
ENGROSSED SENATE BILL 5213

State of Washington

54th Legislature

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By Senators Quigley, Haugen, McAuliffe, Wood, McCaslin, Winsley and Rasmussen

Read first time 01/16/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to civil procedure in domestic relations actions;
2 and amending RCW 26.18.170, 26.23.050, 26.23.130, 26.26.090, 26.21.490,
3 26.21.520, 26.09.175, 26.21.115, 26.19.065, and 26.19.020.

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

5 **Sec. 1.** RCW 26.18.170 and 1994 c 230 s 7 are each amended to read
6 as follows:

7 (1) Whenever an obligor parent who has been ordered to provide
8 health insurance coverage for a dependent child fails to provide such
9 coverage or lets it lapse, the department or the obligee may seek
10 enforcement of the coverage order as provided under this section.

11 (2)(a) If the obligor parent's order to provide health insurance
12 coverage contains language notifying the obligor that failure to
13 provide such coverage or proof that such coverage is unavailable may
14 result in direct enforcement of the order and orders payments through,
15 or has been submitted to, the Washington state support registry for
16 enforcement, then the department may, without further notice to the
17 obligor, send a notice of enrollment to the obligor's employer or union
18 by certified mail, return receipt requested.

1 The notice shall require the employer or union to enroll the child
2 in the health insurance plan as provided in subsection (3) of this
3 section.

4 (b) If the obligor parent's order to provide health insurance
5 coverage does not order payments through, and has not been submitted
6 to, the Washington state support registry for enforcement:

7 (i) The obligee may, without further notice to the obligor send a
8 certified copy of the order requiring health insurance coverage to the
9 obligor's employer or union by certified mail, return receipt
10 requested; and

11 (ii) The obligee shall attach a notarized statement to the order
12 declaring that the order is the latest order addressing coverage
13 entered by the court and require the employer or union to enroll the
14 child in the health insurance plan as provided in subsection (3) of
15 this section.

16 (3) Upon receipt of an order that provides for health insurance
17 coverage, or a notice of enrollment:

18 (a) The obligor's employer or union shall answer the party who sent
19 the order or notice within thirty-five days and confirm that the child:

20 (i) Has been enrolled in the health insurance plan;

21 (ii) Will be enrolled in the next open enrollment period; or

22 (iii) Cannot be covered, stating the reasons why such coverage
23 cannot be provided;

24 (b) The employer or union shall withhold any required premium from
25 the obligor's income or wages;

26 (c) If more than one plan is offered by the employer or union, and
27 each plan may be extended to cover the child, then the child shall be
28 enrolled in the obligor's plan. If the obligor's plan does not provide
29 coverage which is accessible to the child, the child shall be enrolled
30 in the least expensive plan otherwise available to the obligor parent;

31 (d) The employer or union shall provide information about the name
32 of the health insurance coverage provider or insurer and the extent of
33 coverage available to the obligee or the department and shall make
34 available any necessary claim forms or enrollment membership cards.

35 (4) If the order for coverage contains no language notifying the
36 obligor that failure to provide health insurance coverage or proof that
37 such coverage is unavailable may result in direct enforcement of the
38 order, the department or the obligee may serve a written notice of
39 intent to enforce the order on the obligor by certified mail, return

1 receipt requested, or by personal service. If the obligor fails to
2 provide written proof that such coverage has been obtained or applied
3 for or fails to provide proof that such coverage is unavailable within
4 twenty days of service of the notice, the department or the obligee may
5 proceed to enforce the order directly as provided in subsection (2) of
6 this section.

7 (5) If the obligor ordered to provide health insurance coverage
8 elects to provide coverage that will not be accessible to the child
9 because of geographic or other limitations when accessible coverage is
10 otherwise available, the department or the obligee may serve a written
11 notice of intent to purchase health insurance coverage on the obligor
12 by certified mail, return receipt requested. The notice shall also
13 specify the type and cost of coverage.

14 (6) If the department serves a notice under subsection (5) of this
15 section the obligor shall, within twenty days of the date of service:

16 (a) File an application for an adjudicative proceeding; or

17 (b) Provide written proof to the department that the obligor has
18 either applied for, or obtained, coverage accessible to the child.

