

**SSB 6334** - H AMD TO JUDI COMM AMD (H-4873.1/18) **1309**

By Representative Shea

WITHDRAWN 03/01/2018

1 On page 38, line 32 of the striking amendment, after "**ECONOMIC**  
2 **TABLE**" insert "**AND RESIDENTIAL SCHEDULE CREDIT**"

3  
4 On page 38, after line 32 of the striking amendment, insert the  
5 following:

6 "NEW SECTION. Sec. 301. The legislature intends to implement  
7 recommendations of the 2011 and 2015 child support schedule workgroups  
8 pertaining to updating the child support economic table and  
9 establishing a residential schedule credit. The legislature finds  
10 that updating the economic table is necessary to modernize the  
11 calculation of basic support obligations. The legislature further  
12 finds that both the 2011 and 2015 child support schedule workgroups  
13 recognized the importance of establishing an adjustment to the basic  
14 support obligation determined under the economic table based on a  
15 shared residential schedule. The legislature finds that enacting both  
16 an update of the economic table and a residential schedule adjustment  
17 to the support obligation determined under the economic table are  
18 important in providing a modernized and equitable procedure for  
19 establishing child support obligations."

20  
21 Renumber the remaining sections consecutively and correct internal  
22 references accordingly.

23  
24 On page 53, after line 31 of the striking amendment, insert the  
25 following:

26 "**Sec. 302.** RCW 26.19.075 and 2009 c 84 s 4 are each amended to  
27 read as follows:

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

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

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

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

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; or

24 (ix) Income that has been excluded under \*RCW 26.19.071(4)(h) if  
25 the person earning that income asks for a deviation for any other  
26 reason.

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

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

3 (i) Extraordinary debt not voluntarily incurred;

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

6 (iii) Special needs of disabled children;

7 (iv) Special medical, educational, or psychological needs of the  
8 children; or

9 (v) Costs incurred or anticipated to be incurred by the parents  
10 in compliance with court-ordered reunification efforts under chapter  
11 13.34 RCW or under a voluntary placement agreement with an agency  
12 supervising the child.

13 (d) (~~**Residential schedule.** The court may deviate from the~~  
14 ~~standard calculation if the child spends a significant amount of~~  
15 ~~time with the parent who is obligated to make a support transfer~~  
16 ~~payment. The court may not deviate on that basis if the deviation~~  
17 ~~will result in insufficient funds in the household receiving the~~  
18 ~~support to meet the basic needs of the child or if the child is~~  
19 ~~receiving temporary assistance for needy families. When determining~~  
20 ~~the amount of the deviation, the court shall consider evidence~~  
21 ~~concerning the increased expenses to a parent making support~~  
22 ~~transfer payments resulting from the significant amount of time~~  
23 ~~spent with that parent and shall consider the decreased expenses, if~~  
24 ~~any, to the party receiving the support resulting from the~~  
25 ~~significant amount of time the child spends with the parent making~~  
26 ~~the support transfer payment.~~

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

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

34

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

4 (iii) When considering a deviation from the standard calculation  
5 for children from other relationships, the court may consider only  
6 other children to whom the parent owes a duty of support. The court  
7 may consider court-ordered payments of child support for children  
8 from other relationships only to the extent that the support is  
9 actually paid.

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

15 (2) All income and resources of the parties before the court,  
16 new spouses or new domestic partners, and other adults in the  
17 households shall be disclosed and considered as provided in this  
18 section. The presumptive amount of support shall be determined  
19 according to the child support schedule. Unless specific reasons for  
20 deviation are set forth in the written findings of fact and are  
21 supported by the evidence, the court shall order each parent to pay  
22 the amount of support determined by using the standard calculation.

23 (3) The court shall enter findings that specify reasons for any  
24 deviation or any denial of a party's request for any deviation from  
25 the standard calculation made by the court. The court shall not  
26 consider reasons for deviation until the court determines the  
27 standard calculation for each parent.

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

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

33  
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1        NEW SECTION.    **Sec. 303.**    A new section is added to chapter 26.19  
2 RCW to read as follows:

3        (1) The court shall make an adjustment to the standard calculation  
4 for a shared residential schedule subject to the provisions in this  
5 section.

6        (2) An adjustment to the standard calculation based on the  
7 residential schedule may be made if there is a court order or findings  
8 made by an administrative law judge regarding the number of overnights  
9 the child or children spend with the obligor parent, and the number of  
10 overnights allocated to the obligor is equivalent to at least fourteen  
11 percent of annual overnights. The number of overnights in the court  
12 order or administrative law judge's findings must be used to calculate  
13 the residential adjustment. The findings made by an administrative  
14 law judge may be based upon a written agreement between the parents or  
15 upon sworn testimony provided by a party at the administrative hearing  
16 for child support.

