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ENGROSSED SECOND SUBSTITUTE SENATE BILL 5120

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State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Nelson, Rasmussen, Thorsness, Stratton, Saling, McCaslin, Hayner, Erwin, L. Smith, Newhouse, Amondson, Johnson, Bailey, Gaspard, Vognild, Matson, West, Owen, Bauer, Snyder, Roach and Oke).

Read first time March 7, 1991.

1 AN ACT Relating to child support; amending RCW 26.19.010,  
2 26.19.020, 26.19.060, 26.19.090, and 26.09.170; adding new sections to  
3 chapter 26.19 RCW; adding a new section to chapter 26.09 RCW; creating  
4 new sections; and repealing RCW 26.19.040.

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

6 **Sec. 1.** RCW 26.19.010 and 1988 c 275 s 2 are each amended to read  
7 as follows:

8 Unless the context clearly requires otherwise, the definitions in  
9 this section apply throughout this chapter:

10 (1) "Child support schedule" means the standards (~~and economic~~  
11 ~~table adopted by the commission~~) as defined under subsection (2) of  
12 this section and the economic table provided in RCW 26.19.020;

13 (2) "Standards" means the standards for determination of child  
14 support which have been adopted by the commission, as modified by the  
15 legislature;

1 (3) "Economic table" means the child support table for the basic  
2 support obligation (~~((which has been adopted by the commission))~~)  
3 provided in RCW 26.19.020;

4 (4) "Worksheets" means the forms (~~((adopted))~~) developed by the  
5 (~~((commission))~~) administrator for the courts for use in determining the  
6 amount of child support;

7 (5) "Instructions" means the instructions (~~((adopted))~~) developed by  
8 the (~~((commission))~~) administrator for the courts for use in completing  
9 the worksheets;

10 (6) "Commission" means the Washington state child support schedule  
11 commission established by RCW 26.19.030; (~~((and))~~)

12 (7) "Standard calculation" means the amount of child support which  
13 is owed as determined from the worksheets before any deviation is  
14 considered;

15 (8) "Basic child support obligation" means the monthly obligation  
16 determined from the economic table based on the parties' combined  
17 monthly net income; and

18 (9) "Transfer payment" means the court-ordered amount one parent is  
19 obligated to pay to the other parent for child support.

20 **Sec. 2.** RCW 26.19.020 and 1990 1st ex.s. c 2 s 19 are each amended  
21 to read as follows:

22 (~~((If approved by a majority vote of the superior court judges of a~~  
23 ~~county, the superior court may adopt by local court rule an economic~~  
24 ~~table that shall be used by the superior court of that county, instead~~  
25 ~~of the economic table adopted by the commission, to determine the~~  
26 ~~appropriate amount of child support. The economic table adopted by the~~  
27 ~~superior court shall not vary by more than twenty-five percent from the~~  
28 ~~economic table adopted by the commission and shall not vary the~~

1 economic table for combined monthly net income of two thousand five  
 2 hundred dollars or less.))

3 The legislature adopts the following economic table:

4 ECONOMIC TABLE  
 5 MONTHLY BASIC SUPPORT OBLIGATION PER CHILD  
 6 KEY: A = AGE 0-11 B = AGE 12-18

7 <u>COMBINED</u>				
8 <u>MONTHLY</u>	<u>ONE</u>		<u>TWO</u>	
9 <u>NET</u>	<u>CHILD</u>		<u>CHILDREN</u>	
10 <u>INCOME</u>	<u>FAMILY</u>		<u>FAMILY</u>	
11 -----	-----		-----	
12	<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>
13 -----	-----		-----	
14 0				
15 100				
16 200				
17 300				
18 400				
19 500				
	For income less than \$600 the obligation			
	is based upon the resources and living expenses			
	of each household.			
20 600	133	164	103	127
21 700	155	191	120	148
22 800	177	218	137	170
23 900	199	246	154	191
24 1000	220	272	171	211
25 1100	242	299	188	232
26 1200	264	326	205	253
27 1300	285	352	221	274
28 1400	307	379	238	294
29 1500	327	404	254	313
30 1600	347	428	269	333
31 1700	367	453	285	352
32 1800	387	478	300	371
33 1900	407	503	316	390
34 2000	427	527	331	409
35 2100	447	552	347	429
36 2200	467	577	362	448
37 2300	487	601	378	467
38 2400	506	626	393	486
39 2500	526	650	408	505
40 2600	534	661	416	513
41 2700	542	670	421	520
42 2800	549	679	427	527
43 2900	556	686	431	533
44 3000	561	693	436	538
45 3100	566	699	439	543
46 3200	569	704	442	546
47 3300	573	708	445	549
48 3400	574	710	446	551
49 3500	575	711	447	552
50 3600	577	712	448	553
51 3700	578	713	449	554
52 3800	581	719	452	558
53 3900	596	736	463	572
54 4000	609	753	473	584

