

2 **E2SSB 5120** - H COMM AMD **FAILED 4-18-91**

3 By Committee on Judiciary

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** DEFINITIONS. Unless the context clearly
8 requires otherwise, the definitions in this section apply throughout
9 this chapter.

10 (1) "Basic child support obligation" means the monthly child
11 support obligation determined from the economic table based on the
12 parties' combined monthly net income and the number of children for
13 whom support is owed.

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

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

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

21 (5) "Economic table" means the child support table for the basic
22 support obligation provided in section 2 of this act.

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

26 (7) "Multiple families" means all the possible combinations of
27 families in which a party has children from more than one relationship
28 to whom the party owes a duty to support. Possible combinations

1 include any natural, adopted, or stepchildren to whom the person owes
2 a duty of support, whether or not the children are illegitimate or were
3 born during a former or existing marriage, and whether or not the
4 children reside with the person obligated to support them.

5 (8) "Standards" means the standards for determination of child
6 support as provided in sections 3 through 7 of this act and RCW
7 26.19.090.

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

11 (10) "Support transfer payment" means the amount of money the court
12 orders one parent to pay to another parent or custodian for child
13 support after determination of the standard calculation and deviations.
14 If certain expenses or credits are expected to fluctuate and the order
15 states a formula or percentage to determine the additional amount or
16 credit on an ongoing basis, the term "support transfer payment" does
17 not mean the additional amount or credit.

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

21 "NEW SECTION. Sec. 2. ECONOMIC TABLE.

22 ECONOMIC TABLE
23 MONTHLY BASIC SUPPORT OBLIGATION PER CHILD
24 KEY: A = AGE 0-11 B = AGE 12-18

25 COMBINED	ONE		TWO	
26 MONTHLY	CHILD		CHILDREN	
27 NET	FAMILY		FAMILY	
28 INCOME				
29 -----				
30	A	B	A	B
31 -----				
32 0				
33 100				

1	200				
2	300				
3	400				
4	500				
5	600	133	164	103	127
6	700	155	191	120	148
7	800	177	218	137	170
8	900	199	246	154	191
9	1,000	220	272	171	211
10	1,100	242	299	188	232
11	1,200	264	326	205	253
12	1,300	285	352	221	274
13	1,400	307	379	238	294
14	1,500	327	404	254	313
15	1,600	347	428	269	333
16	1,700	367	453	285	352
17	1,800	387	478	300	371
18	1,900	407	503	316	390
19	2,000	427	527	331	409
20	2,100	447	552	347	429
21	2,200	467	577	362	448
22	2,300	487	601	378	467
23	2,400	506	626	393	486
24	2,500	526	650	408	505
25	2,600	543	672	423	521
26	2,700	561	693	436	538
27	2,800	578	715	449	555
28	2,900	596	736	463	571
29	3,000	613	757	476	588
30	3,100	630	778	489	605
31	3,200	647	800	502	620
32	3,300	664	821	516	637
33	3,400	680	840	528	652
34	3,500	695	859	540	667
35	3,600	711	879	552	682
36	3,700	727	898	564	697
37	3,800	741	916	576	712
38	3,900	757	935	588	726
39	4,000	771	954	599	740
40	4,100	787	972	611	754
41	4,200	802	991	623	769
42	4,300	816	1,009	634	783
43	4,400	829	1,025	644	795
44	4,500	842	1,040	653	807
45	4,600	854	1,056	663	819
46	4,700	866	1,070	673	831
47	4,800	878	1,086	682	843
48	4,900	891	1,100	692	855
49	5,000	902	1,115	701	865
50	5,100	914	1,130	711	877
51	5,200	925	1,144	719	888
52	5,300	937	1,159	728	899
53	5,400	949	1,173	737	911
54	5,500	960	1,186	746	922
55	5,600	971	1,201	755	932
56	5,700	983	1,214	764	942
57	5,800	993	1,228	772	953
58	5,900	1,005	1,241	780	964
59	6,000	1,015	1,254	789	974

For income less than \$600 see section 7 of this act.

1	6,100	1,026	1,268	797	985
2	6,200	1,036	1,281	806	995
3	6,300	1,047	1,294	814	1,004
4	6,400	1,057	1,307	822	1,014
5	6,500	1,068	1,319	829	1,024
6	6,600	1,077	1,332	837	1,034
7	6,700	1,088	1,344	845	1,044
8	6,800	1,097	1,357	853	1,054
9	6,900	1,108	1,369	861	1,063
10	7,000	1,117	1,380	869	1,072

