
SENATE BILL 5206

State of Washington

56th Legislature

1999 Regular Session

By Senators Zarelli, Kline and Stevens

Read first time 01/15/1999. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to temporary adjustment of child support; and
2 amending RCW 26.09.170.

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

4 **Sec. 1.** RCW 26.09.170 and 1997 c 58 s 910 are each amended to read
5 as follows:

6 (1) Except as otherwise provided in subsection (7) of RCW
7 26.09.070, the provisions of any decree respecting maintenance or
8 support may be modified: (a) Only as to installments accruing
9 subsequent to the petition for modification or motion for adjustment
10 except motions to compel court-ordered adjustments, which shall be
11 effective as of the first date specified in the decree for implementing
12 the adjustment; and, (b) except as otherwise provided in subsections
13 (4), (5), (8), and (9) of this section, only upon a showing of a
14 substantial change of circumstances. The provisions as to property
15 disposition may not be revoked or modified, unless the court finds the
16 existence of conditions that justify the reopening of a judgment under
17 the laws of this state.

18 (2) Unless otherwise agreed in writing or expressly provided in the
19 decree the obligation to pay future maintenance is terminated upon the

1 death of either party or the remarriage of the party receiving
2 maintenance.

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

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

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

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

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

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

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

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

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

26 (6) An obligor's voluntary unemployment or voluntary
27 underemployment, by itself, is not a substantial change of
28 circumstances.

29 (7) The department of social and health services may file an action
30 to modify an order of child support if public assistance money is being
31 paid to or for the benefit of the child and the child support order is
32 twenty-five percent or more below the appropriate child support amount
33 set forth in the standard calculation as defined in RCW 26.19.011 and
34 reasons for the deviation are not set forth in the findings of fact or
35 order. The determination of twenty-five percent or more shall be based
36 on the current income of the parties and the department shall not be
37 required to show a substantial change of circumstances if the reasons
38 for the deviations were not set forth in the findings of fact or order.

1 (8)(a) All child support decrees may be adjusted once every twenty-
2 four months based upon changes in the income of the parents without a
3 showing of substantially changed circumstances. Either party may
4 initiate the adjustment by filing a motion and child support
5 worksheets.

6 (b) A party may petition for modification in cases of substantially
7 changed circumstances under subsection (1) of this section at any time.
8 However, if relief is granted under subsection (1) of this section,
9 twenty-four months must pass before a motion for an adjustment under
10 (a) of this subsection may be filed.

11 (c) If, pursuant to (a) of this subsection or subsection (9) of
12 this section, the court adjusts or modifies a child support obligation
13 by more than thirty percent and the change would cause significant
14 hardship, the court may implement the change in two equal increments,
15 one at the time of the entry of the order and the second six months
16 from the entry of the order. Twenty-four months must pass following
17 the second change before a motion for an adjustment under (a) of this
18 subsection may be filed.

19 (d) A parent who is receiving transfer payments who receives a wage
20 or salary increase may not bring a modification action pursuant to
21 subsection (1) of this section alleging that increase constitutes a
22 substantial change of circumstances.

23 (e) The department of social and health services may file an action
24 at any time to modify an order of child support in cases of
25 substantially changed circumstances if public assistance money is being
26 paid to or for the benefit of the child. The determination of the
27 existence of substantially changed circumstances by the department that
28 lead to the filing of an action to modify the order of child support is
29 not binding upon the court.

30 (9) An order of child support may be adjusted twenty-four months
31 from the date of the entry of the decree or the last adjustment or
32 modification, whichever is later, based upon changes in the economic
33 table or standards in chapter 26.19 RCW.

34 (10) Notwithstanding any other provision in this chapter, an order
35 of child support may be temporarily adjusted at any time upon a showing
36 that the responsible parent is: (a) Participating in a substance
37 abuse treatment program that precludes employment; (b) incarcerated;
38 (c) participating in a strike at the workplace at which the individual
39 is employed; (d) locked out by his or her employer at the workplace at

1 which the individual is employed; or (e) involuntarily unemployed for
2 reasons other than misconduct at the workplace. Either party may
3 initiate the temporary adjustment by filing a motion and child support
4 worksheets.

5 For the purposes of this subsection, "temporarily adjusted" means
6 for a period no longer than necessary to return to work or find new
7 employment. It is the duty of the responsible parent to report
8 reemployment or a return to work to the court within seven days.
9 Failure to report reemployment or a return to work to the court within
10 seven days shall constitute contempt of court.

11 Upon reemployment or return to work, new child support worksheets
12 shall accompany the notice to the court. The court shall recalculate
13 the child support amount and enter a new child support order. The new
14 child support amount applies retroactively to the date the responsible
15 parent was reemployed or returned to work.

16 Nothing in this subsection shall diminish, suspend, or otherwise
17 affect the responsible parent's duty to provide child support due prior
18 to entry of the temporary adjustment.

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