19 (7) If the obligee serves a notice under subsection (5) of this
20 section, within twenty days of the date of service the obligor shall
21 provide written proof to the obligee that the obligor has either
22 applied for, or obtained, coverage accessible to the child.

23 (8) If the obligor fails to respond to a notice served under
24 subsection (5) of this section to the party who served the notice, the
25 party who served the notice may purchase the health insurance coverage
26 specified in the notice directly. The amount of the monthly premium
27 shall be added to the support debt and be collectible without further
28 notice. The amount of the monthly premium may be collected or accrued
29 until the obligor provides proof of the required coverage.

30 (9) The signature of the obligee or of a department employee shall
31 be a valid authorization to the coverage provider or insurer for
32 purposes of processing a payment to the child's health services
33 provider. An order for health insurance coverage shall operate as an
34 assignment of all benefit rights to the obligee or to the child's
35 health services provider, and in any claim against the coverage
36 provider or insurer, the obligee or the obligee's assignee shall be
37 subrogated to the rights of the obligor. Notwithstanding the
38 provisions of this section regarding assignment of benefits, this
39 section shall not require a health care service contractor authorized

1 under chapter 48.44 RCW or a health maintenance organization authorized
2 under chapter 48.46 RCW to deviate from their contractual provisions
3 and restrictions regarding reimbursement for covered services. If the
4 coverage is terminated, the employer shall mail a notice of termination
5 to the department or the obligee at the obligee's last known address
6 within thirty days of the termination date.

7 (10) This section shall not be construed to limit the right of the
8 obligor or the obligee to bring an action in superior court at any time
9 to enforce, modify, or clarify the original support order.

10 (11) Nothing in this section shall be construed to require a health
11 maintenance organization, or health care service contractor, to extend
12 coverage to a child who resides outside its service area.

13 (12) If an obligor fails to pay his or her portion of any
14 deductible required under the health insurance coverage or fails to pay
15 his or her portion of medical expenses incurred in excess of the
16 coverage provided under the plan, the department or the obligee may
17 enforce collection of the obligor's portion of the deductible or the
18 additional medical expenses through a wage assignment order. The
19 amount of the deductible or additional medical expenses shall be added
20 to the support debt and be collectible without further notice if the
21 obligor's share of the amount of the deductible or additional expenses
22 is reduced to a sum certain in a court order.

23 (13) To be a qualified medical child support order under the
24 employee retirement income security act, 29 U.S.C. 1169 et seq., a
25 support order that requires health insurance coverage for a dependent
26 child must state:

27 (a) The name and last known mailing address, if any, of the obligor
28 parent at the time the order is entered;

29 (b) The name and mailing address of each dependent child for whom
30 coverage is to be provided at the time the order is entered or the
31 address of the Washington state support registry;

32 (c) A reasonable description of the type of coverage to be provided
33 by the plan to each dependent child or the manner in which the type of
34 coverage is to be determined;

35 (d) The period to which such order applies, which may be a general
36 provision that states when the support order terminates; and

37 (e) Each plan to which the support order applies, which may be a
38 general provision that the order applies to all plans available to the
39 obligor parent now or in the future.

1 (14) Support orders entered prior to the effective date of this act
2 that require health insurance coverage for a dependent child and that
3 substantially comply with the requirements for a qualified medical
4 child support order are deemed qualified and enforceable as such in the
5 manner provided by law.

6 **Sec. 2.** RCW 26.23.050 and 1994 c 230 s 9 are each amended to read
7 as follows:

8 (1) If the office of support enforcement is providing support
9 enforcement services under RCW 26.23.045, or if a party is applying for
10 support enforcement services by signing the application form on the
11 bottom of the support order, the superior court shall include in all
12 court orders that establish or modify a support obligation:

13 (a) A provision that orders and directs the responsible parent to
14 make all support payments to the Washington state support registry;

15 (b) A statement that a notice of payroll deduction may be issued,
16 or other income withholding action under chapter 26.18 or 74.20A RCW
17 may be taken, without further notice to the responsible parent at any
18 time after entry of the court order, unless:

19 (i) One of the parties demonstrates, and the court finds, that
20 there is good cause not to require immediate income withholding and
21 that withholding should be delayed until a payment is past due; or

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

24 (c) A statement that the receiving parent might be required to
25 submit an accounting of how the support is being spent to benefit the
26 child.

