

2 **E2SSB 5120 - H AMD 606 as amended by 608(Appelwick) ADOPTED 4-18-91**
3 By Representatives R. Meyers, Hargrove, and Padden

4
5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 26.09.010 and 1989 c 375 s 1 are each amended to read
8 as follows:

9 (1) Except as otherwise specifically provided herein, the practice
10 in civil action shall govern all proceedings under this chapter, except
11 that trial by jury is dispensed with.

12 (2) A proceeding for dissolution of marriage, legal separation or
13 a declaration concerning the validity of a marriage shall be entitled
14 "In re the marriage of and" Such proceeding
15 (~~may~~) shall be filed in the superior court of the county where the
16 petitioner or respondent resides. Upon motion and hearing before the
17 superior court of the county where the proceeding is filed, the court
18 may waive venue in that county for good cause shown.

19 (3) In cases where there has been no prior proceeding in this state
20 involving the marital status of the parties or support obligations for
21 a minor child, a separate parenting and support proceeding between the
22 parents shall be entitled "In re the parenting and support of
23" Such proceeding shall be filed in the superior court of
24 the county where the petitioner or respondent resides. Upon motion and
25 hearing before the superior court of the county where the proceeding is
26 filed, the court may waive venue in that county for good cause shown.

27 (4) The initial pleading in all proceedings under this chapter
28 shall be denominated a petition. A responsive pleading shall be

1 denominated a response. Other pleadings, and all pleadings in other
2 matters under this chapter shall be denominated as provided in the
3 civil rules for superior court.

4 (5) In this chapter, "decree" includes "judgment".

5 (6) A decree of dissolution, of legal separation, or a declaration
6 concerning the validity of a marriage shall not be awarded to one of
7 the parties, but shall provide that it affects the status previously
8 existing between the parties in the manner decreed."

9 "Sec. 2. RCW 26.09.015 and 1989 c 375 s 2 are each amended to read
10 as follows:

11 (1) In any proceeding under this chapter, the matter may be set for
12 mediation of the contested issues before or concurrent with the setting
13 of the matter for hearing. The purpose of the mediation proceeding
14 shall be to reduce acrimony which may exist between the parties and to
15 develop an agreement assuring the child's close and continuing contact
16 with both parents after the marriage is dissolved. The mediator shall
17 use his or her best efforts to effect a settlement of the dispute.

18 (2) Each superior court may make available a mediator. The
19 mediator may be a member of the professional staff of a family court or
20 mental health services agency, or may be any other person or agency
21 designated by the court. In order to provide mediation services, the
22 court is not required to institute a family court.

23 (3) Mediation proceedings shall be held in private and shall be
24 confidential. The mediator shall not testify as to any aspect of the
25 mediation proceedings. This subsection shall not apply to postdecree
26 mediation required pursuant to a parenting plan.

27 (4) The mediator shall assess the needs and interests of the child
28 or children involved in the controversy and may interview the child or
29 children if the mediator deems such interview appropriate or necessary.

1 (5) Any agreement reached by the parties as a result of mediation
2 shall be reported to the court and to counsel for the parties by the
3 mediator on the day set for mediation or any time thereafter designated
4 by the court.

5 (~~(6) This section shall not apply to postdecree mediation required~~
6 ~~pursuant to a parenting plan.))"~~

7 "Sec. 3. RCW 26.09.100 and 1990 1st ex.s. c 2 s 1 are each amended
8 to read as follows:

9 (1) In a proceeding for dissolution of marriage, legal separation,
10 declaration of invalidity, maintenance, or child support, after
11 considering all relevant factors but without regard to marital
12 misconduct, the court shall order either or both parents owing a duty
13 of support to any child of the marriage dependent upon either or both
14 spouses to pay an amount determined under chapter 26.19 RCW.

15 (2) The court may require periodic (~~adjustments~~) modifications of
16 child support. That portion of any decree that requires periodic
17 modifications of child support shall use the provisions in chapter
18 26.19 RCW as the basis for the modification. That portion of any
19 decree that requires periodic modification of child support that uses
20 a basis for modification other than chapter 26.19 RCW shall be void.
21 Provisions in the decree for periodic modification shall not conflict
22 with RCW 26.09.170 except that the decree may require periodic
23 modifications of support more frequently than the time periods
24 established pursuant to RCW 26.09.170. The (~~adjustment~~) automatic
25 modification provision may be modified by the court due to economic
26 hardship consistent with the provisions of RCW 26.09.170(4)(a)."

27 "Sec. 4. RCW 26.09.160 and 1989 c 318 s 1 are each amended to read
28 as follows:

1 (1) The performance of parental functions and the duty to provide
2 child support are distinct responsibilities in the care of a child. If
3 a party fails to comply with a provision of a decree or temporary order
4 of injunction, the obligation of the other party to make payments for
5 support or maintenance or to permit contact with children is not
6 suspended. An attempt by a parent, in either the negotiation or the
7 performance of a parenting plan, to condition one aspect of the
8 parenting plan upon another, to condition payment of child support upon
9 an aspect of the parenting plan, to refuse to pay ordered child
10 support, to refuse to perform the duties provided in the parenting
11 plan, or to hinder the performance by the other parent of duties
12 provided in the parenting plan, (~~may~~) shall be deemed bad faith and
13 shall be punished by the court by holding the party in contempt of
14 court and by awarding to the aggrieved party reasonable attorneys' fees
15 and costs incidental in bringing a motion for contempt of court.

16 (2)(a) A motion may be filed to initiate a contempt action to
17 coerce a parent to comply with an order establishing residential
18 provisions for a child. If the court finds there is reasonable cause
19 to believe the parent has not complied with the order, the court may
20 issue an order to show cause why the relief requested should not be
21 granted.

22 (b) If, based on all the facts and circumstances, the court finds
23 after hearing that the parent, in bad faith, has not complied with the
24 order establishing residential provisions for the child, the court
25 (~~may~~) shall find the parent in contempt of court. Upon a finding of
26 contempt, the court shall order:

27 (i) The noncomplying parent to provide the moving party additional
28 time with the child. The additional time shall be equal to the time
29 missed with the child, due to the parent's noncompliance;

1 (ii) The parent to pay, to the moving party, all court costs and
2 reasonable attorneys' fees incurred as a result of the noncompliance,
3 and any reasonable expenses incurred in locating or returning a child;
4 and

5 (iii) The parent to pay, to the moving party, a civil penalty, not
6 less than the sum of one hundred dollars.

7 The court may also order the parent to be imprisoned in the county
8 jail, if the parent is presently able to comply with the provisions of
9 the court-ordered parenting plan and is presently unwilling to comply.
10 The parent may be imprisoned until he or she agrees to comply with the
11 order, but in no event for more than one hundred eighty days.

12 (3) On a second failure within three years to comply with a
13 residential provision of a court-ordered parenting plan, a motion may
14 be filed to initiate contempt of court proceedings according to the
15 procedure set forth in subsection (2) (a) and (b) of this section. On
16 a finding of contempt under this subsection, the court shall order:

17 (a) The noncomplying parent to provide the other parent or party
18 additional time with the child. The additional time shall be twice the
19 amount of the time missed with the child, due to the parent's
20 noncompliance;

21 (b) The noncomplying parent to pay, to the other parent or party,
22 all court costs and reasonable attorneys' fees incurred as a result of
23 the noncompliance, and any reasonable expenses incurred in locating or
24 returning a child; and

25 (c) The noncomplying parent to pay, to the moving party, a civil
26 penalty of not less than two hundred fifty dollars.

27 The court may also order the parent to be imprisoned in the county
28 jail, if the parent is presently able to comply with the provisions of
29 the court-ordered parenting plan and is presently unwilling to comply.

1 The parent may be imprisoned until he or she agrees to comply with the
2 order but in no event for more than one hundred eighty days.

3 (4) For purposes of subsections (1), (2), and (3) of this section,
4 the parent shall be deemed to have the present ability to comply with
5 the order establishing residential provisions unless he or she
6 establishes otherwise by a preponderance of the evidence. The parent
7 shall establish a reasonable excuse for failure to comply with the
8 residential provision of a court-ordered parenting plan by a
9 preponderance of the evidence.

10 (5) Any monetary award ordered under subsections (1), (2), and (3)
11 of this section may be enforced, by the party to whom it is awarded, in
12 the same manner as a civil judgment.

13 (6) Subsections (1), (2), and (3) of this section authorize the
14 exercise of the court's power to impose remedial sanctions for contempt
15 of court and is in addition to any other contempt power the court may
16 possess.

17 (7) Upon motion for contempt of court under subsections (1) through
18 (3) of this section, if the court finds the motion was brought without
19 reasonable basis, the court shall order the moving party to pay to the
20 nonmoving party, all costs, reasonable attorneys' fees, and a civil
21 penalty of not less than one hundred dollars."

22 "Sec. 5. RCW 26.09.170 and 1990 1st ex.s. c 2 s 2 are each amended
23 to read as follows:

24 (1) Except as otherwise provided in subsection (7) of RCW 26.09.070
25 and subsection (10) of this section, the provisions of any decree
26 respecting maintenance or support may be modified only as to
27 installments accruing subsequent to the filing of the motion for
28 modification and, except as otherwise provided in subsections (4), (5),
29 ~~((and))~~ (8), (9), and (10) of this section, only upon a showing of a

1 substantial change of circumstances. Any modification granted shall be
2 effective as of the date of the filing of the motion. The provisions
3 as to property disposition may not be revoked or modified, unless the
4 court finds the existence of conditions that justify the reopening of
5 a judgment under the laws of this state. An increase in the wage or
6 salary of a parent who is receiving support transfer payments as
7 defined in section 24 of this act is not a substantial change in
8 circumstances.

9 (2) Unless otherwise agreed in writing or expressly provided in the
10 decree the obligation to pay future maintenance is terminated upon the
11 death of either party or the remarriage of the party receiving
12 maintenance.

13 (3) Unless otherwise agreed in writing or expressly provided in the
14 decree, provisions for the support of a child are terminated by
15 emancipation of the child or by the death of the parent obligated to
16 support the child.

17 (4) Unless a decree provides for more frequent modifications of
18 child support as provided in RCW 26.09.100, an order of child support
19 may be modified one year or more after it has been entered without
20 showing a substantial change of circumstances:

21 (a) If the order in practice works a severe economic hardship on
22 either party or the child;

23 (b) If a party requests ((an adjustment)) a modification in an
24 order for child support which was based on guidelines which determined
25 the amount of support according to the child's age, and the child is no
26 longer in the age category on which the current support amount was
27 based;

28 (c) If a child is still in high school, upon a finding that there
29 is a need to extend support beyond the eighteenth birthday to complete
30 high school; or

1 (d) To add ~~((an))~~ automatic ~~((adjustment))~~ modification of support
2 provisions ~~((consistent with))~~ as provided in RCW 26.09.100.

3 (5) An order or decree entered prior to June 7, 1984, may be
4 modified without showing a substantial change of circumstances if the
5 requested modification is to:

6 (a) Require health insurance coverage for a child named therein; or

7 (b) Modify an existing order for health insurance coverage.

8 (6) An obligor's voluntary unemployment or voluntary
9 underemployment, by itself, is not a substantial change of
10 circumstances.

11 (7) The department of social and health services may file an action
12 to modify an order of child support if public assistance money is being
13 paid to or for the benefit of the child and the child support order is
14 twenty-five percent or more below the ~~((appropriate))~~ presumptive child
15 support amount set forth in the standard calculation as defined in
16 section ~~((4(2)))~~ 24 of this act and reasons for the deviation are not
17 set forth in the findings of fact or order. The determination of
18 twenty-five percent or more shall be based on the current income of the
19 parties and the department shall not be required to show a substantial
20 change of circumstances if the reasons for the deviations were not set
21 forth in the findings of fact or order.

22 (8)(a) ~~((Except as provided in (b) and (c) of this subsection,))~~
23 Unless a decree provides for more frequent modification of child
24 support as provided in RCW 26.09.100, all decrees entered on, before,
25 or after September 1, 1991, that contain orders regarding child support
26 ~~((decrees))~~ may be ~~((adjusted))~~ modified once every twenty-four months
27 based upon changes in the income of the parents without a showing of
28 substantially changed circumstances. Either party may initiate the
29 modification pursuant to procedures of RCW 26.09.175.

1 (b) All decrees entered on, before, or after September 1, 1991, may
2 be modified based upon changes in the child support schedule
3 established in chapter 26.19 RCW without a substantial change in
4 circumstances. Parents whose decrees are entered on, before ((the
5 effective date of this act)), or after the effective date of this
6 section may petition the court for a modification based on the changes
7 in the child support schedule after twelve months has expired from the
8 entry of the decree or the most recent modification setting child
9 support, whichever is later. However, if a party is granted relief
10 under this provision, twenty-four months must pass before another
11 petition for modification may be filed pursuant to (a) of this
12 subsection.

13 (c) A party may petition for modification in cases of substantially
14 changed circumstances, under subsection (1) of this section, at any
15 time. However, if relief is granted under subsection (1) of this
16 section, twenty-four months must pass before a petition for
17 modification under (a) of this subsection may be filed.

18 (d) If, pursuant to (a) and (b) of this subsection, the court
19 modifies a child support obligation by more than thirty percent and the
20 change would cause significant hardship, the court may implement the
21 change in two equal increments, one at the time of the entry of the
22 order and the second six months from the entry of the order. Twenty-
23 four months must pass following the second change before a petition for
24 modification under (a) of this subsection may be filed.

25 ~~((e) A parent who is receiving transfer payments who receives a~~
26 ~~wage or salary increase may not bring a modification action pursuant to~~
27 ~~(a) of this subsection alleging that increase constitutes a substantial~~
28 ~~change of circumstances under subsection (1) of this section.))~~

1 (9) Any decree, separation agreement, contract, or other agreement
2 that conflicts with RCW 26.09.170(8) shall, upon motion of a party, be
3 modified to conform to the requirements of RCW 26.09.170(8).

4 (10) A parent obligated to pay support, who was on active duty for
5 the United States military for the "Desert Shield" or "Desert Storm"
6 operations of the United States war with Iraq, may bring a motion for
7 modification of child support without a substantial change of
8 circumstances for purposes of a retroactive adjustment of child support
9 commencing from the beginning of the active duty until the date the
10 parent was no longer on active duty. The parent must bring the motion
11 for modification within ninety days of the end of the parent's active
12 duty. The motion for modification may only be granted if the parent's
13 income or resources were reduced while on active duty. Any
14 modification granted that reduces child support during the parent's
15 term of active duty shall be a prospective credit against future child
16 support payments in an amount and over a period of time as determined
17 in the court's discretion."

18 **"Sec. 6.** RCW 26.09.175 and 1990 1st ex.s. c 2 s 3 are each amended
19 to read as follows:

20 (1) A proceeding for the modification of an order of child support
21 shall commence with the filing of a petition(~~(, a supporting financial~~
22 ~~affidavit,~~) and worksheets. The petition (~~(and affidavit)~~) shall be
23 in substantially the form prescribed by the administrator for the
24 courts. There shall be a fee of twenty dollars for the filing of a
25 petition for modification of dissolution.

