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**SUBSTITUTE HOUSE BILL 2462**

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**State of Washington                      59th Legislature                      2006 Regular Session**

**By** House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Moeller, Wallace and Roberts)

READ FIRST TIME 01/26/06.

1            AN ACT Relating to establishing work groups to periodically review  
2 and update the child support schedule; amending RCW 26.09.173,  
3 26.10.195, 26.18.210, and 26.19.025; adding a new section to chapter  
4 26.19 RCW; creating new sections; and providing an expiration date.

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

6            NEW SECTION.    **Sec. 1.** Federal law requires the states to  
7 periodically review and update their child support guidelines.  
8 Accurate and consistent reporting of the terms of child support orders  
9 entered by the courts or administrative agencies in Washington state is  
10 necessary in order to accomplish a review of the child support  
11 guidelines. In addition, a process for review of the guidelines should  
12 be established to ensure the integrity of any reviews undertaken to  
13 comply with federal law.

14            **Sec. 2.** RCW 26.09.173 and 1990 1st ex.s. c 2 s 23 are each amended  
15 to read as follows:

16            The party seeking the establishment or modification of a child  
17 support order shall file with the clerk of the court the child support  
18 order summary report. The summary report shall be on the form

1 developed by the administrator for the courts pursuant to RCW  
2 26.18.210. The party must complete the form and file the form with the  
3 court order. The clerk of the court must forward the form to the  
4 (~~administrator for the courts~~) division of child support on at least  
5 a monthly basis.

6 **Sec. 3.** RCW 26.10.195 and 1990 1st ex.s. c 2 s 24 are each amended  
7 to read as follows:

8 The party seeking the establishment or modification of a child  
9 support order shall file with the clerk of the court the child support  
10 order summary report. The summary report shall be on the form  
11 developed by the administrator for the courts pursuant to RCW  
12 26.18.210. The party must complete the form and file the form with the  
13 court order. The clerk of the court must forward the form to the  
14 (~~administrator for the courts~~) division of child support on at least  
15 a monthly basis.

16 **Sec. 4.** RCW 26.18.210 and 2005 c 282 s 33 are each amended to read  
17 as follows:

18 (1) The administrative office of the courts shall develop a child  
19 support order summary report form to provide for the reporting of  
20 summary information in every case in which a child support order is  
21 entered or modified either judicially or administratively. (~~The~~  
22 ~~administrative office of the courts shall attempt to the greatest~~  
23 ~~extent possible to make the form simple and understandable by the~~  
24 ~~parties. The form shall indicate the following:~~

25 ~~(a) The county in which the order was entered and the cause number;~~

26 ~~(b) Whether it was a judicial or administrative order;~~

27 ~~(c) Whether the order is an original order or from a modification;~~

28 ~~(d) The number of children of the parties and the children's ages;~~

29 ~~(e) The combined monthly net income of parties;~~

30 ~~(f) The monthly net income of the father as determined by the~~  
31 ~~court;~~

32 ~~(g) The monthly net income of the mother as determined by the~~  
33 ~~court;~~

34 ~~(h) The basic child support obligation for each child as determined~~  
35 ~~from the economic table;~~

- 1 ~~(i) Whether or not the court deviated from the child support for~~
- 2 ~~each child;~~
- 3 ~~(j) The reason or reasons stated by the court for the deviation;~~
- 4 ~~(k) The amount of child support after the deviation;~~
- 5 ~~(l) Any amount awarded for day care;~~
- 6 ~~(m) Any other extraordinary amounts in the order;~~
- 7 ~~(n) Any amount ordered for postsecondary education;~~
- 8 ~~(o) The total amount of support ordered;~~
- 9 ~~(p) In the case of a modification, the amount of support in the~~
- 10 ~~previous order;~~
- 11 ~~(q) If the change in support was in excess of thirty percent,~~
- 12 ~~whether the change was phased in;~~
- 13 ~~(r) The amount of the transfer payment ordered;~~
- 14 ~~(s) Which parent was ordered to make the transfer payment; and~~
- 15 ~~(t) The date of the entry of the order.~~