1	<u>4100</u>	<u>623</u>	<u>770</u>	<u>484</u>	<u>599</u>
2	<u>4200</u>	<u>638</u>	<u>788</u>	<u>495</u>	<u>611</u>
3	<u>4300</u>	<u>651</u>	<u>805</u>	<u>506</u>	<u>625</u>
4	<u>4400</u>	<u>664</u>	<u>821</u>	<u>516</u>	<u>637</u>
5	<u>4500</u>	<u>677</u>	<u>836</u>	<u>525</u>	<u>649</u>
6	<u>4600</u>	<u>689</u>	<u>851</u>	<u>535</u>	<u>661</u>
7	<u>4700</u>	<u>701</u>	<u>856</u>	<u>545</u>	<u>673</u>
8	<u>4800</u>	<u>713</u>	<u>882</u>	<u>554</u>	<u>685</u>
9	<u>4900</u>	<u>726</u>	<u>897</u>	<u>564</u>	<u>697</u>
10	<u>5000</u>	<u>738</u>	<u>912</u>	<u>574</u>	<u>708</u>

11	-----						
12	COMBINED						
13	MONTHLY	THREE		FOUR		FIVE	
14	NET	CHILDREN		CHILDREN		CHILDREN	
15	INCOME	FAMILY		FAMILY		FAMILY	
16	-----						
17		A	B	A	B	A	B
18	-----						

19 0  
20 100  
21 200  
22 300 For income less than \$600 the obligation  
23 400 is based upon the resources and living expenses  
24 500 of each household.