26 (2) The petitioner shall serve upon the other party the summons, a
27 copy of the petition (~~(and affidavit, and a blank copy of a financial~~
28 ~~affidavit)~~), and the worksheets in the form prescribed by the
29 administrator for the courts. If the modification proceeding is the

1 first action filed in this state, service shall be made by personal
2 service. If the decree to be modified was entered in this state,
3 service shall be by personal service or by any form of mail requiring
4 a return receipt. If the support obligation has been assigned to the
5 state pursuant to RCW 74.20.330 (~~and notice has been filed with the~~
6 ~~court~~) or the state has a subrogated interest under RCW 74.20A.030,
7 the summons, petition, (~~affidavit,~~) and worksheets shall also be
8 served on the attorney general. Proof of service shall be filed with
9 the court.

10 (3) The responding party's answer (~~and completed financial~~
11 ~~affidavit~~) and worksheets shall be served and the answer filed within
12 twenty days after service of the petition or sixty days if served out
13 of state. The responding party's failure to file an answer within the
14 time required shall result in entry of a default judgment for the
15 petitioner.

16 (4) At any time after responsive pleadings are filed, either party
17 may schedule the matter for hearing.

18 (5) Unless both parties stipulate to arbitration or the presiding
19 judge authorizes oral testimony pursuant to subsection (6) of this
20 section, a petition for modification of an order of child support shall
21 be heard by the court on affidavits, the petition, answer, and
22 worksheets only.

23 (6) A party seeking authority to present oral testimony on the
24 petition to modify a support order shall file an appropriate motion not
25 later than ten days after the time of notice of hearing. Affidavits
26 and exhibits setting forth the reasons oral testimony is necessary to
27 a just adjudication of the issues shall accompany the petition. The
28 affidavits and exhibits must demonstrate the extraordinary features of
29 the case. Factors which may be considered include, but are not limited
30 to: (a) Substantial questions of credibility on a major issue; (b)

1 insufficient or inconsistent discovery materials not correctable by
2 further discovery; or (c) particularly complex circumstances requiring
3 expert testimony.

4 (7) The administrator for the courts shall develop and prepare, in
5 consultation with interested persons, model forms or notices for the
6 use of the procedure provided by this section, including a notice
7 advising of the right of a party to proceed with or without benefit of
8 counsel."

9 "Sec. 7. RCW 26.09.184 and 1989 c 375 s 9 are each amended to read
10 as follows:

11 (1) OBJECTIVES. The objectives of the permanent parenting plan are
12 to:

13 (a) Provide for the child's physical care;

14 (b) Maintain the child's emotional stability;

15 (c) Provide for the child's changing needs as the child grows and
16 matures, in a way that minimizes the need for future modifications to
17 the permanent parenting plan;

18 (d) Set forth the authority and responsibilities of each parent
19 with respect to the child, consistent with the criteria in RCW
20 26.09.187 and 26.09.191;

21 (e) Minimize the child's exposure to harmful parental conflict;

22 (f) Encourage the parents, where appropriate under RCW 26.09.187
23 and 26.09.191, to meet their responsibilities to their minor children
24 through agreements in the permanent parenting plan, rather than by
25 relying on judicial intervention; and

26 (g) To otherwise protect the best interests of the child consistent
27 with RCW 26.09.002.

28 (2) CONTENTS OF THE PERMANENT PARENTING PLAN. The permanent
29 parenting plan shall contain provisions for resolution of future

1 disputes between the parents, allocation of decision-making authority,
2 and residential provisions for the child.

3 (3) DISPUTE RESOLUTION. A process for resolving disputes, other
4 than court action, shall be provided unless precluded or limited by RCW
5 26.09.187 or 26.09.191. A dispute resolution process may include
6 counseling, mediation, or arbitration by a specified individual or
7 agency, or court action. In the dispute resolution process:

8 (a) Preference shall be given to carrying out the parenting plan;

9 (b) The parents shall use the designated process to resolve
10 disputes relating to implementation of the plan, except those related
11 to financial support, unless an emergency exists;

12 (c) A written record shall be prepared of any agreement reached in
13 counseling or mediation and of each arbitration award and shall be
14 provided to each party;

15 (d) If the court finds that a parent has used or frustrated the
16 dispute resolution process without good reason, the court shall award
17 attorneys' fees and financial sanctions to the prevailing parent;

18 (e) The parties have the right of review from the dispute
19 resolution process to the superior court; and

20 (f) The provisions of (a) through (e) of this subsection shall be
21 set forth in the decree.

22 (4) ALLOCATION OF DECISION-MAKING AUTHORITY.

23 (a) The plan shall allocate decision-making authority to one or
24 both parties regarding the children's education, health care, and
25 religious upbringing. The parties may incorporate an agreement related
26 to the care and growth of the child in these specified areas, or in
27 other areas, into their plan, consistent with the criteria in RCW
28 26.09.187 and 26.09.191. Regardless of the allocation of decision-
29 making in the parenting plan, either parent may make emergency
30 decisions affecting the health or safety of the child.

1 (b) Each parent may make decisions regarding the day-to-day care
2 and control of the child while the child is residing with that parent.

3 (c) When mutual decision making is designated but cannot be
4 achieved, the parties shall make a good-faith effort to resolve the
5 issue through the dispute resolution process.

6 (5) RESIDENTIAL PROVISIONS FOR THE CHILD. The plan shall include
7 a residential schedule which designates in which parent's home each
8 minor child shall reside on given days of the year, including provision
9 for holidays, birthdays of family members, vacations, and other special
10 occasions, consistent with the criteria in RCW 26.09.187 and 26.09.191.

11 (6) PARENTS' OBLIGATION UNAFFECTED. If a parent fails to comply
12 with a provision of a parenting plan or a child support order, the
13 other parent's obligations under the parenting plan or the child
14 support order are not affected. Failure to comply with a provision in
15 a parenting plan or a child support order may result in a finding of
16 contempt of court, under RCW 26.09.160.

17 (7) PROVISIONS TO BE SET FORTH IN PERMANENT PARENTING PLAN. The
18 permanent parenting plan shall set forth the provisions of subsections
19 (3) (a) through (c), (4) (b) and (c), and (6) of this section."

20 "**Sec. 8.** RCW 26.09.225 and 1990 1st ex.s. c 2 s 18 are each
21 amended to read as follows:

22 (1) Each parent shall have full and equal access to the education
23 (~~and health care~~) records of the child absent a court order to the
24 contrary. Educational records include records of public and private
25 schools in all grades kindergarten through twelve and any form of
26 alternative school or postsecondary educational institution for all
27 periods for which child support is paid or the child is the dependent
28 in fact of the parent requesting access to the records. Neither parent
29 may veto the access requested by the other parent and neither parent

1 nor child nor any educational institution may assert a privilege on
2 behalf of the child.

3 (2) Each parent shall have full and equal access to the health care
4 records of the child absent a court order to the contrary. Neither
5 parent may veto the access requested by the other parent and neither
6 parent nor child nor health care provider may assert a privilege on
7 behalf of the child."

8 "Sec. 9. RCW 26.09.260 and 1989 c 375 s 14 and 1989 c 318 s 3 are
9 each reenacted and amended to read as follows:

10 (1) Except as otherwise provided in subsection (4) of this section,
11 the court shall not modify a prior custody decree or a parenting plan
12 unless it finds, upon the basis of facts that have arisen since the
13 prior decree or plan or that were unknown to the court at the time of
14 the prior decree or plan, that a substantial change has occurred in the
15 circumstances of the child or the nonmoving party and that the
16 modification is in the best interest of the child and is necessary to
17 serve the best interests of the child.

18 (2) In applying these standards, the court shall retain the
19 residential schedule established by the decree or parenting plan
20 unless:

21 (a) The parents agree to the modification;

22 (b) The child has been integrated into the family of the petitioner
23 with the consent of the other parent in substantial deviation from the
24 parenting plan;

25 (c) The child's present environment is detrimental to the child's
26 physical, mental, or emotional health and the harm likely to be caused
27 by a change of environment is outweighed by the advantage of a change
28 to the child; or

1 (d) The court has found the nonmoving parent in contempt of court
2 at least twice within three years because the parent failed to comply
3 with the residential time provisions in the court-ordered parenting
4 plan, or the parent has been convicted of custodial interference in the
5 first or second degree under RCW 9A.40.060 or 9A.40.070.

6 ~~((2))~~ (3) A conviction of custodial interference in the first or
7 second degree under RCW 9A.40.060 or 9A.40.070 shall constitute a
8 substantial change of circumstances for the purposes of this section.

9 ~~((3))~~ (4) The court may order adjustments to a parenting plan
10 upon a showing of a substantial change in circumstances of either
11 parent or of the child, and without consideration of the factors set
12 forth in subsection (2) of this section, if the proposed modification
13 is only a:

14 (a) Modification in the dispute resolution process; or

15 (b) Minor modification in the residential schedule that:

16 (i) Does not change the residence the child is scheduled to reside
17 in the majority of the time; and

18 (ii) Does not exceed twenty-four full days in a calendar year or
19 five full days in a calendar month; or

20 (iii) Is based on a change of residence or an involuntary change in
21 work schedule by a parent which makes the residential schedule in the
22 parenting plan impractical to follow.

23 (5) If the court finds that a motion to modify a prior decree or
24 parenting plan has been brought in bad faith, the court shall assess
25 the attorney's fees and court costs of the nonmoving parent against the
26 moving party."

27 "**Sec. 10.** RCW 26.09.280 and 1987 c 460 s 20 are each amended to
28 read as follows:

1 (~~Hereafter~~) Every action or proceeding to change, modify, or
2 enforce any final order, judgment, or decree (~~heretofore or~~
3 ~~hereafter~~) entered in any dissolution or legal separation or
4 declaration concerning the validity of a marriage, whether under this
5 chapter or prior law, (~~in relation to~~) regarding the parenting plan
6 or child support for the minor children of the marriage may be brought
7 in the county where (~~said~~) the minor children are then residing, or
8 in the court in which (~~said~~) the final order, judgment, or decree was
9 entered, or in the county where the parent or other person who has the
10 care, custody, or control of the (~~said~~) children is then residing."

11 "**Sec. 11.** RCW 26.12.010 and 1983 c 219 s 1 are each amended to
12 read as follows:

13 Each superior court shall exercise the jurisdiction conferred by
14 this chapter and while sitting in the exercise of such jurisdiction
15 shall be known and referred to as the "family court." A family law
16 proceeding under this chapter is any proceeding under this title or any
17 proceeding in which the family court is requested to adjudicate or
18 enforce the rights of the parties or their children regarding the
19 determination or modification of parenting plans, child custody,
20 visitation, or support, or the distribution of property or
21 obligations."

22 "**Sec. 12.** RCW 26.12.060 and 1988 c 232 s 4 are each amended to
23 read as follows:

24 The (~~family~~) court commissioners shall: (1) (~~Receive all~~
25 ~~applications and complaints filed in the family court for the purpose~~
26 ~~of disposing of them pursuant to this chapter~~) Make appropriate
27 referrals to county family court services program if the county has a
28 family court services program; (2) (~~investigate~~) order investigation

1 and reporting of the facts upon which to base warrants, subpoenas,
2 orders or directions in actions or proceedings ~~((filed in or~~
3 ~~transferred to the family court pursuant to))~~ under this chapter; (3)
4 ~~((for the purpose of this chapter,))~~ exercise all the powers and
5 perform all the duties of ~~((regular))~~ court commissioners; (4) ~~((hold~~
6 ~~conciliation conferences with parties to and hearings in proceedings~~
7 ~~under this chapter and))~~ make written reports of all proceedings had
8 which shall become a part of the record of the family court; (5)
9 provide ~~((such))~~ supervision ~~((in connection with))~~ over the exercise
10 of its jurisdiction as the judge of the family court may order; (6)
11 cause the orders and findings of the family court to be entered in the
12 same manner as orders and findings are entered in cases in the superior
13 court; (7) cause ~~((such))~~ other reports to be made and records kept as
14 will indicate the value and extent of ~~((such conciliation service))~~
15 reconciliation, mediation, investigation, and treatment services; and
16 (8) conduct hearings under chapter 13.34 RCW as provided in RCW
17 13.04.021."

18 "Sec. 13. RCW 26.12.170 and 1983 c 219 s 5 are each amended to
19 read as follows:

20 ~~((The hearing shall be conducted informally as a conference or~~
21 ~~series of conferences to effect the reconciliation of the parties or an~~
22 ~~amicable adjustment or settlement of the issues of the controversy.))~~
23 To facilitate and promote the purposes of this chapter, ~~((the))~~ family
24 court judges and court commissioners may order or recommend family
25 court services, drug and alcohol abuse evaluations and monitoring of
26 the parties through public or private treatment services, other
27 treatment services, the aid of physicians, psychiatrists, ~~((or))~~
28 specialists, or other services or may recommend the aid of the pastor
29 or director of any religious denomination to which the parties may

1 belong. ((Such aid, however, shall be at the expense of the parties
2 involved and shall not be at the expense of the court or of the county
3 unless the board of county commissioners shall specifically authorize
4 such aid.))

5 If the court has reasonable cause to believe that a child of the
6 parties has suffered abuse or neglect it may file a report with the
7 proper law enforcement agency or the department of social and health
8 services as provided in RCW 26.44.040. Upon receipt of such a report
9 the law enforcement agency or the department of social and health
10 services will conduct an investigation into the cause and extent of the
11 abuse or neglect. The findings of the investigation may be made
12 available to the court if ordered by the court as provided in RCW
13 42.17.310(3). The findings shall be restricted to the issue of abuse
14 and neglect and shall not be considered custody investigations."

15 "Sec. 14. RCW 26.12.190 and 1983 c 219 s 7 are each amended to
16 read as follows:

17 (1) ((During the period of thirty days after filing a petition for
18 conciliation no family law proceeding shall be filed by either party
19 and further proceedings in a family law proceeding then pending in the
20 superior court shall be stayed and the case transferred to the family
21 court.)) The family court shall have jurisdiction and full power in
22 all pending cases to make, alter, modify, and enforce all temporary and
23 permanent orders((, orders for)) regarding the following: Parenting
24 plans, child support, custody of children, visitation, possession of
25 property, maintenance, contempt, custodial interference, and orders for
26 attorneys' fees, suit money or costs as may appear just and equitable.
27 Court commissioners or judges shall not have authority to require the
28 parties to mediate disputes concerning child support.

1 (2) ~~((If, after the expiration of such thirty day period or the~~
2 ~~formal conclusion of the proceedings for conciliation, the controversy~~
3 ~~between the parties has not been terminated, either party may apply for~~
4 ~~further relief by filing in the clerk's office additional pleadings or~~
5 ~~by asking that the pending case be set for trial. The family court has~~
6 ~~full jurisdiction to hear, try, and determine family law proceedings~~
7 ~~under the laws relating thereto, and to retain jurisdiction of the case~~
8 ~~for further hearings on decrees or orders to be made therein.~~

9 (3) ~~The conciliation provisions of this chapter may be used~~
10 ~~concerning support, visitation, contempt, or for modification based on~~
11 ~~changed conditions or for other problems between the parties related to~~
12 ~~the family law proceeding.~~

13 (4) ~~Except as specifically so provided nothing in this chapter~~
14 ~~shall be construed to repeal, nullify or change the law and procedure~~
15 ~~relating to family law proceedings. The family court shall, when~~
16 ~~application for relief is made under this chapter, apply provisions~~
17 ~~governing family law proceedings in the same manner as if the action~~
18 ~~had been brought thereunder in the superior court, save that the~~
19 ~~conciliation procedures of the family court shall be applied so far as~~
20 ~~appropriate to arrive at an amicable settlement of all issues in~~
21 ~~controversy)) Family court investigation, evaluation, mediation,~~
22 ~~treatment, and reconciliation services, and any other services may be~~
23 ~~used to assist the court to develop an order as the court deems~~
24 ~~necessary to preserve the marriage, implement an amicable settlement,~~
25 ~~and resolve the issues in controversy."~~

26 **"Sec. 15.** RCW 26.12.220 and 1980 c 124 s 1 are each amended to
27 read as follows:

28 (1) The legislative authority of any county may authorize family
29 court services as provided in RCW 26.12.230. The legislative authority

1 may impose a fee in excess of that prescribed in RCW 36.18.010 for the
2 issuance of a marriage license(~~(: PROVIDED, That such)~~). The fee
3 shall not exceed eight dollars.