27 As used in this subsection and subsection (3) of this section,
28 "good cause not to require immediate income withholding" means a
29 written determination of why implementing immediate wage withholding
30 would not be in the child's best interests and, in modification cases,
31 proof of timely payment of previously ordered support.

32 (2) In all other cases not under subsection (1) of this section,
33 the court may order the responsible parent to make payments directly to
34 the person entitled to receive the payments, to the Washington state
35 support registry, or may order that payments be made in accordance with
36 an alternate arrangement agreed upon by the parties.

37 (a) The superior court shall include in all orders under this
38 subsection that establish or modify a support obligation:

1 (i) A statement that a notice of payroll deduction may be issued or
2 other income withholding action under chapter 26.18 or 74.20A RCW may
3 be taken, without further notice to the responsible parent at any time
4 after entry of the court order, unless:

5 (A) One of the parties demonstrates, and the court finds, that
6 there is good cause not to require immediate income withholding and
7 that withholding should be delayed until a payment is past due; or

8 (B) The parties reach a written agreement that is approved by the
9 court that provides for an alternate arrangement; and

10 (ii) A statement that the receiving parent may be required to
11 submit an accounting of how the support is being spent to benefit the
12 child.

13 As used in this subsection, "good cause not to require immediate
14 income withholding" is any reason that the court finds appropriate.

15 (b) The superior court may order immediate or delayed income
16 withholding as follows:

17 (i) Immediate income withholding may be ordered if the responsible
18 parent has earnings. If immediate income withholding is ordered under
19 this subsection, all support payments shall be paid to the Washington
20 state support registry. The superior court shall issue a mandatory
21 wage assignment order as set forth in chapter 26.18 RCW when the
22 support order is signed by the court. The parent entitled to receive
23 the transfer payment is responsible for serving the employer with the
24 order and for its enforcement as set forth in chapter 26.18 RCW.

25 (ii) If immediate income withholding is not ordered, the court
26 shall require that income withholding be delayed until a payment is
27 past due. The support order shall contain a statement that a notice of
28 payroll deduction may be issued, or other income-withholding action
29 under chapter 26.18 or 74.20A RCW may be taken, without further notice
30 to the responsible parent, after a payment is past due.

31 (c) If a mandatory wage withholding order under chapter 26.18 RCW
32 is issued under this subsection and the office of support enforcement
33 provides support enforcement services under RCW 26.23.045, the existing
34 wage withholding assignment is prospectively superseded upon the office
35 of support enforcement's subsequent service of an income withholding
36 notice.

37 (3) The office of administrative hearings and the department of
38 social and health services shall require that all support obligations
39 established as administrative orders include a provision which orders

1 and directs that the responsible parent shall make all support payments
2 to the Washington state support registry. All administrative orders
3 shall also state that a notice of payroll deduction may be issued, or
4 other income withholding action taken without further notice to the
5 responsible parent at any time after entry of the order, unless:

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

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

11 (4) If the support order does not include the provision ordering
12 and directing that all payments be made to the Washington state support
13 registry and a statement that a notice of payroll deduction may be
14 issued if a support payment is past due or at any time after the entry
15 of the order, the office of support enforcement may serve a notice on
16 the responsible parent stating such requirements and authorizations.
17 Service may be by personal service or any form of mail requiring a
18 return receipt.

19 (5) Every support order shall state:

20 (a) The address where the support payment is to be sent;

21 (b) That a notice of payroll deduction may be issued or other
22 income withholding action under chapter 26.18 or 74.20A RCW may be
23 taken, without further notice to the responsible parent at any time
24 after entry of an order by the court, unless:

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

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

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

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

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

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

35 (g) The social security number and residence address of the
36 physical custodian except as provided in subsection (6) of this
37 section;

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

1 (i) In cases requiring payment to the Washington state support
2 registry, that the parties are to notify the Washington state support
3 registry of any change in residence address. The responsible parent
4 shall notify the registry of the name and address of his or her current
5 employer, whether he or she has access to health insurance coverage at
6 reasonable cost and, if so, the health insurance policy information;

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

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

17 (l) The reasons for not ordering health insurance coverage if the
18 order fails to require such coverage; and

19 (m) The qualifying language for a medical child support order as
20 set forth in RCW 26.18.170.

