
HOUSE BILL 1163

State of Washington

55th Legislature

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By Representatives Lambert, Wolfe, O'Brien, Chandler, Sheahan, Carrell, Costa, Sherstad, Smith, Veloria, Scott, Cody, Murray and Anderson

Read first time 01/16/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to child support expenses; and amending RCW
2 26.19.080.

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

4 **Sec. 1.** RCW 26.19.080 and 1996 c 216 s 1 are each amended to read
5 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 and are calculated on an annual, calendar-year basis by
11 multiplying five percent of the basic child support obligation by
12 twelve. The parent receiving the transfer payment is responsible for
13 the payment of all ordinary health care expenses. ((Monthly)) Annual
14 health care expenses that exceed five percent of the annual basic
15 support obligation shall be considered extraordinary health care
16 expenses. Extraordinary health care expenses shall be shared by the
17 parents in the same proportion as the basic child support obligation.
18 Once the obligee has incurred the annual ordinary health care expenses,
19 the obligee shall notify the obligor that all future health care

1 expenses incurred in that calendar year are extraordinary health care
2 expenses to be shared by the parents in the same proportion as the
3 basic child support obligation. The obligee shall provide the obligor
4 with documentation, such as receipts or records, showing that the
5 annual ordinary health care expenses have been incurred. The obligor
6 shall reimburse the obligee for extraordinary health care expenses as
7 the expenses are incurred.

8 For the purposes of this section, "health care expenses" means
9 those expenses allowed as a federal income tax deduction for medical
10 care, as provided in the federal internal revenue code, 26 U.S.C. Sec.
11 1 et seq.

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

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

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