4 (2) In addition to any other funds used therefor, the governing
5 body of any county shall use the proceeds from the fee increase
6 authorized by this section to pay the expenses of the family court and
7 the family court services under chapter 26.12 RCW. If there is no
8 family court in the county, the legislative authority may provide such
9 services through other county agencies or may contract with a public or
10 private agency or person to provide such services. Family court
11 services also may be provided jointly with other counties as provided
12 in RCW 26.12.230.

13 (3) The family court services program may hire professional
14 employees to provide the investigation, evaluation and reporting, and
15 mediation services, or the county may contract for these services, or
16 both. To facilitate and promote the purposes of this chapter, the
17 court may order or recommend the aid of physicians, psychiatrists, or
18 other specialists.

19 (4) The family court services program may provide or contract for:
20 (a) Mediation; (b) investigation, evaluation, and reporting to the
21 court; and (c) reconciliation; and may provide a referral mechanism for
22 drug and alcohol testing, monitoring, and treatment; and any other
23 treatment, parenting, or anger management programs the family court
24 professional considers necessary or appropriate.

25 (5) Services other than family court investigation, evaluation,
26 reconciliation, and mediation services shall be at the expense of the
27 parties involved absent a court order to the contrary. The parties
28 shall bear all or a portion of the family court investigation,
29 evaluation, reconciliation, and mediation services according to the
30 parties' ability to pay.

1 (6) The county legislative authority may establish rules of
2 eligibility for (~~(conciliation)~~) the family court services funded under
3 this section (~~(so long as its)~~). The rules (~~(do)~~) shall not conflict
4 with rules of the court adopted under chapter 26.12 RCW or any other
5 statute.

6 (~~(4)~~) (7) The legislative authority may establish fees for family
7 court investigation, evaluation, reconciliation, and mediation services
8 under this chapter according to the parties' ability to pay for the
9 services. Fees collected under this section shall be collected and
10 deposited in the same manner as other county funds are collected and
11 deposited, and shall be maintained in a separate account to be used as
12 provided in this section."

13 "NEW SECTION. Sec. 16. The family court shall give proceedings
14 involving children priority over cases without children."

15 "NEW SECTION. Sec. 17. The court may appoint a guardian ad
16 litem to represent the interests of a minor or dependent child when the
17 court believes the appointment of a guardian is in the best interests
18 of the child in any proceeding under this chapter. The family court
19 services professionals shall make a recommendation to the court
20 regarding whether a guardian ad litem should be appointed for the
21 child. The court shall enter an order for costs, fees, and
22 disbursements to cover the costs of the guardian ad litem. The court
23 may order either or both parents to pay for the costs of the guardian
24 ad litem, according to their ability to pay. If both parents are
25 indigent, the county shall bear the cost of the guardian, subject to
26 appropriation for guardians' ad litem services by the county
27 legislative authority."

1 "NEW SECTION. **Sec. 18.** All acts and proceedings of the court
2 commissioners shall be subject to revision by the superior court as
3 provided in RCW 2.24.050."

4 "NEW SECTION. **Sec. 19.** (1) Any state funds appropriated in the
5 omnibus operating budget appropriations act for the 1991-93 biennium to
6 the office of the administrator for the courts for the purposes of
7 funding county family courts and county family court services shall be
8 distributed to the eligible counties as provided in this section.

9 (2) Any appropriation in the omnibus operating budget
10 appropriations act for the purposes of implementing this section is
11 contingent on an equal amount of money being provided by the county
12 from nonstate sources, whether public or private.

13 (3) Any county that has implemented or has committed to implement
14 a family court and family court services on or before January 1, 1993,
15 is eligible for available appropriated state funds if the county: (a)
16 Obtains approval of an application under subsection (4) of this
17 section; and (b) commits to spend money from public or private nonstate
18 funding sources over a one-year period beginning on the date the county
19 receives state funding, in an amount that is equal to or greater than
20 the state funds distributed to the county under subsection (4) of this
21 section. Any state funding is contingent on the county maintaining the
22 family court and the family court services over the one-year period
23 after disbursement of state funds to the county.

24 (4) The office of the administrator for the courts shall accept
25 applications for state funds until March 1, 1992. After the
26 application period expires, the office of the administrator for the
27 courts shall determine each eligible county's percentage of the funds
28 appropriated for family courts and family court services. An eligible
29 county's percentage share of the appropriated funds shall be the same

1 percentage as the number of cases filed in that county under Title 26
2 RCW, divided by the number of cases filed under Title 26 RCW in all the
3 eligible counties. The initial determination of the number of case
4 filings in each eligible county shall be based upon the office of the
5 administrator for the courts' most recent annual report. The office of
6 the administrator for the courts shall adjust the calculation of the
7 number of filings in each county if any county has a disproportionate
8 number of filings due to changes of venue or cases in which both
9 parties live in another county. The office of the administrator for
10 the courts may begin disbursing the state funds by July 1, 1992, to
11 eligible counties. The office of the administrator for the courts
12 shall disburse the state funds not later than January 1, 1993, to
13 eligible counties. The counties must use the state funds over a
14 one-year period from the date of disbursement. The counties that
15 provide family courts and family court services pursuant to a joint
16 family court services contract under RCW 26.12.230 may apply for state
17 funds jointly and their eligibility for state funding shall be
18 determined in the same manner as the eligibility of individual
19 counties.

20 (5) The office of the administrator for the courts shall develop an
21 application form for applying for state funds under this subsection.
22 The office of the administrator for the courts shall develop rules to
23 determine whether a county applying for state funds (a) has implemented
24 or has committed to implement a family court and family court services
25 under this chapter; (b) has committed nonstate funds for a one-year
26 period following disbursement of the state funds to continue the family
27 court and the family court services through that one-year period; and
28 (c) has spent the matching funds required to obtain the state funds."

1 "Sec. 20. RCW 26.18.100 and 1989 c 416 s 10 are each amended to
2 read as follows:

3 The wage assignment order shall be substantially in the following
4 form:

5 IN THE SUPERIOR COURT OF THE STATE OF
6 WASHINGTON IN AND FOR THE COUNTY OF

7
8

.....

9,

10 Obligee No.....

11 vs.

12, WAGE ASSIGNMENT

13 Obligor ORDER

14,

15 Employer

16 THE STATE OF WASHINGTON TO:

17 Employer

18 AND TO:

19 Obligor

20 The above-named obligee claims that the above-named obligor is more
21 than fifteen days past due in child support payments in an amount equal
22 to or greater than the child support payable for one month. The amount
23 of the accrued child support debt as of this date is
24 dollars, the amount of arrearage payments specified in the support

1 order (if applicable) is dollars per, and the
2 amount of the current and continuing support obligation under the
3 support order is dollars per

4 You are hereby commanded to answer this order by filling in the
5 attached form according to the instructions, and you must mail or
6 deliver the original of the answer to the court, one copy to the
7 Washington state support registry, one copy to the obligee or obligee's
8 attorney, and one copy to the obligor within twenty days after service
9 of this wage assignment order upon you.

10 If you possess any earnings due and owing to the obligor, then you
11 shall do as follows:

12 (1) Withhold from the obligor's earnings each month, or from each
13 regular earnings disbursement, the lesser of:

14 (a) The sum of the accrued support debt and the current support
15 obligation;

16 (b) The sum of the specified arrearage payment amount and the
17 current support obligation; or

18 (c) Fifty percent of the disposable earnings of the obligor.

19 (2) The total amount withheld above is subject to the wage
20 assignment order, and all other sums may be disbursed to the obligor.

21 (3) Upon receipt of this wage assignment order you shall make
22 immediate deductions from the obligor's earnings and remit to the
23 Washington state support registry the proper amounts at each regular
24 pay interval.

25 You shall continue to withhold the ordered amounts from nonexempt
26 earnings of the obligor until notified by:

27 (a) The court that the wage assignment has been modified or
28 terminated; ~~((or))~~

29 (b) The Washington state support registry, office of support
30 enforcement that the accrued child support debt has been paid; or

1 (c) The court that has entered an order delaying, modifying, or
2 terminating the wage assignment order and has approved an alternate
3 payment plan as provided in RCW 26.23.050(2).

4 You shall promptly notify the court and the Washington state
5 support registry if and when the employee is no longer employed by you.
6 If you no longer employ the employee, the wage assignment order shall
7 remain in effect for one year after the employee has left your
8 employment or you are no longer in possession of any earnings owed to
9 the employee. You shall continue to hold the wage assignment order
10 during that one-year period. If the employee returns to your
11 employment during the one-year period you shall immediately begin to
12 withhold the employee's earnings according to the terms of the wage
13 assignment order. If the employee has not returned to your employment
14 within one year, the wage assignment will cease to have effect at the
15 expiration of the one-year period.

16 You shall deliver the withheld earnings to the Washington state
17 support registry at each regular pay interval(~~(, but the first delivery~~
18 ~~shall occur no sooner than twenty days after your receipt of this wage~~
19 ~~assignment order)).~~

20 You shall deliver a copy of this order to the obligor as soon as is
21 reasonably possible. This wage assignment order has priority over any
22 other wage assignment or garnishment, except for another wage
23 assignment or garnishment for child support, or order to withhold or
24 deliver under chapter 74.20A RCW.

25 WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO
26 ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR OBLIGOR'S CLAIMED
27 SUPPORT DEBT TO THE OBLIGEE OR SUBJECT TO CONTEMPT OF COURT.

1 NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE
2 SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT
3 THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.

4 DATED THIS ... day of ..., 19

5 -----

6 Obligee, Judge/Court, Commissioner
7 or obligee's attorney"

8 "Sec. 21. RCW 26.18.110 and 1989 c 416 s 11 are each amended to
9 read as follows:

10 (1) An employer upon whom service of a wage assignment order has
11 been made shall answer the order by sworn affidavit within twenty days
12 after the date of service. The answer shall state whether the obligor
13 is employed by or receives earnings from the employer, whether the
14 employer will honor the wage assignment order, and whether there are
15 multiple child support attachments against the obligor.

16 (2) If the employer possesses any earnings due and owing to the
17 obligor, the earnings subject to the wage assignment order shall be
18 withheld immediately upon receipt of the wage assignment order. The
19 withheld earnings shall be delivered to the Washington state support
20 registry at each regular pay interval(~~(, but the first delivery shall~~
21 ~~occur no sooner than twenty days after receipt of the wage assignment~~
22 ~~order))~~).

23 (3) The employer shall continue to withhold the ordered amounts
24 from nonexempt earnings of the obligor until notified by:

25 (a) The court that the wage assignment has been modified or
26 terminated; (~~or~~)

1 (b) The Washington state support registry that the accrued child
2 support debt has been paid, provided the wage assignment order contains
3 the language set forth under RCW 26.18.100(2)(b). The employer shall
4 promptly notify the Washington state support registry when the employee
5 is no longer employed. If the employer no longer employs the employee,
6 the wage assignment order shall remain in effect for one year after the
7 employee has left the employment or the employer has been in possession
8 of any earnings owed to the employee. The employer shall continue to
9 hold the wage assignment order during that one-year period. If the
10 employee returns to the employer's employment during the one-year
11 period the employer shall immediately begin to withhold the employee's
12 earnings according to the terms of the wage assignment order. If the
13 employee has not returned within one year, the wage assignment shall
14 cease to have effect at the expiration of the one-year period; or

15 (c) The court that has entered an order delaying, modifying, or
16 terminating the wage assignment order and has approved an alternate
17 payment plan as provided in RCW 26.23.050(2).

18 (4) The employer may deduct a processing fee from the remainder of
19 the employee's earnings after withholding under the wage assignment
20 order, even if the remainder is exempt under RCW 26.18.090. The
21 processing fee may not exceed (a) ten dollars for the first
22 disbursement made by the employer to the Washington state support
23 registry; and (b) one dollar for each subsequent disbursement to the
24 clerk.

25 (5) An order for wage assignment for support entered under this
26 chapter shall have priority over any other wage assignment or
27 garnishment, except for another wage assignment or garnishment for
28 child support, or order to withhold and deliver under chapter 74.20A
29 RCW.

1 (6) An employer who fails to withhold earnings as required by a
2 wage assignment issued under this chapter may be held liable to the
3 obligee for ~~((the amounts disbursed to the obligor in violation of the~~
4 ~~wage assignment order, and may be found by the court to be in contempt~~
5 ~~of court and may be punished as provided by law))~~ one hundred percent
6 of the support debt, or the amount of support moneys that should have
7 been withheld from the employee's earnings whichever is the lesser
8 amount, if the employer:

9 (a) Fails or refuses, after being served with a wage assignment
10 order, to deduct and promptly remit from the unpaid earnings the
11 amounts of money required in the order;

12 (b) Fails or refuses to submit an answer to the notice of wage
13 assignment after being served; or

14 (c) Is unwilling to comply with the other requirements of this
15 section.

16 Liability may be established in superior court. Awards in superior
17 court shall include costs, interest under RCW 19.52.020 and 4.56.110,
18 and reasonable attorneys' fees.

19 (7) No employer who complies with a wage assignment issued under
20 this chapter may be liable to the employee for wrongful withholding.

21 (8) No employer may discharge, discipline, or refuse to hire an
22 employee because of the entry or service of a wage assignment issued
23 and executed under this chapter. ~~((A person who violates this~~
24 ~~subsection may be found by the court to be in contempt of court and may~~
25 ~~be punished as provided by law))~~ If an employer discharges,
26 disciplines, or refuses to hire an employee in violation of this
27 section, the employee or person shall have a cause of action against
28 the employer. The employer shall be liable for double the amount of
29 damages suffered as a result of the violation and for costs and
30 reasonable attorneys' fees, and shall be subject to a civil penalty of

1 not more than two thousand five hundred dollars for each violation.
2 The employer may also be ordered to hire, rehire, or reinstate the
3 aggrieved individual.

4 (9) An employer may combine amounts withheld from various employees
5 into a single payment to the Washington state support registry, if the
6 payment includes a listing of the amounts attributable to each employee
7 and other information as required by the registry.

8 (10) An employer shall deliver a copy of the wage assignment order
9 to the obligor as soon as is reasonably possible."

10 "**Sec. 22.** RCW 26.18.140 and 1984 c 260 s 14 are each amended to
11 read as follows:

12 (1) Except as provided in subsection (2) of this section, in a
13 hearing to quash, modify, or terminate the wage assignment order, the
14 court may grant relief only upon a showing that the wage assignment
15 order causes extreme hardship or substantial injustice. Satisfaction
16 by the obligor of all past due payments subsequent to the issuance of
17 the wage assignment order is not grounds to quash, modify, or terminate
18 the wage assignment order. If a wage assignment order has been in
19 operation for twelve consecutive months and the obligor's support
20 obligation is current, the court may terminate the order upon motion of
21 the obligor unless the obligee can show good cause as to why the wage
22 assignment order should remain in effect.

