H-3936.2   _____

SUBSTITUTE HOUSE BILL 2279
_____

State of Washington   62nd Legislature   2012 Regular Session

By House Judiciary (originally sponsored by Representatives Moeller, Pettigrew, Blake, Hasegawa, Carlyle, Fitzgibbon, Dickerson, and Ormsby)

READ FIRST TIME 01/31/12.

1   AN ACT Relating to implementing changes to child support based on
2   the child support schedule work group report; amending RCW 26.19.011,
3   26.19.020, 26.19.065, 26.19.075, and 26.19.090; adding a new section to
4   chapter 26.19 RCW; creating a new section; and providing an effective
5   date.

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

7   NEW SECTION. **Sec. 1.** (1) To comply with the federal requirement
8   that all states review their child support laws every four years, the
9   legislature has mandated that a child support work group be convened
10   every four years to examine current laws, administrative rules, and
11   practices regarding child support.
12   (2) The 2011 child support schedule work group was convened in
13   January and conducted a total of ten in-person meetings and numerous
14   meetings using telephone conference calls. The work group produced a
15   final report and recommendations in September 2011.
16   (3) The work group's September 2011 final report and
17   recommendations contain, among other things, a new economic table based
18   on more current data and a formula for calculating adjustments to take
19   into consideration children not before the court.

1	(4) The legislature intends to implement recommendations made by
2	the 2011 child support schedule work group.

3	**Sec. 2.** RCW 26.19.011 and 2005 c 282 s 35 are each amended to read
4	as follows:
5	Unless the context clearly requires otherwise, the definitions in
6	this section apply throughout this chapter.
7	(1) "Basic child support obligation" means the monthly child
8	support obligation determined from the economic table based on the
9	parties' combined monthly net income and the number of children for
10	whom support is owed.
11	(2) "Child support schedule" means the standards, economic table,
12	worksheets, and instructions, as defined in this chapter.
13	(3) "Court" means a superior court judge, court commissioner, and
14	presiding and reviewing officers who administratively determine or
15	enforce child support orders.
16	(4) "Deviation" means a child support amount that differs from the
17	standard calculation.
18	(5) "Economic table" means the child support table for the basic
19	support obligation provided in RCW 26.19.020.
20	(6) "Instructions" means the instructions developed by the
21	administrative office of the courts pursuant to RCW 26.19.050 for use
22	in completing the worksheets.
23	(7) "Standards" means the standards for determination of child
24	support as provided in this chapter.
25	(8) "Standard calculation" means the presumptive amount of child
26	support owed as determined from the child support schedule before the
27	court makes any adjustments or considers any reasons for deviation.
28	(9) "Support transfer payment" means the amount of money the court
29	orders one parent to pay to another parent or custodian for child
30	support after determination of the standard calculation and deviations.
31	If certain expenses or credits are expected to fluctuate and the order
32	states a formula or percentage to determine the additional amount or
33	credit on an ongoing basis, the term "support transfer payment" does
34	not mean the additional amount or credit.
35	(10) "Worksheets" means the forms developed by the administrative
36	office of the courts pursuant to RCW 26.19.050 for use in determining
37	the amount of child support.

1 (11) "Children not before the court" means children for whom
2 support is not being determined in the current proceeding, but who are
3 the children of one of the parents involved in the proceeding based on
4 a parent-child relationship consistent with RCW 26.26.101, or who are
5 the children of one of the parents based on a court order which
6 established the parent as a de facto parent.

7 **Sec. 3.** RCW 26.19.020 and 2009 c 84 s 1 are each amended to read
8 as follows:

((ECONOMIC TABLE

MONTHLY BASIC SUPPORT OBLIGATION

PER CHILD

KEY: A= AGE 0-11 B= AGE 12-18

COMBINED MONTHLY NET INCOME	ONE CHILD FAMILY		TWO CHILDREN FAMILY	
	A	B	A	B
For income less than $1000 the obligation is based upon the resources and living expenses of each household. Minimum support may not be less than $50 per child per month except when allowed by RCW 26.19.065(2).				
1000	220	272	171	211
1100	242	299	188	232
1200	264	326	205	253
1300	285	352	221	274
1400	307	379	238	294
1500	327	404	254	313
1600	347	428	269	333
1700	367	453	285	352
1800	387	478	300	371
1900	407	503	316	390

