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SENATE BILL 5692

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State of Washington

55th Legislature

1997 Regular Session

By Senators Hochstatter, Hargrove, Johnson, Strannigan, Stevens and Schow

Read first time 02/07/97. Referred to Committee on Law & Justice.

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

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

3 **Sec. 1.** RCW 26.19.080 and 1996 c 216 s 1 are each amended to read  
4 as follows:

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

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

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~~

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

27 (4) Expenses incurred by the nonresidential parent when the child  
28 or children are with that parent pursuant to the residential schedule  
29 are not included in the economic table. The court shall adjust the  
30 standard calculation to allow a residential credit to the parent who is  
31 obligated to make a support transfer payment for each day the child  
32 resides with that parent. For purposes of this section, the term  
33 "resides" means an overnight visitation. When calculating the amount  
34 of the residential credit, the court shall determine the:

35 (a) Number of days each month that the child resides with each  
36 parent;

37 (b) Proportionate amount of time each month that the child resides  
38 with the parent who receives a support transfer payment;

39 (c) Standard calculation; and

1       (d) Support transfer payment by multiplying the proportionate  
2 amount of time each month that the child resides with the parent who  
3 receives a support transfer payment by the standard calculation.

4       The court shall not grant a residential credit if the child to whom  
5 the obligation of support is owed, or the parent with whom the child  
6 resides, is receiving aid to families with dependent children benefits.

7       (5) The court may exercise its discretion to determine the  
8 necessity for and the reasonableness of all amounts ordered in excess  
9 of the basic child support obligation.

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