23 (2) The court may enter an order delaying, modifying, or
24 terminating the wage assignment order and order the obligor to make
25 payments directly to the obligee if the court approves an alternate
26 payment plan as provided in RCW 26.23.050(2)."

27 "**Sec. 23.** RCW 26.19.001 and 1988 c 275 s 1 are each amended to
28 read as follows:

1 The legislature intends, in establishing a child support schedule,
2 to insure that child support orders are adequate to meet a child's
3 basic needs and to provide additional child support commensurate with
4 the parents' own income((~~7~~)) and resources((~~7~~ and standard of living))
5 while recognizing that all parties to a divorce may by necessity suffer
6 a reduced standard of living as a result of the divorce. The
7 legislature also intends that the child support obligation should be
8 equitably apportioned between the parents.

9 The legislature finds that these goals will be best achieved by the
10 adoption and use of a state-wide child support schedule. Use of a
11 state-wide schedule will benefit children and their parents by:

12 (1) Increasing the adequacy of child support orders through the use
13 of economic data as the basis for establishing the child support
14 schedule;

15 (2) Increasing the equity of child support orders by providing for
16 comparable orders in cases with similar circumstances; and

17 (3) Reducing the adversarial nature of the proceedings by
18 increasing voluntary settlements as a result of the greater
19 predictability achieved by a uniform state-wide child support
20 schedule."

21 "NEW SECTION. Sec. 24. DEFINITIONS. Unless the context clearly
22 requires otherwise, the definitions in this section apply throughout
23 this chapter.

24 (1) "Basic child support obligation" means the monthly child
25 support obligation determined from the economic table based on the
26 parties' combined monthly net income and the number of children for
27 whom support is owed.

28 (2) "Child support schedule" means the standards, economic table,
29 worksheets, and instructions, as defined in this chapter.

1 (3) "Court" means a superior court judge, court commissioner, and
2 presiding and reviewing officers who administratively determine or
3 enforce child support orders.

4 (4) "Deviation" means a child support amount that differs from the
5 standard calculation.

6 (5) "Economic table" means the child support table for the basic
7 support obligation provided in RCW 26.19.020.

8 (6) "Instructions" means the instructions developed by the office
9 of the administrator for the courts pursuant to RCW 26.19.050 for use
10 in completing the worksheets.

11 (7) "Multiple families" means all the possible combinations of
12 families in which a party has children from more than one relationship
13 to whom the party owes a duty to support. Possible combinations
14 include any natural, adopted, or stepchildren to whom the person owes
15 a duty of support, whether or not the children are illegitimate or were
16 born during a former or existing marriage, and whether or not the
17 children reside with the person obligated to support them.

18 (8) "Standards" means the standards for determination of child
19 support as provided in sections 27 through 33 of this act and RCW
20 26.19.090.

21 (9) "Standard calculation" means the presumptive amount of child
22 support owed as determined from the child support schedule before the
23 court considers any reasons for deviation.

24 (10) "Support transfer payment" means the amount of money the court
25 orders one parent to pay to another parent or custodian for child
26 support after determination of the standard calculation and deviations.
27 If certain expenses or credits are expected to fluctuate and the order
28 states a formula or percentage to determine the additional amount or
29 credit on an ongoing basis, the term "support transfer payment" does
30 not mean the additional amount or credit.

1 (11) "Worksheets" means the forms developed by the office of the
 2 administrator for the courts pursuant to RCW 26.19.050 for use in
 3 determining the amount of child support."

4 "Sec. 25. RCW 26.19.020 and 1990 1st ex.s. c 2 s 19 are each
 5 amended to read as follows:

6 ((If approved by a majority vote of the superior court judges of a
 7 county, the superior court may adopt by local court rule an economic
 8 table that shall be used by the superior court of that county, instead
 9 of the economic table adopted by the commission, to determine the
 10 appropriate amount of child support. The economic table adopted by the
 11 superior court shall not vary by more than twenty five percent from the
 12 economic table adopted by the commission and shall not vary the
 13 economic table for combined monthly net income of two thousand five
 14 hundred dollars or less.))

15 ECONOMIC TABLE
 16 MONTHLY BASIC SUPPORT OBLIGATION PER CHILD
 17 KEY: A = AGE 0-11 B = AGE 12-18

18 <u>COMBINED</u>				
19 <u>MONTHLY</u>		<u>ONE</u>		<u>TWO</u>
20 <u>NET</u>		<u>CHILD</u>		<u>CHILDREN</u>
21 <u>INCOME</u>		<u>FAMILY</u>		<u>FAMILY</u>
22 -----				
23		<u>A</u>	<u>B</u>	<u>A</u>
24 -----				<u>B</u>
25 <u>0</u>				
26 <u>100</u>				
27 <u>200</u>				
28 <u>300</u>				
29 <u>400</u>				
30 <u>500</u>				
31				
		<u>For income less than \$600 the obligation</u>		
		<u>is based upon the resources and living expenses</u>		
		<u>of each household. Minimum support shall not be</u>		
		<u>less than \$25 per child per month.</u>		
32 <u>600</u>	<u>133</u>	<u>164</u>	<u>103</u>	<u>127</u>
33 <u>700</u>	<u>155</u>	<u>191</u>	<u>120</u>	<u>148</u>
34 <u>800</u>	<u>177</u>	<u>218</u>	<u>137</u>	<u>170</u>
35 <u>900</u>	<u>199</u>	<u>246</u>	<u>154</u>	<u>191</u>
36 <u>1000</u>	<u>220</u>	<u>272</u>	<u>171</u>	<u>211</u>
37 <u>1100</u>	<u>242</u>	<u>299</u>	<u>188</u>	<u>232</u>
38 <u>1200</u>	<u>264</u>	<u>326</u>	<u>205</u>	<u>253</u>
39 <u>1300</u>	<u>285</u>	<u>352</u>	<u>221</u>	<u>274</u>

1	<u>1400</u>	<u>307</u>	<u>379</u>	<u>238</u>	<u>294</u>
2	<u>1500</u>	<u>327</u>	<u>404</u>	<u>254</u>	<u>313</u>
3	<u>1600</u>	<u>347</u>	<u>428</u>	<u>269</u>	<u>333</u>
4	<u>1700</u>	<u>367</u>	<u>453</u>	<u>285</u>	<u>352</u>
5	<u>1800</u>	<u>387</u>	<u>478</u>	<u>300</u>	<u>371</u>
6	<u>1900</u>	<u>407</u>	<u>503</u>	<u>316</u>	<u>390</u>
7	<u>2000</u>	<u>427</u>	<u>527</u>	<u>331</u>	<u>409</u>
8	<u>2100</u>	<u>447</u>	<u>552</u>	<u>347</u>	<u>429</u>
9	<u>2200</u>	<u>467</u>	<u>577</u>	<u>362</u>	<u>448</u>
10	<u>2300</u>	<u>487</u>	<u>601</u>	<u>378</u>	<u>467</u>
11	<u>2400</u>	<u>506</u>	<u>626</u>	<u>393</u>	<u>486</u>
12	<u>2500</u>	<u>526</u>	<u>650</u>	<u>408</u>	<u>505</u>
13	<u>2600</u>	<u>534</u>	<u>661</u>	<u>416</u>	<u>513</u>
14	<u>2700</u>	<u>542</u>	<u>670</u>	<u>421</u>	<u>520</u>
15	<u>2800</u>	<u>549</u>	<u>679</u>	<u>427</u>	<u>527</u>
16	<u>2900</u>	<u>556</u>	<u>686</u>	<u>431</u>	<u>533</u>
17	<u>3000</u>	<u>561</u>	<u>693</u>	<u>436</u>	<u>538</u>
18	<u>3100</u>	<u>566</u>	<u>699</u>	<u>439</u>	<u>543</u>
19	<u>3200</u>	<u>569</u>	<u>704</u>	<u>442</u>	<u>546</u>
20	<u>3300</u>	<u>573</u>	<u>708</u>	<u>445</u>	<u>549</u>
21	<u>3400</u>	<u>574</u>	<u>710</u>	<u>446</u>	<u>551</u>
22	<u>3500</u>	<u>575</u>	<u>711</u>	<u>447</u>	<u>552</u>
23	<u>3600</u>	<u>577</u>	<u>712</u>	<u>448</u>	<u>553</u>
24	<u>3700</u>	<u>578</u>	<u>713</u>	<u>449</u>	<u>554</u>
25	<u>3800</u>	<u>581</u>	<u>719</u>	<u>452</u>	<u>558</u>
26	<u>3900</u>	<u>596</u>	<u>736</u>	<u>463</u>	<u>572</u>
27	<u>4000</u>	<u>609</u>	<u>753</u>	<u>473</u>	<u>584</u>
28	<u>4100</u>	<u>623</u>	<u>770</u>	<u>484</u>	<u>598</u>
29	<u>4200</u>	<u>638</u>	<u>788</u>	<u>495</u>	<u>611</u>
30	<u>4300</u>	<u>651</u>	<u>805</u>	<u>506</u>	<u>625</u>
31	<u>4400</u>	<u>664</u>	<u>821</u>	<u>516</u>	<u>637</u>
32	<u>4500</u>	<u>677</u>	<u>836</u>	<u>525</u>	<u>649</u>
33	<u>4600</u>	<u>689</u>	<u>851</u>	<u>535</u>	<u>661</u>
34	<u>4700</u>	<u>701</u>	<u>866</u>	<u>545</u>	<u>673</u>
35	<u>4800</u>	<u>713</u>	<u>882</u>	<u>554</u>	<u>685</u>
36	<u>4900</u>	<u>726</u>	<u>897</u>	<u>564</u>	<u>697</u>
37	<u>5000</u>	<u>738</u>	<u>912</u>	<u>574</u>	<u>708</u>
38	<u>5100</u>	<u>751</u>	<u>928</u>	<u>584</u>	<u>720</u>
39	<u>5200</u>	<u>763</u>	<u>943</u>	<u>593</u>	<u>732</u>
40	<u>5300</u>	<u>776</u>	<u>959</u>	<u>602</u>	<u>744</u>
41	<u>5400</u>	<u>788</u>	<u>974</u>	<u>612</u>	<u>756</u>
42	<u>5500</u>	<u>800</u>	<u>989</u>	<u>622</u>	<u>768</u>
43	<u>5600</u>	<u>812</u>	<u>1004</u>	<u>632</u>	<u>779</u>
44	<u>5700</u>	<u>825</u>	<u>1019</u>	<u>641</u>	<u>791</u>
45	<u>5800</u>	<u>837</u>	<u>1035</u>	<u>650</u>	<u>803</u>
46	<u>5900</u>	<u>850</u>	<u>1050</u>	<u>660</u>	<u>815</u>
47	<u>6000</u>	<u>862</u>	<u>1065</u>	<u>670</u>	<u>827</u>
48	<u>6100</u>	<u>875</u>	<u>1081</u>	<u>680</u>	<u>839</u>
49	<u>6200</u>	<u>887</u>	<u>1096</u>	<u>689</u>	<u>851</u>
50	<u>6300</u>	<u>899</u>	<u>1112</u>	<u>699</u>	<u>863</u>
51	<u>6400</u>	<u>911</u>	<u>1127</u>	<u>709</u>	<u>875</u>
52	<u>6500</u>	<u>924</u>	<u>1142</u>	<u>718</u>	<u>887</u>
53	<u>6600</u>	<u>936</u>	<u>1157</u>	<u>728</u>	<u>899</u>
54	<u>6700</u>	<u>949</u>	<u>1172</u>	<u>737</u>	<u>911</u>
55	<u>6800</u>	<u>961</u>	<u>1188</u>	<u>747</u>	<u>923</u>
56	<u>6900</u>	<u>974</u>	<u>1203</u>	<u>757</u>	<u>935</u>
57	<u>7000</u>	<u>986</u>	<u>1218</u>	<u>767</u>	<u>946</u>

COMBINED MONTHLY NET INCOME	THREE CHILDREN FAMILY		FOUR CHILDREN FAMILY		FIVE CHILDREN FAMILY	
	A	B	A	B	A	B
0						
100						
200						
300						
400						
500						
For income less than \$600 the obligation is based upon the resources and living expenses of each household. Minimum support shall not be less than \$25 per child per month.						
600	86	106	73	90	63	78
700	100	124	85	105	74	91
800	115	142	97	120	84	104
900	129	159	109	135	95	118
1000	143	177	121	149	105	130
1100	157	194	133	164	116	143
1200	171	211	144	179	126	156
1300	185	228	156	193	136	168
1400	199	246	168	208	147	181
1500	212	262	179	221	156	193
1600	225	278	190	235	166	205
1700	238	294	201	248	175	217
1800	251	310	212	262	185	228
1900	264	326	223	275	194	240
2000	277	342	234	289	204	252
2100	289	358	245	303	213	264
2200	302	374	256	316	223	276
2300	315	390	267	330	233	288
2400	328	406	278	343	242	299
2500	341	421	288	356	251	311
2600	346	428	293	362	256	316
2700	351	435	298	368	259	321
2800	356	440	301	372	262	324
2900	360	445	305	376	266	328
3000	364	449	308	380	268	331
3100	367	453	310	383	270	334
3200	369	457	312	386	272	336
3300	371	459	314	388	273	339
3400	372	460	315	389	274	340
3500	373	461	316	390	275	341
3600	374	462	317	391	276	342
3700	375	463	318	392	277	343
3800	377	466	319	394	278	344
3900	386	477	326	404	284	352
4000	395	488	334	413	291	360
4100	404	500	341	422	298	368
4200	413	511	350	431	305	377
4300	422	522	357	441	311	385
4400	431	532	364	449	317	392
4500	438	542	371	458	323	400
4600	446	552	377	467	329	407
4700	455	562	384	475	335	414
4800	463	572	391	483	341	422

1	4900	470	581	398	491	347	429
2	5000	479	592	404	500	353	437
3	5100	487	602	411	509	359	443
4	5200	494	611	418	517	365	451
5	5300	503	621	425	525	371	458
6	5400	511	632	432	533	377	466
7	5500	518	641	439	542	383	473
8	5600	527	651	446	551	389	480
9	5700	535	661	452	559	395	488
10	5800	543	671	459	567	401	495
11	5900	551	681	466	575	407	502
12	6000	559	691	473	584	413	509
13	6100	567	701	479	593	418	517
14	6200	575	710	486	601	424	524
15	6300	583	721	493	609	430	532
16	6400	591	731	500	617	436	539
17	6500	599	740	506	626	442	546
18	6600	607	750	513	635	448	554
19	6700	615	761	520	643	454	561
20	6800	623	770	527	651	460	568
21	6900	631	780	533	659	466	575
22	7000	639	790	540	668	472	583

23 The economic table is presumptive for combined monthly net incomes
24 up to and including five thousand dollars. When combined monthly net
25 income exceeds five thousand dollars, support shall not be set at an
26 amount lower than the presumptive amount of support set for combined
27 monthly net incomes of five thousand dollars unless the court finds a
28 reason to deviate below that amount. The economic table is advisory
29 but not presumptive for combined monthly net incomes that exceed five
30 thousand dollars. When combined monthly net income exceeds seven
31 thousand dollars, the court may set support at an advisory amount of
32 support set for combined monthly net incomes between five thousand and
33 seven thousand dollars or the court may exceed the advisory amount of
34 support set for combined monthly net incomes of seven thousand dollars
35 upon written findings of fact."

