1037-S2 AMH SHEA ADAM 074

**2SHB 1037** - H AMD **756**

By Representative Shea

**NOT ADOPTED 02/16/2016**

 On page 20, beginning after line 35, strike all material through "((" on page 21, at the beginning of line 9 and insert the following:

 "((~~(d)~~ **~~Residential schedule.~~** ~~The court may deviate from the standard calculation if the child spends a significant amount of time with the parent who is obligated to make a support transfer payment.~~  ~~The court may not deviate on that basis if the deviation will result in insufficient funds in the household receiving the support to meet the basic needs of the child or if the child is receiving temporary assistance for needy families. When determining the amount of the deviation, the court shall consider evidence concerning the increased expenses to a parent making support transfer payments resulting from the significant amount of time spent with that parent and shall consider the decreased expenses, if any, to the party receiving the support resulting from the significant amount of time the child spends with the parent making the support transfer payment.~~"

 On page 23, after line 27, insert the following:

 "NEW SECTION. **Sec. 7.** A new section is added to chapter 26.19 RCW to read as follows:

 (1) The court shall make an adjustment to the standard calculation for a shared residential schedule subject to the provisions in this section.

 (2) An adjustment to the standard calculation based on the residential schedule may be made if there is a court order or findings made by an administrative law judge regarding the number of overnights the child or children spend with the obligor parent, and the number of overnights allocated to the obligor is equivalent to at least fourteen percent of annual overnights. The number of overnights in the court order or administrative law judge's findings must be used to calculate the residential adjustment. The findings made by an administrative law judge may be based upon a written agreement between the parents or upon sworn testimony provided by a party at the administrative hearing for child support.

 (3) The adjustment must be based on the table in section 8 of this act and the formula set forth in the worksheet for calculating residential credit.

 (4) An adjustment may not be made to the standard calculation based on the shared residential schedule if:

 (a) The adjustment would result in insufficient funds in the household receiving the support transfer payment to meet the basic needs of the child;

 (b) The obligee's net income before receiving the support transfer payment is at or below one hundred twenty-five percent of the federal poverty level guidelines for one person; or

 (c) The child is receiving temporary assistance for needy families.

 (5) To help parties estimate residential credit, the division of child support shall, if feasible and within available resources, create a residential credit calculator available online.

NEW SECTION. **Sec. 8.** A new section is added to chapter 26.19 RCW to read as follows:

 Residential time table. The TOTAL column represents the anticipated total out-of-pocket expenses expressed as a percentage of the basic child support obligation that will be incurred by the parent who will pay child support. The total expenses are the sum of transferred and duplicated expenses. The DUPLICATED column represents the duplicated expenses and reflects the assumption that when there is an equal sharing of residential time, fifty percent of the basic child support obligation will be duplicated. The number of annual overnights column will determine the particular fractions of TOTAL and DUPLICATED to be used in the residential time credit worksheet.

|  |  |
| --- | --- |
| ANNUAL OVERNIGHTS | DUPLICATED |
| FROM | TO | TOTAL |
| 1 | 51 | 0.000 | 0.000 |
| 52 | 55 | 0.062 | 0.011 |
| 56 | 60 | 0.070 | 0.014 |
| 61 | 65 | 0.080 | 0.020 |
| 66 | 70 | 0.093 | 0.028 |
| 71 | 75 | 0.108 | 0.038 |
| 76 | 80 | 0.127 | 0.052 |
| 81 | 85 | 0.150 | 0.070 |
| 86 | 90 | 0.178 | 0.093 |
| 91 | 95 | 0.211 | 0.122 |
| 96 | 100 | 0.250 | 0.156 |
| 101 | 105 | 0.294 | 0.195 |
| 106 | 110 | 0.341 | 0.237 |
| 111 | 115 | 0.388 | 0.280 |
| 116 | 120 | 0.434 | 0.321 |
| 121 | 125 | 0.476 | 0.358 |
| 126 | 130 | 0.513 | 0.390 |
| 131 | 135 | 0.544 | 0.417 |
| 136 | 140 | 0.570 | 0.438 |
| 141 | 145 | 0.591 | 0.454 |
| 146 | 150 | 0.609 | 0.467 |
| 151 | 155 | 0.623 | 0.476 |
| 156 | 160 | 0.634 | 0.483 |
| 161 | 165 | 0.644 | 0.488 |
| 166 | 170 | 0.652 | 0.491 |
| 171 | 175 | 0.660 | 0.494 |
| 176 | 180 | 0.666 | 0.495 |
| 181 | 183 | 0.675 | 0.500 |

"

 Renumber the remaining sections consecutively and correct internal references accordingly.

 On page 25, after line 29, insert the following:

 "**Sec. 8.** RCW 26.19.050 and 2005 c 282 s 37 are each amended to read as follows:

 (1) The administrative office of the courts shall develop and adopt worksheets and instructions to assist the parties and courts in establishing the appropriate child support level and apportionment of support. The administrative office of the courts shall develop and adopt a worksheet for calculating residential credit that is consistent with the intent set forth in section 1 of this act. The administrative office of the courts shall attempt to the greatest extent possible to make the worksheets and instructions understandable by persons who are not represented by legal counsel.

 (2) The administrative office of the courts shall develop and adopt standards for the printing of worksheets and shall establish a process for certifying printed worksheets. The administrator may maintain a register of sources for approved worksheets.

 (3) The administrative office of the courts should explore methods to assist pro se parties and judges in the courtroom to calculate support payments through automated software, equipment, or personal assistance."

 Renumber the remaining section consecutively and correct the title.

|  |  |
| --- | --- |
|  |  EFFECT:  Provides that the court must make an adjustment to the standard calculation, rather than a deviation, where there is a shared residential schedule for a child. There must be a court order or administrative law judge findings regarding the number of overnights, which must be equivalent to at least 14 percent of the annual overnights. The adjustments must be made based on a new table and a formula set forth in a worksheet for calculating residential credit, which must be developed by the AOC consistent with the intent of the workgroup. An adjustment may not be made if:(1) it would result in insufficient funds to the receiving household to meet the basic needs of the child; (2) the obligee's net income before receiving child support is at or below 125 percent of the federal poverty guidelines for one person; or (3) the child is receiving temporary assistance for needy families.  |

**--- END ---**