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**HOUSE BILL 1397**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Representatives Klippert, Walsh, Chase, Chambers, and Eslick

AN ACT Relating to day care expenses paid by child support; and amending RCW 26.19.080.

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

**Sec.**  RCW 26.19.080 and 2009 c 84 s 5 are each amended to read as follows:

(1) The basic child support obligation derived from the economic table shall be allocated between the parents based on each parent's share of the combined monthly net income.

(2) Health care costs are not included in the economic table. Monthly health care costs shall be shared by the parents in the same proportion as the basic child support obligation. Health care costs shall include, but not be limited to, medical, dental, orthodontia, vision, chiropractic, mental health treatment, prescription medications, and other similar costs for care and treatment.

(3)(a) Day care and special child rearing expenses, such as tuition and long-distance transportation costs to and from the parents for visitation purposes, are not included in the economic table. These expenses shall be shared by the parents in the same proportion as the basic child support obligation. If an obligor pays court or administratively ordered day care or special child rearing expenses that are not actually incurred, the obligee must reimburse the obligor for the overpayment if the overpayment amounts to at least ((~~twenty~~)) 20 percent of the obligor's annual day care or special child rearing expenses. The obligor may institute an action in the superior court or file an application for an adjudicative hearing with the department of social and health services for reimbursement of day care and special child rearing expense overpayments that amount to ((~~twenty~~)) 20 percent or more of the obligor's annual day care and special child rearing expenses. Any ordered overpayment reimbursement shall be applied first as an offset to child support arrearages of the obligor. If the obligor does not have child support arrearages, the reimbursement may be in the form of a direct reimbursement by the obligee or a credit against the obligor's future support payments. If the reimbursement is in the form of a credit against the obligor's future child support payments, the credit shall be spread equally over a ((~~twelve~~)) 12-month period. Absent agreement of the obligee, nothing in this section entitles an obligor to pay more than his or her proportionate share of day care or other special child rearing expenses in advance and then deduct the overpayment from future support transfer payments.

(b) An obligee must provide documentation of day care expenses if requested by an obligor who contributes to all or a portion of day care expenses. If the child care is being provided by a licensed day care provider, documentation may come in the form of a receipt of payment or other similar documentation from the provider. If the child care is being provided by a license-exempt provider, documentation may come in the form of a statement from the provider, signed under penalty of perjury, outlining the terms of the day care arrangement during the relevant period, including charges and the day care schedule.

(4) The court may exercise its discretion to determine the necessity for and the reasonableness of all amounts ordered in excess of the basic child support obligation.

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