order.)~~)

8 (3) The notice of support owed shall be served on a responsible
9 parent by personal service or any form of mailing requiring a return
10 receipt. (~~(The notice shall contain an initial finding of the amount~~
11 ~~of current and future support that should be paid and/or the amount of~~
12 ~~the support debt owed under the support order.~~)

13 ~~(4) A)~~ If the responsible parent (~~(who)~~) objects to the amounts
14 stated in the notice the parent has twenty days from the date of the
15 service of the notice to:

16 (a) File an application for an adjudicative proceeding to contest
17 the notice; or

18 (b) Initiate an action in superior court to set amounts due and
19 payable under the support order.

20 (~~(5)~~) (4) The notice shall (~~(state that the parent may)~~):

21 ~~(a) ((File an application))~~ Contain an initial finding of the
22 amount owed for current support or the amount of the support debt owed
23 under the support order, or both;

24 (b) Explain the responsible parent's right to:

25 (i) Apply for an adjudicative proceeding ((in which the parent will
26 be required to appear and show cause why the amount stated in the
27 notice for current and future support and/or the accrued support debt
28 is incorrect and should not be ordered)); or

29 (~~(b)~~) (ii) Initiate an action in superior court((-));

1 (c) Inform the responsible parent that the payee under the order
2 may also apply for an adjudicative proceeding or initiate an action in
3 superior court as a result of the notice;

4 (d) Warn the responsible parent of the results if the parent fails
5 to apply for an adjudicative proceeding or participate in such a
6 proceeding scheduled by the department at the request of either the
7 responsible parent or the payee.

8 (5) After service of the notice of support owed on the responsible
9 parent, the office of support enforcement shall mail to the last known
10 address of the payee under the support order:

11 (a) A copy of the notice; and

12 (b) A letter explaining the:

13 (i) Payee's right to:

14 (A) Apply for an adjudicative proceeding to object to the amounts
15 stated in the notice;

16 (B) Participate as a party in an adjudicative proceeding the
17 responsible parent requests to object to the notice; and

18 (C) Initiate an action in superior court to set the amounts due and
19 payable under the support order; and

20 (ii) Results if the payee fails to apply for an adjudicative
21 proceeding or participate in such a proceeding scheduled by the
22 department at the request of either the payee or the responsible
23 parent.

24 (6) The payee who objects to the amounts stated in the notice shall
25 file an application for an adjudicative proceeding or initiate an
26 action in superior court within twenty days of the date the office of
27 support enforcement mails a copy of the notice and letter to the payee.

28 (7) If the responsible parent ((does not)) and the payee fail to
29 file an application for an adjudicative proceeding or initiate an
30 action in superior court, the amount of current and future support

1 and/or the support debt stated in the notice shall become final and
2 subject to collection action.

3 ~~((7))~~ (8) If an adjudicative proceeding is requested, the
4 department shall mail a copy of the notice of ~~((hearing))~~ the
5 proceeding to the responsible parent and the payee ~~((under the support~~
6 ~~order at the payee's last known address. A payee who appears for the~~
7 ~~hearing shall be allowed to participate. Participation includes, but~~
8 ~~is not limited to, giving testimony, presenting evidence, being present~~
9 ~~for or listening to other testimony offered in the proceeding, and~~
10 ~~offering rebuttal to other testimony. Nothing in this section shall~~
11 ~~preclude the administrative law judge from limiting participation to~~
12 ~~preserve the confidentiality of information protected by law)).~~ A
13 party who objects to the notice of support owed shall appear and show
14 cause why the amounts stated in the notice are incorrect and should not
15 be ordered.

16 ~~((8))~~ (9) If the responsible parent ~~((does not))~~ and the payee
17 fail to initiate an action in superior court, and serve notice of the
18 action on the department within the twenty-day period, ~~((the~~
19 ~~responsible parent))~~ they shall be deemed to have made an election of
20 remedies and shall be required to exhaust administrative remedies under
21 this chapter with judicial review available as provided for in RCW
22 34.05.510 through 34.05.598.

23 ~~((9))~~ (10) An administrative order entered ~~((in accordance with))~~
24 under this section shall state the basis, rationale, or formula upon
25 which the amounts established in the order were based. The amount of
26 current and future support and/or the amount of the support debt
27 determined under this section shall be subject to collection under this
28 chapter and other applicable state statutes.