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ECONOMIC TABLE

MONTHLY BASIC SUPPORT OBLIGATION

PER CHILD

COMBINED MONTHLY NET INCOME	ONE CHILD FAMILY	TWO CHILDREN FAMILY
For income less than $1000 the obligation is based upon the resources and living expenses of each household. Minimum support may not be less than $50 per child per month except when allowed by RCW 26.19.065(2).		
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1400	303	234
1500	325	251
1600	346	267
1700	368	284
1800	390	301
1900	412	317
2000	433	334
2100	455	350
2200	477	367
2300	499	384
2400	521	400
2500	543	417
2600	565	433

1	2700	587	450
2	2800	609	467
3	2900	630	483
4	3000	652	500
5	3100	674	516
6	3200	696	533
7	3300	718	550
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9	3500	762	583
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13	3900	830	634
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15	4100	857	653
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17	4300	877	668
18	4400	887	675
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22	4800	927	705
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26	5200	975	741
27	5300	987	750
28	5400	999	759
29	5500	1011	768
30	5600	1023	777
31	5700	1030	782
32	5800	1036	786
33	5900	1042	791
34	6000	1048	795
35	6100	1054	800
36	6200	1061	804
37	6300	1067	809

1	6400	1073	813
2	6500	1081	819
3	6600	1096	830
4	6700	1111	842
5	6800	1126	853
6	6900	1141	864
7	7000	1156	875
8	7100	1170	886
9	7200	1185	898
10	7300	1200	909
11	7400	1212	918
12	7500	1222	925
13	7600	1231	932
14	7700	1241	939
15	7800	1251	946
16	7900	1261	953
17	8000	1270	960
18	8100	1280	968
19	8200	1290	975
20	8300	1299	981
21	8400	1308	987
22	8500	1316	994
23	8600	1325	1000
24	8700	1334	1007
25	8800	1343	1013
26	8900	1352	1019
27	9000	1361	1026
28	9100	1370	1032
29	9200	1379	1040
30	9300	1387	1047
31	9400	1396	1055
32	9500	1405	1062
33	9600	1414	1069
34	9700	1423	1077
35	9800	1432	1084
36	9900	1441	1092
37	10000	1451	1099

10100	1462	1107
10200	1473	1114
10300	1484	1122
10400	1495	1129
10500	1507	1136
10600	1518	1144
10700	1529	1151
10800	1539	1159
10900	1542	1161
11000	1545	1164
11100	1548	1166
11200	1551	1169
11300	1554	1172
11400	1556	1174
11500	1559	1177
11600	1562	1179
11700	1565	1182
11800	1568	1184
11900	1571	1187
12000	1573	1190

COMBINED MONTHLY NET INCOME	THREE CHILDREN FAMILY	FOUR CHILDREN FAMILY	FIVE CHILDREN FAMILY
For income less than $1000 the obligation is based upon the resources and living expenses of each household. Minimum support may not be less than $50 per child per month except when allowed by RCW 26.19.065(2).			
1000	136	114	100
1100	150	125	110
1200	163	137	120
1300	177	148	130
1400	191	160	141

1	1500	204	171	151
2	1600	218	182	161
3	1700	231	194	171
4	1800	245	205	180
5	1900	258	216	190
6	2000	271	227	200
7	2100	285	239	210
8	2200	298	250	220
9	2300	311	261	230
10	2400	325	272	239
11	2500	338	283	249
12	2600	351	294	259
13	2700	365	305	269
14	2800	378	317	279
15	2900	391	328	288
16	3000	405	339	298
17	3100	418	350	308
18	3200	431	361	318
19	3300	444	372	328
20	3400	458	384	337
21	3500	471	395	347
22	3600	484	406	357
23	3700	496	416	366
24	3800	503	422	371
25	3900	511	428	377
26	4000	518	434	382
27	4100	526	440	388
28	4200	531	445	392
29	4300	537	450	396
30	4400	543	455	400
31	4500	548	459	404
32	4600	554	464	408
33	4700	559	469	412
34	4800	566	474	417
35	4900	573	480	422
36	5000	580	486	428
37	5100	587	492	433