17        (3) The adjustment must be based on the table in section 304 of  
18 this act and the formula set forth in the worksheet for calculating  
19 residential credit.

20        (4) An adjustment may not be made to the standard calculation  
21 based on the shared residential schedule if:

22        (a) The adjustment would result in insufficient funds in the  
23 household receiving the support transfer payment to meet the basic  
24 needs of the child;

25        (b) The obligee's net income before receiving the support transfer  
26 payment is at or below one hundred twenty-five percent of the federal  
27 poverty level guidelines for one person; or

28        (c) The child is receiving temporary assistance for needy  
29 families.

30        (5) To help parties estimate residential credit, the division of  
31 child support shall, if feasible and within available resources,  
32 create a residential credit calculator available online.

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1 NEW SECTION. **Sec. 304.** A new section is added to chapter 26.19  
2 RCW to read as follows:

3 Residential time table. The TOTAL column represents the  
4 anticipated total out-of-pocket expenses expressed as a percentage of  
5 the basic child support obligation that will be incurred by the parent  
6 who will pay child support. The total expenses are the sum of  
7 transferred and duplicated expenses. The DUPLICATED column represents  
8 the duplicated expenses and reflects the assumption that when there is  
9 an equal sharing of residential time, fifty percent of the basic child  
10 support obligation will be duplicated. The number of annual  
11 overnights column will determine the particular fractions of TOTAL and  
12 DUPLICATED to be used in the residential time credit worksheet.

13

14

ANNUAL OVERNIGHTS

15

FROM	TO	TOTAL	DUPLICATED
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16

1	51	0.000	0.000
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17

52	55	0.062	0.011
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18

56	60	0.070	0.014
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19

61	65	0.080	0.020
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20

66	70	0.093	0.028
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21

71	75	0.108	0.038
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22

76	80	0.127	0.052
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23

81	85	0.150	0.070
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24

86	90	0.178	0.093
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25

91	95	0.211	0.122
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26

96	100	0.250	0.156
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27

101	105	0.294	0.195
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28

106	110	0.341	0.237
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29

111	115	0.388	0.280
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30

116	120	0.434	0.321
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31

121	125	0.476	0.358
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32

126	130	0.513	0.390
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33

131	135	0.544	0.417
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34

136	140	0.570	0.438
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1	141	145	0.591	0.454
2	146	150	0.609	0.467
3	151	155	0.623	0.476
4	156	160	0.634	0.483
5	161	165	0.644	0.488
6	166	170	0.652	0.491
7	171	175	0.660	0.494
8	176	180	0.666	0.495
9	181	183	0.675	0.500

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11 **Sec. 305.** RCW 26.19.050 and 2005 c 282 s 37 are each amended to  
 12 read as follows:

13 (1) The administrative office of the courts shall develop and  
 14 adopt worksheets and instructions to assist the parties and courts in  
 15 establishing the appropriate child support level and apportionment of  
 16 support. The administrative office of the courts shall develop and  
 17 adopt a worksheet for calculating residential credit that is  
 18 consistent with the intent of the proposed residential schedule credit  
 19 as set forth in the final report of the 2011 child support schedule  
 20 workgroup. The administrative office of the courts shall attempt to  
 21 the greatest extent possible to make the worksheets and instructions  
 22 understandable by persons who are not represented by legal counsel.

23 (2) The administrative office of the courts shall develop and  
 24 adopt standards for the printing of worksheets and shall establish a  
 25 process for certifying printed worksheets. The administrator may  
 26 maintain a register of sources for approved worksheets.

27 (3) The administrative office of the courts should explore methods  
 28 to assist pro se parties and judges in the courtroom to calculate  
 29 support payments through automated software, equipment, or personal  
 30 assistance."

31

EFFECT: Makes legislative findings that the 2011 and 2015  
 Child Support Schedule Workgroups recommended both an update of the  
 economic table and establishment of an adjustment to the basic

support obligation determined under the economic table based on a shared residential schedule. States legislative intent that enacting both the update to the economic table and a residential schedule adjustment are important to establishing a modernized and equitable procedure for establishing child support obligations.

Provides that the court must make an adjustment to the standard calculation, rather than a deviation, where there is a shared residential schedule for a child. There must be a court order or administrative law judge findings regarding the number of overnights, which must be equivalent to at least 14 percent of the annual overnights.

The adjustments must be made based on a new table and a formula set forth in a worksheet for calculating residential credit, which must be developed by the AOC consistent with the intent of the 2011 Child Support Workgroup. An adjustment may not be made if: (1) it would result in insufficient funds to the receiving household to meet the basic needs of the child; (2) the obligee's net income before receiving child support is at or below 125 percent of the federal poverty guidelines for one person; or (3) the child is receiving TANF.

--- END ---