21 (6) The physical custodian's address:

22 (a) Shall be omitted from an order entered under the administrative
23 procedure act. When the physical custodian's address is omitted from
24 an order, the order shall state that the custodian's address is known
25 to the office of support enforcement.

26 (b) A responsible parent may request the physical custodian's
27 residence address by submission of a request for disclosure under RCW
28 26.23.120 to the office of support enforcement.

29 (7) The superior court clerk, the office of administrative
30 hearings, and the department of social and health services shall,
31 within five days of entry, forward to the Washington state support
32 registry, a true and correct copy of all superior court orders or
33 administrative orders establishing or modifying a support obligation
34 which provide that support payments shall be made to the support
35 registry. If a superior court order entered prior to January 1, 1988,
36 directs the responsible parent to make support payments to the clerk,
37 the clerk shall send a true and correct copy of the support order and
38 the payment record to the registry for enforcement action when the
39 clerk identifies that a payment is more than fifteen days past due.

1 The office of support enforcement shall reimburse the clerk for the
2 reasonable costs of copying and sending copies of court orders to the
3 registry at the reimbursement rate provided in Title IV-D of the social
4 security act.

5 (8) Receipt of a support order by the registry or other action
6 under this section on behalf of a person or persons who have not made
7 a written application for support enforcement services to the office of
8 support enforcement and who are not recipients of public assistance is
9 deemed to be a request for payment services only.

10 (9) After the responsible parent has been ordered or notified to
11 make payments to the Washington state support registry under this
12 section, the responsible parent shall be fully responsible for making
13 all payments to the Washington state support registry and shall be
14 subject to payroll deduction or other income withholding action. The
15 responsible parent shall not be entitled to credit against a support
16 obligation for any payments made to a person or agency other than to
17 the Washington state support registry except as provided under RCW
18 74.20.101. A civil action may be brought by the payor to recover
19 payments made to persons or agencies who have received and retained
20 support moneys paid contrary to the provisions of this section.

21 **Sec. 3.** RCW 26.23.130 and 1991 c 367 s 43 are each amended to read
22 as follows:

23 The department shall be given twenty calendar days prior notice of
24 the entry of any final order and five days prior notice of the entry of
25 any temporary order in any proceeding involving child support or
26 maintenance if the department has a financial interest based on an
27 assignment of support rights under RCW 74.20.330 or the state has a
28 subrogated interest under RCW 74.20A.030. Service of this notice upon
29 the department shall be by personal service on, or mailing by any form
30 of mail requiring a return receipt to, the office of the attorney
31 general; except that notice shall be given to the office of the
32 prosecuting attorney for the county in which the action is filed in
33 lieu of the office of the attorney general in those counties and in the
34 types of cases as designated by the office of the attorney general by
35 letter sent to the presiding superior court judge of that county. The
36 department shall not be entitled to terms for a party's failure to
37 serve the department within the time requirements for this section,
38 unless the department proves that the party knew that the department

1 had an assignment of support rights or a subrogated interest and that
2 the failure to serve the department was intentional.

3 **Sec. 4.** RCW 26.26.090 and 1984 c 260 s 31 are each amended to read
4 as follows:

5 (1) The child shall be made a party to the action. If the child is
6 a minor, the child shall be represented by the child's general guardian
7 or a guardian ad litem appointed by the court subject to RCW 74.20.310.
8 The child's mother or father may not represent the child as guardian or
9 otherwise. The natural mother, each man presumed to be the father
10 under RCW 26.26.040, and a man or men alleged to be the natural father
11 shall be made parties or, if not subject to the jurisdiction of the
12 court, shall, if possible, be given actual notice of the action and an
13 opportunity to be heard in a manner as the court may prescribe. When
14 this state is acting as the responding state under chapter 26.21 RCW,
15 the party residing in the initiating state may be served personally, or
16 by certified mail addressed to the party or to the agency designated
17 under Title IV-D of the federal social security act that transmitted
18 the case to this state.