1	5200	594	498	438
2	5300	602	504	443
3	5400	609	510	449
4	5500	616	516	454
5	5600	623	522	459
6	5700	627	525	462
7	5800	630	528	465
8	5900	634	531	467
9	6000	637	534	470
10	6100	641	537	472
11	6200	644	540	475
12	6300	648	543	477
13	6400	651	545	480
14	6500	656	549	483
15	6600	665	557	490
16	6700	674	564	497
17	6800	683	572	503
18	6900	692	579	510
19	7000	701	587	516
20	7100	710	594	523
21	7200	719	602	530
22	7300	727	609	536
23	7400	734	615	541
24	7500	740	620	545
25	7600	745	624	549
26	7700	751	629	554
27	7800	756	634	558
28	7900	762	638	562
29	8000	767	643	566
30	8100	773	647	570
31	8200	778	652	574
32	8300	783	656	577
33	8400	788	660	581
34	8500	793	664	584
35	8600	797	668	588
36	8700	802	672	591
37	8800	807	676	595

8900	812	680	599
9000	817	684	602
9100	822	689	606
9200	828	694	611
9300	835	699	616
9400	841	705	620
9500	848	710	625
9600	854	716	630
9700	861	721	635
9800	867	727	639
9900	874	732	644
10000	879	737	648
10100	885	741	652
10200	890	745	656
10300	895	750	660
10400	900	754	664
10500	906	759	668
10600	911	763	672
10700	916	767	675
10800	921	772	679
10900	924	774	681
11000	926	776	683
11100	928	778	684
11200	931	780	686
11300	933	782	688
11400	936	784	690
11500	938	786	692
11600	940	788	693
11700	943	790	695
11800	945	792	697
11900	948	794	699
12000	950	796	700

The economic table is presumptive for combined monthly net incomes up to and including twelve thousand dollars. When combined monthly net income exceeds twelve thousand dollars, the court may exceed the presumptive amount of support set for combined monthly net incomes of twelve thousand dollars upon written findings of fact.

1   **Sec. 4.** RCW 26.19.065 and 2009 c 84 s 2 are each amended to read
2   as follows:
3   (1) **Limit at forty-five percent of a parent's net income.** Neither
4   parent's child support obligation owed for all his or her biological or
5   legal children may exceed forty-five percent of net income except for
6   good cause shown.
7   (a) Each child is entitled to a pro rata share of the income
8   available for support, but the court only applies the pro rata share to
9   the children in the case before the court.
10   (b) Before determining whether to apply the forty-five percent
11   limitation, the court must consider whether it would be unjust to apply
12   the limitation after considering the best interests of the child and
13   the circumstances of each parent. Such circumstances include, but are
14   not limited to, leaving insufficient funds in the custodial parent's
15   household to meet the basic needs of the child, comparative hardship to
16   the affected households, assets or liabilities, and any involuntary
17   limits on either parent's earning capacity including incarceration,
18   disabilities, or incapacity.
19   (c) Good cause includes, but is not limited to, possession of
20   substantial wealth, children with day care expenses, special medical
21   need, educational need, psychological need, and larger families.
22   (2) **Presumptive minimum support obligation.** (a) When a parent's
23   monthly net income is below one hundred twenty-five percent of the
24   federal poverty guideline for a one-person family, a support order of
25   not less than fifty dollars per child per month shall be entered unless
26   the obligor parent establishes that it would be unjust to do so in that
27   particular case. The decision whether there is a sufficient basis to
28   deviate below the presumptive minimum payment must take into
29   consideration the best interests of the child and the circumstances of
30   each parent. Such circumstances can include leaving insufficient funds
31   in the custodial parent's household to meet the basic needs of the
32   child, comparative hardship to the affected households, assets or
33   liabilities, and earning capacity.
34   (b) The basic support obligation of the parent making the transfer
35   payment, excluding health care, day care, and special child-rearing
36   expenses, shall not reduce his or her net income below the self-support
37   reserve of one hundred twenty-five percent of the federal poverty level
38   for a one-person family, except for the presumptive minimum payment of

1 fifty dollars per child per month or when it would be unjust to apply
2 the self-support reserve limitation after considering the best
3 interests of the child and the circumstances of each parent. Such
4 circumstances include, but are not limited to, leaving insufficient
5 funds in the custodial parent's household to meet the basic needs of
6 the child, comparative hardship to the affected households, assets or
7 liabilities, and earning capacity. This section shall not be construed
8 to require monthly substantiation of income.

