

# SENATE BILL REPORT

## HB 1603

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As Reported by Senate Committee On:  
Law & Justice, March 29, 2017

**Title:** An act relating to updating the child support economic table based on recommendations of the child support work group.

**Brief Description:** Updating the child support economic table based on recommendations of the child support work group.

**Sponsors:** Representatives Kilduff, Sawyer, Goodman, McBride and Frame.

**Brief History:** Passed House: 3/03/17, 96-1.

**Committee Activity:** Law & Justice: 3/16/17, 3/29/17 [DPA-WM, w/oRec].

### Brief Summary of Amended Bill

- Adopts a new economic table for child support obligations that no longer differentiates amounts based on the children's ages.
- 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.
- Requires that there must be findings of the number of overnights, which must be equivalent to at least 14 percent of the annual overnights.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.  
Signed by Senators Padden, Chair; O'Ban, Vice Chair; Angel and Wilson.

**Minority Report:** That it be referred without recommendation.  
Signed by Senators Pedersen, Ranking Minority Member; Darneille and Frockt.

**Staff:** Tim Ford (786-7423)

**Background:** Child Support Workgroup. Every four years, the Division of Child Support must convene a workgroup to review the state's child support laws. This process was

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established by the Legislature to comply with federal requirements that states conduct quadrennial reviews of their child support laws.

2011 Child Support Workgroup Report. The final report of the 2011 Child Support Workgroup (Workgroup) contains recommendations regarding:

- adopting a new economic table based on more current data developed by an economist at the request of the Workgroup;
- adjusting child support if the parents have children not before the court;
- adjusting child support for parents with a shared residential schedule;
- providing more guidance on postsecondary educational support; and
- clarifying the statute on self-support reserve.

2015 Child Support Workgroup. The 2015 Child Support Schedule Workgroup reviewed the Report of the 2011 Workgroup as well as House Bill 1037 introduced in the 2015 session to implement the 2011 Workgroup recommendations. The 2015 Workgroup members identified the one issue they wanted to concentrate on: a residential schedule deviation based on the time that the children spend with the paying parent. The 2015 Workgroup report made seven recommendations, all related to the residential schedule deviation.

The final report of the 2015 Workgroup did endorse two recommendations of the 2011 Workgroup.

1. The revised economic table should be adopted.
2. The language regarding the self-support reserve should be clarified to say that, no matter how many people resided in each household, the self-support reserve is based on 125 percent of the federal poverty level for a one-person household.

Establishing Child Support Obligation. Child support obligations are established through the court or with an administrative law judge. The amount of child support is determined using the statutory child support schedule, which includes the economic table and the child support worksheets developed by the Administrative Office of the Courts. First, the combined monthly net income (CMNI) of the parents is determined. Second, the economic table is used to determine the basic support obligation (BSO) based on the CMNI, the number of children before the court, and the ages of the children. The table has different amounts, in each income bracket, for children up to age 11 and children ages 12 to 18. Each parent's share of the BSO is determined by the parent's proportionate share of the CMNI. Adjustments may be made to the BSO, for factors such as medical support, daycare, and other special expenses, which results in a presumptive amount of child support called the standard calculation.

**Summary of Amended Bill:** The child support economic table developed for, and recommended by, the 2011 Child Support Workgroup, and endorsed by the the 2015 Child Support Workgroup is adopted. Under the new economic table, the BSO is based on the CMNI of the parents and the number of children before the court. The new economic table no longer provides different BSO amounts depending on the age of the children. 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 findings of the number of overnights, which must be equivalent to at least 14 percent of the annual overnights.

**EFFECT OF LAW & JUSTICE COMMITTEE AMENDMENT(S):**

- 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 findings of the number of overnights, which must be equivalent to at least 14 percent of the annual overnights.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill takes effect on October 1, 2017.

**Staff Summary of Public Testimony on House Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: The updated economic table was the consensus recommendations from the 2011 and 2015 workgroups created by the Legislature. The current table is used to calculate child support and the table is outdated. That means that children are not getting the proper child support calculations. The table was last updated over 30 years ago when economic times were different. The residential credit was part of the calculations but was dropped in 1991 and is currently a deviation that may be applied with the discretion of the judge, but only after the basic support calculation is complete. The current table increases child support payments based on the increasing incomes of the parents, but it is split into two age groups. The updated table is simpler to understand and is one table that is for children of all ages.

**Persons Testifying:** PRO: Representative Christine Kilduff, Prime Sponsor; David Ward, Legal Voice; Patrick Rawnsley, Family Law Section of the WSBA; Wally McClure, DSHS Division of Child Support.

**Persons Signed In To Testify But Not Testifying:** No one.