36 "NEW SECTION. Sec. 26. The legislature shall review the support
37 schedule every four years to determine if the application of the
38 support schedule results in appropriate support orders."

1 "NEW SECTION. **Sec. 27.** STANDARDS FOR CHILD SUPPORT SCHEDULE
2 APPLICATION. (1) **Application of the child support schedule.** The child
3 support schedule shall be applied:

4 (a) In each county of the state;

5 (b) In judicial and administrative proceedings under this title or
6 Title 13 or 74 RCW;

7 (c) In all proceedings in which child support is determined or
8 modified;

9 (d) In setting temporary and permanent support;

10 (e) In automatic modification provisions or decrees entered
11 pursuant to RCW 26.09.100; and

12 (f) In addition to proceedings in which child support is determined
13 for minors, to adult children who are dependent on their parents and
14 for whom support is ordered pursuant to RCW 26.09.100.

15 The provisions of this chapter for determining child support and
16 reasons for deviation from the standard calculation shall be applied in
17 the same manner by the court, presiding officers, and reviewing
18 officers.

19 (2) **Written findings of fact supported by the evidence.** An order
20 for child support shall be supported by written findings of fact upon
21 which the support determination is based and shall include reasons for
22 any deviation from the standard calculation and reasons for denial of
23 a party's request for deviation from the standard calculation.

24 (3) **Completion of worksheets.** Worksheets in the form developed by
25 the office of the administrator for the courts shall be completed under
26 penalty of perjury and filed in every proceeding in which child support
27 is determined. The court shall not accept incomplete worksheets or
28 worksheets that vary from the worksheets developed by the office of the
29 administrator for the courts.

1 (4) **Court review of the worksheets and order.** The court shall
2 review the worksheets and the order setting support for the adequacy of
3 the reasons set forth for any deviation or denial of any request for
4 deviation and for the adequacy of the amount of support ordered. Each
5 order shall state the amount of child support calculated using the
6 standard calculation and the amount of child support actually ordered.
7 Worksheets shall be attached to the decree or order or if filed
8 separately shall be initialed or signed by the judge and filed with the
9 order."

10 "NEW SECTION. **Sec. 28.** STANDARDS FOR ALLOCATION OF CHILD SUPPORT
11 OBLIGATION BETWEEN PARENTS. (1) The parents' total obligation for
12 support shall be based on their combined monthly net income, resources,
13 and special child rearing costs.

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

17 (3) Ordinary health care expenses are included in the economic
18 table. Monthly health care expenses that exceed five percent of the
19 basic support obligation shall be considered extraordinary health care
20 expenses. Extraordinary health care expenses, day care expenses, and
21 special child rearing expenses such as tuition and long distance
22 transportation costs to and from the parents for visitation purposes,
23 are not included in the economic table. These expenses shall be shared
24 by the parents in the same proportion as the basic support obligation.
25 These expenses may be listed as a specific dollar amount or as a
26 percentage amount. Day care expenses include, but are not limited to,
27 day care expenses incurred while the parent in custody of the child is
28 working, pursuing accredited educational training, or obtaining medical
29 care.

1 (4) The court shall exercise discretion to determine the necessity
2 for and the reasonableness of all amounts ordered in excess of the
3 basic support obligation."

4 "NEW SECTION. **Sec. 29.** STANDARDS FOR DETERMINATION OF INCOME.

5 (1) **Consideration of all income.** All income and resources of each
6 parent's household shall be disclosed and considered by the court when
7 the court determines the child support obligation of each parent as
8 provided in sections 29 through 33 of this act. Only the income of the
9 parents of the children whose support is at issue shall be calculated
10 for purposes of calculating the basic support obligation. Income and
11 resources of any other person shall not be included in calculating the
12 basic support obligation.

13 (2) **Verification of income.** Tax returns for the preceding two
14 years and current paystubs shall be provided to verify income and
15 deductions. Other sufficient verification shall be required for income
16 and deductions which do not appear on tax returns or paystubs.

17 (3) **Income sources included in gross monthly income.** Except as
18 specifically excluded in subsection (4) of this section, monthly gross
19 income shall include income from any source, including:

- 20 (a) Salaries;
- 21 (b) Wages;
- 22 (c) Commissions;
- 23 (d) Deferred compensation;
- 24 (e) Recurring bonuses;
- 25 (f) Dividends;
- 26 (g) Interest;
- 27 (h) Trust income;
- 28 (i) Severance pay;
- 29 (j) Annuities;

- 1 (k) Capital gains;
- 2 (l) Pension retirement benefits;
- 3 (m) Workers' compensation;
- 4 (n) Unemployment benefits; and
- 5 (o) Spousal maintenance actually received.

6 (4) **Income sources excluded from gross monthly income.** The
7 following income and resources shall be disclosed but shall not be
8 included in gross income:

9 (a) Income of a new spouse or income of other adults in the
10 household;

11 (b) Child support received from other relationships;

12 (c) Nonrecurring income from bonuses, contract-related cash and
13 noncash benefits, gifts, and prizes. The burden of proving that these
14 sources of income are nonrecurring is on the parent seeking to exclude
15 them from gross income;

16 (d) Overtime, whether mandatory or voluntary;

17 (e) If the parent has at least one full-time job that requires the
18 parent to work a minimum of forty hours per week, income derived from
19 a second job or additional jobs other than the full-time job;

20 (f) Aid to families with dependent children;

21 (g) Supplemental security income;

22 (h) General assistance; and

23 (i) Food stamps.

24 Receipt of income and resources from aid to families with dependent
25 children, supplemental security income, general assistance, and food
26 stamps shall not be a reason to deviate from the standard calculation.

27 (5) **Determination of net income.** The following expenses shall be
28 disclosed and deducted from gross monthly income to calculate net
29 monthly income:

30 (a) Federal and state income taxes;

- 1 (b) Federal insurance contributions act deductions;
- 2 (c) Mandatory pension plan payments;
- 3 (d) Mandatory union or professional dues;
- 4 (e) State industrial insurance premiums;
- 5 (f) Court-ordered spousal maintenance to the extent actually paid;
- 6 (g) Up to two thousand dollars per year in voluntary pension
- 7 payments actually made if the contributions were made for the two tax
- 8 years preceding the earlier of the (i) tax year in which the parties
- 9 separated with intent to live separate and apart or (ii) tax year in
- 10 which the parties filed for dissolution; and
- 11 (h) Normal business expenses and self-employment taxes for self-
- 12 employed persons. Justification shall be required for any business
- 13 expense deduction about which there is disagreement.

14 Items deducted from gross income under this subsection shall not be

15 a reason to deviate from the standard calculation.

16 (6) **Imputation of income.** The court shall impute income to a parent

17 when the parent is voluntarily unemployed or voluntarily underemployed.

18 The court shall determine whether the parent is voluntarily

19 underemployed or voluntarily unemployed based upon that parent's work

20 history, education, health, age, and other relevant factors. A parent

21 will not be deemed underemployed if that parent is gainfully employed

22 on a full-time basis. Income shall not be imputed for an unemployable

23 parent."

24 "NEW SECTION. Sec. 30. Veterans' disability pensions or regular

25 compensation for disability incurred in or aggravated by service in the

26 United States armed forces paid by the veterans' administration shall

27 be disclosed to the court. The court may consider either type of

28 compensation as disposable income for purposes of calculating the child

29 support obligation. Aid and attendant care payments to prevent

1 hospitalization paid by the veterans' administration solely to provide
2 physical home care for a disabled veteran, and special medical
3 compensation paid under 38 U.S.C. Sec. 314 (k) through (r) to provide
4 either special care or special aids, or both, to assist with routine
5 daily functions shall also be disclosed. The court may not include
6 either aid and attendant care or special medical compensation payments
7 in gross income for purposes of calculating the child support
8 obligation or for purposes of deviating from the standard calculation."

9 "NEW SECTION. Sec. 31. Payments from any source, other than
10 veterans' aid and attendance allowances or special medical compensation
11 paid under 38 U.S.C. Sec. 314 (k) through (r), for services provided by
12 an attendant in case of a disability when the disability necessitates
13 the hiring of the services of an attendant shall be disclosed but shall
14 not be included in gross income and shall not be a reason to deviate
15 from the standard calculation."

16 "NEW SECTION. Sec. 32. STANDARDS FOR DEVIATION FROM THE STANDARD
17 CALCULATION. (1) Reasons for deviation from the standard calculation
18 include but 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 resources
21 and income:

22 (i) Income of a new spouse if the parent who is married to the new
23 spouse is asking for a deviation based on any other reason. Income of
24 a new spouse is not, by itself, a sufficient reason for deviation;

25 (ii) Income of other adults in the household if the parent who is
26 living with the other adult is asking for a deviation based on any
27 other reason. Income of the other adults in the household is not, by
28 itself, a sufficient reason for deviation;

- 1 (iii) Child support actually received from other relationships;
- 2 (iv) Overtime, whether mandatory or voluntary;
- 3 (v) Nonrecurring bonuses;
- 4 (vi) Contract-related cash benefits and contract-related noncash
- 5 benefits that reduce living expenses;
- 6 (vii) Gifts;
- 7 (viii) Prizes;
- 8 (ix) Income derived from a second job or additional jobs that was
- 9 excluded from gross income under section 29 of this act;
- 10 (x) Possession of wealth, including but not limited to savings,
- 11 investments, real estate holdings and business interests, vehicles,
- 12 boats, pensions, bank accounts, insurance plans, or other assets;
- 13 (xi) Extraordinary income of a child; or
- 14 (xii) Tax planning considerations. A deviation for tax planning
- 15 may be granted only if the child would not receive a lesser economic
- 16 benefit due to the tax planning.

17 (b) **Debt and high expenses.** The court may deviate from the

18 standard calculation after consideration of the following expenses:

- 19 (i) Extraordinary debt not voluntarily incurred;
- 20 (ii) A significant disparity in the living costs of the parents due
- 21 to conditions beyond their control;
- 22 (iii) Special needs of disabled children; or
- 23 (iv) Special medical, educational, or psychological needs of the
- 24 children.

25 (c) **Residential schedule.** The court may deviate from the standard

26 calculation if the child spends a significant amount of time with the

27 parent who is obligated to make a support transfer payment. The court

28 may not deviate on that basis if the deviation will result in

29 insufficient funds in the house receiving the support to meet the basic

30 needs of the child or if the child is receiving aid to families with

1 dependent children. When determining the amount of the deviation, the
2 court shall consider evidence concerning the increased expenses to a
3 parent making support transfer payments resulting from the significant
4 amount of time spent with that parent and shall consider the decreased
5 expenses, if any, to the party receiving the support resulting from the
6 significant amount of time the child spends with the parent making the
7 support transfer payment.

8 (d) **Multiple families.** The court may deviate from the standard
9 calculation when either or both of the parents before the court have
10 children in multiple families to whom the parent owes a duty of
11 support.

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

15 (ii) Children from families other than the children of the parties
16 before the court shall not be counted in the number of children for
17 purposes of determining the basic support obligation and the standard
18 calculation.

19 (iii) When considering a deviation from the standard calculation
20 for children in the family before the court, the court may consider
21 only other children to whom the parent owes a duty of support. The
22 court may consider court-ordered payments of child support for children
23 from other families only to the extent that the support is actually
24 paid.

25 (iv) When the court has determined that either or both parents have
26 multiple families, deviations under this section shall be based on
27 consideration of the total circumstances of both households. All child
28 support obligations paid, received, and owed for all children in the
29 multiple families shall be disclosed and considered.

1 (2) All income and resources of the parties before the court, new
2 spouses, and other adults in the households shall be disclosed and
3 considered as provided in this section. The presumptive amount of
4 support shall be determined according to the child support schedule.
5 Unless specific reasons for deviation are set forth in the written
6 findings of fact and are supported by the evidence, the court shall
7 order each parent to pay the amount of support determined by using the
8 standard calculation.

9 (3) The court shall enter findings that specify reasons for any
10 deviation or any denial of a party's request for any deviation from the
11 standard calculation made by the court. The court shall not consider
12 reasons for deviation until the court determines the standard
13 calculation for each parent.

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

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

19 "NEW SECTION. Sec. 33. STANDARDS FOR ESTABLISHING LOWER AND UPPER
20 LIMITS ON CHILD SUPPORT AMOUNTS. (1) **Limit at forty-five percent of a**
21 **parent's net income.** Neither parent's total child support obligation
22 may exceed forty-five percent of net income except for good cause
23 shown. Good cause includes but is not limited to possession of
24 substantial wealth, children with day care expenses, special medical
25 need, educational need, psychological need, and larger families.

26 (2) **Income below six hundred dollars.** When combined monthly net
27 income is less than six hundred dollars, a support order of not less
28 than twenty-five dollars per child per month shall be entered for each
29 parent. A parent's support obligation shall not reduce his or her net

1 income below the need standard for one person established pursuant to
2 RCW 74.04.770, except for the mandatory minimum payment of twenty-five
3 dollars per child per month as required in this section or in cases
4 where the court finds reasons for deviation under section 32 of this
5 act. This section shall not be construed to require monthly
6 substantiation of income.

7 (3) **Income above five thousand and seven thousand dollars.** The
8 economic table is presumptive for combined monthly net incomes up to
9 and including five thousand dollars. When combined monthly net income
10 exceeds five thousand dollars, support shall not be set at an amount
11 lower than the presumptive amount of support set for combined monthly
12 net incomes of five thousand dollars unless the court finds a reason to
13 deviate below that amount. The economic table is advisory but not
14 presumptive for combined monthly net incomes that exceed five thousand
15 dollars. When combined monthly net income exceeds seven thousand
16 dollars, the court may set support at an advisory amount of support set
17 for combined monthly net incomes between five thousand and seven
18 thousand dollars or the court may exceed the advisory amount of support
19 set for combined monthly net incomes of seven thousand dollars upon
20 written findings of fact."

21 "Sec. 34. RCW 26.19.090 and 1990 1st ex.s. c 2 s 9 are each
22 amended to read as follows:

23 STANDARDS FOR POSTSECONDARY EDUCATIONAL SUPPORT AWARDS. (1) The
24 child support schedule shall be advisory and not mandatory for
25 postsecondary educational support. The maximum amount of child support
26 the court may award to pay for the cost of tuition is the amount of
27 tuition set for students who are residents of the state of Washington
28 who attend a state-funded four-year university.

1 (2) When considering whether to order support for postsecondary
2 educational expenses, the court shall determine whether the child is in
3 fact dependent and is relying upon the parents for the reasonable
4 necessities of life. The court shall exercise its discretion when
5 determining whether and for how long to award postsecondary educational
6 support based upon consideration of factors that include but are not
7 limited to the following: Age of the child; the child's needs; the
8 expectations of the parties for their children when the parents were
9 together; the child's prospects, desires, aptitudes, abilities or
10 disabilities; the nature of the postsecondary education sought; and the
11 parents' level of education, standard of living, and current and future
12 resources. Also to be considered are the amount and type of support
13 that the child would have been afforded if the parents had stayed
14 together.