9   (3) **Income above twelve thousand dollars.** The economic table is
10 presumptive for combined monthly net incomes up to and including twelve
11 thousand dollars. When combined monthly net income exceeds twelve
12 thousand dollars, the court may exceed the presumptive amount of
13 support set for combined monthly net incomes of twelve thousand dollars
14 upon written findings of fact.

15   **Sec. 5.** RCW 26.19.075 and 2009 c 84 s 4 are each amended to read
16 as follows:
17   (1) Reasons for deviation from the standard calculation include but
18 are not limited to the following:
19   (a) **Sources of income and tax planning.** The court may deviate from
20 the standard calculation after consideration of the following:
21   (i) Income of a new spouse or new domestic partner if the parent
22 who is married to the new spouse or in a partnership with a new
23 domestic partner is asking for a deviation based on any other reason.
24 Income of a new spouse or new domestic partner is not, by itself, a
25 sufficient reason for deviation;
26   (ii) Income of other adults in the household if the parent who is
27 living with the other adult is asking for a deviation based on any
28 other reason. Income of the other adults in the household is not, by
29 itself, a sufficient reason for deviation;
30   (iii) Child support actually received from other relationships;
31   (iv) Gifts;
32   (v) Prizes;
33   (vi) Possession of wealth, including but not limited to savings,
34 investments, real estate holdings and business interests, vehicles,
35 boats, pensions, bank accounts, insurance plans, or other assets;
36   (vii) Extraordinary income of a child;

1   (viii) Tax planning considerations. A deviation for tax planning
2   may be granted only if the child would not receive a lesser economic
3   benefit due to the tax planning; or
4   (ix) Income that has been excluded under RCW 26.19.071(4)((~~(h)~~))
5   (i) if the person earning that income asks for a deviation for any
6   other reason.
7   (b) **Nonrecurring income.** The court may deviate from the standard
8   calculation based on a finding that a particular source of income
9   included in the calculation of the basic support obligation is not a
10 recurring source of income.   Depending on the circumstances,
11 nonrecurring income may include overtime, contract-related benefits,
12 bonuses, or income from second jobs. Deviations for nonrecurring
13 income shall be based on a review of the nonrecurring income received
14 in the previous two calendar years.
15   (c) **Debt and high expenses.**   The court may deviate from the
16 standard calculation after consideration of the following expenses:
17   (i) Extraordinary debt not voluntarily incurred;
18   (ii) A significant disparity in the living costs of the parents due
19 to conditions beyond their control;
20   (iii) Special needs of disabled children;
21   (iv) Special medical, educational, or psychological needs of the
22 children; or
23   (v) Costs incurred or anticipated to be incurred by the parents in
24 compliance with court-ordered reunification efforts under chapter 13.34
25 RCW or under a voluntary placement agreement with an agency supervising
26 the child.
27   (d) **Residential schedule.** The court may deviate from the standard
28 calculation if the child spends a significant amount of time with the
29 parent who is obligated to make a support transfer payment. The court
30 may not deviate on that basis if the deviation will result in
31 insufficient funds in the household receiving the support to meet the
32 basic needs of the child or if the child is receiving temporary
33 assistance for needy families. When determining the amount of the
34 deviation, the court shall consider evidence concerning the increased
35 expenses to a parent making support transfer payments resulting from
36 the significant amount of time spent with that parent and shall
37 consider the decreased expenses, if any, to the party receiving the

