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SECOND SUBSTITUTE HOUSE BILL 1009

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State of Washington                      60th Legislature                      2007 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Moeller, Wallace, Linville, Wood and Dickerson)

READ FIRST TIME 02/27/07.

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 expiration dates.

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 2011 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.

1 Membership of the work group shall be determined as provided in this  
2 subsection.

3 (a) The president of the senate shall appoint one member from each  
4 of the two largest caucuses of the senate;

5 (b) The speaker of the house of representatives shall appoint one  
6 member from each of the two largest caucuses of the house of  
7 representatives;

8 (c) The governor, in consultation with the division of child  
9 support, shall appoint the following members:

10 (i) The director of the division of child support;

11 (ii) A professor of law specializing in family law;

12 (iii) A representative from the Washington state bar association's  
13 family law executive committee;

14 (iv) An economist;

15 (v) A representative of the tribal community;

16 (vi) Two representatives from the superior court judges  
17 association, including a superior court judge and a court commissioner  
18 who is familiar with child support issues;

19 (vii) A representative from the administrative office of the  
20 courts;

21 (viii) A prosecutor appointed by the Washington association of  
22 prosecuting attorneys;

23 (ix) A representative from legal services;

24 (x) Three noncustodial parents, each of whom may be a  
25 representative of an advocacy group, an attorney, or an individual,  
26 with at least one representing the interests of low-income,  
27 noncustodial parents;

28 (xi) Three custodial parents, each of whom may be a representative  
29 of an advocacy group, an attorney, or an individual, with at least one  
30 representing the interests of low-income, custodial parents; and

31 (xii) An administrative law judge appointed by the office of  
32 administrative hearings.

33 (2) Appointments to the work group shall be made by December 1,  
34 2010, and every four years thereafter. The governor shall appoint the  
35 chair from among the work group membership.

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

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

4       (5) Legislative members of the work group shall be reimbursed for  
5 travel expenses under RCW 44.04.120. Nonlegislative members, except  
6 those representing an employee or organization, are entitled to be  
7 reimbursed for travel expenses in accordance with RCW 43.03.050 and  
8 43.03.060.

9       (6) By October 1, 2011, and every four years thereafter, the work  
10 group shall report its findings and recommendations to the legislature,  
11 including recommendations for legislative action, if necessary.

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

14       By July 1, 2010, the joint legislative audit and review committee  
15 shall:

16       (1) Review and analyze data collected from the order summary  
17 report, the recommendations of the child support work group in section  
18 7 of this act, the current child support guidelines, and other relevant  
19 research and data regarding the cost of child rearing, as well as  
20 research and data on the application of, and deviations from, the child  
21 support guidelines.

22       (2) Prepare a report on the application of the current child  
23 support guidelines and the recommendations of the work group.

24       This section expires July 1, 2011.

25       NEW SECTION. Sec. 7. (1) By August 1, 2007, the division of child  
26 support shall convene a work group to examine the current laws,  
27 administrative rules, and practices regarding child support, with  
28 members as provided in this subsection. The objective of the work  
29 group shall be to continue the work of the 2005 child support  
30 guidelines work group, and produce findings and recommendations to the  
31 legislature, including recommendations for legislative action, by  
32 December 30, 2008.

33       (a) The speaker of the house of representatives shall appoint one  
34 member from each of the two largest caucuses of the house of  
35 representatives;

1 (b) The president of the senate shall appoint one member from each  
2 of the two largest caucuses in the senate;

3 (c) The governor, in consultation with the division of child  
4 support, shall appoint the following members:

5 (i) The director of the division of child support;

6 (ii) A professor of law specializing in family law;

7 (iii) A representative from the Washington state bar association's  
8 family law executive committee;

9 (iv) An economist;

10 (v) A representative of the tribal community;

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

14 (vii) A representative from the administrative office of the  
15 courts;

16 (viii) A prosecutor appointed by the Washington association of  
17 prosecuting attorneys;

18 (ix) A representative from legal services;

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

23 (xi) Three custodial parents, each of whom may be a representative  
24 of an advocacy group, an attorney, or an individual, with at least one  
25 representing the interests of low-income, custodial parents;

26 (xii) An administrative law judge appointed by the office of  
27 administrative hearings.

28 (2) The director of the division of child support shall serve as  
29 chair of the work group.

30 (3) The division of child support shall provide staff support to  
31 the work group.

32 (4) The work group shall review and make recommendations to the  
33 legislature and the governor regarding the child support guidelines in  
34 Washington state. In preparing the recommendations, the work group  
35 shall, at a minimum, review the following issues:

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

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

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

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

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

10 (f) Whether the estimated cost of child rearing, as reflected in  
11 the economic table, should be based on the Rothbarth estimate, the  
12 Engle estimator, or some other basis for calculating the cost of child  
13 rearing;

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

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

19 (i) How extraordinary medical expenses should be addressed, either  
20 through the basic child support obligation or independently;

21 (j) Whether the amount of the presumptive minimum order should be  
22 adjusted;

23 (k) Whether gross or net income should be used for purposes of  
24 calculating the child support obligation;

25 (l) How to treat overtime income or income from a second job for  
26 purposes of calculating the child support obligation;

27 (m) Whether the noncustodial parent's current child support  
28 obligation should be limited to forty-five percent of net income; and

29 (n) Whether the residential schedule should affect the amount of  
30 the child support obligation.

31 (5) Legislative members of the work group shall be reimbursed for  
32 travel expenses under RCW 44.04.120. Nonlegislative members, except  
33 those representing an employee or organization, are entitled to be  
34 reimbursed for travel expenses in accordance with RCW 43.03.050 and  
35 43.03.060.

36 (6) This section expires June 30, 2009.

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