

1 **SB 5791 - H AMD 417 SCOPE AND OBJECT 4-17-93**

2 By Representatives Vance, Meyers and Padden

3 On page 5, after line 12, insert the following:

4 "Sec. 2. RCW 26.09.225 and 1991 sp.s. c 28 s 3 are each amended to  
5 read as follows:

6 (1) Each parent shall have full and equal access to the education  
7 and health care records of the child absent a court order to the  
8 contrary. Neither parent may veto the access requested by the other  
9 parent.

10 (2) Educational records are limited to academic, attendance, and  
11 disciplinary records of public and private schools in all grades  
12 kindergarten through twelve and any form of alternative school for all  
13 periods for which child support is paid or the child is the dependent  
14 in fact of the parent requesting access to the records.

15 (3) Educational records of postsecondary educational institutions  
16 are limited to enrollment and academic records necessary to determine,  
17 establish, or continue support ordered pursuant to RCW 26.19.090 before  
18 the effective date of this act.

19 **Sec. 3.** RCW 26.18.210 and 1990 1st ex.s. c 2 s 22 are each amended  
20 to read as follows:

21 (1) The administrator for the courts shall develop a child support  
22 order summary report form to provide for the reporting of summary  
23 information in every case in which a child support order is entered or  
24 modified either judicially or administratively. The administrator for  
25 the courts shall attempt to the greatest extent possible to make the  
26 form simple and understandable by the parties. The form shall indicate  
27 the following:

- 28 (a) The county in which the order was entered and the cause number;  
29 (b) Whether it was a judicial or administrative order;  
30 (c) Whether the order is an original order or from a modification;

- 1 (d) The number of children of the parties and the children's ages;
- 2 (e) The combined monthly net income of parties;
- 3 (f) The monthly net income of the father as determined by the
- 4 court;
- 5 (g) The monthly net income of the mother as determined by the
- 6 court;
- 7 (h) The basic child support obligation for each child as determined
- 8 from the economic table;
- 9 (i) Whether or not the court deviated from the child support for
- 10 each child;
- 11 (j) The reason or reasons stated by the court for the deviation;
- 12 (k) The amount of child support after the deviation;
- 13 (l) Any amount awarded for day care;
- 14 (m) Any other extraordinary amounts in the order;
- 15 (n) ~~((Any amount ordered for postsecondary education;~~
- 16 ~~(o)))~~ The total amount of support ordered;
- 17 ~~((p)))~~ (o) In the case of a modification, the amount of support in
- 18 the previous order;
- 19 ~~((q)))~~ (p) If the change in support was in excess of thirty
- 20 percent, whether the change was phased in;
- 21 ~~((r)))~~ (q) The amount of the transfer payment ordered;
- 22 ~~((s)))~~ (r) Which parent was ordered to make the transfer payment;
- 23 and
- 24 ~~((t)))~~ (s) The date of the entry of the order.
- 25 (2) The administrator for the courts shall make the form available
- 26 to the parties.

27 **Sec. 4.** RCW 26.19.035 and 1992 c 229 s 6 are each amended to read  
28 as follows:

- 29 (1) **Application of the child support schedule.** The child support
- 30 schedule shall be applied:
  - 31 (a) In each county of the state;
  - 32 (b) In judicial and administrative proceedings under this title or
  - 33 Title 13 or 74 RCW;
  - 34 (c) In all proceedings in which child support is determined or
  - 35 modified;
  - 36 (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. However, child  
6 support shall not be made mandatory for postsecondary education of a  
7 child over eighteen years of age.

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

12 (2) **Written findings of fact supported by the evidence.** An order  
13 for child support shall be supported by written findings of fact upon  
14 which the support determination is based and shall include reasons for  
15 any deviation from the standard calculation and reasons for denial of  
16 a party's request for deviation from the standard calculation. The  
17 court shall enter written findings of fact in all cases whether or not  
18 the court: (a) Sets the support at the presumptive amount, for  
19 combined monthly net incomes below five thousand dollars; (b) sets the  
20 support at an advisory amount, for combined monthly net incomes between  
21 five thousand and seven thousand dollars; or (c) deviates from the  
22 presumptive or advisory amounts.

23 (3) **Completion of worksheets.** Worksheets in the form developed by  
24 the office of the administrator for the courts shall be completed under  
25 penalty of perjury and filed in every proceeding in which child support  
26 is determined. The court shall not accept incomplete worksheets or  
27 worksheets that vary from the worksheets developed by the office of the  
28 administrator for the courts.

29 (4) **Court review of the worksheets and order.** The court shall  
30 review the worksheets and the order setting support for the adequacy of  
31 the reasons set forth for any deviation or denial of any request for  
32 deviation and for the adequacy of the amount of support ordered. Each  
33 order shall state the amount of child support calculated using the  
34 standard calculation and the amount of child support actually ordered.  
35 Worksheets shall be attached to the decree or order or if filed  
36 separately shall be initialed or signed by the judge and filed with the  
37 order.