1 support resulting from the significant amount of time the child spends
2 with the 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 the parent
6 owes a duty of support.
7   (i) The child support schedule shall be applied to the mother,
8 father, and children of the family before the court to determine the
9 presumptive amount of support.
10   (ii) Children from other relationships shall not be counted in the
11 number of children for purposes of determining the basic support
12 obligation and the standard calculation.
13   (iii) When considering a deviation from the standard calculation
14 for children from other relationships, the court may consider only
15 other children to whom the parent owes a duty of support. The court
16 may consider court-ordered payments of child support for children from
17 other relationships only to the extent that the support is actually
18 paid.
19   (iv) When the court has determined that either or both parents have
20 children from other relationships, deviations under this section shall
21 be based on consideration of the total circumstances of both
22 households. All child support obligations paid, received, and owed for
23 all children shall be disclosed and considered.))
24   (2) All income and resources of the parties before the court, new
25 spouses or new domestic partners, and other adults in the households
26 shall be disclosed and considered as provided in this section. The
27 presumptive amount of support shall be determined according to the
28 child support schedule. Unless specific reasons for deviation are set
29 forth in the written findings of fact and are supported by the
30 evidence, the court shall order each parent to pay the amount of
31 support determined by using the standard calculation.
32   (3) The court shall enter findings that specify reasons for any
33 deviation or any denial of a party's request for any deviation from the
34 standard calculation made by the court. The court shall not consider
35 reasons for deviation until the court determines the standard
36 calculation for each parent.
37   (4) When reasons exist for deviation, the court shall exercise

1 discretion in considering the extent to which the factors would affect
2 the support obligation.
3   (5) Agreement of the parties is not by itself adequate reason for
4 any deviations from the standard calculation.

5   NEW SECTION. **Sec. 6.** A new section is added to chapter 26.19 RCW
6 to read as follows:
7   (1) The court may make an adjustment to the standard calculation
8 when the obligor has children not before the court, subject to the
9 provisions in this section and the limitations in RCW 26.19.065. If
10 the court adjusts the standard calculation, it shall use the whole
11 family formula as provided in this section.
12   (2) The child support schedule must first be applied to the parents
13 and the children before the court to determine the standard amount of
14 support.
15   (3) Children not before the court must not be counted in the number
16 of children for purposes of determining the standard calculation, but
17 must be counted in the adjusted calculation for the obligor parent.
18   (4) Stepchildren are not considered children not before the court
19 but may be considered as a reason to deviate from either the standard
20 or the adjusted calculation of support.
21   (5) When the court has determined that either or both parents have
22 children not before the court, adjustments under this section must be
23 based on considerations of the total circumstances of both households
24 including the children of either parent who do not live in the
25 household of the parents. Both parents shall disclose, and the court
26 shall consider, all child support obligations, paid, received, and owed
27 for all children.
28   (6) The court may not adjust the standard calculation on the basis
29 of children not before the court if:
30   (a) Adjusting the standard calculation would result in insufficient
31 funds to meet the basic needs of the children in the receiving
32 household and, when taking into consideration the totality of the
33 circumstances, the application of the adjustment would be unjust;
34   (b) The obligee's net income before receiving the support transfer
35 payment is at or below one hundred twenty-five percent of the federal
36 poverty level guidelines for the obligee's household size, including
37 both children before the court and children not before the court; or

1   (c) It is shown that the obligor parent has not actually paid the
2   child support owed for the obligor's children not before the court who
3   do not live with the obligor, unless there is a reasonable
4   justification for the obligor's nonpayment. When considering whether
5   a reasonable justification exists, the court shall consider the
6   obligor's ability to make full payments of the child support owed for
7   the obligor's children not before the court.
8   (7) The whole family formula requires the court to:
9   (a) Determine the total number of children before the court and the
10   total number of children not before the court for the obligor parent;
11   (b) Determine the monthly basic support obligation from the
12   economic table based on the combined monthly net income of the parents
13   before the court and the obligor's total number of children as
14   determined in (a) of this subsection;
15   (c) Multiply the monthly basic child support obligation by the
16   obligor's proportional share of the combined monthly net income. This
17   amount is the adjusted transfer payment owed by the obligor parent for
18   the children before the court.
19   (8) If the court does not establish the transfer payment at an
20   adjusted calculation determined by this section, the court shall set
21   forth specific findings for the difference in the order of child
22   support.