29 ~~((10))~~ (11) The department shall ~~((also provide))~~ adopt rules
30 providing for:

1 (a) An annual review of the support order entered under this
2 section if ~~((either))~~ the office of support enforcement, the payee, or
3 the responsible parent requests such a review; and

4 (b) A late hearing if the responsible parent or the payee fails to
5 file an application for an adjudicative proceeding in a timely manner
6 under this section.

7 ~~((11))~~ (12) If an annual review or late hearing is requested
8 under subsection ~~((10))~~ (11) of this section, the department shall
9 mail a copy of the notice of hearing to the payee ~~((at the payee's last~~
10 ~~known address. A payee who appears for the proceeding shall be allowed~~
11 ~~to participate. Participation includes, but is not limited to, giving~~
12 ~~testimony, presenting evidence, being present for or listening to other~~
13 ~~testimony offered in the proceeding, and offering rebuttal to other~~
14 ~~testimony. Nothing in this section shall preclude the administrative~~
15 ~~law judge from limiting participation to preserve the confidentiality~~
16 ~~of information protected by law))~~ and the responsible parent.

17 NEW SECTION. Sec. 44. A new section is added to chapter 26.23 RCW
18 to read as follows:

19 The department shall be given twenty calendar days prior notice of
20 the entry of any final order and five days prior notice of the entry of
21 any temporary order in any proceeding involving child support or
22 maintenance if the department has a financial interest based on an
23 assignment of support rights under RCW 74.20.330 or the state has a
24 subrogated interest under RCW 74.20A.030. Service of this notice upon
25 the department shall be by personal service on, or mailing by any form
26 of mail requiring a return receipt to, the office of the attorney
27 general.

1 **Sec. 45.** RCW 74.20.220 and 1979 c 141 s 367 are each amended to
2 read as follows:

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

7 (1) ~~((Represent))~~ Initiate an action in superior court to obtain a
8 support order or obtain other relief related to support for a dependent
9 child ((or dependent children)) on whose behalf the department is
10 providing public assistance ((is being provided in obtaining any
11 support order necessary to provide for his or their needs)) or support
12 enforcement services under RCW 74.20.040, or to enforce ~~((any such~~
13 ~~order previously entered))~~ a superior court order.

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

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

1 ~~but the attorney general shall not otherwise participate in the~~
2 ~~proceeding))~~ Appear as a party in dissolution, child support,
3 parentage, maintenance suits, or other proceedings, for the purpose of
4 representing the financial interest and actions of the state of
5 Washington therein.

6 (3) Petition the court for modification of a superior court order
7 when the office of support enforcement is providing support enforcement
8 services under RCW 74.20.040.

9 (4) When the attorney general or prosecuting attorney appears in,
10 defends, or initiates actions to establish, modify, or enforce child
11 support obligations he or she represents the state, the best interests
12 of the child relating to parentage, and the best interests of the
13 children of the state, but does not represent the interests of any
14 other individual.

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

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

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

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

25 ~~((+5))~~ (6) Initiate any civil proceedings deemed necessary by the
26 department to secure reimbursement from the parent or parents of minor
27 dependent children for all moneys expended by the state in providing
28 assistance or services to said children.

29 (7) Nothing in this section limits the authority of the attorney
30 general or prosecuting attorney to use any and all civil and criminal

1 remedies to enforce, establish, or modify child support obligations
2 whether or not the custodial parent receives public assistance.

3 **Sec. 46.** RCW 74.20.310 and 1979 ex.s. c 171 s 15 are each amended
4 to read as follows:

5 (1) The provisions of RCW 26.26.090 requiring appointment of a
6 general guardian or guardian ad litem to represent the child in an
7 action brought to determine the parent and child relationship do not
8 apply to actions brought under chapter 26.26 RCW if:

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

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

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

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

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

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

27 When the department appears or participates in an adjudicative
28 proceeding under chapter 26.23 or 74.20A RCW it shall:

1 (1) Act in furtherance of the state's financial interest in the
2 matter and the best interests of the children of the state;

3 (2) Facilitate the resolution of the controversy; and

4 (3) Make independent recommendations to ensure the integrity and
5 proper application of the process.

6 In these proceedings the department does not act on behalf or as an
7 agent or representative of any individual.

8 **Sec. 48.** RCW 74.20A.055 and 1990 1st ex.s. c 2 s 21 are each
9 amended to read as follows:

10 (1) The secretary may, in the absence of a superior court order,
11 serve on the responsible parent or parents a notice and finding of
12 financial responsibility requiring a responsible parent or parents to
13 appear and show cause in an adjudicative proceeding why the finding of
14 responsibility and/or the amount thereof is incorrect, should not be
15 finally ordered, but should be rescinded or modified. This notice and
16 finding shall relate to the support debt accrued and/or accruing under
17 this chapter and/or RCW 26.16.205, including periodic payments to be
18 made in the future (~~((for such period of time as the child or children
19 of said responsible parent or parents are in need))~~). The hearing shall
20 be held pursuant to (~~(RCW 74.20A.055)~~) this section, chapter 34.05 RCW,
21 the Administrative Procedure Act, and the rules of the department.

