

**SHB 1603** - H AMD **941**

By Representative Shea

1 On page 1, after line 4, insert the following:

2

3 "NEW SECTION. **Sec. 1.** The legislature intends to implement  
4 recommendations of the 2011 and 2015 child support schedule workgroups  
5 pertaining to updating the child support economic table and  
6 establishing a residential schedule credit. The legislature finds  
7 that updating the economic table is necessary to modernize the  
8 calculation of basic support obligations. The legislature further  
9 finds that both the 2011 and 2015 child support schedule workgroups  
10 recognized the importance of establishing an adjustment to the basic  
11 support obligation determined under the economic table based on a  
12 shared residential schedule. The legislature finds that enacting both  
13 an update of the economic table and a residential schedule adjustment  
14 to the support obligation determined under the economic table are  
15 important in providing a modernized and equitable procedure for  
16 establishing child support obligations."

17

18 Renumber the remaining sections consecutively.

19

20 On page 16, after line 23, insert the following:

21 **"Sec. 2.** RCW 26.19.075 and 2009 c 84 s 4 are each amended to read  
22 as follows:

23 (1) Reasons for deviation from the standard calculation include  
24 but are not limited to the following:

25 (a) **Sources of income and tax planning.** The court may deviate  
26 from the standard calculation after consideration of the following:

27

1 (i) Income of a new spouse or new domestic partner if the parent  
2 who is married to the new spouse or in a partnership with a new  
3 domestic partner is asking for a deviation based on any other  
4 reason. Income of a new spouse or new domestic partner is not, by  
5 itself, a sufficient reason for deviation;

6 (ii) Income of other adults in the household if the parent who  
7 is living with the other adult is asking for a deviation based on  
8 any other reason. Income of the other adults in the household is  
9 not, by itself, a sufficient reason for deviation;

10 (iii) Child support actually received from other relationships;

11 (iv) Gifts;

12 (v) Prizes;

13 (vi) Possession of wealth, including but not limited to savings,  
14 investments, real estate holdings and business interests, vehicles,  
15 boats, pensions, bank accounts, insurance plans, or other assets;

16 (vii) Extraordinary income of a child;

17 (viii) Tax planning considerations. A deviation for tax planning  
18 may be granted only if the child would not receive a lesser economic  
19 benefit due to the tax planning; or

20 (ix) Income that has been excluded under \*RCW 26.19.071(4)(h) if  
21 the person earning that income asks for a deviation for any other  
22 reason.

23 (b) **Nonrecurring income.** The court may deviate from the standard  
24 calculation based on a finding that a particular source of income  
25 included in the calculation of the basic support obligation is not a  
26 recurring source of income. Depending on the circumstances,  
27 nonrecurring income may include overtime, contract-related benefits,  
28 bonuses, or income from second jobs. Deviations for nonrecurring  
29 income shall be based on a review of the nonrecurring income  
30 received in the previous two calendar years.

31 (c) **Debt and high expenses.** The court may deviate from the  
32 standard calculation after consideration of the following expenses:

33 (i) Extraordinary debt not voluntarily incurred;

34

1 (ii) A significant disparity in the living costs of the parents  
2 due to conditions beyond their control;

3 (iii) Special needs of disabled children;

4 (iv) Special medical, educational, or psychological needs of the  
5 children; or

6 (v) Costs incurred or anticipated to be incurred by the parents  
7 in compliance with court-ordered reunification efforts under chapter  
8 13.34 RCW or under a voluntary placement agreement with an agency  
9 supervising the child.