23   **Sec. 7.** RCW 26.19.090 and 1991 sp.s. c 28 s 7 are each amended to
24   read as follows:
25   (1) The child support schedule shall be advisory and not mandatory
26   for postsecondary educational support.
27   (2)(a) When considering whether to order support for postsecondary
28   educational expenses, the court shall determine whether the child is in
29   fact dependent and is relying upon the parents for the reasonable
30   necessities of life.
31   (b) Before determining the parents' obligations for postsecondary
32   educational support, the court shall consider all grants and
33   scholarships awarded to the child, including work-study opportunities
34   if an actual work-study position is available for the child, and
35   subtract those amounts from the total cost of postsecondary educational
36   support to determine the unmet need for postsecondary educational
37   support.

1   (3) The court shall exercise its discretion when determining
2   whether and for how long to award postsecondary educational support
3   based upon consideration of factors that include but are not limited to
4   the following:
5   (a) Age of the child;
6   (b) The child's needs;
7   (c) The expectations of the parties for their children when the
8   parents were together;
9   (d) The child's prospects, desires, aptitudes, abilities or
10   disabilities;
11   (e) The nature of the postsecondary education sought; ((and))
12   (f) The parents' level of education, standard of living, and
13   current and future resources((. Also to be considered are)); and
14   (g) The amount and type of support that the child would have been
15   afforded if the parents had stayed together.
16   (((3))) (4) If one or both parents saved separately for
17   postsecondary educational support and paid those amounts directly to
18   the educational institution or the child, those amounts should be
19   considered part of the parent's share of postsecondary educational
20   support.
21   (5) The child must enroll in an accredited academic or vocational
22   school, must be actively pursuing a course of study commensurate with
23   the child's vocational goals, and must be in good academic standing as
24   defined by the institution. ((The court-ordered postsecondary
25   educational support shall be automatically suspended during the period
26   or periods the child fails to comply with these conditions.
27   (4))) (6)(a) Unless the support order provides otherwise, a parent
28   may suspend payment of postsecondary educational support based on the
29   child's failure to be enrolled in an accredited academic or vocational
30   school, failure to actively pursue a course of study commensurate with
31   the child's vocational goals, or failure to be in good academic
32   standing as defined by the institution.
33   (b) The obligation to pay postsecondary educational support remains
34   suspended until the child is in compliance with subsection (5) of this
35   section.
36   (c) If there is a dispute between the parents or between the parent
37   and the child regarding the child's compliance, the child or either

1 parent may file a motion with the court to seek resolution of the
2 dispute, unless the order establishing the obligation to pay
3 postsecondary educational support provides otherwise.

4   (7) The child shall also make available all academic records and
5 grades to both parents as a condition of receiving postsecondary
6 educational support. Each parent shall have full and equal access to
7 the postsecondary education records as provided in RCW 26.09.225.

8   ((~~(5)~~)) (8) The court shall not order the payment of postsecondary
9 educational expenses beyond the child's twenty-third birthday, except
10 for exceptional circumstances, such as mental, physical, or emotional
11 disabilities.

12   ((~~(6)~~)) (9)(a) The court shall direct that either or both parents'
13 payments for postsecondary educational expenses be made directly to the
14 educational institution if feasible.

15   (b) If direct payments are not feasible, then the court in its
16 discretion may order that either or both parents' payments be made
17 directly to the child if the child does not reside with either parent.

18   (c) If the child resides with one of the parents the court may
19 direct that the parent making the postsecondary educational support
20 transfer payments make the payments to the child or to the parent ((who
21 has been receiving the support transfer payments)) with whom the child
22 is residing. If the child's living situation changes, that change
23 shall be a basis to change the terms of the postsecondary educational
24 support transfer payment to the other parent.

25   (d) If the child's living situation changes so that the child is no
26 longer residing with either parent, both parents shall make the
27 payments to the educational institution, if feasible, or to the child.

28   NEW SECTION. **Sec. 8.** This act takes effect October 1, 2012.

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