16 ~~(2) The administrative office of the courts shall make the form~~  
17 ~~available to the parties.)) The child support order summary report must~~  
18 ~~be included at the top of the first page of the Washington state child~~  
19 ~~support worksheets, but must not be considered part of the worksheets.~~

20 (2) The child support order summary report form must include all  
21 data the department of social and health services division of child  
22 support has determined necessary, in order to perform the required  
23 quadrennial review of the Washington state child support guidelines  
24 under RCW 26.19.025. The division of child support must store and  
25 maintain all of the order summary report information and prepare a  
26 report at least every four years. On a monthly basis, the clerk of the  
27 court must forward all child support worksheets that have been filed  
28 with the court to the division of child support.

29 **Sec. 5.** RCW 26.19.025 and 1991 c 367 s 26 are each amended to read  
30 as follows:

31 ~~((The legislature shall))~~ (1) Beginning in 2010 and every four  
32 years thereafter, the division of child support shall convene a work  
33 group to review the child support ((schedule every four years to))  
34 guidelines and the child support review report prepared under section  
35 6 of this act and determine if the application of the child support  
36 ((schedule)) guidelines results in appropriate support orders. The

1 governor and the division of child support shall jointly appoint the  
2 following members of the work group:

3 (a) The director of the division of child support;

4 (b) A professor of law specializing in family law;

5 (c) A representative from the Washington state bar associations'  
6 family law executive committee;

7 (d) An economist;

8 (e) A representative of the tribal community;

9 (f) Two representatives from the superior court judges association,  
10 including a superior court judge and a court commissioner who is  
11 familiar with child support issues;

12 (g) A representative from the administrative office of the courts;

13 (h) A prosecutor appointed by the Washington association of  
14 prosecuting attorneys;

15 (i) A representative from legal services;

16 (j) Three noncustodial parents, each of whom may be a  
17 representative of an advocacy group, an attorney, or an individual,  
18 with at least one representing the interests of low-income,  
19 noncustodial parents;

20 (k) Three custodial parents, each of whom may be a representative  
21 of an advocacy group, an attorney, or an individual, with at least one  
22 representing the interests of low-income, custodial parents;

23 (l) One member from each of the two largest caucuses of the senate,  
24 appointed by the president of the senate;

25 (m) One member from each of the two largest caucuses of the house  
26 of representatives, appointed by the speaker of the house of  
27 representatives; and

28 (n) An administrative law judge appointed by the office of  
29 administrative hearings.

30 (2) Appointments to the work group shall be completed within thirty  
31 days of the effective date of this section.

32 (3) The division of child support shall provide staff support to  
33 the work group, and shall carefully consider all input received from  
34 interested organizations and individuals during the review process.

35 (4) The work group may form an executive committee, create  
36 subcommittees, designate alternative representatives, and define other  
37 procedures, as needed, for operation of the work group.

1       (5) Legislative members of the work group shall be reimbursed for  
2 travel expenses under RCW 44.04.120. Nonlegislative members, except  
3 those representing an employee or organization, are entitled to be  
4 reimbursed for travel expenses in accordance with RCW 43.03.050 and  
5 43.03.060.

6       (6) By October 1, 2010, and every four years thereafter, the work  
7 group shall report its findings and recommendations to the legislature,  
8 including recommendations for legislative action, if necessary.

9       **NEW SECTION. Sec. 6.** A new section is added to chapter 26.19 RCW  
10 to read as follows:

11       Beginning in 2010 and every four years thereafter, the joint  
12 legislative audit and review committee, or other entity designated by  
13 the legislature, shall:

14       (1) Review and analyze data collected from the order summary  
15 report, the recommendations of the previous child support work group,  
16 the current child support guidelines, and other relevant research and  
17 data regarding the cost of child rearing, as well as research and data  
18 on the application of, and deviations from, the child support  
19 guidelines in order to perform the required quadrennial review of the  
20 Washington state child support guidelines under RCW 26.19.025; and

21       (2) Prepare a report to the legislature no later than July 1, 2010,  
22 and every four years thereafter, on the application of the current  
23 child support guidelines, and on the recommendations of the prior work  
24 group.