25	<u>600</u>	<u>86</u>	<u>106</u>	<u>73</u>	<u>90</u>	<u>63</u>	<u>78</u>
26	<u>700</u>	<u>100</u>	<u>124</u>	<u>85</u>	<u>105</u>	<u>74</u>	<u>91</u>
27	<u>800</u>	<u>115</u>	<u>142</u>	<u>97</u>	<u>120</u>	<u>84</u>	<u>104</u>
28	<u>900</u>	<u>129</u>	<u>159</u>	<u>109</u>	<u>135</u>	<u>95</u>	<u>118</u>
29	<u>1000</u>	<u>143</u>	<u>177</u>	<u>121</u>	<u>149</u>	<u>105</u>	<u>130</u>
30	<u>1100</u>	<u>157</u>	<u>194</u>	<u>133</u>	<u>164</u>	<u>116</u>	<u>143</u>
31	<u>1200</u>	<u>171</u>	<u>211</u>	<u>144</u>	<u>179</u>	<u>126</u>	<u>156</u>
32	<u>1300</u>	<u>185</u>	<u>228</u>	<u>156</u>	<u>193</u>	<u>136</u>	<u>168</u>
33	<u>1400</u>	<u>199</u>	<u>246</u>	<u>168</u>	<u>208</u>	<u>147</u>	<u>181</u>
34	<u>1500</u>	<u>212</u>	<u>262</u>	<u>179</u>	<u>221</u>	<u>156</u>	<u>193</u>
35	<u>1600</u>	<u>225</u>	<u>278</u>	<u>190</u>	<u>235</u>	<u>166</u>	<u>205</u>
36	<u>1700</u>	<u>238</u>	<u>294</u>	<u>201</u>	<u>248</u>	<u>175</u>	<u>217</u>
37	<u>1800</u>	<u>251</u>	<u>310</u>	<u>212</u>	<u>262</u>	<u>185</u>	<u>228</u>
38	<u>1900</u>	<u>264</u>	<u>326</u>	<u>223</u>	<u>275</u>	<u>194</u>	<u>240</u>
39	<u>2000</u>	<u>277</u>	<u>342</u>	<u>234</u>	<u>289</u>	<u>204</u>	<u>252</u>
40	<u>2100</u>	<u>289</u>	<u>358</u>	<u>245</u>	<u>303</u>	<u>213</u>	<u>264</u>
41	<u>2200</u>	<u>302</u>	<u>374</u>	<u>256</u>	<u>316</u>	<u>223</u>	<u>276</u>
42	<u>2300</u>	<u>315</u>	<u>390</u>	<u>267</u>	<u>330</u>	<u>233</u>	<u>288</u>
43	<u>2400</u>	<u>328</u>	<u>406</u>	<u>278</u>	<u>343</u>	<u>242</u>	<u>299</u>
44	<u>2500</u>	<u>341</u>	<u>421</u>	<u>288</u>	<u>356</u>	<u>251</u>	<u>311</u>
45	<u>2600</u>	<u>346</u>	<u>428</u>	<u>293</u>	<u>362</u>	<u>256</u>	<u>316</u>
46	<u>2700</u>	<u>351</u>	<u>435</u>	<u>298</u>	<u>368</u>	<u>259</u>	<u>321</u>
47	<u>2800</u>	<u>356</u>	<u>440</u>	<u>301</u>	<u>372</u>	<u>262</u>	<u>324</u>
48	<u>2900</u>	<u>360</u>	<u>445</u>	<u>305</u>	<u>376</u>	<u>266</u>	<u>328</u>
49	<u>3000</u>	<u>364</u>	<u>449</u>	<u>308</u>	<u>380</u>	<u>268</u>	<u>331</u>
50	<u>3100</u>	<u>367</u>	<u>453</u>	<u>310</u>	<u>383</u>	<u>270</u>	<u>334</u>
51	<u>3200</u>	<u>369</u>	<u>457</u>	<u>312</u>	<u>386</u>	<u>272</u>	<u>336</u>
52	<u>3300</u>	<u>371</u>	<u>459</u>	<u>314</u>	<u>388</u>	<u>273</u>	<u>339</u>
53	<u>3400</u>	<u>372</u>	<u>460</u>	<u>315</u>	<u>389</u>	<u>274</u>	<u>340</u>
54	<u>3500</u>	<u>373</u>	<u>461</u>	<u>316</u>	<u>390</u>	<u>275</u>	<u>341</u>
55	<u>3600</u>	<u>374</u>	<u>462</u>	<u>317</u>	<u>391</u>	<u>276</u>	<u>342</u>
56	<u>3700</u>	<u>375</u>	<u>463</u>	<u>318</u>	<u>392</u>	<u>277</u>	<u>343</u>
57	<u>3800</u>	<u>377</u>	<u>466</u>	<u>319</u>	<u>394</u>	<u>278</u>	<u>344</u>

1	<u>3900</u>	<u>386</u>	<u>477</u>	<u>326</u>	<u>404</u>	<u>284</u>	<u>352</u>
2	<u>4000</u>	<u>395</u>	<u>488</u>	<u>334</u>	<u>413</u>	<u>291</u>	<u>360</u>
3	<u>4100</u>	<u>404</u>	<u>500</u>	<u>341</u>	<u>422</u>	<u>298</u>	<u>368</u>
4	<u>4200</u>	<u>413</u>	<u>511</u>	<u>350</u>	<u>431</u>	<u>305</u>	<u>377</u>
5	<u>4300</u>	<u>422</u>	<u>522</u>	<u>357</u>	<u>441</u>	<u>311</u>	<u>385</u>
6	<u>4400</u>	<u>431</u>	<u>532</u>	<u>364</u>	<u>449</u>	<u>317</u>	<u>392</u>
7	<u>4500</u>	<u>438</u>	<u>542</u>	<u>371</u>	<u>458</u>	<u>323</u>	<u>400</u>
8	<u>4600</u>	<u>446</u>	<u>552</u>	<u>377</u>	<u>467</u>	<u>329</u>	<u>407</u>
9	<u>4700</u>	<u>455</u>	<u>562</u>	<u>384</u>	<u>475</u>	<u>335</u>	<u>414</u>
10	<u>4800</u>	<u>463</u>	<u>572</u>	<u>391</u>	<u>483</u>	<u>341</u>	<u>422</u>
11	<u>4900</u>	<u>470</u>	<u>581</u>	<u>398</u>	<u>491</u>	<u>347</u>	<u>429</u>
12	<u>5000</u>	<u>479</u>	<u>592</u>	<u>404</u>	<u>500</u>	<u>353</u>	<u>437</u>

