
SENATE BILL 5120

State of Washington

52nd Legislature

1991 Regular Session

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 January 21, 1991. Referred to Committee on Law & Justice.

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; and repealing RCW 26.19.040.

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

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

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

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

12 (2) "Standards" means the standards for determination of child
13 support which have been adopted by the commission, as modified by the
14 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 8 9 10 11	12 13		14 15	
	16 17	18 19	20 21	22 23
<u>COMBINED</u> <u>MONTHLY</u> <u>NET</u> <u>INCOME</u>	<u>ONE</u> <u>CHILD</u> <u>FAMILY</u>		<u>TWO</u> <u>CHILDREN</u> <u>FAMILY</u>	
	<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>
24	0			
25	100			
26	200			
27	300			
28	400			
29	500			
30	600	133	164	103
31	700	155	191	120
32	800	177	218	137
33	900	199	246	154
34	1000	220	272	171
35	1100	242	299	188
36	1200	264	326	205
37	1300	285	352	221
38	1400	307	379	238
39	1500	327	404	254
40	1600	347	428	269
41	1700	367	453	285
42	1800	387	478	300
43	1900	407	503	316
44	2000	427	527	331
45	2100	447	552	347
46	2200	467	577	362
47	2300	487	601	378
48	2400	506	626	393
49	2500	526	650	408
50	2600	534	661	416
51	2700	542	670	421
52	2800	549	679	427
53	2900	556	686	431
54	3000	561	693	436
55	3100	566	699	439
56	3200	569	704	442
57	3300	573	708	445
58	3400	574	710	446
59	3500	575	711	447
60	3600	577	712	448
61	3700	578	713	449
62	3800	581	719	452
63	3900	596	736	463

For income less than \$600 the obligation is based upon the resources and living expenses of each household. Minimum support shall not be less than \$25 per child per month.

1	<u>4000</u>	<u>609</u>	<u>753</u>	<u>473</u>	<u>584</u>
2	<u>4100</u>	<u>623</u>	<u>770</u>	<u>484</u>	<u>599</u>
3	<u>4200</u>	<u>638</u>	<u>788</u>	<u>495</u>	<u>611</u>
4	<u>4300</u>	<u>651</u>	<u>805</u>	<u>506</u>	<u>625</u>
5	<u>4400</u>	<u>664</u>	<u>821</u>	<u>516</u>	<u>637</u>
6	<u>4500</u>	<u>677</u>	<u>836</u>	<u>525</u>	<u>649</u>
7	<u>4600</u>	<u>689</u>	<u>851</u>	<u>535</u>	<u>661</u>
8	<u>4700</u>	<u>701</u>	<u>856</u>	<u>545</u>	<u>673</u>
9	<u>4800</u>	<u>713</u>	<u>882</u>	<u>554</u>	<u>685</u>
10	<u>4900</u>	<u>726</u>	<u>897</u>	<u>564</u>	<u>697</u>
11	<u>5000</u>	<u>738</u>	<u>912</u>	<u>574</u>	<u>708</u>

12	-----							
13	<u>COMBINED</u>							
14	<u>MONTHLY</u>		<u>THREE</u>		<u>FOUR</u>		<u>FIVE</u>	
15	<u>NET</u>		<u>CHILDREN</u>		<u>CHILDREN</u>		<u>CHILDREN</u>	
16	<u>INCOME</u>		<u>FAMILY</u>		<u>FAMILY</u>		<u>FAMILY</u>	
17	-----							
18		<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>	
19	-----							

20	<u>0</u>
21	<u>100</u>
22	<u>200</u>
23	<u>300</u>
24	<u>400</u>
25	<u>500</u>
26	

For income less than \$600 the obligation is based upon the resources and living expenses of each household. Minimum support shall not be less than \$25 per child per month.