15 (3) The child must be enrolled in an accredited academic or
16 vocational school, actively pursuing a course of study commensurate
17 with the child's vocational goals, and must be in good academic
18 standing as defined by the institution ((or)). The child shall also
19 make available all academic records and grades to both parents as a
20 condition of receiving postsecondary educational support. Each parent
21 shall have full and equal access to the postsecondary education records
22 as provided in RCW 26.09.225. The court-ordered postsecondary
23 educational support ((may)) shall be automatically suspended during the
24 period or periods the child fails to comply with these conditions.
25 ((The court in its discretion may order that the payment be made
26 directly to the parent who has been receiving the transfer payments, to
27 the educational institution if feasible, or to the child.)) The court
28 shall not order the payment of postsecondary educational expenses
29 beyond the child's twenty-third birthday, except for exceptional
30 circumstances, such as mental, physical, or emotional disabilities.

1 (4) The court shall direct that either or both parents' payments
2 for postsecondary educational expenses be made directly to the
3 educational institution if feasible. If direct payments are not
4 feasible, then the court in its discretion may order that either or
5 both parents' payments be made directly to the child if the child does
6 not reside with either parent. If the child resides with one of the
7 parents the court may direct that the parent making the support
8 transfer payments make the payments to the child or to the parent who
9 has been receiving the support transfer payments."

10 "NEW SECTION. Sec. 35. REIMBURSEMENT AND VERIFICATION OF
11 EXTRAORDINARY EXPENSES. (1)(a) If sum certain amounts are established
12 for day care, transportation costs, extraordinary health care, or other
13 extraordinary expenses, and are set forth in the decree, those sums
14 shall be payable as part of the regularly paid support transfer payment
15 ordered by the court. The parent making the support transfer payment is
16 entitled to proof of the amount paid for those expenses.

17 (b) If an amount for those expenses is not specified in the decree
18 or those amounts fluctuate and are not part of the support transfer
19 payment, the parent paying these expenses shall be entitled to prompt
20 reimbursement of the other parent's share of those expenses.
21 Reimbursement must be made promptly but not later than thirty days
22 after receipt of proof of payment of these expenditures. The parent
23 paying those expenses is entitled to proof of the amount paid for those
24 expenses.

25 (2)(a) If reimbursement is not made within the thirty-day period or
26 is incomplete due to a nonsufficient fund check or other failure to
27 pay, the parent seeking reimbursement may by motion obtain an order
28 compelling payment with statutory interest. If a parent requests proof
29 of payment and it is not provided within thirty days, the party may

1 move to compel production of the documents. The court shall award
2 actual court costs and reasonable attorneys' fees to the prevailing
3 party in every motion filed under this section except upon a showing of
4 good cause for nonpayment.

5 (b) Wage assignment orders may be obtained pursuant to chapter
6 26.18 RCW to collect court-ordered basic child support, day care,
7 health care, long-distance transportation costs, or other extraordinary
8 expenses, attorneys' fees, court costs, or any other item ordered by
9 the court. A parent to whom basic child support, day care, health
10 care, long-distance transportation costs, or other extraordinary
11 expenses are to be paid based on a percentage share of the costs, may
12 by motion obtain a court order reducing the amounts owed to a sum
13 certain and then enforce collection of that amount by a wage assignment
14 order. The office of support enforcement shall not request a wage
15 assignment in any case of purported nonsupport without obtaining
16 documentation from both parents, except that the office of support
17 enforcement may request a wage assignment after receipt of
18 documentation from the party seeking payment of the extraordinary
19 expenses, if the parent obligated to make the payment fails to comply
20 with the request for documentation within thirty days of the date
21 requested."

22 "NEW SECTION. Sec. 36. A new section is added to chapter 26.23
23 RCW to read as follows:

24 If a support order does not state the current and future support
25 obligation for extraordinary expenses such as day care, extraordinary
26 health care, long-distance transportation costs, other extraordinary
27 expenses or other variable costs in a fixed dollar amount but states
28 them as a percentage share of the costs or as variable expenses subject
29 to collection as those expenses are incurred as provided in section 35

1 of this act, then the office of support enforcement must obtain
2 documentation as required in this section prior to issuing a notice of
3 support owed pursuant to RCW 26.23.110. The office of support
4 enforcement must obtain documentation from the payee which verifies the
5 actual expenditure of any variable expense or extraordinary expense
6 that the office of support enforcement seeks to collect as part of the
7 support debt. In addition, prior to issuing a notice of support owed
8 under RCW 26.23.100, the office of support enforcement must request
9 documentation from the payor to determine whether the payor has paid
10 all or a portion of the variable or extraordinary expenses or has any
11 documentation regarding the amount of any variable or extraordinary
12 expense the office of support enforcement seeks to collect. If the
13 payor fails to respond to the request for documentation within thirty
14 days from the date of the request, and the office of support
15 enforcement has obtained documentation from the payee, the office of
16 support enforcement may issue the notice of support owed pursuant to
17 RCW 26.23.110."

18 "Sec. 37. RCW 26.21.230 and 1963 c 45 s 30 are each amended to
19 read as follows:

20 The obligee, the prosecuting attorney, or the attorney general may
21 register the foreign support order in a court of this state in the
22 manner(~~(, with the effect and for the purposes herein)~~) provided for in
23 this chapter for the purpose of modification and enforcement of the
24 support provisions. The court shall only have jurisdiction to consider
25 the child support provisions of the order. The modification shall be
26 pursuant to RCW 26.09.170 and 26.09.175."

27 "Sec. 38. RCW 26.23.035 and 1989 c 360 s 34 are each amended to
28 read as follows:

1 (1) (~~The child support registry shall distribute all moneys~~
2 ~~received in compliance with 42 U.S.C. Sec. 657. Support received by~~
3 ~~the office of support enforcement shall be distributed promptly but not~~
4 ~~later than eight days from the date of receipt unless circumstances~~
5 ~~exist which make such distribution impossible. Such circumstances~~
6 ~~include when: (a) The location of the custodial parent is unknown; (b)~~
7 ~~the child support debt is in litigation; or (c) the responsible parent~~
8 ~~or custodial parent cannot be identified. When, following termination~~
9 ~~of public assistance, the office of support enforcement collects~~
10 ~~support, all moneys collected up to the maximum of the support due for~~
11 ~~the period following termination from public assistance shall, to the~~
12 ~~extent permitted by federal law, be paid to the custodial parent before~~
13 ~~any distribution to the office of support enforcement under federal~~
14 ~~law. This section shall not apply to support collected through~~
15 ~~intercepting federal tax refunds under 42 U.S.C. Sec. 664. When a~~
16 ~~responsible parent has more than one support obligation, or a support~~
17 ~~debt is owed to more than one party, moneys received will be~~
18 ~~distributed between the parties proportionally, based upon the amount~~
19 ~~of the support obligation and/or support debt owed.)) The department
20 of social and health services shall adopt rules for the distribution of
21 support money collected by the office of support enforcement. These
22 rules shall:~~

23 (a) Comply with 42 U.S.C. Sec. 657;

24 (b) Direct the office of support enforcement to distribute support
25 money within eight days of receipt, unless one of the following
26 circumstances, or similar circumstances specified in the rules,
27 prevents prompt distribution:

28 (i) The location of the custodial parent is unknown;

29 (ii) The support debt is in litigation;

1 (iii) The office of support enforcement cannot identify the
2 responsible parent or the custodian;

3 (c) Provide for proportionate distribution of support payments if
4 the responsible parent owes a support obligation or a support debt for
5 two or more Title IV-D cases; and

6 (d) Authorize the distribution of support money, except money
7 collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to
8 the IV-D custodian before the debt owed to the state when the custodian
9 stops receiving a public assistance grant.

10 (2) The office of support enforcement may distribute support
11 payments to the payee under the support order or to another person who
12 has lawful physical custody of the child or custody with the payee's
13 consent. The payee may file an application for an adjudicative
14 proceeding to challenge distribution to such other person. Prior to
15 distributing support payments to any person other than the payee, the
16 registry shall:

17 (a) Obtain a written statement from the child's physical custodian,
18 under penalty of perjury, that the custodian has lawful custody of the
19 child or custody with the payee's consent;

20 (b) Mail to the responsible parent and to the payee at the payee's
21 last known address a copy of the physical custodian's statement and a
22 notice which states that support payments will be sent to the physical
23 custodian; and

24 (c) File a copy of the notice with the clerk of the court that
25 entered the original support order.

26 (3) If the Washington state support registry distributes a support
27 payment to a person in error, the registry may obtain restitution by
28 means of a set-off against future payments received on behalf of the
29 person receiving the erroneous payment, or may act according to RCW
30 74.20A.270 as deemed appropriate. Any set-off against future support

1 payments shall be limited to amounts collected on the support debt and
2 ten percent of amounts collected as current support."

3 "Sec. 39. RCW 26.23.050 and 1989 c 360 s 15 are each amended to
4 read as follows:

5 (1) Except as provided in subsection (2) of this section, the
6 superior court shall include in all superior court orders which
7 establish or modify a support obligation:

8 (a) A provision which orders and directs that the responsible
9 parent make all support payments to the Washington state support
10 registry;

11 (b) A statement that a notice of payroll deduction may be issued or
12 other income withholding action under chapter 26.18 RCW or chapter
13 74.20A RCW may be taken, without further notice to the responsible
14 parent((÷

15 ~~(i) If a support payment is not paid when due, and an amount equal~~
16 ~~to or greater than the support payable for one month is owed under an~~
17 ~~order entered prior to July 1, 1990; or~~

18 ~~(ii)) at any time after entry of the court order ((for orders~~
19 ~~entered by the court on or after July 1, 1990)), unless:~~

20 (i) One of the parties demonstrates, and the court finds, that
21 there is good cause not to require immediate income withholding; or

22 (ii) The parties reach a written agreement that is approved by the
23 court that provides for an alternate arrangement; and

24 (c) A statement that the receiving parent may be required to submit
25 an accounting of how the support is being spent to benefit the child.

26 (2) The court may order the responsible parent to make payments
27 directly to the person entitled to receive the payments or, for orders
28 entered on or after July 1, 1990, direct that the issuance of a notice
29 of payroll deduction or other income withholding actions be delayed

1 until a support payment is past due if the court approves an alternate
2 payment plan. The parties to the order must agree to such a plan and
3 the plan must contain reasonable assurances that payments will be made
4 in a regular and timely manner. The court may approve such a plan and
5 modify or terminate the payroll deduction or other income withholding
6 action at the time of entry of the order or at a later date upon motion
7 and agreement of the parties. If the order directs payment to the
8 person entitled to receive the payments instead of to the Washington
9 state support registry, the order shall include a statement that the
10 order may be submitted to the registry if a support payment is past
11 due. If the order directs delayed issuance of the notice of payroll
12 deduction or other income withholding action, the order shall include
13 a statement that such action may be taken, without further notice, at
14 any time after a support payment is past due. The provisions of this
15 subsection do not apply if the department is providing public
16 assistance under Title 74 RCW.

17 (3) The office of administrative hearings and the department of
18 social and health services shall require that all support obligations
19 established as administrative orders include a provision which orders
20 and directs that the responsible parent shall make all support payments
21 to the Washington state support registry. All administrative orders
22 shall also state that a notice of payroll deduction may be issued, or
23 other income withholding action taken without further notice to the
24 responsible parent((÷

25 ~~(a) If a support payment is not paid when due and an amount equal~~
26 ~~to or greater than the support payable for one month is owed under an~~
27 ~~order entered prior to July 1, 1990; or~~

28 ~~(b)) at any time after entry of the order ((for administrative~~
29 ~~orders entered on or after July 1, 1990)), unless:~~

1 (a) One of the parties demonstrates, and the presiding officer
2 finds, that there is good cause not to require immediate income
3 withholding; or

4 (b) The parties reach a written agreement that is approved by the
5 presiding officer that provides for an alternate agreement.

6 (4) If the support order does not include the provision ordering
7 and directing that all payments be made to the Washington state support
8 registry and a statement that a notice of payroll deduction may be
9 issued if a support payment is past due or at any time after the entry
10 of the order, the office of support enforcement may serve a notice on
11 the responsible parent stating such requirements and authorizations.
12 Service may be by personal service or any form of mail requiring a
13 return receipt.

14 (5) Every support order shall state:

15 (a) That payment shall be made to the Washington state support
16 registry or in accordance with the alternate payment plan approved by
17 the court;

18 (b) That a notice of payroll deduction may be issued or other
19 income withholding action under chapter 26.18 RCW or chapter 74.20A RCW
20 may be taken, without further notice to the responsible parent((+

21 ~~(i) If a support payment is not paid when due and an amount equal~~
22 ~~to or greater than the support payable for one month is owed under an~~
23 ~~order entered prior to July 1, 1990; or~~

24 ~~(ii))) at any time after entry of an order by the court ((on or~~
25 ~~after July 1, 1990)), unless:~~

26 (i) The court approves an alternate payment plan under subsection
27 (2) of this section;

28 (ii) One of the parties demonstrates, and the court finds, that
29 there is good cause not to require immediate income withholding; or

1 (iii) The parties reach an alternate agreement that is approved by
2 the court that provides for an alternate arrangement;

3 (c) The income of the parties, if known, or that their income is
4 unknown and the income upon which the support award is based;

5 (d) The support award as a sum certain amount;

6 (e) The specific day or date on which the support payment is due;

7 (f) The social security number, residence address, and name of
8 employer of the responsible parent;

9 (g) The social security number and residence address of the
10 physical custodian except as provided in subsection (6) of this
11 section;

12 (h) The names, dates of birth, and social security numbers, if any,
13 of the dependent children;

14 (i) That the parties are to notify the Washington state support
15 registry of any change in residence address;

16 (j) That any parent owing a duty of child support shall be
17 obligated to provide health insurance coverage for his or her child if
18 coverage that can be extended to cover the child is or becomes
19 available to that parent through employment or is union-related as
20 provided under RCW 26.09.105;

21 (k) That if proof of health insurance coverage is not provided
22 within twenty days, the obligee or the department may seek direct
23 enforcement of the coverage through the obligor's employer or union
24 without further notice to the obligor as provided under chapter 26.18
25 RCW; and

26 (l) The reasons for not ordering health insurance coverage if the
27 order fails to require such coverage.

28 (6) The physical custodian's address shall be omitted from an order
29 entered under the administrative procedure act. A responsible parent
30 whose support obligation has been determined by such administrative

1 order may request the physical custodian's residence address by
2 submission of a request for disclosure under RCW 26.23.120.

3 (7) The superior court clerk, the office of administrative
4 hearings, and the department of social and health services shall,
5 within five days of entry, forward to the Washington state support
6 registry, a true and correct copy of all superior court orders or
7 administrative orders establishing or modifying a support obligation
8 which provide that support payments shall be made to the support
9 registry. If a superior court order entered prior to January 1, 1988,
10 directs the responsible parent to make support payments to the clerk,
11 the clerk shall send a true and correct copy of the support order and
12 the payment record to the registry for enforcement action when the
13 clerk identifies that a payment is more than fifteen days past due.
14 The office of support enforcement shall reimburse the clerk for the
15 reasonable costs of copying and sending copies of court orders to the
16 registry at the reimbursement rate provided in Title IV-D of the social
17 security act.

18 (8) Receipt of a support order by the registry or other action
19 under this section on behalf of a person or persons who are not
20 recipients of public assistance is deemed to be a request for support
21 enforcement services under RCW 74.20.040 to the fullest extent
22 permitted under federal law.