13        When combined monthly income exceeds five thousand dollars per  
14 month, child support shall be determined by that amount from the table.  
15 The judge, in his or her discretion, may order an additional amount to  
16 be paid in cases with unusual or extraordinary circumstances.

17        The economic table shall remain in effect until revised by the  
18 legislature.

19        **Sec. 3.** RCW 26.19.060 and 1988 c 275 s 7 are each amended to read  
20 as follows:

21        The child support schedule (~~((under RCW 26.19.040))~~) shall be  
22 published in the Washington State Register.    The (~~((commission))~~)  
23 administrator for the courts shall also request that the supreme court  
24 cause the child support schedule to be published in the official  
25 advance sheets of the supreme court of Washington.    The (~~((commission))~~)  
26 administrator for the courts shall also request that the Washington  
27 state bar association publish the child support schedule in the  
28 Washington state bar news.

29        NEW SECTION.    **Sec. 4.** A new section is added to chapter 26.19 RCW  
30 to read as follows:

31        (1) A parent obligated to pay child support may file a motion for  
32 an accounting of how the support is being spent by the receiving

1 parent. The parent filing the motion must meet the following  
2 conditions prior to filing the motion:

3 (a) The parent filing the motion must be obligated to pay at least  
4 fifty percent of the basic child support obligation;

5 (b) If support is owed for one child, the parent must be obligated  
6 to pay at least three hundred dollars per month in child support; for  
7 two children, the parent must be obligated to pay at least five hundred  
8 twenty-five dollars per month in child support; for three or more  
9 children, the parent must be obligated to pay at least six hundred  
10 sixty dollars per month in child support; and

11 (c) The parent must be current in all child support payments.

12 (2)(a) The motion for an accounting must be accompanied by an  
13 affidavit setting forth facts demonstrating that the parent receiving  
14 support is not spending a substantial portion of the child support for  
15 the direct or indirect benefit of the child. The motion, affidavit, and  
16 notice of hearing shall be served on the parent receiving support. The  
17 only issue at the preliminary hearing on the motion shall be whether  
18 there is reasonable cause to believe that the support is directly or  
19 indirectly benefiting the child.

20 (b) If the court determines at the preliminary hearing that the  
21 motion and affidavit establish reasonable cause to believe that a  
22 substantial portion of the support is not directly or indirectly  
23 benefiting the child the court may: (i) Set a show cause hearing on  
24 the motion and affidavit; or (ii) order the parents to mediate the  
25 issue with a court commissioner, family court commissioner, or other  
26 appropriate person. The court's order shall be in writing and shall  
27 set forth the facts which establish reasonable cause. The parent  
28 receiving support may be required to produce at the show cause hearing  
29 such documentation as the court determines is necessary to resolve the  
30 issue and which is reasonably available to the parent. The parent

1 receiving support shall not be required to provide documentation for  
2 expenditures for more than six months prior to the time of the filing  
3 of the motion.

4 (c) If the court determines at the preliminary hearing that the  
5 motion and affidavit do not establish reasonable cause to believe that  
6 a substantial portion of the support is directly or indirectly  
7 benefiting the child, the court shall order the parent filing the  
8 motion and affidavit to pay costs and statutory attorneys' fees to the  
9 parent receiving the support.

10 The court may award reasonable attorneys' fees to the parent  
11 receiving support if the court determines that:

12 (i) The motion was brought in bad faith, for harassment, or  
13 frivolously; or

14 (ii) The motion was based on material statements of fact which were  
15 false.

