

---

HOUSE BILL 2462

---

State of Washington                      59th Legislature                      2006 Regular Session

By Representatives Moeller, Wallace and Roberts

Prefiled 1/6/2006.      Read first time 01/09/2006.      Referred to  
Committee on Juvenile Justice & Family Law.

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 schedule. Accurate  
8 and consistent reporting of the terms of child support orders entered  
9 by the courts or administrative agencies in Washington state is  
10 necessary in order to accomplish a review of the child support  
11 schedule. In addition, a process for review of the schedule should be  
12 established to ensure the integrity of any reviews undertaken to comply  
13 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 schedule under  
24 RCW 26.19.025. The division of child support must store and maintain  
25 all of the order summary report information and prepare a report at  
26 least every four years. On a monthly basis, the clerk of the court  
27 must forward all child support worksheets that have been filed with the  
28 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 2008 and every four  
32 years thereafter, the division of child support shall convene a work  
33 group to review the support schedule ((every four years to)) and the  
34 support schedule review report prepared under section 6 of this act and  
35 determine if the application of the support schedule results in  
36 appropriate support orders. The governor and the division of child  
37 support shall jointly appoint the following members of the work group:

- 1       (a) The director of the division of child support;  
2       (b) A professor of law specializing in family law;  
3       (c) A representative from the Washington state bar associations'  
4 family law executive committee;  
5       (d) An economist;  
6       (e) A representative of the tribal community;  
7       (f) Two representatives from the superior court judges association,  
8 including a superior court judge and a court commissioner who is  
9 familiar with child support issues;  
10       (g) A representative from the administrative office of the courts;  
11       (h) A prosecutor appointed by the Washington association of  
12 prosecuting attorneys;  
13       (i) A representative from legal services;  
14       (j) Two noncustodial 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, noncustodial parents;  
17       (k) One member from each of the two largest caucuses of the senate,  
18 appointed by the president of the senate;  
19       (l) One member from each of the two largest caucuses of the house  
20 of representatives, appointed by the speaker of the house of  
21 representatives; and  
22       (m) An administrative law judge appointed by the office of  
23 administrative hearings.  
24       (2) Appointments to the work group shall be completed within thirty  
25 days of the effective date of this section.  
26       (3) The division of child support shall provide staff support to  
27 the work group, and shall carefully consider all input received from  
28 interested organizations and individuals during the review process.  
29       (4) The work group may form an executive committee, create  
30 subcommittees, designate alternative representatives, and define other  
31 procedures, as needed, for operation of the work group.  
32       (5) Legislative members of the work group shall be reimbursed for  
33 travel expenses under RCW 44.04.120. Nonlegislative members, except  
34 those representing an employee or organization, are entitled to be  
35 reimbursed for travel expenses in accordance with RCW 43.03.050 and  
36 43.03.060.  
37       (6) By October 1, 2008, and every four years thereafter, the work

1 group shall report its findings and recommendations to the legislature,  
2 including recommendations for legislative action, if necessary.

3 NEW SECTION. Sec. 6. A new section is added to chapter 26.19 RCW  
4 to read as follows:

5 Beginning in 2008 and every four years thereafter, the joint  
6 legislative audit and review committee, or other entity designated by  
7 the legislature, shall prepare a report on the review of the support  
8 schedule in accordance with 45 CFR 302.56 and the recommendations of  
9 the prior work group, and provide the report to the legislature and to  
10 the work group established in RCW 26.19.025 no later than July 1, 2008.  
11 The report must include data included in the order summary report  
12 collected by the department of social and health services division of  
13 child support.

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

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

- 21 (3) The work group shall include the following members:
- 22 (a) The director of the division of child support;
  - 23 (b) A professor of law specializing in family law;
  - 24 (c) A representative from the Washington state bar associations'  
25 family law executive committee;
  - 26 (d) An economist;
  - 27 (e) A representative of the tribal community;
  - 28 (f) Two representatives from the superior court judges association,  
29 including a superior court judge and a court commissioner who is  
30 familiar with child support issues;
  - 31 (g) A representative from the administrative office of the courts;
  - 32 (h) A prosecutor appointed by the Washington association of  
33 prosecuting attorneys;
  - 34 (i) A representative from legal services;
  - 35 (j) Two noncustodial parents, each of whom can be a representative

1 of an advocacy group, an attorney, or an individual, with at least one  
2 representing the interests of low-income, noncustodial parents;

3 (k) One member from each caucus of the senate, appointed by the  
4 president of the senate;

5 (l) One member from each caucus of the house of representatives,  
6 appointed by the speaker of the house of representatives; and

7 (m) An administrative law judge appointed by the office of  
8 administrative hearings.

9 (4) The director of the division of child support shall serve as  
10 chair of the work group.

11 (5) The division of child support shall provide staff support to  
12 the work group.

13 (6) The work group shall review and make recommendations to the  
14 legislature and the governor regarding the child support guidelines in  
15 Washington state. In preparing the recommendations, the work group  
16 shall, at a minimum, review the following issues:

17 (a) How the support schedule and guidelines shall treat children  
18 from other relationships, including whether the whole family formula  
19 should be applied presumptively;

20 (b) Whether the economic table for calculating child support should  
21 include combined income greater than five thousand dollars;

22 (c) Whether the economic table should start at one hundred twenty-  
23 five percent of the federal poverty guidelines, and move upward in one  
24 hundred dollar increments;

25 (d) Whether the economic table should distinguish between children  
26 under twelve years of age and over twelve years of age;

27 (e) Whether child care costs and ordinary medical costs should be  
28 included in the economic table, or treated separately;

29 (f) Whether the estimated cost of child rearing, as reflected in  
30 the economic table, should be based on the Rothbarth estimate, the  
31 Engle estimator, or some other basis for calculating the cost of child  
32 rearing;

33 (g) Whether the self-support reserve should be tied to the federal  
34 poverty level;

35 (h) How to treat imputation of income for purposes of calculating  
36 the child support obligation, including whether minimum wage should be  
37 imputed in the absence of adequate information regarding income;

- 1 (i) How extraordinary medical expenses should be addressed, either  
2 through the basic child support obligation or independently;
- 3 (j) Whether the amount of the presumptive minimum order should be  
4 adjusted;
- 5 (k) Whether gross or net income should be used for purposes of  
6 calculating the child support obligation;
- 7 (l) How to treat overtime income or income from a second job for  
8 purposes of calculating the child support obligation;
- 9 (m) Whether the noncustodial parent's current child support  
10 obligation should be limited to forty-five percent of net income; and
- 11 (n) Whether the residential schedule should affect the amount of  
12 the child support obligation.
- 13 (7) Legislative members of the work group shall be reimbursed for  
14 travel expenses under RCW 44.04.120. Nonlegislative members, except  
15 those representing an employee or organization, are entitled to be  
16 reimbursed for travel expenses in accordance with RCW 43.03.050 and  
17 43.03.060.
- 18 (8) This section expires June 30, 2007.

--- END ---