

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2559

54th Legislature
1996 Regular Session

Passed by the House February 6, 1996
Yeas 96 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate March 1, 1996
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2559** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2559

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

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

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

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

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

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

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

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

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

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

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

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