16 (3) If at the show cause hearing on the motion and affidavit the  
17 parent obligated to pay support demonstrates by a preponderance of the  
18 evidence that a substantial portion of the support is not directly or  
19 indirectly benefiting the child, the court shall enter an appropriate  
20 order directing the parent receiving the support to spend the child  
21 support to benefit the child. The court may order the child support  
22 payments to be paid to a protective payee for the benefit of the child.  
23 The only issue at the hearing on the motion shall be whether the parent  
24 receiving support is spending support to directly or indirectly benefit  
25 the child.

26 (4) A motion and affidavit for an accounting of child support  
27 expenditures may not be filed more than once every twelve months.

28 NEW SECTION. **Sec. 5.** A new section is added to chapter 26.19 RCW  
29 to read as follows:

1 (1) Except as otherwise provided in this section, monthly gross  
2 income for child support purposes shall include income from any source,  
3 including: Salaries, wages, commissions, deferred compensation,  
4 bonuses, mandatory overtime, dividends, interest, trust income,  
5 severance pay, annuities, capital gains, pension retirement benefits,  
6 social security retirement benefits, workers' compensation,  
7 unemployment benefits, and spousal maintenance that is actually  
8 received.

9 (2) Monthly gross income for the preceding year for child support  
10 purposes shall include income from voluntary overtime pay above one  
11 hundred sixty-eight hours per month, income from employment in excess  
12 of forty hours per week to the extent derived from a second job,  
13 nonrecurring bonuses, contract-related cash benefits, gifts, and  
14 prizes, except to the extent that income from those sources exceeds the  
15 average income from those sources for the second and third years  
16 preceding the commencement of the action under chapter 26.09, 26.10, or  
17 26.26 RCW.

18 (3) The court shall deduct the following from gross income:  
19 Federal and state income taxes, federal insurance contributions act  
20 deductions, mandatory pension plan payments, mandatory union or  
21 professional dues, court-ordered spousal maintenance to the extent  
22 actually paid, up to two thousand dollars per year in voluntary pension  
23 payments actually made if the contributions were made for the three  
24 consecutive years prior to the filing of the dissolution, and court-  
25 ordered payments of child support for children from other relationships  
26 to the extent actually paid. All items excluded from income shall be  
27 disclosed in the worksheet.

28 (4) The court may deduct normal business expenses and self-  
29 employment taxes for self-employed persons. Justification shall be



1 required for any business expense deduction about which there is  
2 disagreement.

3 (5) The following resources shall be disclosed, shall not be  
4 included in gross income, and shall not be reason to deviate from the  
5 standard calculation: Aid to families with dependent children,  
6 supplemental security income, general assistance, veterans aid and  
7 attendance allowance, and food stamps.

8 (6) The following income shall be disclosed, shall not be included  
9 in gross income, but may be a reason to deviate from the standard  
10 calculation:

11 (a) Income of a new spouse or income of other adults in the  
12 household;

13 (b) Child support received from other relationships; and

14 (c) Income excluded from subsection (2) of this section.

15 (7) (a) Children from relationships other than the relationship of  
16 the parties before the court shall not be counted for determining the  
17 number of children in the family for purposes of calculating the basic  
18 support obligation. The court may not consider, for purposes of  
19 deviation in calculating the amount of child support payable, any  
20 children for whom the court has allowed a deduction from gross income  
21 for court-ordered child support payments.

22 (b) The court may consider deviating from the presumptive basic  
23 support obligation when there are children from other relationships and  
24 the court has not allowed a deduction from gross income for payments of  
25 child support for those children pursuant to subsection (3) of this  
26 section. Deviations under this section from the presumptive basic  
27 support obligation due shall be based on consideration of the total  
28 circumstances of both households.

29 (8) The court shall consider deviating from the standard  
30 calculation if the child spends a significant amount of time with the

1 parent who is obligated to pay child support. In determining what  
2 constitutes a significant amount of time, the court shall consider the  
3 amount of time spent with each parent, as well as the income and  
4 expenses of both parents, the amount of the child support obligation,  
5 and the financial impact to both parents of the time spent with the  
6 parent obligated to pay child support. The court shall not use this  
7 subsection to restrict either parent's contact or visitation with the  
8 child or children.