22 (2) The notice and finding of financial responsibility shall be
23 served in the same manner prescribed for the service of a summons in a
24 civil action or may be served on the responsible parent by certified
25 mail, return receipt requested. The receipt shall be prima facie
26 evidence of service. The notice shall be served upon the debtor within
27 sixty days from the date the state assumes responsibility for the
28 support of the dependent child or children on whose behalf support is
29 sought. If the notice is not served within sixty days from such date,

1 the department shall lose the right to reimbursement of payments made
2 after the sixty-day period and before the date of notification:
3 PROVIDED, That if the department exercises reasonable efforts to locate
4 the debtor and is unable to do so the entire sixty-day period is tolled
5 until such time as the debtor can be located. ((Any responsible parent
6 who objects to all or any part of the notice and finding shall have the
7 right for not more than twenty days from the date of service to file an
8 application for an adjudicative proceeding. The application shall be
9 served upon the department by registered or certified mail or
10 personally. If no such application is made, the notice and finding of
11 responsibility shall become final, and the debt created therein shall
12 be subject to collection action as authorized under this chapter. If
13 a timely application is made, the execution of notice and finding of
14 responsibility shall be stayed pending the entry of the final
15 administrative order. If no timely written application has previously
16 been made, the responsible parent may petition the secretary or the
17 secretary's designee at any time for an adjudicative proceeding as
18 provided for in this section upon a showing of good cause for the
19 failure to make a timely application. The filing of the petition for an
20 adjudicative proceeding after the twenty day period shall not affect
21 any collection action previously taken under this chapter. The
22 granting of an application after the twenty day period operates as a
23 stay on any future collection action, pending entry of the final
24 administrative order. Moneys withheld as a result of collection action
25 in effect at the time of the granting of the application after the
26 twenty day period shall be delivered to the department and shall be
27 held in trust by the department pending entry of the final
28 administrative order. The department may petition the presiding or
29 reviewing officer to set temporary current and future support to be
30 paid beginning with the month in which the application after the

1 ~~twenty-day period is granted. The presiding or reviewing officer shall~~
2 ~~order payment of temporary current and future support if appropriate in~~
3 ~~an amount determined pursuant to the child support schedule adopted~~
4 ~~under RCW 26.19.040. In the event the responsible parent does not make~~
5 ~~payment of the temporary current and future support as ordered by the~~
6 ~~presiding or reviewing officer, the department may take collection~~
7 ~~action pursuant to chapter 74.20A RCW during the pendency of the~~
8 ~~adjudicative proceeding or thereafter to collect any amounts owing~~
9 ~~under the order. Temporary current and future support paid, or~~
10 ~~collected, during the pendency of the adjudicative proceeding shall be~~
11 ~~disbursed to the custodial parent or as otherwise appropriate when~~
12 ~~received by the department. If the final administrative order is that~~
13 ~~the department has collected from the responsible parent other than~~
14 ~~temporary current or future support, an amount greater than such~~
15 ~~parent's past support debt, the department shall promptly refund any~~
16 ~~such excess amount to such parent.~~

17 ~~(3) Hearings may be held in the county of residence or other place~~
18 ~~convenient to the responsible parent.)) (3) The notice and finding of~~
19 ~~financial responsibility shall set forth the amount the department has~~
20 ~~determined the responsible parent owes, the support debt accrued and/or~~
21 ~~accruing, and periodic payments to be made in the future ((for such~~
22 ~~period of time as the child or children of the responsible parent are~~
23 ~~in need, all computable on the basis of the need alleged)). The notice~~
24 ~~and finding shall also include:~~

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

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

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

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

7 (d) A statement that, if the responsible parent fails in timely
8 fashion to file an application for an adjudicative proceeding, the
9 support debt and payments stated in the notice and finding, including
10 periodic support payments in the future, shall be assessed and
11 determined and ordered by the department and that this debt and amounts
12 due under the notice shall be subject to collection action;

13 (e) A statement that the property of the debtor, without further
14 advance notice or hearing, will be subject to lien and foreclosure,
15 distrain, seizure and sale, ~~(or)~~ order to withhold and deliver,
16 notice of payroll deduction or other collection action to satisfy the
17 debt and enforce the support obligation established under the notice.

