

2 **ESHB 1760** - S AMD 000814

3 By Senators Hochstatter, Vognild, Bauer, Owen, McCaslin and
4 Hargrove

5 SCOPE RAISED; RULED OUT OF S/O; 4/15/93

6 On page 17, after line 13, insert the following:

7 "**Sec. 15.** RCW 26.09.225 and 1991 sp.s. c 28 s 3 are each amended
8 to read as follows:

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

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

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

22 **Sec. 16.** RCW 26.18.210 and 1990 1st ex.s. c 2 s 22 are each
23 amended to read as follows:

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

- 31 (a) The county in which the order was entered and the cause number;
32 (b) Whether it was a judicial or administrative order;
33 (c) Whether the order is an original order or from a modification;
34 (d) The number of children of the parties and the children's ages;
35 (e) The combined monthly net income of parties;

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

25 **Sec. 17.** RCW 26.19.035 and 1992 c 229 s 6 are each amended to read
26 as follows:

27 (1) **Application of the child support schedule.** The child support
28 schedule shall be applied:
29 (a) In each county of the state;
30 (b) In judicial and administrative proceedings under this title or
31 Title 13 or 74 RCW;
32 (c) In all proceedings in which child support is determined or
33 modified;
34 (d) In setting temporary and permanent support;
35 (e) In automatic modification provisions or decrees entered
36 pursuant to RCW 26.09.100; and
37 (f) In addition to proceedings in which child support is determined
38 for minors, to adult children who are dependent on their parents and

1 for whom support is ordered pursuant to RCW 26.09.100. However, child
2 support shall not be made mandatory for postsecondary education of a
3 child over eighteen years of age.

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

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

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

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

34 **Sec. 18.** RCW 26.19.075 and 1991 sp.s. c 28 s 6 are each amended to
35 read as follows:

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

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

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

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

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

11 (iv) Gifts;

12 (v) Prizes;

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

16 (vii) Extraordinary income of a child; or

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

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

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

30 (i) Extraordinary debt not voluntarily incurred;

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

33 (iii) Special needs of disabled children; or

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

37 (d) **Residential schedule.** The court may deviate from the standard
38 calculation if the child spends a significant amount of time with the
39 parent who is obligated to make a support transfer payment. The court

1 may not deviate on that basis if the deviation will result in
2 insufficient funds in the household receiving the support to meet the
3 basic needs of the child or if the child is receiving aid to families
4 with dependent children. When determining the amount of the deviation,
5 the court shall consider evidence concerning the increased expenses to
6 a parent making support transfer payments resulting from the
7 significant amount of time spent with that parent and shall consider
8 the decreased expenses, if any, to the party receiving the support
9 resulting from the significant amount of time the child spends with the
10 parent making the support transfer payment.

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

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

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

21 (iii) When considering a deviation from the standard calculation
22 for children from other relationships, the court may consider only
23 other children to whom the parent owes a duty of support. The court
24 may consider court-ordered payments of child support for children from
25 other relationships only to the extent that the support is actually
26 paid.

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

32 (2) All income and resources of the parties before the court, new
33 spouses, and other adults in the households shall be disclosed and
34 considered as provided in this section. The presumptive amount of
35 support shall be determined according to the child support schedule.
36 Unless specific reasons for deviation are set forth in the written
37 findings of fact and are supported by the evidence, the court shall
38 order each parent to pay the amount of support determined by using the
39 standard calculation.

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

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

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

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

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

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

30 ~~(3) The child must enroll in an accredited academic or vocational~~
31 ~~school, must be actively pursuing a course of study commensurate with~~
32 ~~the child's vocational goals, and must be in good academic standing as~~
33 ~~defined by the institution. The court ordered postsecondary~~
34 ~~educational support shall be automatically suspended during the period~~
35 ~~or periods the child fails to comply with these conditions.~~

36 ~~(4) The child shall also make available all academic records and~~
37 ~~grades to both parents as a condition of receiving postsecondary~~

1 educational support. Each parent shall have full and equal access to
2 the postsecondary education records as provided in RCW 26.09.225.

3 (5) The court shall not order the payment of postsecondary
4 educational expenses beyond the child's twenty third birthday, except
5 for exceptional circumstances, such as mental, physical, or emotional
6 disabilities.

7 (6) The court shall direct that either or both parents' payments
8 for postsecondary educational expenses be made directly to the
9 educational institution if feasible. If direct payments are not
10 feasible, then the court in its discretion may order that either or
11 both parents' payments be made directly to the child if the child does
12 not reside with either parent. If the child resides with one of the
13 parents the court may direct that the parent making the support
14 transfer payments make the payments to the child or to the parent who
15 has been receiving the support transfer payments.))"

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20 On page 1, line 4 of the title, after "26.18.160," strike "and
21 26.18.170" and insert "26.18.170, 26.09.225, 26.18.210, 26.19.035,
22 26.19.075, and 26.19.090"

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