9 (9) Additional reasons that may support a deviation from the  
10 standard calculation include: Possession of wealth, including but not  
11 limited to savings, investments, real estate holdings and business  
12 interests, shared living arrangements, extraordinary debts that have  
13 not been voluntarily incurred, extraordinarily high income of a child,  
14 a significant disparity of the living costs of the parents due to  
15 conditions beyond their control, and special needs of disabled  
16 children. A deviation may be supported by tax planning considerations  
17 only if the child would not receive a lesser economic benefit as a  
18 result of the tax planning.

19 (10) The court shall enter findings which specify reasons for any  
20 deviations from the standard calculation made by the court.

21 (11) Agreement of the parties is not by itself adequate reason for  
22 deviation from the standard calculation.

23 (12) Neither parent's total child support obligation shall exceed  
24 fifty percent of net income unless good cause is shown. Good cause may  
25 include possession of substantial wealth, children with day care  
26 expenses, special medical, educational, psychological needs, and larger  
27 families.

28 (13) The court shall impute income to a parent when the parent is  
29 voluntarily underemployed or voluntarily unemployed. The court shall  
30 determine whether the parent is voluntarily underemployed or

1 voluntarily unemployed based upon that parent's work history. A parent  
2 shall not be deemed voluntarily underemployed as long as that parent is  
3 gainfully employed on a full-time basis. Income shall not be imputed  
4 for an unemployable parent.

5 **Sec. 6.** RCW 26.19.090 and 1990 1st ex.s. c 2 s 9 are each amended  
6 to read as follows:

7 The child support schedule shall be advisory and not mandatory for  
8 postsecondary educational support. When considering whether to order  
9 support for postsecondary educational expenses, the court shall  
10 determine whether the child is in fact dependent and is relying upon  
11 the parents for the reasonable necessities of life. The court shall  
12 exercise its discretion when determining whether and for how long to  
13 award postsecondary educational support based upon consideration of  
14 factors that include but are not limited to the following: Age of the  
15 child; the child's needs; the expectations of the parties for their  
16 children when the parents were together; the child's prospects,  
17 desires, aptitudes, abilities or disabilities; the nature of the  
18 postsecondary education sought; and the parents' level of education,  
19 standard of living, and current and future resources. Also to be  
20 considered are the amount and type of support that the child would have  
21 been afforded if the parents had stayed together. The child must be  
22 enrolled in an accredited academic or vocational school, actively  
23 pursuing a course of study commensurate with the child's vocational  
24 goals, and must be in good academic standing as defined by the  
25 institution ~~((or))~~. The child shall also make available all academic  
26 records and grades to both parents as a condition of receiving  
27 postsecondary educational support. The court-ordered postsecondary  
28 educational support ~~((may))~~ shall be automatically suspended during the  
29 period or periods the child fails to comply with these conditions.

1 (~~The court in its discretion may order that the payment be made~~  
2 ~~directly to the parent who has been receiving the transfer payments, to~~  
3 ~~the educational institution if feasible, or to the child.)) The court  
4 shall not order the payment of postsecondary educational expenses  
5 beyond the child's twenty-third birthday, except for exceptional  
6 circumstances, such as mental, physical, or emotional disabilities.  
7 The court shall direct that the payments for postsecondary educational  
8 expenses be made directly to the educational institution if feasible.  
9 If direct payments are not feasible, then the court in its discretion  
10 may order that the payment be made directly to the parent who has been  
11 receiving the transfer payments or to the child.~~

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

14 (1) Day care, extraordinary health care, long-distance  
15 transportation costs, and special child-rearing expenses such as  
16 tuition are not included in the basic support obligation for each  
17 child. These expenses shall be shared by the parents in the same  
18 proportion as the basic child support obligation and may be listed as  
19 a specific dollar amount or as a percentage amount subject to the  
20 verification requirements pursuant to subsection (2) of this section.