23 (9) After the responsible parent has been ordered or notified to
24 make payments to the Washington state support registry in accordance
25 with subsection (1), (~~((2), or))~~ (3), or (4) of this section, the
26 responsible parent shall be fully responsible for making all payments
27 to the Washington state support registry and shall be subject to
28 payroll deduction or other income withholding action. The responsible
29 parent shall not be entitled to credit against a support obligation for
30 any payments made to a person or agency other than to the Washington

1 state support registry. A civil action may be brought by the payor to
2 recover payments made to persons or agencies who have received and
3 retained support moneys paid contrary to the provisions of this
4 section."

5 "Sec. 40. RCW 26.23.060 and 1989 c 360 s 32 are each amended to
6 read as follows:

7 (1) The office of support enforcement may issue a notice of payroll
8 deduction:

9 (a) As authorized by a support order that contains the income
10 withholding notice provisions in RCW 26.23.050 or a substantially
11 similar notice; or

12 (b) After service of a notice containing an income withholding
13 provision under this chapter or chapter 74.20A RCW.

14 (2) The ((department may)) office of support enforcement shall
15 serve a notice of payroll deduction upon a responsible parent's
16 employer ((for child support obligations if the responsible parent
17 fails to pay child support as due in an amount equal to or greater than
18 the support payable for one month. Service shall be)) or upon the
19 employment security department for the state in possession of or owing
20 any benefits from the unemployment compensation fund to the responsible
21 parent pursuant to Title 50 RCW by personal service or by any form of
22 mail requiring a return receipt.

23 ((+2)) (3) Service of a notice of payroll deduction upon an
24 employer or employment security department requires ((an)) the employer
25 or employment security department to immediately make a mandatory
26 payroll deduction from the responsible ((parent/employee's)) parent's
27 unpaid disposable earnings or unemployment compensation benefits. The
28 employer or employment security department shall thereafter deduct each
29 pay period the amount stated in the notice divided by the number of pay

1 periods per month. The payroll deduction each pay period shall not
2 exceed fifty percent of the responsible (~~(parent/employee's)~~) parent's
3 disposable earnings.

4 (~~((3))~~) (4) A notice of payroll deduction for support shall have
5 priority over any wage assignment (~~(or)~~), garnishment, attachment, or
6 other legal process.

7 (~~((4))~~) (5) The notice of payroll deduction shall be in writing and
8 include:

9 (a) The name and social security number of the (~~(employee)~~)
10 responsible parent;

11 (b) The amount to be deducted from the responsible parent's
12 disposable earnings each month, or alternate amounts and frequencies as
13 may be necessary to facilitate processing of the payroll deduction (~~(by~~
14 ~~the employer)~~);

15 (c) A statement that the total amount withheld shall not exceed
16 fifty percent of the responsible parent's disposable earnings; and

17 (d) The address to which the payments are to be mailed or
18 delivered.

19 (~~((5))~~) (6) An informational copy of the notice of payroll
20 deduction shall be mailed to the last known address of the responsible
21 parent by regular mail.

22 (~~((6))~~) (7) An employer (~~(who)~~) or employment security department
23 that receives a notice of payroll deduction shall make immediate
24 deductions from the (~~(employee's)~~) responsible parent's unpaid
25 disposable earnings and remit proper amounts to the Washington state
26 support registry on each date the (~~(employee)~~) responsible parent is
27 due to be paid.

28 (~~((7))~~) (8) An employer, or the employment security department,
29 upon whom a notice of payroll deduction is served, shall make an answer
30 to the (~~(Washington state)~~) office of support (~~(registry)~~) enforcement

1 within twenty days after the date of service. The answer shall confirm
2 compliance and institution of the payroll deduction or explain the
3 circumstances if no payroll deduction is in effect. The answer shall
4 also state whether the responsible parent is employed by or receives
5 earnings from the employer or receives unemployment compensation
6 benefits from the employment security department, whether the employer
7 or employment security department anticipates paying earnings or
8 employment compensation benefits and the amount of earnings. If the
9 responsible parent is no longer employed, or receiving earnings from
10 the employer, the answer shall state the present employer's name and
11 address, if known. If the responsible parent is no longer receiving
12 unemployment compensation benefits from the employment security
13 department, the answer shall state the present employer's name and
14 address, if known.

15 ((+8)) (9) The employer or employment security department may
16 deduct a processing fee from the remainder of the ((employee's))
17 responsible parent's earnings after withholding under the notice of
18 payroll deduction, even if the remainder is exempt under RCW 26.18.090.
19 The processing fee may not exceed: (a) Ten dollars for the first
20 disbursement made ((by the employer)) to the Washington state support
21 registry; and (b) one dollar for each subsequent disbursement to the
22 registry.

23 ((+9)) (10) The notice of payroll deduction shall remain in effect
24 until released by the office of support enforcement ((or)), the court
25 enters an order terminating the notice and approving an alternate
26 payment plan under RCW 26.23.050(2), or one year has expired since the
27 employer has employed the responsible parent or has been in possession
28 of or owing any earnings to the responsible parent or the employment
29 security department has been in possession of or owing any unemployment
30 compensation benefits to the responsible parent."

1 **"Sec. 41.** RCW 26.23.070 and 1987 c 435 s 7 are each amended to
2 read as follows:

3 (1) The employer or the employment security department may combine
4 amounts withheld from the earnings of more than one ~~((employee))~~
5 responsible parent in a single payment to the Washington state support
6 registry, listing separately the amount of the payment which is
7 attributable to each individual ~~((employee))~~.

8 (2) No employer ~~((who))~~ nor employment security department that
9 complies with a notice of payroll deduction under this chapter shall be
10 civilly liable to the ~~((employee))~~ responsible parent for complying
11 with a notice of payroll deduction under this chapter."

12 **"Sec. 42.** RCW 26.23.100 and 1989 c 360 s 31 are each amended to
13 read as follows:

14 (1) The responsible parent subject to a payroll deduction pursuant
15 to this chapter, may file a motion in superior court to quash, modify,
16 or terminate the payroll deduction.

17 (2) Except as provided in subsections (4) and (5) of this section,
18 the court may grant relief only upon a showing: (a) That the payroll
19 deduction causes extreme hardship or substantial injustice; or (b) that
20 the support payment was not past due ~~((in an amount equal to or greater~~
21 than the support payable for one month)) under the terms of the order
22 when the notice of payroll deduction was served on the employer.

23 (3) Satisfaction by the obligor of all past due payments subsequent
24 to the issuance of the notice of payroll deduction is not grounds to
25 quash, modify, or terminate the notice of payroll deduction.

26 (4) If a notice of payroll deduction has been in operation for
27 twelve consecutive months and the ~~((obligor's))~~ obligor's support
28 obligation is current, upon motion of the obligor, the court may order
29 the ~~((Washington state))~~ office of support ~~((registry))~~ enforcement to

1 terminate the payroll deduction, unless the obligee can show good cause
2 as to why the payroll deduction should remain in effect.

3 (5) Subsection (2) of this section shall not prevent the court from
4 ordering an alternative payment plan as provided under RCW
5 26.23.050(2)."

6 "NEW SECTION. Sec. 43. A new section is added to chapter 26.23
7 RCW to read as follows:

8 The department shall be given twenty calendar days prior notice of
9 the entry of any final order and five days prior notice of the entry of
10 any temporary order in any proceeding involving child support or
11 maintenance if the department has a financial interest based on an
12 assignment of support rights under RCW 74.20.330 or the state has a
13 subrogated interest under RCW 74.20A.030. Service of this notice upon
14 the department shall be by personal service on, or mailing by any form
15 of mail requiring a return receipt to, the office of the attorney
16 general. The department shall not be entitled to terms for a party's
17 failure to serve the department within the time requirements for this
18 section, unless the department proves that the party knew that the
19 department had an assignment of support rights or a subrogated interest
20 and that the failure to serve the department was intentional."

21 "Sec. 44. RCW 74.20.220 and 1979 c 141 s 367 are each amended to
22 read as follows:

23 In order to carry out its responsibilities imposed under this
24 chapter and as required by federal law, the state department of social
25 and health services, through the attorney general or prosecuting
26 attorney, is hereby authorized to:

27 (1) (~~Represent~~) Initiate an action in superior court to obtain a
28 support order or obtain other relief related to support for a dependent

1 child (~~(or dependent children)~~) on whose behalf the department is
2 providing public assistance (~~(is being provided in obtaining any~~
3 ~~support order necessary to provide for his or their needs)~~) or support
4 enforcement services under RCW 74.20.040, or to enforce (~~(any such~~
5 ~~order previously entered)~~) a superior court order.

6 (2) (~~Appear as a friend of the court in divorce and separate~~
7 ~~maintenance suits, or proceedings supplemental thereto, when either or~~
8 ~~both of the parties thereto are receiving public assistance, for the~~
9 ~~purpose of advising the court as to the financial interest of the state~~
10 ~~of Washington therein.~~

11 (3) ~~Appear on behalf of the custodial parent of a dependent child~~
12 ~~or children on whose behalf public assistance is being provided, when~~
13 ~~so requested by such parent, for the purpose of assisting such parent~~
14 ~~in securing a modification of a divorce or separate maintenance decree~~
15 ~~wherein no support, or inadequate support, was given for such child or~~
16 ~~children: PROVIDED, That the attorney general shall be authorized to~~
17 ~~so appear only where it appears to the satisfaction of the court that~~
18 ~~the parent is without funds to employ private counsel. If the parent~~
19 ~~does not request such assistance, or refuses it when offered, the~~
20 ~~attorney general may nevertheless appear as a friend of the court at~~
21 ~~any supplemental proceeding, and may advise the court of such facts as~~
22 ~~will show the financial interest of the state of Washington therein;~~
23 ~~but the attorney general shall not otherwise participate in the~~
24 ~~proceeding)) Appear as a party in dissolution, child support,
25 parentage, maintenance suits, or other proceedings, for the purpose of
26 representing the financial interest and actions of the state of
27 Washington therein.~~

28 (3) Petition the court for modification of a superior court order
29 when the office of support enforcement is providing support enforcement
30 services under RCW 74.20.040.

1 (4) When the attorney general or prosecuting attorney appears in,
2 defends, or initiates actions to establish, modify, or enforce child
3 support obligations he or she represents the state, the best interests
4 of the child relating to parentage, and the best interests of the
5 children of the state, but does not represent the interests of any
6 other individual.

7 (5) If public assistance has been applied for or granted on behalf
8 of a child of parents who are divorced or legally separated, the
9 attorney general or prosecuting attorney may apply to the superior
10 court in such action for an order directing either parent or both to
11 show cause:

12 (a) Why an order of support for the child should not be entered, or

13 (b) Why the amount of support previously ordered should not be
14 increased, or

15 (c) Why the parent should not be held in contempt for his or her
16 failure to comply with any order of support previously entered.

17 (~~(5)~~) (6) Initiate any civil proceedings deemed necessary by the
18 department to secure reimbursement from the parent or parents of minor
19 dependent children for all moneys expended by the state in providing
20 assistance or services to said children.

21 (7) Nothing in this section limits the authority of the attorney
22 general or prosecuting attorney to use any and all civil and criminal
23 remedies to enforce, establish, or modify child support obligations
24 whether or not the custodial parent receives public assistance."

25 **"Sec. 45.** RCW 74.20.310 and 1979 ex.s. c 171 s 15 are each amended
26 to read as follows:

27 (1) The provisions of RCW 26.26.090 requiring appointment of a
28 general guardian or guardian ad litem to represent the child in an

1 action brought to determine the parent and child relationship do not
2 apply to actions brought under chapter 26.26 RCW if:

3 ~~((1))~~ (a) The action is brought by the attorney general on behalf
4 of the department of social and health services~~((7))~~ and the child~~((7~~
5 ~~or the natural mother))~~); or

6 ~~((2))~~ (b) The action is brought by any prosecuting attorney on
7 behalf of the state~~((7))~~ and the child~~((7~~
8 ~~or the natural mother))~~ when
9 referral has been made to the prosecuting attorney by the department of
10 social and health services requesting such action.

11 (2) On the issue of parentage, the attorney general or prosecuting
12 attorney functions as the child's guardian ad litem provided the
13 interests of the state and the child are not in conflict.

14 (3) The court, on its own motion or on motion of a party, may
15 appoint a guardian ad litem when necessary.

16 (4) The summons shall contain a notice to the parents that the
17 parents have a right to move the court for a guardian ad litem for the
18 child other than the prosecuting attorney or the attorney general
19 subject to subsection (2) of this section."

20 "Sec. 46. RCW 74.20A.055 and 1990 1st ex.s. c 2 s 21 are each
21 amended to read as follows:

22 (1) The secretary may, in the absence of a superior court order,
23 serve on the responsible parent or parents a notice and finding of
24 financial responsibility requiring a responsible parent or parents to
25 appear and show cause in an adjudicative proceeding why the finding of
26 responsibility and/or the amount thereof is incorrect, should not be
27 finally ordered, but should be rescinded or modified. This notice and
28 finding shall relate to the support debt accrued and/or accruing under
29 this chapter and/or RCW 26.16.205, including periodic payments to be
made in the future ~~((for such period of time as the child or children~~

1 of said responsible parent or parents are in need)). The hearing shall
2 be held pursuant to ((RCW 74.20A.055)) this section, chapter 34.05 RCW,
3 the Administrative Procedure Act, and the rules of the department.

4 (2) The notice and finding of financial responsibility shall be
5 served in the same manner prescribed for the service of a summons in a
6 civil action or may be served on the responsible parent by certified
7 mail, return receipt requested. The receipt shall be prima facie
8 evidence of service. The notice shall be served upon the debtor within
9 sixty days from the date the state assumes responsibility for the
10 support of the dependent child or children on whose behalf support is
11 sought. If the notice is not served within sixty days from such date,
12 the department shall lose the right to reimbursement of payments made
13 after the sixty-day period and before the date of notification:
14 PROVIDED, That if the department exercises reasonable efforts to locate
15 the debtor and is unable to do so the entire sixty-day period is tolled
16 until such time as the debtor can be located. ((Any responsible parent
17 who objects to all or any part of the notice and finding shall have the
18 right for not more than twenty days from the date of service to file an
19 application for an adjudicative proceeding. The application shall be
20 served upon the department by registered or certified mail or
21 personally. If no such application is made, the notice and finding of
22 responsibility shall become final, and the debt created therein shall
23 be subject to collection action as authorized under this chapter. If
24 a timely application is made, the execution of notice and finding of
25 responsibility shall be stayed pending the entry of the final
26 administrative order. If no timely written application has previously
27 been made, the responsible parent may petition the secretary or the
28 secretary's designee at any time for an adjudicative proceeding as
29 provided for in this section upon a showing of good cause for the
30 failure to make a timely application. The filing of the petition for an

1 adjudicative proceeding after the twenty-day period shall not affect
2 any collection action previously taken under this chapter. The
3 granting of an application after the twenty-day period operates as a
4 stay on any future collection action, pending entry of the final
5 administrative order. Moneys withheld as a result of collection action
6 in effect at the time of the granting of the application after the
7 twenty-day period shall be delivered to the department and shall be
8 held in trust by the department pending entry of the final
9 administrative order. The department may petition the presiding or
10 reviewing officer to set temporary current and future support to be
11 paid beginning with the month in which the application after the
12 twenty-day period is granted. The presiding or reviewing officer shall
13 order payment of temporary current and future support if appropriate in
14 an amount determined pursuant to the child support schedule adopted
15 under RCW 26.19.040. In the event the responsible parent does not make
16 payment of the temporary current and future support as ordered by the
17 presiding or reviewing officer, the department may take collection
18 action pursuant to chapter 74.20A RCW during the pendency of the
19 adjudicative proceeding or thereafter to collect any amounts owing
20 under the order. Temporary current and future support paid, or
21 collected, during the pendency of the adjudicative proceeding shall be
22 disbursed to the custodial parent or as otherwise appropriate when
23 received by the department. If the final administrative order is that
24 the department has collected from the responsible parent other than
25 temporary current or future support, an amount greater than such
26 parent's past support debt, the department shall promptly refund any
27 such excess amount to such parent.

