
SUBSTITUTE SENATE BILL 6318

State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Hargrove, Skratek, Owen, Erwin, Vognild, Sellar, Nelson, Newhouse, McDonald, Roach and Hochstatter)

Read first time 02/04/94.

1 AN ACT Relating to child support; and amending RCW 26.19.075.

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

3 **Sec. 1.** RCW 26.19.075 and 1993 c 358 s 5 are each amended to read
4 as follows:

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

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

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

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

16 ~~((iii))~~ Child support actually received from other relationships;

17 ~~((iv))~~ (ii) Gifts;

18 ~~((v))~~ (iii) Prizes;

1 (~~(vi)~~) (iv) Possession of wealth, including but not limited to
2 savings, investments, real estate holdings and business interests,
3 vehicles, boats, pensions, bank accounts, insurance plans, or other
4 assets;

5 (~~(vii)~~) (v) Extraordinary income of a child; or

6 (~~(viii)~~) (vi) Tax planning considerations. A deviation for tax
7 planning may be granted only if the child would not receive a lesser
8 economic benefit due to the tax planning.

9 (b) **Nonrecurring income.** The court may deviate from the standard
10 calculation based on a finding that a particular source of income
11 included in the calculation of the basic support obligation is not a
12 recurring source of income. Depending on the circumstances,
13 nonrecurring income may include overtime, contract-related benefits,
14 bonuses, or income from second jobs. Deviations for nonrecurring
15 income shall be based on a review of the nonrecurring income received
16 in the previous two calendar years.

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

19 (i) Extraordinary debt not voluntarily incurred;

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

22 (iii) Special needs of disabled children;

23 (iv) Special medical, educational, or psychological needs of the
24 children; or

25 (v) Costs incurred or anticipated to be incurred by the parents in
26 compliance with court-ordered reunification efforts under chapter 13.34
27 RCW or under a voluntary placement agreement with an agency supervising
28 the child.

29 (d) **Residential schedule.** The court may deviate from the standard
30 calculation if the child spends a significant amount of time with the
31 parent who is obligated to make a support transfer payment. The court
32 may not deviate on that basis if the deviation will result in
33 insufficient funds in the household receiving the support to meet the
34 basic needs of the child or if the child is receiving aid to families
35 with dependent children. When determining the amount of the deviation,
36 the court shall consider evidence concerning the increased expenses to
37 a parent making support transfer payments resulting from the
38 significant amount of time spent with that parent and shall consider
39 the decreased expenses, if any, to the party receiving the support

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

3 (e) **Children from other relationships.** (~~The court may deviate~~
4 ~~from the standard calculation when either or both of the parents before~~
5 ~~the court have~~) Children from other relationships to whom either or
6 both of the parents before the court owes a duty of support shall be
7 counted in the number of children for purposes of determining the basic
8 support obligation and the standard calculation.

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

12 (ii) (~~Children from other relationships shall not be counted in~~
13 ~~the number of children for purposes of determining the basic support~~
14 ~~obligation and the standard calculation.~~

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

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

26 (2) All income and resources of the parties before the court (~~new~~
27 ~~spouses, and other adults in the households~~) shall be disclosed and
28 considered as provided in this section. Income of a new spouse or
29 income of other adults in the household shall not be used as a
30 consideration for deviation unless the new spouse or other adult has
31 children living in the household who are counted for purposes of
32 determining the basic support obligation and the standard calculation
33 under subsection (1)(e) of this section. The presumptive amount of
34 support shall be determined according to the child support schedule.
35 Unless specific reasons for deviation are set forth in the written
36 findings of fact and are supported by the evidence, the court shall
37 order each parent to pay the amount of support determined by using the
38 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.

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