19 (2) Any party may cause to be joined as additional parties other
20 men alleged to be the father of the child or any other person necessary
21 for a full adjudication of the issues.

22 (3) The failure or inability to join as a party an alleged or
23 presumed father does not deprive the court of jurisdiction to
24 adjudicate some or all of the issues based on the evidence and parties
25 available to it.

26 (4) If more than one party is alleged to be the father of the
27 child, the default of a party shall not preclude the court from finding
28 any other party to be the father of the child.

29 **Sec. 5.** RCW 26.21.490 and 1993 c 318 s 602 are each amended to
30 read as follows:

31 (1) A support order or income-withholding order of another state
32 may be registered in this state by sending the following documents and
33 information to the superior court of any county in this state where the
34 obligor resides, works, or has property:

35 (a) A letter of transmittal to the tribunal requesting registration
36 and enforcement;

1 (b) Two copies, including one certified copy, of all orders to be
2 registered, including any modification of an order;

3 (c) A sworn statement by the party seeking registration or a
4 certified statement by the custodian of the records showing the amount
5 of any arrearage;

6 (d) The name of the obligor and, if known:

7 (i) The obligor's address and social security number;

8 (ii) The name and address of the obligor's employer and any other
9 source of income of the obligor; and

10 (iii) A description and the location of property of the obligor in
11 this state not exempt from execution; and

12 (e) The name and address of the obligee (~~(and, if applicable,)~~) or
13 the agency or person to whom support payments are to be remitted.

14 (2) On receipt of a request for registration, the registering
15 tribunal shall cause the order to be filed as a foreign judgment,
16 together with one copy of the documents and information, regardless of
17 their form.

18 (3) A petition or comparable pleading seeking a remedy that must be
19 affirmatively sought under other law of this state may be filed at the
20 same time as the request for registration or later. The pleading must
21 specify the grounds for the remedy sought.

22 **Sec. 6.** RCW 26.21.520 and 1993 c 318 s 605 are each amended to
23 read as follows:

24 (1) When a support order or income-withholding order issued in
25 another state is registered, the registering tribunal or petitioner
26 shall notify the nonregistering party. Notice must be given by
27 certified or registered mail or by any means of personal service
28 authorized by the law of this state. The notice must be accompanied by
29 a copy of the registered order and the documents and relevant
30 information accompanying the order.

31 (2) The notice must inform the nonregistering party:

32 (a) That a registered order is enforceable as of the date of
33 registration in the same manner as an order issued by a tribunal of
34 this state;

35 (b) That a hearing to contest the validity or enforcement of the
36 registered order must be requested within twenty days after the date of
37 receipt by certified or registered mail or personal service of the
38 notice given to a nonregistering party within the state and within

1 sixty days after the date of receipt by certified or registered mail or
2 personal service of the notice on a nonregistering party outside of the
3 state;

4 (c) That failure to contest the validity or enforcement of the
5 registered order in a timely manner will result in confirmation of the
6 order and enforcement of the order and the alleged arrearages and
7 precludes further contest of that order with respect to any matter that
8 could have been asserted; and

9 (d) Of the amount of any alleged arrearages.

10 (3) Upon registration of an income-withholding order for
11 enforcement, the registering tribunal shall notify the obligor's
12 employer pursuant to the income-withholding law of this state.

13 **Sec. 7.** RCW 26.09.175 and 1992 c 229 s 3 are each amended to read
14 as follows:

15 (1) A proceeding for the modification of an order of child support
16 shall commence with the filing of a petition and worksheets. The
17 petition shall be in the form prescribed by the administrator for the
18 courts. There shall be a fee of twenty dollars for the filing of a
19 petition for modification of dissolution.

20 (2) The petitioner shall serve upon the other party the summons, a
21 copy of the petition, and the worksheets in the form prescribed by the
22 administrator for the courts. If the modification proceeding is the
23 first action filed in this state, service shall be made by personal
24 service. If the decree to be modified was entered in this state,
25 service shall be by personal service or by any form of mail requiring
26 a return receipt. If the support obligation has been assigned to the
27 state pursuant to RCW 74.20.330 or the state has a subrogated interest
28 under RCW 74.20A.030, the summons, petition, and worksheets shall also
29 be served on the attorney general or the prosecuting attorney, as set
30 forth in RCW 26.23.130. Proof of service shall be filed with the
31 court.