10 (d) (~~**Residential schedule.** The court may deviate from the~~  
11 ~~standard calculation if the child spends a significant amount of~~  
12 ~~time with the parent who is obligated to make a support transfer~~  
13 ~~payment. The court may not deviate on that basis if the deviation~~  
14 ~~will result in insufficient funds in the household receiving the~~  
15 ~~support to meet the basic needs of the child or if the child is~~  
16 ~~receiving temporary assistance for needy families. When determining~~  
17 ~~the amount of the deviation, the court shall consider evidence~~  
18 ~~concerning the increased expenses to a parent making support~~  
19 ~~transfer payments resulting from the significant amount of time~~  
20 ~~spent with that parent and shall consider the decreased expenses, if~~  
21 ~~any, to the party receiving the support resulting from the~~  
22 ~~significant amount of time the child spends with the parent making~~  
23 ~~the support transfer payment.~~

24 (e)) **Children from other relationships.** The court may deviate  
25 from the standard calculation when either or both of the parents  
26 before the court have children from other relationships to whom the  
27 parent owes a duty of support.

28 (i) The child support schedule shall be applied to the mother,  
29 father, and children of the family before the court to determine the  
30 presumptive amount of support.

31 (ii) Children from other relationships shall not be counted in  
32 the number of children for purposes of determining the basic support  
33 obligation and the standard calculation.

34

1 (iii) When considering a deviation from the standard calculation  
2 for children from other relationships, the court may consider only  
3 other children to whom the parent owes a duty of support. The court  
4 may consider court-ordered payments of child support for children  
5 from other relationships only to the extent that the support is  
6 actually paid.

7 (iv) When the court has determined that either or both parents  
8 have children from other relationships, deviations under this  
9 section shall be based on consideration of the total circumstances  
10 of both households. All child support obligations paid, received,  
11 and owed for all children shall be disclosed and considered.

12 (2) All income and resources of the parties before the court,  
13 new spouses or new domestic partners, and other adults in the  
14 households shall be disclosed and considered as provided in this  
15 section. The presumptive amount of support shall be determined  
16 according to the child support schedule. Unless specific reasons for  
17 deviation are set forth in the written findings of fact and are  
18 supported by the evidence, the court shall order each parent to pay  
19 the amount of support determined by using the standard calculation.

20 (3) The court shall enter findings that specify reasons for any  
21 deviation or any denial of a party's request for any deviation from  
22 the standard calculation made by the court. The court shall not  
23 consider reasons for deviation until the court determines the  
24 standard calculation for each parent.

25 (4) When reasons exist for deviation, the court shall exercise  
26 discretion in considering the extent to which the factors would  
27 affect the support obligation.

28 (5) Agreement of the parties is not by itself adequate reason for  
29 any deviations from the standard calculation.

30

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 26.19 RCW  
32 to read as follows:

33

34

1 (1) The court shall make an adjustment to the standard calculation  
2 for a shared residential schedule subject to the provisions in this  
3 section.

4 (2) An adjustment to the standard calculation based on the  
5 residential schedule may be made if there is a court order or findings  
6 made by an administrative law judge regarding the number of overnights  
7 the child or children spend with the obligor parent, and the number of  
8 overnights allocated to the obligor is equivalent to at least fourteen  
9 percent of annual overnights. The number of overnights in the court  
10 order or administrative law judge's findings must be used to calculate  
11 the residential adjustment. The findings made by an administrative  
12 law judge may be based upon a written agreement between the parents or  
13 upon sworn testimony provided by a party at the administrative hearing  
14 for child support.

15 (3) The adjustment must be based on the table in section 4 of this  
16 act and the formula set forth in the worksheet for calculating  
17 residential credit.

18 (4) An adjustment may not be made to the standard calculation  
19 based on the shared residential schedule if:

20 (a) The adjustment would result in insufficient funds in the  
21 household receiving the support transfer payment to meet the basic  
22 needs of the child;

23 (b) The obligee's net income before receiving the support transfer  
24 payment is at or below one hundred twenty-five percent of the federal  
25 poverty level guidelines for one person; or

26 (c) The child is receiving temporary assistance for needy  
27 families.

28 (5) To help parties estimate residential credit, the division of  
29 child support shall, if feasible and within available resources,  
30 create a residential credit calculator available online.