21 (2) (a) If a sum certain is established for day care and is set  
22 forth in the decree, the parent making the transfer payment is entitled  
23 to proof of the amount paid for day care. The parent making the  
24 transfer payment is responsible for the appropriate percentage of the  
25 actual amount paid, not to exceed the proper share of the amount as set  
26 forth in the decree. The transfer payment for day care must be made in  
27 advance if the day care amount is set forth in the decree or is a  
28 regularly paid amount in a sum certain. If an amount is not specified  
29 in the decree or a regular sum certain, reimbursement of day care

1 expenses shall be treated in the same manner as reimbursement for  
2 transportation costs, extraordinary health care, and other  
3 extraordinary expenses. Day care expenses include, but are not limited  
4 to, day care expenses incurred while the custodial parent is working,  
5 pursuing accredited educational training, or obtaining medical care.

6 (b) For transportation costs, extraordinary health care costs, and  
7 other extraordinary expenses of the children specified in the decree,  
8 the parent paying these expenses shall be entitled to prompt  
9 reimbursement of the other parent's share of those expenses. Proof of  
10 the expenditure shall be furnished to the parent from whom  
11 reimbursement is sought. Reimbursement must be made promptly but not  
12 later than thirty days of receipt of proof of payment of these  
13 expenditures.

14 (3) (a) If reimbursement is not made within the thirty-day period  
15 or is incomplete due to a nonsufficient fund check or other failure to  
16 pay, the parent seeking reimbursement may by motion obtain an order  
17 compelling payment with statutory interest. If a parent requests proof  
18 of payment and it is not provided within thirty days the party may move  
19 to compel production of the documents. The court shall award actual  
20 court costs and reasonable attorneys' fees to the prevailing party in  
21 every motion filed under this section except upon a showing of good  
22 cause for nonpayment.

23 (b) Wage assignment orders may be obtained pursuant to chapter  
24 26.18 RCW to collect court-ordered basic child support, day care,  
25 extraordinary health care, long-distance transportation costs, or other  
26 extraordinary expenses, attorneys' fees, court costs, or any other item  
27 ordered by the court. A parent to whom basic child support, day care,  
28 extraordinary health care, long-distance transportation costs, or other  
29 extraordinary expenses are to be paid based on a percentage share of  
30 the costs, may by motion obtain a court order reducing the amounts owed

1 to a sum certain and then enforce collection of that amount by a wage  
2 assignment order. The office of support enforcement shall not request  
3 a wage assignment in any case of purported nonsupport without obtaining  
4 documentation from both parents.

5 (4) If disability payments are made pursuant to Title 51 RCW and  
6 are classified as earnings and subject to collection by the office of  
7 support enforcement pursuant to RCW 74.20A.260, the amount subject to  
8 collection shall bear its proportionate share of attorney's fees and  
9 costs, if any, incurred by the injured worker or worker's dependent in  
10 obtaining disability payments.

11 **Sec. 8.** RCW 26.09.170 and 1990 1st ex.s. c 2 s 2 are each amended  
12 to read as follows:

13 (1) Except as otherwise provided in subsection (7) of RCW  
14 26.09.070, the provisions of any decree respecting maintenance or  
15 support may be modified only as to installments accruing subsequent to  
16 the motion for modification and, except as otherwise provided in  
17 subsections (4), (5), and (8) of this section, only upon a showing of  
18 a substantial change of circumstances. The provisions as to property  
19 disposition may not be revoked or modified, unless the court finds the  
20 existence of conditions that justify the reopening of a judgment under  
21 the laws of this state.

22 (2) Unless otherwise agreed in writing or expressly provided in the  
23 decree the obligation to pay future maintenance is terminated upon the  
24 death of either party or the remarriage of the party receiving  
25 maintenance.

26 (3) Unless otherwise agreed in writing or expressly provided in the  
27 decree, provisions for the support of a child are terminated by  
28 emancipation of the child or by the death of the parent obligated to  
29 support the child.

1 (4) An order of child support may be modified one year or more  
2 after it has been entered without showing a substantial change of  
3 circumstances:

4 (a) If the order in practice works a severe economic hardship on  
5 either party or the child;

6 (b) If a party requests an adjustment in an order for child support  
7 which was based on guidelines which determined the amount of support  
8 according to the child's age, and the child is no longer in the age  
9 category on which the current support amount was based;

10 (c) If a child is still in high school, upon a finding that there  
11 is a need to extend support beyond the eighteenth birthday to complete  
12 high school; or

13 (d) To add an automatic adjustment of support provision consistent  
14 with RCW 26.09.100.

