

2 **SB 5086** - S AMD - 096
3 By Senator Spanel

4 NOT ADOPTED 3/11/97

5 On page 4, after line 23, insert the following:

6 "Sec. 4. RCW 26.09.175 and 1992 c 229 s 3 are each amended to read
7 as follows:

8 (1) A proceeding for the modification of an order of child support
9 shall commence with the filing of a petition and worksheets. The
10 petition shall be in the form prescribed by the administrator for the
11 courts. There shall be a fee of twenty dollars for the filing of a
12 petition for modification of dissolution.

13 (2) The petitioner shall serve upon the other party the summons, a
14 copy of the petition, all financial documentation required to make a
15 determination under RCW 26.19.071, and the worksheets in the form
16 prescribed by the administrator for the courts. If the modification
17 proceeding is the first action filed in this state, service shall be
18 made by personal service. If the decree to be modified was entered in
19 this state, service shall be by personal service or by any form of mail
20 requiring a return receipt. If the support obligation has been
21 assigned to the state pursuant to RCW 74.20.330 or the state has a
22 subrogated interest under RCW 74.20A.030, the summons, petition, all
23 financial documentation required to make a determination under RCW
24 26.19.071, and worksheets shall also be served on the attorney general.
25 Proof of service shall be filed with the court.

26 (3) The responding party's answer, all financial documentation
27 required to make a determination under RCW 26.19.071, and worksheets
28 shall be served and the answer filed within twenty days after service
29 of the petition or sixty days if served out of state. The responding
30 party's failure to file an answer within the time required shall result
31 in entry of a default judgment for the petitioner.

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

34 (5) Unless both parties stipulate to arbitration or the presiding
35 judge authorizes oral testimony pursuant to subsection (6) of this
36 section, a petition for modification of an order of child support shall

1 be heard by the court on affidavits, the petition, answer, and
2 worksheets only.

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

14 (7) The court may require payment of attorneys' fees and may
15 dismiss the petition without prejudice if a party fails to provide
16 information required under this section."

17 Renumber the remaining sections consecutively and correct internal
18 references accordingly.

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22 On page 1, line 2 of the title, after "26.09.170," insert
23 "26.09.175,"

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