25       **NEW SECTION. Sec. 7.** (1) By April 1, 2006, the division of child  
26 support shall convene a work group to examine the current laws,  
27 administrative rules, and practices regarding child support.

28       (2) The objective of the work group shall be to continue the work  
29 of the 2005 child support guidelines work group, and produce findings  
30 and recommendations to the legislature, including recommendations for  
31 legislative action, by December 1, 2006.

32       (3) The work group shall include the following members:

33       (a) The director of the division of child support;

34       (b) A professor of law specializing in family law;

35       (c) A representative from the Washington state bar associations'  
36 family law executive committee;

- 1 (d) An economist;
- 2 (e) A representative of the tribal community;
- 3 (f) Two representatives from the superior court judges association,  
4 including a superior court judge and a court commissioner who is  
5 familiar with child support issues;
- 6 (g) A representative from the administrative office of the courts;
- 7 (h) A prosecutor appointed by the Washington association of  
8 prosecuting attorneys;
- 9 (i) A representative from legal services;
- 10 (j) Three noncustodial parents, each of whom can be a  
11 representative of an advocacy group, an attorney, or an individual,  
12 with at least one representing the interests of low-income,  
13 noncustodial parents;
- 14 (k) Three custodial parents, each of whom may be a representative  
15 of an advocacy group, an attorney, or an individual, with at least one  
16 representing the interests of low-income, custodial parents;
- 17 (l) One member from each caucus of the senate, appointed by the  
18 president of the senate;
- 19 (m) One member from each caucus of the house of representatives,  
20 appointed by the speaker of the house of representatives; and
- 21 (n) An administrative law judge appointed by the office of  
22 administrative hearings.
- 23 (4) The director of the division of child support shall serve as  
24 chair of the work group.
- 25 (5) The division of child support shall provide staff support to  
26 the work group.
- 27 (6) The work group shall review and make recommendations to the  
28 legislature and the governor regarding the child support guidelines in  
29 Washington state. In preparing the recommendations, the work group  
30 shall, at a minimum, review the following issues:
- 31 (a) How the support schedule and guidelines shall treat children  
32 from other relationships, including whether the whole family formula  
33 should be applied presumptively;
- 34 (b) Whether the economic table for calculating child support should  
35 include combined income greater than five thousand dollars;
- 36 (c) Whether the economic table should start at one hundred twenty-  
37 five percent of the federal poverty guidelines, and move upward in one  
38 hundred dollar increments;

- 1 (d) Whether the economic table should distinguish between children  
2 under twelve years of age and over twelve years of age;
- 3 (e) Whether child care costs and ordinary medical costs should be  
4 included in the economic table, or treated separately;
- 5 (f) Whether the estimated cost of child rearing, as reflected in  
6 the economic table, should be based on the Rothbarth estimate, the  
7 Engle estimator, or some other basis for calculating the cost of child  
8 rearing;
- 9 (g) Whether the self-support reserve should be tied to the federal  
10 poverty level;
- 11 (h) How to treat imputation of income for purposes of calculating  
12 the child support obligation, including whether minimum wage should be  
13 imputed in the absence of adequate information regarding income;
- 14 (i) How extraordinary medical expenses should be addressed, either  
15 through the basic child support obligation or independently;
- 16 (j) Whether the amount of the presumptive minimum order should be  
17 adjusted;
- 18 (k) Whether gross or net income should be used for purposes of  
19 calculating the child support obligation;
- 20 (l) How to treat overtime income or income from a second job for  
21 purposes of calculating the child support obligation;
- 22 (m) Whether the noncustodial parent's current child support  
23 obligation should be limited to forty-five percent of net income; and
- 24 (n) Whether the residential schedule should affect the amount of  
25 the child support obligation.
- 26 (7) Legislative members of the work group shall be reimbursed for  
27 travel expenses under RCW 44.04.120. Nonlegislative members, except  
28 those representing an employee or organization, are entitled to be  
29 reimbursed for travel expenses in accordance with RCW 43.03.050 and  
30 43.03.060.
- 31 (8) This section expires June 30, 2007.

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