

---

HOUSE BILL 2788

---

State of Washington

54th Legislature

1996 Regular Session

By Representatives McMahan, Campbell, Thompson, Cairnes, Clements, Chappell and Radcliff

Read first time 01/19/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to child support; and amending RCW 26.19.075 and  
2 26.19.080.

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

4 **Sec. 1.** RCW 26.19.075 and 1993 c 358 s 5 are each amended to read  
5 as follows:

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

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

10 (i) Income of a new spouse if the parent who is married to the new  
11 spouse is asking for a deviation based on any other reason. Income of  
12 a new spouse is not, by itself, a sufficient reason for deviation;

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

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

18 (iv) Gifts;

19 (v) Prizes;

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

4 (vii) Extraordinary income of a child; or

5 (viii) Tax planning considerations. A deviation for tax planning  
6 may be granted only if the child would not receive a lesser economic  
7 benefit due to the tax planning.

8 (b) **Nonrecurring income.** The court may deviate from the standard  
9 calculation based on a finding that a particular source of income  
10 included in the calculation of the basic support obligation is not a  
11 recurring source of income. Depending on the circumstances,  
12 nonrecurring income may include overtime, contract-related benefits,  
13 bonuses, or income from second jobs. Deviations for nonrecurring  
14 income shall be based on a review of the nonrecurring income received  
15 in the previous two calendar years.

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

18 (i) Extraordinary debt not voluntarily incurred;

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

21 (iii) Special needs of disabled children;

22 (iv) Special medical, educational, or psychological needs of the  
23 children; or

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

28 (d) ~~((**Residential schedule.**—The court may deviate from the~~  
29 ~~standard calculation if the child spends a significant amount of time~~  
30 ~~with the parent who is obligated to make a support transfer payment.~~  
31 ~~The court may not deviate on that basis if the deviation will result in~~  
32 ~~insufficient funds in the household receiving the support to meet the~~  
33 ~~basic needs of the child or if the child is receiving aid to families~~  
34 ~~with dependent children. When determining the amount of the deviation,~~  
35 ~~the court shall consider evidence concerning the increased expenses to~~  
36 ~~a parent making support transfer payments resulting from the~~  
37 ~~significant amount of time spent with that parent and shall consider~~  
38 ~~the decreased expenses, if any, to the party receiving the support~~

1 resulting from the significant amount of time the child spends with the  
2 parent making the support transfer payment.

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

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

10 (ii) ~~((Children from other relationships shall not be counted in  
11 the number of children for purposes of determining the basic support  
12 obligation and the standard calculation.~~

13 ~~(iii) When considering a deviation from the standard calculation  
14 for children from other relationships, the court may consider only  
15 other children to whom the parent owes a duty of support. The court  
16 may consider court ordered payments of child support for children from  
17 other relationships only to the extent that the support is actually  
18 paid.~~

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

24 (2) All income and resources of the parties before the court, new  
25 spouses, and other adults in the households shall be disclosed and  
26 considered as provided in this section. The presumptive amount of  
27 support shall be determined according to the child support schedule.  
28 Unless specific reasons for deviation are set forth in the written  
29 findings of fact and are supported by the evidence, the court shall  
30 order each parent to pay the amount of support determined by using the  
31 standard calculation.

32 (3) The court shall enter findings that specify reasons for any  
33 deviation or any denial of a party's request for any deviation from the  
34 standard calculation made by the court. The court shall not consider  
35 reasons for deviation until the court determines the standard  
36 calculation for each parent.

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

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

3 **Sec. 2.** RCW 26.19.080 and 1990 1st ex.s. c 2 s 7 are each amended  
4 to read as follows:

5 (1) The basic child support obligation derived from the economic  
6 table shall be allocated between the parents based on each parent's  
7 share of the combined monthly net income.

8 (2) Ordinary health care expenses are included in the economic  
9 table. Monthly health care expenses that exceed five percent of the  
10 basic support obligation shall be considered extraordinary health care  
11 expenses. Extraordinary health care expenses shall be shared by the  
12 parents in the same proportion as the basic child support obligation.

13 (3) Day care and special child rearing expenses, such as tuition  
14 and long-distance transportation costs to and from the parents for  
15 visitation purposes, are not included in the economic table. These  
16 expenses shall be shared by the parents in the same proportion as the  
17 basic child support obligation. If an obligor parent pays for day care  
18 or special child rearing expenses that are not actually incurred, the  
19 obligee must reimburse the obligor for the overpayment. The  
20 reimbursement may be in the form of a credit against future support  
21 payments upon agreement of both parties or pursuant to a court or  
22 administrative order. Absent agreement of the obligee, nothing in this  
23 section entitles an obligor to pay more than his or her proportionate  
24 share of day care or other special child rearing expenses in advance  
25 and then deduct the overpayment from future support transfer payments.

26 (4) Expenses incurred by the nonresidential parent when the child  
27 or children are with that parent pursuant to the residential schedule  
28 are not included in the economic table. The court shall grant to the  
29 nonresidential parent a residential credit against the amount of the  
30 transfer payment due under the standard calculation. The amount of the  
31 residential credit shall be the amount of the transfer payment under  
32 the standard calculation multiplied by the fraction whose numerator is  
33 the number of overnight visits per year the children for whom support  
34 is paid are scheduled to have with the nonresidential parent as set  
35 forth in the parenting plan and whose denominator is three hundred  
36 sixty-five. The amount of residential credit shall be divided by  
37 twelve and the monthly transfer payment adjusted accordingly. The  
38 court shall not grant a residential credit if the child to whom the

1 obligation of support is owed, or the parent with whom the child  
2 resides, is receiving aid to families with dependent children benefits.  
3 (5) The court may exercise its discretion to determine the  
4 necessity for and the reasonableness of all amounts ordered in excess  
5 of the basic child support obligation.

--- END ---