27	<u>600</u>	<u>86</u>	<u>106</u>	<u>73</u>	<u>901</u>	<u>63</u>	<u>791</u>
28	<u>700</u>	<u>100</u>	<u>124</u>	<u>85</u>	<u>105</u>	<u>74</u>	<u>911</u>
29	<u>800</u>	<u>115</u>	<u>142</u>	<u>97</u>	<u>120</u>	<u>84</u>	<u>104</u>
30	<u>900</u>	<u>129</u>	<u>159</u>	<u>109</u>	<u>135</u>	<u>95</u>	<u>118</u>
31	<u>1000</u>	<u>143</u>	<u>177</u>	<u>121</u>	<u>149</u>	<u>105</u>	<u>130</u>
32	<u>1100</u>	<u>157</u>	<u>194</u>	<u>133</u>	<u>164</u>	<u>116</u>	<u>143</u>
33	<u>1200</u>	<u>171</u>	<u>211</u>	<u>144</u>	<u>179</u>	<u>126</u>	<u>156</u>
34	<u>1300</u>	<u>185</u>	<u>228</u>	<u>156</u>	<u>193</u>	<u>136</u>	<u>168</u>
35	<u>1400</u>	<u>199</u>	<u>246</u>	<u>168</u>	<u>208</u>	<u>147</u>	<u>181</u>
36	<u>1500</u>	<u>212</u>	<u>262</u>	<u>179</u>	<u>221</u>	<u>156</u>	<u>193</u>
37	<u>1600</u>	<u>225</u>	<u>278</u>	<u>190</u>	<u>235</u>	<u>166</u>	<u>205</u>
38	<u>1700</u>	<u>238</u>	<u>294</u>	<u>201</u>	<u>248</u>	<u>175</u>	<u>217</u>
39	<u>1800</u>	<u>251</u>	<u>310</u>	<u>212</u>	<u>262</u>	<u>185</u>	<u>228</u>
40	<u>1900</u>	<u>264</u>	<u>326</u>	<u>223</u>	<u>275</u>	<u>194</u>	<u>240</u>
41	<u>2000</u>	<u>277</u>	<u>342</u>	<u>234</u>	<u>289</u>	<u>204</u>	<u>252</u>
42	<u>2100</u>	<u>289</u>	<u>358</u>	<u>245</u>	<u>303</u>	<u>213</u>	<u>264</u>
43	<u>2200</u>	<u>302</u>	<u>374</u>	<u>256</u>	<u>316</u>	<u>223</u>	<u>276</u>
44	<u>2300</u>	<u>315</u>	<u>390</u>	<u>267</u>	<u>330</u>	<u>233</u>	<u>288</u>
45	<u>2400</u>	<u>328</u>	<u>406</u>	<u>278</u>	<u>343</u>	<u>242</u>	<u>299</u>
46	<u>2500</u>	<u>341</u>	<u>421</u>	<u>288</u>	<u>356</u>	<u>251</u>	<u>311</u>
47	<u>2600</u>	<u>346</u>	<u>428</u>	<u>293</u>	<u>362</u>	<u>256</u>	<u>316</u>
48	<u>2700</u>	<u>351</u>	<u>435</u>	<u>298</u>	<u>368</u>	<u>259</u>	<u>321</u>
49	<u>2800</u>	<u>356</u>	<u>440</u>	<u>301</u>	<u>372</u>	<u>262</u>	<u>324</u>
50	<u>2900</u>	<u>360</u>	<u>445</u>	<u>305</u>	<u>376</u>	<u>266</u>	<u>328</u>
51	<u>3000</u>	<u>364</u>	<u>449</u>	<u>308</u>	<u>380</u>	<u>268</u>	<u>331</u>
52	<u>3100</u>	<u>367</u>	<u>453</u>	<u>310</u>	<u>383</u>	<u>270</u>	<u>334</u>
53	<u>3200</u>	<u>369</u>	<u>457</u>	<u>312</u>	<u>386</u>	<u>272</u>	<u>336</u>
54	<u>3300</u>	<u>371</u>	<u>459</u>	<u>314</u>	<u>388</u>	<u>273</u>	<u>339</u>
55	<u>3400</u>	<u>372</u>	<u>460</u>	<u>315</u>	<u>389</u>	<u>274</u>	<u>340</u>
56	<u>3500</u>	<u>373</u>	<u>461</u>	<u>316</u>	<u>390</u>	<u>275</u>	<u>341</u>
57	<u>3600</u>	<u>374</u>	<u>462</u>	<u>317</u>	<u>391</u>	<u>276</u>	<u>342</u>

1	<u>3700</u>	<u>375</u>	<u>463</u>	<u>318</u>	<u>392</u>	<u>277</u>	<u>343</u>
2	<u>3800</u>	<u>377</u>	<u>466</u>	<u>319</u>	<u>394</u>	<u>278</u>	<u>344</u>
3	<u>3900</u>	<u>386</u>	<u>477</u>	<u>326</u>	<u>404</u>	<u>284</u>	<u>352</u>
4	<u>4000</u>	<u>395</u>	<u>488</u>	<u>334</u>	<u>413</u>	<u>291</u>	<u>360</u>
5	<u>4100</u>	<u>404</u>	<u>500</u>	<u>341</u>	<u>422</u>	<u>298</u>	<u>368</u>
6	<u>4200</u>	<u>413</u>	<u>511</u>	<u>350</u>	<u>431</u>	<u>305</u>	<u>377</u>
7	<u>4300</u>	<u>422</u>	<u>522</u>	<u>357</u>	<u>441</u>	<u>311</u>	<u>385</u>
8	<u>4400</u>	<u>431</u>	<u>532</u>	<u>364</u>	<u>449</u>	<u>317</u>	<u>392</u>
9	<u>4500</u>	<u>438</u>	<u>542</u>	<u>371</u>	<u>458</u>	<u>323</u>	<u>400</u>
10	<u>4600</u>	<u>446</u>	<u>552</u>	<u>377</u>	<u>467</u>	<u>329</u>	<u>407</u>
11	<u>4700</u>	<u>455</u>	<u>562</u>	<u>384</u>	<u>475</u>	<u>335</u>	<u>414</u>
12	<u>4800</u>	<u>463</u>	<u>572</u>	<u>391</u>	<u>483</u>	<u>341</u>	<u>422</u>
13	<u>4900</u>	<u>470</u>	<u>581</u>	<u>398</u>	<u>491</u>	<u>347</u>	<u>429</u>
14	<u>5000</u>	<u>479</u>	<u>592</u>	<u>404</u>	<u>500</u>	<u>353</u>	<u>437</u>