11	-----						
12	COMBINED						
13	MONTHLY	THREE	FOUR		FIVE		
14	NET	CHILDREN	CHILDREN		CHILDREN		
15	INCOME	FAMILY	FAMILY		FAMILY		
16	-----						
17		A	B	A	B		
18	-----						
19	0						
20	100						
21	200						
22	300						
23	400						
24	500						
25	600	86	106	73	90	63	78
26	700	100	124	85	105	74	91
27	800	115	142	97	120	84	104
28	900	129	159	109	135	95	118
29	1,000	143	177	121	149	105	130
30	1,100	157	194	133	164	116	143
31	1,200	171	211	144	179	126	156
32	1,300	185	228	156	193	136	168
33	1,400	199	246	168	208	147	181
34	1,500	212	262	179	221	156	193
35	1,600	225	278	190	235	166	205
36	1,700	238	294	201	248	175	217
37	1,800	251	310	212	262	185	228
38	1,900	264	326	223	275	194	240
39	2,000	277	342	234	289	204	252
40	2,100	289	358	245	303	213	264
41	2,200	302	374	256	316	223	276
42	2,300	315	390	267	330	233	288
43	2,400	328	406	278	343	242	299
44	2,500	341	421	288	356	251	311
45	2,600	352	436	298	368	260	321
46	2,700	364	450	308	380	268	332
47	2,800	375	463	317	392	276	342
48	2,900	386	478	327	404	285	352
49	3,000	397	491	336	415	293	362
50	3,100	409	505	345	426	301	372
51	3,200	419	519	355	439	310	382
52	3,300	430	531	364	450	317	392
53	3,400	440	544	372	461	325	402
54	3,500	450	557	381	471	333	411
55	3,600	460	569	389	482	340	420
56	3,700	470	582	398	492	348	429
57	3,800	480	594	407	502	355	438

For income less than \$600 see section 7 of this act.

1	3,900	491	606	415	513	361	447
2	4,000	501	618	423	523	369	456
3	4,100	510	630	431	533	376	465
4	4,200	520	642	440	542	383	474
5	4,300	529	654	447	553	390	482
6	4,400	538	664	454	561	396	490
7	4,500	545	674	461	570	402	497
8	4,600	553	684	468	578	408	505
9	4,700	562	694	474	587	414	512
10	4,800	570	704	481	595	420	519
11	4,900	577	713	488	603	426	526
12	5,000	585	723	494	611	432	534
13	5,100	593	732	501	619	437	540
14	5,200	600	742	507	627	442	547
15	5,300	607	751	514	635	448	554
16	5,400	615	761	520	642	453	561
17	5,500	622	770	527	651	459	567
18	5,600	629	778	533	658	464	574
19	5,700	637	787	539	666	470	581
20	5,800	644	796	545	673	475	587
21	5,900	651	805	551	680	481	593
22	6,000	658	814	557	688	486	600
23	6,100	665	822	562	695	490	606
24	6,200	672	830	568	702	495	613
25	6,300	679	839	574	709	500	619
26	6,400	686	847	579	716	505	625
27	6,500	692	855	585	724	510	631
28	6,600	698	863	591	730	515	637
29	6,700	705	872	596	737	520	643
30	6,800	712	880	601	744	525	648
31	6,900	718	887	607	750	530	655
32	7,000	724	895	612	757	535	660

33 For combined monthly net income that exceeds \$7000 see section 7 of
34 this act."

35 "NEW SECTION. **Sec. 3.** STANDARDS FOR CHILD SUPPORT SCHEDULE
36 APPLICATION. (1) **Application of the child support schedule.** The child
37 support schedule shall be applied:

38 (a) In each county of the state;

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

41 (c) In all proceedings in which child support is determined or
42 modified;

43 (d) In setting temporary and permanent support;

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

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

6 The provisions of this chapter for determining child support and
7 reasons for deviation from the standard calculation shall be applied in
8 the same manner by the court, presiding officers, and reviewing
9 officers.

10 (2) **Written findings of fact supported by the evidence.** An order
11 for child support shall be supported by written findings of fact upon
12 which the support determination is based and shall include reasons for
13 any deviation from the standard calculation and reasons for denial of
14 a party's request for deviation from the standard calculation.

15 (3) **Completion of worksheets.** Worksheets in the form developed by
16 the office of the administrator for the courts shall be completed under
17 penalty of perjury and filed in every proceeding in which child support
18 is determined. The court shall not accept incomplete worksheets or
19 worksheets that vary from the worksheets developed by the office of the
20 administrator for the courts.

21 (4) **Court review of the worksheets and order.** The court shall
22 review the worksheets and the order setting support for the adequacy of
23 the reasons set forth for any deviation or denial of any request for
24 deviation and for the adequacy of the amount of support ordered. Each
25 order shall state the amount of child support calculated using the
26 standard calculation and the amount of child support actually ordered.
27 Worksheets shall be attached to the decree or order or if filed
28 separately shall be initialed or signed by the judge and filed with the
29 order."