32 When this state is acting as the responding state under chapter
33 26.21 RCW, service on the party residing in the initiating state shall
34 be served personally, or by certified mail addressed to the party or to
35 the agency designated under Title IV-D of the federal social security
36 act that transmitted the case to this state.

37 (3) The responding party's answer and worksheets shall be served
38 and the answer filed within twenty days after service of the petition

1 or sixty days if served out of state. The responding party's failure
2 to file an answer within the time required shall result in entry of a
3 default judgment for the petitioner.

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

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

11 (6) A party seeking authority to present oral testimony on the
12 petition to modify a support order shall file an appropriate motion not
13 later than ten days after the time of notice of hearing. Affidavits
14 and exhibits setting forth the reasons oral testimony is necessary to
15 a just adjudication of the issues shall accompany the petition. The
16 affidavits and exhibits must demonstrate the extraordinary features of
17 the case. Factors which may be considered include, but are not limited
18 to: (a) Substantial questions of credibility on a major issue; (b)
19 insufficient or inconsistent discovery materials not correctable by
20 further discovery; or (c) particularly complex circumstances requiring
21 expert testimony.

22 **Sec. 8.** RCW 26.21.115 and 1993 c 318 s 205 are each amended to
23 read as follows:

24 (1)(a) A tribunal of this state issuing a support order consistent
25 with the law of this state has continuing, exclusive jurisdiction over
26 a child support order:

27 (~~(a)~~) (i) As long as this state remains the residence of the
28 obligor, the individual obligee, or the child for whose benefit the
29 support order is issued; or

30 (~~(b)~~) (ii) Until each individual party has filed written consent
31 with the tribunal of this state for a tribunal of another state to
32 modify the order and assume continuing, exclusive jurisdiction.

33 (b) An administrative support order issued under chapter 74.20A RCW
34 shall be superseded upon entry of a Washington state superior court
35 order to the extent the superior court order is inconsistent with the
36 administrative order.

37 (2) A tribunal of this state issuing a child support order
38 consistent with the law of this state may not exercise its continuing

1 jurisdiction to modify the order if the order has been modified by a
2 tribunal of another state pursuant to a law substantially similar to
3 this chapter.

4 (3) If a child support order of this state is modified by a
5 tribunal of another state pursuant to a law substantially similar to
6 this chapter, a tribunal of this state loses its continuing, exclusive
7 jurisdiction with regard to prospective enforcement of the order issued
8 in this state, and may only:

9 (a) Enforce the order that was modified as to amounts accruing
10 before the modification;

11 (b) Enforce nonmodifiable aspects of that order; and

12 (c) Provide other appropriate relief for violations of that order
13 which occurred before the effective date of the modification.

14 (4) A tribunal of this state shall recognize the continuing,
15 exclusive jurisdiction of a tribunal of another state that has issued
16 a child support order pursuant to a law substantially similar to this
17 chapter.

18 (5) A temporary support order issued ex parte or pending resolution
19 of a jurisdictional conflict does not create continuing, exclusive
20 jurisdiction in the issuing tribunal.

21 (6) A tribunal of this state issuing a support order consistent
22 with the law of this state has continuing, exclusive jurisdiction over
23 a spousal support order throughout the existence of the support
24 obligation. A tribunal of this state may not modify a spousal support
25 order issued by a tribunal of another state having continuing,
26 exclusive jurisdiction over that order under the law of that state.

27 **Sec. 9.** RCW 26.19.065 and 1991 c 367 s 33 are each amended to read
28 as follows:

29 (1) **Limit at forty-five percent of a parent's net income.** Neither
30 parent's total child support obligation may exceed forty-five percent
31 of net income except for good cause shown. Good cause includes but is
32 not limited to possession of substantial wealth, children with day care
33 expenses, special medical need, educational need, psychological need,
34 and larger families.

