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HOUSE BILL 2559

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State of Washington

54th Legislature

1996 Regular Session

By Representatives Lambert, Carrell, Patterson, Morris, Wolfe, Smith, Mitchell and Thompson

Read first time 01/12/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to child support day care and special child rearing  
2 expenses; and amending RCW 26.19.080.

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

4 **Sec. 1.** RCW 26.19.080 and 1990 1st ex.s. c 2 s 7 are each amended  
5 to read as follows:

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

9 (2) Ordinary health care expenses are included in the economic  
10 table. Monthly health care expenses that exceed five percent of the  
11 basic support obligation shall be considered extraordinary health care  
12 expenses. Extraordinary health care expenses shall be shared by the  
13 parents in the same proportion as the basic child support obligation.

14 (3) Day care and special child rearing expenses, such as tuition  
15 and long-distance transportation costs to and from the parents for  
16 visitation purposes, are not included in the economic table. These  
17 expenses shall be shared by the parents in the same proportion as the  
18 basic child support obligation. If an obligor pays court or  
19 administratively ordered day care or special child rearing expenses

1 that are not actually incurred, the obligee must reimburse the obligor  
2 for the overpayment if the overpayment amounts to at least twenty  
3 percent of the obligor's annual day care or special child rearing  
4 expenses. The obligor may institute an action in the superior court or  
5 file an application for an adjudicative hearing with the department of  
6 social and health services for reimbursement of day care and special  
7 child rearing expense overpayments that amount to twenty percent or  
8 more of the obligor's annual day care and special child rearing  
9 expenses. Any ordered overpayment reimbursement shall be applied first  
10 as an offset to child support arrearages of the obligor. If the  
11 obligor does not have child support arrearages, the reimbursement may  
12 be in the form of a direct reimbursement by the obligee or a credit  
13 against the obligor's future support payments. If the reimbursement is  
14 in the form of a credit against the obligor's future child support  
15 payments, the credit shall be spread equally over a twelve-month  
16 period. Absent agreement of the obligee, nothing in this section  
17 entitles an obligor to pay more than his or her proportionate share of  
18 day care or other special child rearing expenses in advance and then  
19 deduct the overpayment from future support transfer payments.

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

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