

2 **E2SSB 5120 - H AMD 607 NOT CONSIDERED BY SPEAKERS RULING 4-18-91**  
3 By Representative Appelwick

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 26.09.010 and 1989 c 375 s 1 are each amended to read  
8 as follows:

9 (1) Except as otherwise specifically provided herein, the practice  
10 in civil action shall govern all proceedings under this chapter, except  
11 that trial by jury is dispensed with.

12 (2) A proceeding for dissolution of marriage, legal separation or  
13 a declaration concerning the validity of a marriage shall be entitled  
14 "In re the marriage of ..... and ....." Such proceeding  
15 (~~may~~) shall be filed in the superior court of the county where the  
16 petitioner or respondent resides. Upon motion and hearing before the  
17 superior court of the county where the proceeding is filed, the court  
18 may waive venue in that county for good cause shown.

19 (3) In cases where there has been no prior proceeding in this state  
20 involving the marital status of the parties or support obligations for  
21 a minor child, a separate parenting and support proceeding between the  
22 parents shall be entitled "In re the parenting and support of  
23 ....." Such proceeding shall be filed in the superior court of  
24 the county where the petitioner or respondent resides. Upon motion and  
25 hearing before the superior court of the county where the proceeding is  
26 filed, the court may waive venue in that county for good cause shown.

27 (4) The initial pleading in all proceedings under this chapter  
28 shall be denominated a petition. A responsive pleading shall be

1 denominated a response. Other pleadings, and all pleadings in other  
2 matters under this chapter shall be denominated as provided in the  
3 civil rules for superior court.

4 (5) In this chapter, "decree" includes "judgment".

5 (6) A decree of dissolution, of legal separation, or a declaration  
6 concerning the validity of a marriage shall not be awarded to one of  
7 the parties, but shall provide that it affects the status previously  
8 existing between the parties in the manner decreed."

9 "Sec. 2. RCW 26.09.015 and 1989 c 375 s 2 are each amended to read  
10 as follows:

11 (1) In any proceeding under this chapter, the matter may be set for  
12 mediation of the contested issues before or concurrent with the setting  
13 of the matter for hearing. The purpose of the mediation proceeding  
14 shall be to reduce acrimony which may exist between the parties and to  
15 develop an agreement assuring the child's close and continuing contact  
16 with both parents after the marriage is dissolved. The mediator shall  
17 use his or her best efforts to effect a settlement of the dispute.

18 (2) Each superior court may make available a mediator. The  
19 mediator may be a member of the professional staff of a family court or  
20 mental health services agency, or may be any other person or agency  
21 designated by the court. In order to provide mediation services, the  
22 court is not required to institute a family court.

23 (3) Mediation proceedings shall be held in private and shall be  
24 confidential. The mediator shall not testify as to any aspect of the  
25 mediation proceedings. This subsection shall not apply to postdecree  
26 mediation required pursuant to a parenting plan.

27 (4) The mediator shall assess the needs and interests of the child  
28 or children involved in the controversy and may interview the child or  
29 children if the mediator deems such interview appropriate or necessary.

1 (5) Any agreement reached by the parties as a result of mediation  
2 shall be reported to the court and to counsel for the parties by the  
3 mediator on the day set for mediation or any time thereafter designated  
4 by the court.

5 ~~((6) This section shall not apply to postdecree mediation required  
6 pursuant to a parenting plan.))"~~

7 "Sec. 3. RCW 26.09.100 and 1990 1st ex.s. c 2 s 1 are each amended  
8 to read as follows:

9 (1) In a proceeding for dissolution of marriage, legal separation,  
10 declaration of invalidity, maintenance, or child support, after  
11 considering all relevant factors but without regard to marital  
12 misconduct, the court shall order either or both parents owing a duty  
13 of support to any child of the marriage dependent upon either or both  
14 spouses to pay an amount determined under chapter 26.19 RCW.