15 (5) An order or decree entered prior to June 7, 1984, may be  
16 modified without showing a substantial change of circumstances if the  
17 requested modification is to:

18 (a) Require health insurance coverage for a child named therein; or

19 (b) Modify an existing order for health insurance coverage.

20 (6) An obligor's voluntary unemployment or voluntary  
21 underemployment, by itself, is not a substantial change of  
22 circumstances.

23 (7) The department of social and health services may file an action  
24 to modify an order of child support if public assistance money is being  
25 paid to or for the benefit of the child and the child support order is  
26 twenty-five percent or more below the appropriate child support amount  
27 set forth in the standard calculation as defined in (~~section 4(2) of~~  
28 ~~this act~~) RCW 26.19.010 and reasons for the deviation are not set  
29 forth in the findings of fact or order. The determination of twenty-  
30 five percent or more shall be based on the current income of the

1 parties and the department shall not be required to show a substantial  
2 change of circumstances if the reasons for the deviations were not set  
3 forth in the findings of fact or order.

4 (8)(a) Except as provided in (b) and (c) of this subsection, all  
5 child support decrees may be adjusted once every twenty-four months  
6 based upon changes in the income of the parents without a showing of  
7 substantially changed circumstances. Either party may initiate the  
8 modification pursuant to procedures of RCW 26.09.175.

9 (b) Parents whose decrees are entered before (~~the effective date~~  
10 ~~of this act~~) July 1, 1990, may petition the court for a modification  
11 after twelve months has expired from the entry of the decree or the  
12 most recent modification setting child support, whichever is later.  
13 However, if a party is granted relief under this provision, twenty-four  
14 months must pass before another petition for modification may be filed  
15 pursuant to (a) of this subsection.

16 (c) A party may petition for modification in cases of substantially  
17 changed circumstances, under subsection (1) of this section, at any  
18 time. However, if relief is granted under subsection (1) of this  
19 section, twenty-four months must pass before a petition for  
20 modification under (a) of this subsection may be filed.

21 (d) If, pursuant to (a) of this subsection, the court modifies a  
22 child support obligation by more than thirty percent and the change  
23 would cause significant hardship, the court may implement the change in  
24 two equal increments, one at the time of the entry of the order and the  
25 second six months from the entry of the order. Twenty-four months must  
26 pass following the second change before a petition for modification  
27 under (a) of this subsection may be filed.

28 (e) A parent who is receiving transfer payments who receives a wage  
29 or salary increase may not bring a modification action pursuant to (a)



1 of this subsection alleging that increase constitutes a substantial  
2 change of circumstances under subsection (1) of this section.

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 26.09 RCW  
4 to read as follows:

5 A parent filing a motion for modification of child support shall  
6 provide evidence of increased or decreased expenses, including  
7 receipts, and shall provide evidence of increased or decreased income,  
8 including statements to support such changes, before a child support  
9 order may be modified to require increased or decreased child support.

10 NEW SECTION. **Sec. 10.** RCW 26.19.040 and 1990 1st ex.s. c 2 s  
11 20, 1988 c 275 s 5, & 1987 c 440 s 2 are each repealed.

12 NEW SECTION. **Sec. 11.** If specific funding for the purposes of  
13 section 4 of this act, referencing section 4 of this act by bill and  
14 section number, is not provided by June 30, 1991, in the omnibus  
15 appropriations act, section 4 of this act shall be null and void.

16 NEW SECTION. **Sec. 12.** If specific funding for the purposes of  
17 section 7 of this act, referencing section 7 of this act by bill and  
18 section number, is not provided by June 30, 1991, in the omnibus  
19 appropriations act, section 7 of this act shall be null and void.

20 NEW SECTION. **Sec. 13.** If any provision of this act or its  
21 application to any person or circumstance is held invalid, the  
22 remainder of the act or the application of the provision to other  
23 persons or circumstances is not affected.