35 (2) **Income below six hundred dollars.** When combined monthly net
36 income is less than six hundred dollars, a support order of not less
37 than twenty-five dollars per child per month shall be entered for each
38 parent unless the obligor parent establishes that it would be unjust or

1 inappropriate to do so in that particular case. The decision whether
2 there is a sufficient basis to deviate below the presumptive minimum
3 payment must take into consideration the best interests of the child
4 and the circumstances of each parent. Such circumstances can include
5 comparative hardship to the affected households, assets or liabilities,
6 and earning capacity. A parent's support obligation shall not reduce
7 his or her net income below the need standard for one person
8 established pursuant to RCW 74.04.770, except for the ~~((mandatory))~~
9 presumptive minimum payment of twenty-five dollars per child per month
10 ~~((as required in this section))~~ or in cases where the court finds
11 reasons for deviation ~~((under section 32 of this act))~~. This section
12 shall not be construed to require monthly substantiation of income.

13 (3) **Income above five thousand and seven thousand dollars.** The
14 economic table is presumptive for combined monthly net incomes up to
15 and including five thousand dollars. When combined monthly net income
16 exceeds five thousand dollars, support shall not be set at an amount
17 lower than the presumptive amount of support set for combined monthly
18 net incomes of five thousand dollars unless the court finds a reason to
19 deviate below that amount. The economic table is advisory but not
20 presumptive for combined monthly net incomes that exceed five thousand
21 dollars. When combined monthly net income exceeds seven thousand
22 dollars, the court may set support at an advisory amount of support set
23 for combined monthly net incomes between five thousand and seven
24 thousand dollars or the court may exceed the advisory amount of support
25 set for combined monthly net incomes of seven thousand dollars upon
26 written findings of fact.

27 **Sec. 10.** RCW 26.19.020 and 1991 c 367 s 25 are each amended to
28 read as follows:

29 ECONOMIC TABLE
30 MONTHLY BASIC SUPPORT OBLIGATION
31 PER CHILD
32 KEY: A = AGE 0-11 B = AGE 12-18

33 COMBINED		
34 MONTHLY	ONE	TWO
35 NET	CHILD	CHILDREN
36 INCOME	FAMILY	FAMILY

	A	B	A	B
0				
100				
200				
300				
400				
500				
600	133	164	103	127
700	155	191	120	148
800	177	218	137	170
900	199	246	154	191
1000	220	272	171	211
1100	242	299	188	232
1200	264	326	205	253
1300	285	352	221	274
1400	307	379	238	294
1500	327	404	254	313
1600	347	428	269	333
1700	367	453	285	352
1800	387	478	300	371
1900	407	503	316	390
2000	427	527	331	409
2100	447	552	347	429
2200	467	577	362	448
2300	487	601	378	467
2400	506	626	393	486
2500	526	650	408	505
2600	534	661	416	513
2700	542	670	421	520
2800	549	679	427	527
2900	556	686	431	533
3000	561	693	436	538
3100	566	699	439	543
3200	569	704	442	546

For income less than \$600 the obligation is based upon the resources and living expenses of each household. Minimum support shall not be less than \$25 per child per month except when allowed by RCW 26.19.065(2).

1	3300	573	708	445	549
2	3400	574	710	446	551
3	3500	575	711	447	552
4	3600	577	712	448	553
5	3700	578	713	449	554
6	3800	581	719	452	558
7	3900	596	736	463	572
8	4000	609	753	473	584
9	4100	623	770	484	598
10	4200	638	788	495	611
11	4300	651	805	506	625
12	4400	664	821	516	637
13	4500	677	836	525	649
14	4600	689	851	535	661
15	4700	701	866	545	673
16	4800	713	882	554	685
17	4900	726	897	564	697
18	5000	738	912	574	708
19	5100	751	928	584	720
20	5200	763	943	593	732
21	5300	776	959	602	744
22	5400	788	974	612	756
23	5500	800	989	622	768
24	5600	812	1004	632	779
25	5700	825	1019	641	791
26	5800	837	1035	650	803
27	5900	850	1050	660	815
28	6000	862	1065	670	827
29	6100	875	1081	680	839
30	6200	887	1096	689	851
31	6300	899	1112	699	863
32	6400	911	1127	709	875
33	6500	924	1142	718	887
34	6600	936	1157	728	899
35	6700	949	1172	737	911
36	6800	961	1188	747	923
37	6900	974	1203	757	935
38	7000	986	1218	767	946