15 (2) The court may require periodic ~~((adjustments))~~ modifications of  
16 child support. That portion of any decree that requires periodic  
17 modifications of child support shall use the provisions in chapter  
18 26.19 RCW as the basis for the modification. That portion of any  
19 decree that requires periodic modification of child support that uses  
20 a basis for modification other than chapter 26.19 RCW shall be void.  
21 Provisions in the decree for periodic modification shall not conflict  
22 with RCW 26.09.170 except that the decree may require periodic  
23 modifications of support more frequently than the time periods  
24 established pursuant to RCW 26.09.170. The ~~((adjustment))~~ automatic  
25 modification provision may be modified by the court due to economic  
26 hardship consistent with the provisions of RCW 26.09.170(4)(a)."

27 "Sec. 4. RCW 26.09.160 and 1989 c 318 s 1 are each amended to read  
28 as follows:

1 (1) The performance of parental functions and the duty to provide  
2 child support are distinct responsibilities in the care of a child. If  
3 a party fails to comply with a provision of a decree or temporary order  
4 of injunction, the obligation of the other party to make payments for  
5 support or maintenance or to permit contact with children is not  
6 suspended. An attempt by a parent, in either the negotiation or the  
7 performance of a parenting plan, to condition one aspect of the  
8 parenting plan upon another, to condition payment of child support upon  
9 an aspect of the parenting plan, to refuse to pay ordered child  
10 support, to refuse to perform the duties provided in the parenting  
11 plan, or to hinder the performance by the other parent of duties  
12 provided in the parenting plan, ((may)) shall be deemed bad faith and  
13 shall be punished by the court by holding the party in contempt of  
14 court and by awarding to the aggrieved party reasonable attorneys' fees  
15 and costs incidental in bringing a motion for contempt of court.

16 (2)(a) A motion may be filed to initiate a contempt action to  
17 coerce a parent to comply with an order establishing residential  
18 provisions for a child. If the court finds there is reasonable cause  
19 to believe the parent has not complied with the order, the court may  
20 issue an order to show cause why the relief requested should not be  
21 granted.

22 (b) If, based on all the facts and circumstances, the court finds  
23 after hearing that the parent, in bad faith, has not complied with the  
24 order establishing residential provisions for the child, the court  
25 ((may)) shall find the parent in contempt of court. Upon a finding of  
26 contempt, the court shall order:

27 (i) The noncomplying parent to provide the moving party additional  
28 time with the child. The additional time shall be equal to the time  
29 missed with the child, due to the parent's noncompliance;

1 (ii) The parent to pay, to the moving party, all court costs and  
2 reasonable attorneys' fees incurred as a result of the noncompliance,  
3 and any reasonable expenses incurred in locating or returning a child;  
4 and

5 (iii) The parent to pay, to the moving party, a civil penalty, not  
6 less than the sum of one hundred dollars.

7 The court may also order the parent to be imprisoned in the county  
8 jail, if the parent is presently able to comply with the provisions of  
9 the court-ordered parenting plan and is presently unwilling to comply.  
10 The parent may be imprisoned until he or she agrees to comply with the  
11 order, but in no event for more than one hundred eighty days.

12 (3) On a second failure within three years to comply with a  
13 residential provision of a court-ordered parenting plan, a motion may  
14 be filed to initiate contempt of court proceedings according to the  
15 procedure set forth in subsection (2) (a) and (b) of this section. On  
16 a finding of contempt under this subsection, the court shall order:

17 (a) The noncomplying parent to provide the other parent or party  
18 additional time with the child. The additional time shall be twice the  
19 amount of the time missed with the child, due to the parent's  
20 noncompliance;

21 (b) The noncomplying parent to pay, to the other parent or party,  
22 all court costs and reasonable attorneys' fees incurred as a result of  
23 the noncompliance, and any reasonable expenses incurred in locating or  
24 returning a child; and

25 (c) The noncomplying parent to pay, to the moving party, a civil  
26 penalty of not less than two hundred fifty dollars.