31  
32 NEW SECTION. **Sec. 4.** A new section is added to chapter 26.19 RCW  
33 to read as follows:

1 Residential time table. The TOTAL column represents the  
 2 anticipated total out-of-pocket expenses expressed as a percentage of  
 3 the basic child support obligation that will be incurred by the parent  
 4 who will pay child support. The total expenses are the sum of  
 5 transferred and duplicated expenses. The DUPLICATED column represents  
 6 the duplicated expenses and reflects the assumption that when there is  
 7 an equal sharing of residential time, fifty percent of the basic child  
 8 support obligation will be duplicated. The number of annual  
 9 overnights column will determine the particular fractions of TOTAL and  
 10 DUPLICATED to be used in the residential time credit worksheet.

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

ANNUAL OVERNIGHTS				
FROM	TO	TOTAL	DUPLICATED	
1	51	0.000	0.000	
52	55	0.062	0.011	
56	60	0.070	0.014	
61	65	0.080	0.020	
66	70	0.093	0.028	
71	75	0.108	0.038	
76	80	0.127	0.052	
81	85	0.150	0.070	
86	90	0.178	0.093	
91	95	0.211	0.122	
96	100	0.250	0.156	
101	105	0.294	0.195	
106	110	0.341	0.237	
111	115	0.388	0.280	
116	120	0.434	0.321	
121	125	0.476	0.358	
126	130	0.513	0.390	
131	135	0.544	0.417	
136	140	0.570	0.438	
141	145	0.591	0.454	
146	150	0.609	0.467	

1	151	155	0.623	0.476
2	156	160	0.634	0.483
3	161	165	0.644	0.488
4	166	170	0.652	0.491
5	171	175	0.660	0.494
6	176	180	0.666	0.495
7	181	183	0.675	0.500

8

9       **Sec. 5.** RCW 26.19.050 and 2005 c 282 s 37 are each amended to  
10 read as follows:

11       (1) The administrative office of the courts shall develop and  
12 adopt worksheets and instructions to assist the parties and courts in  
13 establishing the appropriate child support level and apportionment of  
14 support. The administrative office of the courts shall develop and  
15 adopt a worksheet for calculating residential credit that is  
16 consistent with the intent of the proposed residential schedule credit  
17 as set forth in the final report of the 2011 child support schedule  
18 workgroup. The administrative office of the courts shall attempt to  
19 the greatest extent possible to make the worksheets and instructions  
20 understandable by persons who are not represented by legal counsel.

21       (2) The administrative office of the courts shall develop and  
22 adopt standards for the printing of worksheets and shall establish a  
23 process for certifying printed worksheets. The administrator may  
24 maintain a register of sources for approved worksheets.

25       (3) The administrative office of the courts should explore methods  
26 to assist pro se parties and judges in the courtroom to calculate  
27 support payments through automated software, equipment, or personal  
28 assistance."

29

30       Renumber the remaining section consecutively and correct the  
31 title.

32

EFFECT: Makes legislative findings that the 2011 and 2015  
Child Support Schedule Workgroups recommended both an update of the

economic table and establishment of an adjustment to the basic support obligation determined under the economic table based on a shared residential schedule. States legislative intent that enacting both the update to the economic table and a residential schedule adjustment are important to establishing a modernized and equitable procedure for establishing child support obligations.

Provides that the court must make an adjustment to the standard calculation, rather than a deviation, where there is a shared residential schedule for a child. There must be a court order or administrative law judge findings regarding the number of overnights, which must be equivalent to at least 14 percent of the annual overnights.

The adjustments must be made based on a new table and a formula set forth in a worksheet for calculating residential credit, which must be developed by the AOC consistent with the intent of the 2011 Child Support Workgroup. An adjustment may not be made if: (1) it would result in insufficient funds to the receiving household to meet the basic needs of the child; (2) the obligee's net income before receiving child support is at or below 125 percent of the federal poverty guidelines for one person; or (3) the child is receiving TANF.

--- END ---