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**SUBSTITUTE HOUSE BILL 1380**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** House Committee on Law & Justice (originally sponsored by Representatives Lambert, Wolfe, Sheahan, Mitchell, Dunshee, Mason and Scott)

Read first time 03/03/97.

1 AN ACT Relating to child support health care expenses; and amending  
2 RCW 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)(a) 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 (b) 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., without regard to whether or not any party actually claims  
12 or receives a deduction for those expenses.

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

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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