

WAC 388-14A-3200 How does DCS determine my support obligation?

(1) The division of child support (DCS) determines support obligations using the Washington state child support schedule (the WSCSS), chapter 26.19 RCW, for the establishment and modification of support orders.

(2) When calculating child support obligations, DCS must use the WSCSS worksheets developed by the administrative office of the courts (AOC).

(3) RCW 26.23.050 provides that every child support order must state the monthly child support obligation as a sum certain amount, but does not require that the support obligation be stated in a "per month per child" amount when more than one child is covered by the order. DCS sets support obligations in a per month per child amount whenever possible.

(4) When DCS is calculating a support obligation for more than one child in an administrative support establishment notice, DCS may set the monthly support obligation as an undifferentiated amount, as defined in WAC 388-14A-4800. DCS may do this if one or more of the following are true:

(a) The calculation involves a deviation from the standard calculation based on the existence of children from other relationships;

(b) The support obligation is subject to the "forty-five percent limitation" provided in RCW 26.19.065(1) and described in WAC 388-14A-3400 (1)(a);

(c) The support obligation is subject to the self-support reserve limitation, and the monthly support obligation is greater than the presumptive minimum obligation of fifty dollars per month per child; or

(d) Part III of the worksheets includes health care or day care expenses.

(5) See WAC 388-14A-8100 for rules on completing the worksheets under the WSCSS for cases where DCS is determining support for a child in foster care.

(6) DCS does not have statutory authority to set the child support obligations of both the noncustodial parent (NCP) and custodial parent (CP) in the same administrative proceeding, except that RCW 26.09.105, 26.18.170 and 26.23.050 provide that an administrative order that sets the NCP's child support obligation can also determine the CP's medical support obligation.

(a) DCS orders can not set off the support obligation of one parent against the other.

(b) Therefore, the method set forth in Marriage of Arvey, 77 Wn. App 817, 894 P.2d 1346 (1995), must not be applied when DCS determines a support obligation.

(7) The limitations in this section apply to DCS staff and to administrative law judges (ALJs) who are setting child support obligations.

(8) See WAC 388-14A-4800 through 388-14A-4830 for more information on differentiated and undifferentiated support amounts.

[Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3200, filed 5/19/11, effective 6/19/11. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-3200, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 34.05.220 (1)(a), 74.20A.055. WSR 07-06-053, § 388-14A-3200, filed 3/2/07, effective 4/2/07. Statutory Authority: RCW 34.05.220(1),

74.08.090, 74.20A.055, 74.20A.056. WSR 06-16-073, § 388-14A-3200, filed 7/28/06, effective 8/28/06; WSR 00-15-016 and 00-20-022, § 388-14A-3200, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-205.]