1       **Sec. 5.** RCW 26.19.075 and 1991 sp.s. c 28 s 6 are each amended to  
2 read as follows:

3       (1) Reasons for deviation from the standard calculation include but  
4 are not limited to the following:

5       (a) **Sources of income and tax planning.** The court may deviate from  
6 the standard calculation after consideration of the following:

7       (i) Income of a new spouse if the parent who is married to the new  
8 spouse is asking for a deviation based on any other reason. Income of  
9 a new spouse is not, by itself, a sufficient reason for deviation;

10       (ii) Income of other adults in the household if the parent who is  
11 living with the other adult is asking for a deviation based on any  
12 other reason. Income of the other adults in the household is not, by  
13 itself, a sufficient reason for deviation;

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

15       (iv) Gifts;

16       (v) Prizes;

17       (vi) Possession of wealth, including but not limited to savings,  
18 investments, real estate holdings and business interests, vehicles,  
19 boats, pensions, bank accounts, insurance plans, or other assets;

20       (vii) Extraordinary income of a child; or

21       (viii) Tax planning considerations. A deviation for tax planning  
22 may be granted only if the child would not receive a lesser economic  
23 benefit due to the tax planning.

24       (b) **Nonrecurring income.** The court may deviate from the standard  
25 calculation based on a finding that a particular source of income  
26 included in the calculation of the basic support obligation is not a  
27 recurring source of income. Depending on the circumstances,  
28 nonrecurring income may include overtime, contract-related benefits,  
29 bonuses, or income from second jobs. Deviations for nonrecurring  
30 income shall be based on a review of the nonrecurring income received  
31 in the previous two calendar years.

32       (c) **Debt and high expenses.** The court may deviate from the  
33 standard calculation after consideration of the following expenses:

34       (i) Extraordinary debt not voluntarily incurred;

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

37       (iii) Special needs of disabled children; or

1 (iv) Special medical, educational, or psychological needs of the  
2 children. Special educational needs do not include postsecondary  
3 education of a child over eighteen years of age.

4 (d) **Residential schedule.** The court may deviate from the standard  
5 calculation if the child spends a significant amount of time with the  
6 parent who is obligated to make a support transfer payment. The court  
7 may not deviate on that basis if the deviation will result in  
8 insufficient funds in the household receiving the support to meet the  
9 basic needs of the child or if the child is receiving aid to families  
10 with dependent children. When determining the amount of the deviation,  
11 the court shall consider evidence concerning the increased expenses to  
12 a parent making support transfer payments resulting from the  
13 significant amount of time spent with that parent and shall consider  
14 the decreased expenses, if any, to the party receiving the support  
15 resulting from the significant amount of time the child spends with the  
16 parent making the support transfer payment.

17 (e) **Children from other relationships.** The court may deviate from  
18 the standard calculation when either or both of the parents before the  
19 court have children from other relationships to whom the parent owes a  
20 duty of support.

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

24 (ii) Children from other relationships shall not be counted in the  
25 number of children for purposes of determining the basic support  
26 obligation and the standard calculation.

27 (iii) When considering a deviation from the standard calculation  
28 for children from other relationships, the court may consider only  
29 other children to whom the parent owes a duty of support. The court  
30 may consider court-ordered payments of child support for children from  
31 other relationships only to the extent that the support is actually  
32 paid.

33 (iv) When the court has determined that either or both parents have  
34 children from other relationships, deviations under this section shall  
35 be based on consideration of the total circumstances of both  
36 households. All child support obligations paid, received, and owed for  
37 all children shall be disclosed and considered.

1 (2) All income and resources of the parties before the court, new  
2 spouses, and other adults in the households shall be disclosed and  
3 considered as provided in this section. The presumptive amount of  
4 support shall be determined according to the child support schedule.  
5 Unless specific reasons for deviation are set forth in the written  
6 findings of fact and are supported by the evidence, the court shall  
7 order each parent to pay the amount of support determined by using the  
8 standard calculation.

9 (3) The court shall enter findings that specify reasons for any  
10 deviation or any denial of a party's request for any deviation from the  
11 standard calculation made by the court. The court shall not consider  
12 reasons for deviation until the court determines the standard  
13 calculation for each parent.

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

17 (5) Agreement of the parties is not by itself adequate reason for  
18 any deviations from the standard calculation.

19 **Sec. 6.** RCW 26.19.090 and 1991 sp.s. c 28 s 7 are each amended to  
20 read as follows:

21 ~~((1))~~ The child support schedule shall ~~((be advisory and not~~  
22 ~~mandatory))~~ not be used for postsecondary educational support of a  
23 child over eighteen years of age.

24 ~~((2) When considering whether to order support for postsecondary~~  
25 ~~educational expenses, the court shall determine whether the child is in~~  
26 ~~fact dependent and is relying upon the parents for the reasonable~~  
27 ~~necessities of life. The court shall exercise its discretion when~~  
28 ~~determining whether and for how long to award postsecondary educational~~  
29 ~~support based upon consideration of factors that include but are not~~  
30 ~~limited to the following: Age of the child; the child's needs; the~~  
31 ~~expectations of the parties for their children when the parents were~~  
32 ~~together; the child's prospects, desires, aptitudes, abilities or~~  
33 ~~disabilities; the nature of the postsecondary education sought; and the~~  
34 ~~parents' level of education, standard of living, and current and future~~  
35 ~~resources. Also to be considered are the amount and type of support~~  
36 ~~that the child would have been afforded if the parents had stayed~~  
37 ~~together.~~

