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HOUSE BILL 2517

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State of Washington

57th Legislature

2002 Regular Session

By Representative Benson

Read first time 01/18/2002. Referred to Committee on Juvenile Justice & Family Law.

1 AN ACT Relating to accounting for child support payments; amending  
2 RCW 26.09.170; and adding a new section to chapter 26.09 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 26.09 RCW  
5 to read as follows:

6 (1) A parent obligated to pay child support may file a motion with  
7 the court requesting an accounting of how the support is being spent by  
8 the receiving parent. The parent must include with the motion an  
9 affidavit stating with particularity the facts the parent relied upon  
10 in determining that an accounting is necessary. The motion and  
11 affidavit must be served upon the parent receiving support.

12 (2) If the court determines that the motion does not show good  
13 cause for ordering an accounting, the court may dismiss the motion and  
14 order the parent filing the motion to pay costs and reasonable  
15 attorneys' fees to the receiving parent responding to the motion.

16 (3) If the court determines that the motion shows good cause, the  
17 court may order the receiving parent to account for the expenditure and  
18 management of the child support funds received. The receiving parent  
19 shall not be obligated to account for more than the funds received in

1 the two months immediately preceding the court order for an accounting.  
2 The receiving parent must submit the accounting to the court within the  
3 time period specified by the court.

4 (4) The court must review the accounting within a reasonable time.  
5 If the court determines that the receiving parent has not spent the  
6 child support for the benefit of the child, the court may:

7 (a) Order the receiving parent to file periodic accounting to the  
8 court as often as the court finds appropriate;

9 (b) Enter an order directing the receiving parent to spend the  
10 child support payments for the benefit of the child;

11 (c) Order the child support payments to be paid to a protective  
12 payee for the benefit of the child; or

13 (d) Modify the order of child support under RCW 26.09.170.

14 (5) This section does not apply to the department of social and  
15 health services when, under RCW 74.20A.030, the department has been  
16 assigned the right of the child for support when public assistance  
17 money is paid to or for the benefit of the child.

18 **Sec. 2.** RCW 26.09.170 and 1997 c 58 s 910 are each amended to read  
19 as follows:

20 (1) Except as otherwise provided in subsection (7) of RCW  
21 26.09.070, the provisions of any decree respecting maintenance or  
22 support may be modified: (a) Only as to installments accruing  
23 subsequent to the petition for modification or motion for adjustment  
24 except motions to compel court-ordered adjustments, which shall be  
25 effective as of the first date specified in the decree for implementing  
26 the adjustment; and, (b) except as otherwise provided in subsections  
27 (4), (5), (8), and (9) of this section, only upon a showing of a  
28 substantial change of circumstances. The provisions as to property  
29 disposition may not be revoked or modified, unless the court finds the  
30 existence of conditions that justify the reopening of a judgment under  
31 the laws of this state.

32 (2) Unless otherwise agreed in writing or expressly provided in the  
33 decree the obligation to pay future maintenance is terminated upon the  
34 death of either party or the remarriage of the party receiving  
35 maintenance.

36 (3) Unless otherwise agreed in writing or expressly provided in the  
37 decree, provisions for the support of a child are terminated by

1 emancipation of the child or by the death of the parent obligated to  
2 support the child.

3 (4) An order of child support may be modified (~~one year or more~~  
4 ~~after it has been entered~~) without showing a substantial change of  
5 circumstances:

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

8 (b) If a party requests an adjustment in an order for child support  
9 which was based on guidelines which determined the amount of support  
10 according to the child's age, and the child is no longer in the age  
11 category on which the current support amount was based;

12 (c) If a child is still in high school, upon a finding that there  
13 is a need to extend support beyond the eighteenth birthday to complete  
14 high school; (~~or~~)

15 (d) If, under section 1 of this act, the court finds that the  
16 receiving parent is not spending the child support for the benefit of  
17 the child and modification of the child support obligation would more  
18 accurately reflect the amount of support needed for the child based on  
19 the parents' income, resources, and standard of living; or

20 (e) To add an automatic adjustment of support provision consistent  
21 with RCW 26.09.100.

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

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

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

27 (6) An obligor's voluntary unemployment or voluntary  
28 underemployment, by itself, is not a substantial change of  
29 circumstances.

30 (7) The department of social and health services may file an action  
31 to modify an order of child support if public assistance money is being  
32 paid to or for the benefit of the child and the child support order is  
33 twenty-five percent or more below the appropriate child support amount  
34 set forth in the standard calculation as defined in RCW 26.19.011 and  
35 reasons for the deviation are not set forth in the findings of fact or  
36 order. The determination of twenty-five percent or more shall be based  
37 on the current income of the parties and the department shall not be  
38 required to show a substantial change of circumstances if the reasons  
39 for the deviations were not set forth in the findings of fact or order.

1 (8)(a) All child support decrees may be adjusted once every twenty-  
2 four months based upon changes in the income of the parents without a  
3 showing of substantially changed circumstances. Either party may  
4 initiate the adjustment by filing a motion and child support  
5 worksheets.

6 (b) A party may petition for modification in cases of substantially  
7 changed circumstances under subsection (1) of this section at any time.  
8 However, if relief is granted under subsection (1) of this section,  
9 twenty-four months must pass before a motion for an adjustment under  
10 (a) of this subsection may be filed.

11 (c) If, pursuant to (a) of this subsection or subsection (9) of  
12 this section, the court adjusts or modifies a child support obligation  
13 by more than thirty percent and the change would cause significant  
14 hardship, the court may implement the change in two equal increments,  
15 one at the time of the entry of the order and the second six months  
16 from the entry of the order. Twenty-four months must pass following  
17 the second change before a motion for an adjustment under (a) of this  
18 subsection may be filed.

19 (d) A parent who is receiving transfer payments who receives a wage  
20 or salary increase may not bring a modification action pursuant to  
21 subsection (1) of this section alleging that increase constitutes a  
22 substantial change of circumstances.

23 (e) The department of social and health services may file an action  
24 at any time to modify an order of child support in cases of  
25 substantially changed circumstances if public assistance money is being  
26 paid to or for the benefit of the child. The determination of the  
27 existence of substantially changed circumstances by the department that  
28 lead to the filing of an action to modify the order of child support is  
29 not binding upon the court.

30 (9) An order of child support may be adjusted twenty-four months  
31 from the date of the entry of the decree or the last adjustment or  
32 modification, whichever is later, based upon changes in the economic  
33 table or standards in chapter 26.19 RCW.

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