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

19 The economic table shall remain in effect until revised by the
20 legislature.

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

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

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

33 (1) A parent obligated to pay child support may file a motion for
34 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 for both parents;

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, shared living
11 arrangements, extraordinary debts that have not been voluntarily
12 incurred, extraordinarily high income of a child, a significant
13 disparity of the living costs of the parents due to conditions beyond
14 their control, and special needs of disabled children. A deviation may
15 be supported by tax planning considerations only if the child would not
16 receive a lesser economic benefit as a result of the tax planning.

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

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

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

26 (13) The court shall impute income to a parent when the parent is
27 voluntarily underemployed or voluntarily unemployed. The court shall
28 determine whether the parent is voluntarily underemployed or
29 voluntarily unemployed based upon that parent's work history. A parent
30 shall not be deemed voluntarily underemployed as long as that parent is

1 gainfully employed on a full-time basis. Income shall not be imputed
2 for an unemployable parent.

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

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

1 birthday, except for exceptional circumstances, such as mental,
2 physical, or emotional disabilities. The court shall direct that the
3 payments for postsecondary educational expenses be made directly to the
4 educational institution if feasible. If direct payments are not
5 feasible, then the court in its discretion may order that the payment
6 be made directly to the parent who has been receiving the transfer
7 payments or to the child.

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

10 When combined monthly net income is less than six hundred dollars,
11 a support order not less than twenty-five dollars per month shall be
12 entered for each parent, regardless of the number of children. A
13 parent's child support obligation shall not reduce his or her net
14 income below the need standard for one person promulgated pursuant to
15 RCW 74.04.770, except for the mandatory minimum payment of twenty-five
16 dollars per month as required by this section or in cases where the
17 court finds reasons for deviation under section 5(8) of this act. This
18 section shall not be construed to require monthly substantiation of
19 income.

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

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

1 (2) (a) If a sum certain is established for day care and is set
2 forth in the decree, the parent making the transfer payment is entitled
3 to proof of the amount paid for day care. The parent making the
4 transfer payment is responsible for the appropriate percentage of the
5 actual amount paid, not to exceed the proper share of the amount as set
6 forth in the decree. The transfer payment for day care must be made in
7 advance if the day care amount is set forth in the decree or is a
8 regularly paid amount in a sum certain. If an amount is not specified
9 in the decree or a regular sum certain, reimbursement of day care
10 expenses shall be treated in the same manner as reimbursement for
11 transportation costs, extraordinary health care, and other
12 extraordinary expenses.

13 (b) For transportation costs, extraordinary health care costs, and
14 other extraordinary expenses of the children specified in the decree,
15 the parent paying these expenses shall be entitled to prompt
16 reimbursement of the other parent's share of those expenses. Proof of
17 the expenditure shall be furnished to the parent from whom
18 reimbursement is sought. Reimbursement must be made promptly but not
19 later than thirty days of receipt of proof of payment of these
20 expenditures.

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

1 (b) Wage assignment orders may be obtained pursuant to chapter
2 26.18 RCW to collect court-ordered basic child support, day care,
3 extraordinary health care, long-distance transportation costs, or other
4 extraordinary expenses, attorneys' fees, court costs, or any other item
5 ordered by the court. A parent to whom basic child support, day care,
6 extraordinary health care, long-distance transportation costs, or other
7 extraordinary expenses are to be paid based on a percentage share of
8 the costs, may by motion obtain a court order reducing the amounts owed
9 to a sum certain and then enforce collection of that amount by a wage
10 assignment order.

11 **Sec. 9.** 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. 10.** RCW 26.19.040 and 1990 1st ex.s. c 2 s
4 20, 1988 c 275 s 5, & 1987 c 440 s 2 are each repealed.

5 NEW SECTION. **Sec. 11.** If any provision of this act or its
6 application to any person or circumstance is held invalid, the
7 remainder of the act or the application of the provision to other
8 persons or circumstances is not affected.