1	COMBINED						
2	MONTHLY	THREE		FOUR		FIVE	
3	NET	CHILDREN		CHILDREN		CHILDREN	
4	INCOME	FAMILY		FAMILY		FAMILY	
5							
6		A	B	A	B	A	B
7							
8	0						
9	100						
10	200						
11	300	For income less than \$600 the obligation					
12	400	is based upon the resources and living expenses					
13	500	of each household. Minimum support shall not be					
14		less than \$25 per child per month <u>except when allowed by</u>					
15		<u>RCW 26.19.065(2).</u>					
16	600	86	106	73	90	63	78
17	700	100	124	85	105	74	91
18	800	115	142	97	120	84	104
19	900	129	159	109	135	95	118
20	1000	143	177	121	149	105	130
21	1100	157	194	133	164	116	143
22	1200	171	211	144	179	126	156
23	1300	185	228	156	193	136	168
24	1400	199	246	168	208	147	181
25	1500	212	262	179	221	156	193
26	1600	225	278	190	235	166	205
27	1700	238	294	201	248	175	217
28	1800	251	310	212	262	185	228
29	1900	264	326	223	275	194	240
30	2000	277	342	234	289	204	252
31	2100	289	358	245	303	213	264
32	2200	302	374	256	316	223	276
33	2300	315	390	267	330	233	288
34	2400	328	406	278	343	242	299
35	2500	341	421	288	356	251	311
36	2600	346	428	293	362	256	316
37	2700	351	435	298	368	259	321
38	2800	356	440	301	372	262	324
39	2900	360	445	305	376	266	328

1	3000	364	449	308	380	268	331
2	3100	367	453	310	383	270	334
3	3200	369	457	312	386	272	336
4	3300	371	459	314	388	273	339
5	3400	372	460	315	389	274	340
6	3500	373	461	316	390	275	341
7	3600	374	462	317	391	276	342
8	3700	375	463	318	392	277	343
9	3800	377	466	319	394	278	344
10	3900	386	477	326	404	284	352
11	4000	395	488	334	413	291	360
12	4100	404	500	341	422	298	368
13	4200	413	511	350	431	305	377
14	4300	422	522	357	441	311	385
15	4400	431	532	364	449	317	392
16	4500	438	542	371	458	323	400
17	4600	446	552	377	467	329	407
18	4700	455	562	384	475	335	414
19	4800	463	572	391	483	341	422
20	4900	470	581	398	491	347	429
21	5000	479	592	404	500	353	437
22	5100	487	602	411	509	359	443
23	5200	494	611	418	517	365	451
24	5300	503	621	425	525	371	458
25	5400	511	632	432	533	377	466
26	5500	518	641	439	542	383	473
27	5600	527	651	446	551	389	480
28	5700	535	661	452	559	395	488
29	5800	543	671	459	567	401	495
30	5900	551	681	466	575	407	502
31	6000	559	691	473	584	413	509
32	6100	567	701	479	593	418	517
33	6200	575	710	486	601	424	524
34	6300	583	721	493	609	430	532
35	6400	591	731	500	617	436	539
36	6500	599	740	506	626	442	546
37	6600	607	750	513	635	448	554
38	6700	615	761	520	643	454	561
39	6800	623	770	527	651	460	568

1	6900	631	780	533	659	466	575
2	7000	639	790	540	668	472	583

3 The economic table is presumptive for combined monthly net incomes
4 up to and including five thousand dollars. When combined monthly net
5 income exceeds five thousand dollars, support shall not be set at an
6 amount lower than the presumptive amount of support set for combined
7 monthly net incomes of five thousand dollars unless the court finds a
8 reason to deviate below that amount. The economic table is advisory
9 but not presumptive for combined monthly net incomes that exceed five
10 thousand dollars. When combined monthly net income exceeds seven
11 thousand dollars, the court may set support at an advisory amount of
12 support set for combined monthly net incomes between five thousand and
13 seven thousand dollars or the court may exceed the advisory amount of
14 support set for combined monthly net incomes of seven thousand dollars
15 upon written findings of fact.

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