18 (4) A responsible parent who objects to the notice and finding of
19 financial responsibility may file an application for an adjudicative
20 proceeding within twenty days of the date of service of the notice or
21 thereafter as provided under this subsection. An adjudicative
22 proceeding shall be held in the county of residence or other place
23 convenient to the responsible parent.

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

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

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

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

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

23 (ii) If the presiding officer finds that good cause does not exist,
24 the presiding officer shall treat the application as a petition for
25 prospective modification of the amount for current and future support
26 established under the notice and finding. In the modification
27 proceeding, the presiding officer shall set current and future support
28 under chapter 26.19 RCW. The responsible parent need show neither good
29 cause nor a substantial change of circumstances to justify modification
30 of current and future support;

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

6 (5) If an application for an adjudicative proceeding is filed, the
7 presiding or reviewing officer shall determine the past liability and
8 responsibility, if any, of the alleged responsible parent and shall
9 also determine the amount of periodic payments to be made in the
10 future, which amount is not limited by the amount of any public
11 assistance payment made to or for the benefit of the child. If
12 deviating from the child support schedule (~~adopted under RCW~~
13 ~~26.19.040~~) in making these determinations, the presiding or reviewing
14 officer shall (~~comply with the provisions set forth in chapter 26.19~~
15 ~~RCW~~) apply the standards contained in the child support schedule and
16 enter written findings of fact supporting the deviation.

17 (6) If the responsible parent fails to attend or participate in the
18 hearing or other stage of an adjudicative proceeding, upon a showing of
19 valid service, the presiding officer shall enter an (~~initial decision~~
20 ~~and~~) administrative order declaring the support debt and payment
21 provisions stated in the notice and finding of financial responsibility
22 to be assessed and determined and subject to collection action.

23 (~~(6)~~) (7) The final administrative order establishing liability
24 and/or future periodic support payments shall be superseded upon entry
25 of a superior court order for support to the extent the superior court
26 order is inconsistent with the administrative order(~~PROVIDED, That~~
27 ~~in the absence of a superior court order, either the responsible parent~~
28 ~~or the department may petition the secretary or his designee for~~
29 ~~issuance of an order to appear and show cause based on a showing of~~
30 ~~good cause and material change of circumstances, to require the other~~

1 party to appear and show cause why the order previously entered should
2 not be prospectively modified. Said order to appear and show cause
3 together with a copy of the petition and affidavit upon which the order
4 is based shall be served in the manner of a summons in a civil action
5 or by certified mail, return receipt requested, on the other party by
6 the petitioning party. Prospective modification may be ordered, but
7 only upon a showing of good cause and material change of circumstances.

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

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

13 ((9) "Need" as used in this section shall mean the necessary costs
14 of food, clothing, shelter, and medical attendance for the support of
15 a dependent child or children. The amount determined by reference to
16 the child support schedule adopted under RCW 26.19.040, shall be a
17 rebuttable presumption of the alleged responsible parent's ability to
18 pay and the need of the family: PROVIDED, That such responsible parent
19 shall be presumed to have no ability to pay child support under this
20 chapter from any income received from aid to families with dependent
21 children, supplemental security income, or continuing general
22 assistance.))

23 NEW SECTION. **Sec. 49.** A new section is added to chapter 74.20A
24 RCW to read as follows:

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

28 (a) The administrative order has not been superseded by a superior
29 court order; and

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

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

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

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

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

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

19 (a) Require health insurance coverage for a child covered by the
20 order; or

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

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

25 (5) An obligor's voluntary unemployment or voluntary
26 underemployment, by itself, is not a substantial change of
27 circumstances.

28 (6) The department shall file the petition and a supporting
29 affidavit with the secretary or the secretary's designee when the
30 department petitions for modification.

1 (7) The responsible parent or the physical custodian shall follow
2 the procedures in this chapter for filing an application for an
3 adjudicative proceeding to petition for modification.

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

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

11 **Sec. 50.** RCW 74.20A.058 and 1989 c 55 s 5 are each amended to read
12 as follows:

13 ~~((If an adjudicative proceeding is requested by an alleged father
14 under RCW 74.20A.056, the department shall mail a copy of the notice of
15 hearing to the mother at her last known address. If the mother appears
16 for the proceeding, she shall be allowed to participate in it.
17 Participation includes giving testimony, and being present for or
18 listening to other testimony offered in the proceeding. Nothing in this
19 section shall preclude the administrative law judge from limiting
20 participation to preserve the confidentiality of information protected
21 by law.))~~

22 (1) The office of support enforcement shall serve a copy of the
23 notice and finding of financial or parental responsibility on the
24 custodian after service of the notice and finding on the responsible
25 parent.