1 "NEW SECTION. Sec. 4. STANDARDS FOR ALLOCATION OF CHILD SUPPORT

2 OBLIGATION BETWEEN PARENTS. (1) The parents' total obligation for
3 support shall be based on their combined monthly net income, resources,
4 and special child rearing costs.

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

8 (3) Ordinary health care expenses are included in the economic
9 table. Monthly health care expenses that exceed five percent of the
10 basic support obligation shall be considered extraordinary health care
11 expenses. Extraordinary health care expenses, day care expenses, and
12 special child rearing expenses such as tuition and long distance
13 transportation costs to and from the parents for visitation purposes,
14 are not included in the economic table. These expenses shall be shared
15 by the parents in the same proportion as the basic support obligation.
16 These expenses may be listed as a specific dollar amount or as a
17 percentage amount. Day care expenses include, but are not limited to,
18 day care expenses incurred while the parent in custody of the child is
19 working, pursuing accredited educational training, or obtaining medical
20 care.

21 (4) The court shall exercise discretion to determine the necessity
22 for and the reasonableness of all amounts ordered in excess of the
23 basic support obligation."

24 "NEW SECTION. Sec. 5. STANDARDS FOR DETERMINATION OF INCOME. (1)

25 **Consideration of all income.** All income and resources of each parent's
26 household shall be disclosed and considered by the court when the court
27 determines the child support obligation of each parent. However, for
28 purposes of calculating the basic support obligation, only the income
29 of the parents of the children whose support is at issue shall be

1 calculated. Income and resources of any other person shall not be
2 included in calculating the basic support obligation.

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

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

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

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

- 28 (a) Income of a new spouse or income of other adults in the
29 household;
- 30 (b) Child support received from other relationships;

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

5 (d) Overtime, whether mandatory or voluntary;

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

9 (f) Aid to families with dependent children;

10 (g) Supplemental security income;

11 (h) General assistance;

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

14 (j) Food stamps.

15 Receipt of income and resources from aid to families with dependent
16 children, supplemental security income, general assistance, veterans
17 aid and attendance allowance or special medical compensation paid under
18 38 U.S.C. Sec. 314 (k) through (r), and food stamps shall not be a
19 reason to deviate from the standard calculation.

20 (5) **Determination of net income.** The following expenses shall be
21 disclosed and deducted from gross monthly income to calculate net
22 monthly income:

23 (a) Federal and state income taxes;

24 (b) Federal insurance contributions act deductions;

25 (c) Mandatory pension plan payments;

26 (d) Mandatory union or professional dues;

27 (e) State industrial insurance premiums;

28 (f) Court-ordered spousal maintenance to the extent actually paid;

29 (g) Up to two thousand dollars per year in voluntary pension
30 payments actually made if the contributions were made for the two tax

1 years preceding the earlier of the (i) tax year in which the parties
2 separated with intent to live separate and apart or (ii) tax year in
3 which the parties filed for dissolution; and

4 (h) Normal business expenses and self-employment taxes for self-
5 employed persons. Justification shall be required for any business
6 expense deduction about which there is disagreement.

7 Items deducted from gross income under this subsection shall not be
8 a reason to deviate from the standard calculation.

9 (6) **Imputation of income.** The court shall impute income to a
10 parent when the parent is voluntarily unemployed or voluntarily
11 underemployed. The court shall determine whether the parent is
12 voluntarily underemployed or voluntarily unemployed based upon that
13 parent's work history, education, health, age, and other relevant
14 factors. A parent will not be deemed underemployed if that parent is
15 gainfully employed on a full-time basis. Income shall not be imputed
16 for an unemployable parent."

17 "NEW SECTION. **Sec. 6.** STANDARDS FOR DEVIATION FROM THE STANDARD
18 CALCULATION. (1) Reasons for deviation from the standard calculation
19 include but are not limited to the following:

20 (a) **Sources of income and tax planning.** The court may deviate from
21 the standard calculation after consideration of the following resources
22 and income:

23 (i) Income of a new spouse;

24 (ii) Income of other adults in the household;

25 (iii) Child support actually received from other relationships;

26 (iv) Overtime, whether mandatory or voluntary;

27 (v) Nonrecurring bonuses;

28 (vi) Contract-related cash benefits;

29 (vii) Gifts;

1 (viii) Prizes;

2 (ix) Income derived from a second job or additional jobs that was
3 excluded from gross income under section 5 of this act;

4 (x) Possession of wealth, including but not limited to savings,
5 investments, real estate holdings and business interests, vehicles,
6 boats, pensions, bank accounts, insurance plans, or other assets;

7 (xi) Extraordinary income of a child; or

8 (xii) Tax planning considerations. A deviation for tax planning
9 may be granted only if the child would not receive a lesser economic
10 benefit due to the tax planning.