28 (3) Hearings may be held in the county of residence or other place
29 convenient to the responsible parent.) (3) The notice and finding of
30 financial responsibility shall set forth the amount the department has

1 determined the responsible parent owes, the support debt accrued and/or
2 accruing, and periodic payments to be made in the future (~~for such~~
3 ~~period of time as the child or children of the responsible parent are~~
4 ~~in need, all computable on the basis of the need alleged~~). The notice
5 and finding shall also include:

6 (a) A statement of the name of the recipient or custodian and the
7 name of the child or children for whom ~~(need)~~ support is ~~(alleged)~~
8 sought; ~~(and/or)~~

9 (b) A statement of the amount of periodic future support payments
10 as to which financial responsibility is alleged~~(-)~~;

11 ~~((4) The notice and finding shall include)~~ (c) A statement that
12 the responsible parent may object to all or any part of the notice and
13 finding, and file an application for an adjudicative proceeding to show
14 cause why said responsible parent should not be determined to be liable
15 for any or all of the debt, past and future~~(-)~~;

16 ~~((The notice and finding shall include))~~

17 (d) A statement that, if the responsible parent fails in timely
18 fashion to file an application for an adjudicative proceeding, the
19 support debt and payments stated in the notice and finding, including
20 periodic support payments in the future, shall be assessed and
21 determined and ordered by the department and that this debt and amounts
22 due under the notice shall be subject to collection action;

23 (e) A statement that the property of the debtor, without further
24 advance notice or hearing, will be subject to lien and foreclosure,
25 distraint, seizure and sale, ~~(or)~~ order to withhold and deliver,
26 notice of payroll deduction or other collection action to satisfy the
27 debt and enforce the support obligation established under the notice.

28 (4) A responsible parent who objects to the notice and finding of
29 financial responsibility may file an application for an adjudicative
30 proceeding within twenty days of the date of service of the notice or

1 thereafter as provided under this subsection. An adjudicative
2 proceeding shall be held in the county of residence or other place
3 convenient to the responsible parent.

4 (a) If the responsible parent files the application within twenty
5 days, the department shall schedule an adjudicative proceeding to hear
6 the parent's objection and determine the parents' support obligation
7 for the entire period covered by the notice and finding of financial
8 responsibility. The filing of the application stays collection action
9 pending the entry of a final administrative order;

10 (b) If the responsible parent fails to file an application within
11 twenty days, the notice and finding shall become a final administrative
12 order. The amounts for current and future support and the support debt
13 stated in the notice are final and subject to collection, except as
14 provided under (c) and (d) of this subsection;

15 (c) If the responsible parent files the application more than
16 twenty days after, but within one year of the date of service, the
17 department shall schedule an adjudicative proceeding to hear the
18 parents' objection and determine the parent's support obligation for
19 the entire period covered by the notice and finding of financial
20 responsibility. The filing of the application does not stay further
21 collection action, pending the entry of a final administrative order,
22 and does not affect any prior collection action;

23 (d) If the responsible parent files the application more than one
24 year after the date of service, the department shall schedule an
25 adjudicative proceeding at which the responsible parent must show good
26 cause for failure to file a timely application. The filing of the
27 application does not stay future collection action and does not affect
28 prior collection action:

1 (i) If the presiding officer finds that good cause exists, the
2 presiding officer shall proceed to hear the parent's objection to the
3 notice and determine the parent's support obligation;

4 (ii) If the presiding officer finds that good cause does not exist,
5 the presiding officer shall treat the application as a petition for
6 prospective modification of the amount for current and future support
7 established under the notice and finding. In the modification
8 proceeding, the presiding officer shall set current and future support
9 under chapter 26.19 RCW. The responsible parent need show neither good
10 cause nor a substantial change of circumstances to justify modification
11 of current and future support;

12 (e) The department shall retain and/or shall not refund support
13 money collected more than twenty days after the date of service of the
14 notice. Money withheld as the result of collection action shall be
15 delivered to the department. The department shall distribute such
16 money, as provided in published rules.

17 (5) If an application for an adjudicative proceeding is filed, the
18 presiding or reviewing officer shall determine the past liability and
19 responsibility, if any, of the alleged responsible parent and shall
20 also determine the amount of periodic payments to be made in the
21 future, which amount is not limited by the amount of any public
22 assistance payment made to or for the benefit of the child. If
23 deviating from the child support schedule (~~adopted under RCW~~
24 ~~26.19.040~~) in making these determinations, the presiding or reviewing
25 officer shall (~~comply with the provisions set forth in chapter 26.19~~
26 ~~RCW~~) apply the standards contained in the child support schedule and
27 enter written findings of fact supporting the deviation.

28 (6) If the responsible parent fails to attend or participate in the
29 hearing or other stage of an adjudicative proceeding, upon a showing of
30 valid service, the presiding officer shall enter an (~~initial decision~~

1 and)) administrative order declaring the support debt and payment
2 provisions stated in the notice and finding of financial responsibility
3 to be assessed and determined and subject to collection action.

4 ~~((6))~~ (7) The final administrative order establishing liability
5 and/or future periodic support payments shall be superseded upon entry
6 of a superior court order for support to the extent the superior court
7 order is inconsistent with the administrative order(~~(: PROVIDED, That~~
8 ~~in the absence of a superior court order, either the responsible parent~~
9 ~~or the department may petition the secretary or his designee for~~
10 ~~issuance of an order to appear and show cause based on a showing of~~
11 ~~good cause and material change of circumstances, to require the other~~
12 ~~party to appear and show cause why the order previously entered should~~
13 ~~not be prospectively modified. Said order to appear and show cause~~
14 ~~together with a copy of the petition and affidavit upon which the order~~
15 ~~is based shall be served in the manner of a summons in a civil action~~
16 ~~or by certified mail, return receipt requested, on the other party by~~
17 ~~the petitioning party. Prospective modification may be ordered, but~~
18 ~~only upon a showing of good cause and material change of circumstances.~~

19 ~~(7) The presiding or reviewing officer shall order support payments~~
20 ~~under the child support schedule adopted under RCW 26.19.040)).~~

21 (8) Debts determined pursuant to this section, accrued and not
22 paid, are subject to collection action under this chapter without
23 further necessity of action by a presiding or reviewing officer.

24 ~~((9) "Need" as used in this section shall mean the necessary costs~~
25 ~~of food, clothing, shelter, and medical attendance for the support of~~
26 ~~a dependent child or children. The amount determined by reference to~~
27 ~~the child support schedule adopted under RCW 26.19.040, shall be a~~
28 ~~rebuttable presumption of the alleged responsible parent's ability to~~
29 ~~pay and the need of the family: PROVIDED, That such responsible parent~~
30 ~~shall be presumed to have no ability to pay child support under this~~

1 ~~chapter from any income received from aid to families with dependent~~
2 ~~children, supplemental security income, or continuing general~~
3 ~~assistance.))"~~

4 "NEW SECTION. Sec. 47. A new section is added to chapter 74.20A
5 RCW to read as follows:

6 (1) The department, the physical custodian, or the responsible
7 parent may petition for a prospective modification of a final
8 administrative order if:

9 (a) The administrative order has not been superseded by a superior
10 court order; and

11 (b) There has been a substantial change of circumstances, except as
12 provided under RCW 74.20A.055(4)(d).

13 (2) An order of child support may be modified one year or more
14 after it has been entered without showing a substantial change of
15 circumstances:

16 (a) If the order in practice works a severe economic hardship on
17 either party or the child; or

18 (b) If a party requests an adjustment in an order for child support
19 that was based on guidelines which determined the amount of support
20 according to the child's age, and the child is no longer in the age
21 category on which the current support amount was based; or

22 (c) If a child is a full-time student and reasonably expected to
23 complete secondary school or the equivalent level of vocational or
24 technical training before the child becomes nineteen years of age upon
25 a finding that there is a need to extend support beyond the eighteenth
26 birthday.

27 (3) An order may be modified without showing a substantial change
28 of circumstances if the requested modification is to:

1 (a) Require health insurance coverage for a child covered by the
2 order; or

3 (b) Modify an existing order for health insurance coverage.

4 (4) Support orders may be adjusted once every twenty-four months
5 based upon changes in the income of the parents without a showing of
6 substantially changed circumstances.

7 (5)(a) All administrative orders entered on, before, or after
8 September 1, 1991, may be modified based upon changes in the child
9 support schedule established in chapter 26.19 RCW without a substantial
10 change of circumstances. The petition may be filed based on changes in
11 the child support schedule after twelve months has expired from the
12 entry of the administrative order or the most recent modification order
13 setting child support, whichever is later. However, if a party is
14 granted relief under this provision, twenty-four months must pass
15 before another petition for modification may be filed pursuant to
16 subsection (4) of this section.

17 (b) If, pursuant to subsection (4) of this section or (a) of this
18 subsection, the order modifies a child support obligation by more than
19 thirty percent and the change would cause significant hardship, the
20 change may be implemented in two equal increments, one at the time of
21 the entry of the order and the second six months from the entry of the
22 order. Twenty-four months must pass following the second change before
23 a petition for modification under subsection (4) of this section may be
24 filed.

25 (6) An increase in the wage or salary of the parent or custodian
26 who is receiving the support transfer payments as defined in section 24
27 of this act is not a substantial change in circumstances for purposes
28 of modification under subsection (1)(b) of this section. An obligor's
29 voluntary unemployment or voluntary underemployment, by itself, is not
30 a substantial change of circumstances.

1 (7) The department shall file the petition and a supporting
2 affidavit with the secretary or the secretary's designee when the
3 department petitions for modification.

4 (8) The responsible parent or the physical custodian shall follow
5 the procedures in this chapter for filing an application for an
6 adjudicative proceeding to petition for modification.

7 (9) Upon the filing of a proper petition or application, the
8 secretary or the secretary's designee shall issue an order directing
9 each party to appear and show cause why the order should not be
10 modified.

11 (10) If the presiding or reviewing officer finds a modification is
12 appropriate, the officer shall modify the order and set current and
13 future support under chapter 26.19 RCW."

14 "NEW SECTION. Sec. 48. A new section is added to chapter 74.20A
15 RCW to read as follows:

16 When providing support enforcement services, the office of support
17 enforcement may take action, under this chapter and chapter 26.23 RCW,
18 against a responsible parent's earnings, located in, or subject to the
19 jurisdiction of, the state of Washington regardless of the presence or
20 residence of the responsible parent. If the responsible parent resides
21 in another state or country, the office of support enforcement shall
22 serve a notice under RCW 74.20A.040 more than sixty days before taking
23 collection action."

24 "NEW SECTION. Sec. 49. The following acts or parts of acts are
25 each repealed:

26 (1) RCW 26.12.090 and 1983 c 219 s 2 & 1949 c 50 s 9;

27 (2) RCW 26.12.100 and 1983 c 219 s 3 & 1949 c 50 s 10;

28 (3) RCW 26.12.110 and 1949 c 50 s 11;

- 1 (4) RCW 26.12.120 and 1983 c 219 s 4 & 1949 c 50 s 12;
2 (5) RCW 26.12.130 and 1949 c 50 s 13;
3 (6) RCW 26.12.140 and 1980 c 124 s 2, 1971 ex.s. c 151 s 1, & 1949
4 c 50 s 14;
5 (7) RCW 26.12.150 and 1949 c 50 s 15;
6 (8) RCW 26.12.180 and 1983 c 219 s 6 & 1949 c 50 s 18;
7 (9) RCW 26.12.200 and 1983 c 219 s 8 & 1949 c 50 s 20; and
8 (10) RCW 26.12.210 and 1983 c 219 s 9 & 1949 c 50 s 21."

9 "NEW SECTION. Sec. 50. The following acts or parts of acts are
10 each repealed:

- 11 (1) RCW 26.19.010 and 1988 c 275 s 2;
12 (2) RCW 26.19.040 and 1990 1st ex.s. c 2 s 20, 1988 c 275 s 5, &
13 1987 c 440 s 2;
14 (3) RCW 26.19.060 and 1988 c 275 s 7;
15 (4) RCW 26.19.070 and 1990 1st ex.s. c 2 s 6;
16 (5) RCW 26.19.080 and 1990 1st ex.s. c 2 s 7; and
17 (6) RCW 26.19.110 and 1990 1st ex.s. c 2 s 12."

18 "NEW SECTION. Sec. 51. Sections 16 through 18 of this act are
19 each added to chapter 26.12 RCW."

20 "NEW SECTION. Sec. 52. If by June 30, 1991, the omnibus
21 operating budget appropriations act for the 1991-93 biennium does not
22 provide specific funding for section 19 of this act, referencing this
23 act by bill number, section 19 of this act is null and void."

24 "NEW SECTION. Sec. 53. If specific funding for the purposes of
25 section 35 of this act, referencing section 35 of this act by bill and

1 section number, is not provided by June 30, 1991, in the omnibus
2 appropriations act, section 35 of this act shall be null and void."

3 "NEW SECTION. Sec. 54. If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected."

7 "NEW SECTION. Sec. 55. This act shall take effect September 1,
8 1991."

9 "NEW SECTION. Sec. 56. Sections 24, 26 through 33, and 35 of
10 this act are each added to chapter 26.19 RCW."

11 "NEW SECTION. Sec. 57. Captions as used in this act do not
12 constitute any part of the law."

13 **E2SSB 5120** - H AMD
14 By Representative Padden

15
16 On page 1, line 1 of the title, after "support;" strike the
17 remainder of the title and insert "amending RCW 26.09.010, 26.09.015,
18 26.09.100, 26.09.160, 26.09.170, 26.09.175, 26.09.184, 26.09.225,
19 26.09.280, 26.12.010, 26.12.060, 26.12.170, 26.12.190, 26.12.220,
20 26.18.100, 26.18.110, 26.18.140, 26.19.001, 26.19.020, 26.19.090,
21 26.21.230, 26.23.035, 26.23.050, 26.23.060, 26.23.070, 26.23.100,
22 74.20.220, 74.20.310, and 74.20A.055; reenacting and amending RCW
23 26.09.260; adding new sections to chapter 26.12 RCW; adding new
24 sections to chapter 26.19 RCW; adding new sections to chapter 26.23
25 RCW; adding new sections to chapter 74.20A RCW; creating new sections;

1 repealing RCW 26.12.090, 26.12.100, 26.12.110, 26.12.120, 26.12.130,
2 26.12.140, 26.12.150, 26.12.180, 26.12.200, 26.12.210, 26.19.010,
3 26.19.040, 26.19.060, 26.19.070, 26.19.080, and 26.19.110; prescribing
4 penalties; and providing an effective date."