26 (2) The office of support enforcement shall serve the notice on the
27 custodian by mailing a copy of the notice and a letter of explanation
28 by first class mail to the parent's last known address. The letter
29 shall contain the following information:

1 (a) The custodian's right to object to the notice; and
2 (b) The consequences if the custodian defaults.
3 (3) The custodian may apply for an adjudicative proceeding to
4 object to the notice or a proposed settlement on the notice. The
5 custodian has twenty days from the date notice was given to the
6 custodian to apply for an adjudicative proceeding to contest:

7 (a) A notice and finding of financial or parental responsibility;
8 or

9 (b) A proposed settlement on the notice.

10 (4) The custodian may:

11 (a) Participate as a party in an adjudicative proceeding scheduled
12 by the department on a notice and finding of financial or parental
13 responsibility; and

14 (b) Apply for an adjudicative proceeding after the twenty days on
15 the same grounds as the responsible parent or alleged father.

16 NEW SECTION. Sec. 51. A new section is added to chapter 74.20A
17 RCW to read as follows:

18 When providing support enforcement services, the office of support
19 enforcement may take action, under this chapter and chapter 26.23 RCW,
20 against a responsible parent's property of any kind, including but not
21 limited to earnings, located in, or subject to the jurisdiction of, the
22 state of Washington regardless of the presence or residence of the
23 responsible parent. If the responsible parent resides in another state
24 or country, the office of support enforcement shall serve a notice
25 under RCW 74.20A.040 more than sixty days before taking collection
26 action.

27 NEW SECTION. Sec. 52. The following acts or parts of acts are
28 each repealed:

- 1 (1) RCW 26.12.090 and 1983 c 219 s 2 & 1949 c 50 s 9;
- 2 (2) RCW 26.12.100 and 1983 c 219 s 3 & 1949 c 50 s 10;
- 3 (3) RCW 26.12.110 and 1949 c 50 s 11;
- 4 (4) RCW 26.12.120 and 1983 c 219 s 4 & 1949 c 50 s 12;
- 5 (5) RCW 26.12.130 and 1949 c 50 s 13;
- 6 (6) RCW 26.12.140 and 1980 c 124 s 2, 1971 ex.s. c 151 s 1, & 1949
- 7 c 50 s 14;
- 8 (7) RCW 26.12.150 and 1949 c 50 s 15;
- 9 (8) RCW 26.12.180 and 1983 c 219 s 6 & 1949 c 50 s 18;
- 10 (9) RCW 26.12.200 and 1983 c 219 s 8 & 1949 c 50 s 20; and
- 11 (10) RCW 26.12.210 and 1983 c 219 s 9 & 1949 c 50 s 21.

12 NEW SECTION. **Sec. 53.** The following acts or parts of acts are
13 each repealed:

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

21 NEW SECTION. **Sec. 54.** Sections 18 through 20 of this act are
22 each added to chapter 26.12 RCW.

23 NEW SECTION. **Sec. 55.** If by June 30, 1991, the omnibus
24 operating budget appropriations act for the 1991-93 biennium does not
25 provide specific funding for section 21 of this act, referencing this
26 act by bill number, section 21 of this act is null and void.

1 NEW SECTION. **Sec. 56.** If specific funding for the purposes of
2 section 35 of this act, referencing section 35 of this act by bill and
3 section number, is not provided by June 30, 1991, in the omnibus
4 appropriations act, section 35 of this act shall be null and void.

5 NEW SECTION. **Sec. 57.** If specific funding for the purposes of
6 section 36 of this act, referencing section 36 of this act by bill and
7 section number, is not provided by June 30, 1991, in the omnibus
8 appropriations act, section 36 of this act shall be null and void.

9 NEW SECTION. **Sec. 58.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

13 NEW SECTION. **Sec. 59.** (1) Except for section 50 of this act,
14 this act shall take effect September 1, 1991, and shall apply to all
15 decrees and modifications entered on or after September 1, 1991.

16 (2) Section 50 of this act shall take effect January 1, 1992.

17 NEW SECTION. **Sec. 60.** Sections 26, 28 through 33, 35, and 36
18 of this act are each added to chapter 26.19 RCW.

19 NEW SECTION. **Sec. 61.** Captions as used in this act do not
20 constitute any part of the law.