11 (b) **Debt and high expenses.** The court may deviate from the
12 standard calculation after consideration of the following expenses:

13 (i) Extraordinary debt not voluntarily incurred;

14 (ii) A significant disparity in the living costs of the parents due
15 to conditions beyond their control;

16 (iii) Special needs of disabled children; or

17 (iv) Special medical, educational, or psychological needs of the
18 children.

19 (c) **Residential schedule.** The court may deviate from the standard
20 calculation if the child spends a significant amount of time with the
21 parent who is obligated to make a support transfer payment. The court
22 may not deviate on that basis if the deviation will result in
23 insufficient funds in the house receiving the support to meet the basic
24 needs of the child or if the child is receiving aid to families with
25 dependent children. When determining the amount of the deviation, the
26 court shall consider evidence concerning the increased expenses to a
27 parent making support transfer payments resulting from the significant
28 amount of time spent with that parent and shall consider the decreased
29 expenses, if any, to the party receiving the support resulting from the

1 significant amount of time the child spends with the parent making the
2 support transfer payment.

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

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

10 (ii) Children from families other than the children of the parties
11 before the court shall not be counted in the number of children for
12 purposes of determining the basic support obligation and the standard
13 calculation.

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

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

25 (2) All income and resources of the parties before the court, new
26 spouses, and other adults in the households shall be disclosed and
27 considered. The presumptive amount of support shall be determined
28 according to the child support schedule. Unless specific reasons for
29 deviation are set forth in the written findings of fact and are

1 supported by the evidence, the court shall order each parent to pay the
2 amount of support determined by using the standard calculation.

3 (3) The court shall enter findings that specify reasons for any
4 deviation or any denial of a party's request for any deviation from the
5 standard calculation made by the court. The court shall not consider
6 reasons for deviation until the court determines the standard
7 calculation for each parent.

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

11 (5) Agreement of the parties is not by itself adequate reason for
12 any deviation from the standard calculation."

13 "NEW SECTION. Sec. 7. STANDARDS FOR ESTABLISHING LOWER AND UPPER
14 LIMITS ON CHILD SUPPORT AMOUNTS. (1) **Limit at fifty percent of a**
15 **parent's net income.** Neither parent's total child support obligation
16 may exceed fifty percent of net income except for good cause shown.
17 Good cause includes but is not limited to possession of substantial
18 wealth, children with day care expenses, special medical need,
19 educational need, psychological need, and larger families.

20 (2) **Income below six hundred dollars.** When combined monthly net
21 income is less than six hundred dollars, a support order of not less
22 than twenty-five dollars per child per month shall be entered for each
23 parent. A parent's support obligation shall not reduce his or her net
24 income below the need standard for one person established pursuant to
25 RCW 74.04.770, except for the mandatory minimum payment of twenty-five
26 dollars per child per month as required in this section or in cases
27 where the court finds reasons for deviation under section 6 of this
28 act. This section shall not be construed to require monthly
29 substantiation of income.

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

8 "NEW SECTION. **Sec. 8.** The following acts or parts of acts are
9 each repealed:

10 (1) RCW 26.19.001 and 1988 c 275 s 1;

11 (2) RCW 26.19.010 and 1988 c 275 s 2;

12 (3) RCW 26.19.020 and 1990 1st ex.s. c 2 s 19, 1989 c 175 s 76, &
13 1988 c 275 s 3;

14 (4) RCW 26.19.040 and 1990 1st ex.s. c 2 s 20, 1988 c 275 s 5, &
15 1987 c 440 s 2;

16 (5) RCW 26.19.060 and 1988 c 275 s 7;

17 (6) RCW 26.19.070 and 1990 1st ex.s. c 2 s 6;

18 (7) RCW 26.19.080 and 1990 1st ex.s. c 2 s 7; and

19 (8) RCW 26.19.110 and 1990 1st ex.s. c 2 s 12."

20 "NEW SECTION. **Sec. 9.** Sections 1 through 7 of this act are each
21 added to chapter 26.19 RCW."

22 "NEW SECTION. **Sec. 10.** If any provision of this act or its
23 application to any person or circumstance is held invalid, the
24 remainder of the act or the application of the provision to other
25 persons or circumstances is not affected."

1 "NEW SECTION. **Sec. 11.** This act shall take effect September 1,
2 1991."

3 "NEW SECTION. **Sec. 12.** Captions as used in this act do not
4 constitute any part of the law."

5 **E2SSB 5120** - H COMM AMD
6 By Committee on Judiciary

7
8 In line 1 of the title, after "support;" strike the remainder of
9 the title and insert "adding new sections to chapter 26.19 RCW;
10 repealing RCW 26.19.001, 26.19.010, 26.19.020, 26.19.040, 26.19.060,
11 26.19.070, 26.19.080, and 26.19.110; creating a new section; and
12 providing an effective date."