27 The court may also order the parent to be imprisoned in the county  
28 jail, if the parent is presently able to comply with the provisions of  
29 the court-ordered parenting plan and is presently unwilling to comply.

1 The parent may be imprisoned until he or she agrees to comply with the  
2 order but in no event for more than one hundred eighty days.

3 (4) For purposes of subsections (1), (2), and (3) of this section,  
4 the parent shall be deemed to have the present ability to comply with  
5 the order establishing residential provisions unless he or she  
6 establishes otherwise by a preponderance of the evidence. The parent  
7 shall establish a reasonable excuse for failure to comply with the  
8 residential provision of a court-ordered parenting plan by a  
9 preponderance of the evidence.

10 (5) Any monetary award ordered under subsections (1), (2), and (3)  
11 of this section may be enforced, by the party to whom it is awarded, in  
12 the same manner as a civil judgment.

13 (6) Subsections (1), (2), and (3) of this section authorize the  
14 exercise of the court's power to impose remedial sanctions for contempt  
15 of court and is in addition to any other contempt power the court may  
16 possess.

17 (7) Upon motion for contempt of court under subsections (1) through  
18 (3) of this section, if the court finds the motion was brought without  
19 reasonable basis, the court shall order the moving party to pay to the  
20 nonmoving party, all costs, reasonable attorneys' fees, and a civil  
21 penalty of not less than one hundred dollars."

22 "Sec. 5. RCW 26.09.170 and 1990 1st ex.s. c 2 s 2 are each amended  
23 to read as follows:

24 (1) Except as otherwise provided in subsection (7) of RCW 26.09.070  
25 and subsection (10) of this section, the provisions of any decree  
26 respecting maintenance or support may be modified only as to  
27 installments accruing subsequent to the filing of the motion for  
28 modification and, except as otherwise provided in subsections (4), (5),  
29 ~~((and))~~ (8), (9), and (10) of this section, only upon a showing of a

1 substantial change of circumstances. Any modification granted shall be  
2 effective as of the date of the filing of the motion. The provisions  
3 as to property disposition may not be revoked or modified, unless the  
4 court finds the existence of conditions that justify the reopening of  
5 a judgment under the laws of this state. An increase in the wage or  
6 salary of a parent who is receiving support transfer payments as  
7 defined in section 24 of this act is not a substantial change in  
8 circumstances.

9 (2) Unless otherwise agreed in writing or expressly provided in the  
10 decree the obligation to pay future maintenance is terminated upon the  
11 death of either party or the remarriage of the party receiving  
12 maintenance.

13 (3) Unless otherwise agreed in writing or expressly provided in the  
14 decree, provisions for the support of a child are terminated by  
15 emancipation of the child or by the death of the parent obligated to  
16 support the child.

17 (4) Unless a decree provides for more frequent modifications of  
18 child support as provided in RCW 26.09.100, an order of child support  
19 may be modified one year or more after it has been entered without  
20 showing a substantial change of circumstances:

21 (a) If the order in practice works a severe economic hardship on  
22 either party or the child;

23 (b) If a party requests ((an adjustment)) a modification in an  
24 order for child support which was based on guidelines which determined  
25 the amount of support according to the child's age, and the child is no  
26 longer in the age category on which the current support amount was  
27 based;

28 (c) If a child is still in high school, upon a finding that there  
29 is a need to extend support beyond the eighteenth birthday to complete  
30 high school; or

1 (d) To add ~~((an))~~ automatic ~~((adjustment))~~ modification of support  
2 provisions ~~((consistent with))~~ as provided in RCW 26.09.100.

3 (5) An order or decree entered prior to June 7, 1984, may be  
4 modified without showing a substantial change of circumstances if the  
5 requested modification is to:

6 (a) Require health insurance coverage for a child named therein; or

7 (b) Modify an existing order for health insurance coverage.

8 (6) An obligor's voluntary unemployment or voluntary  
9 underemployment, by itself, is not a substantial change of  
10 circumstances.

11 (7) The department of social and health services may file an action  
12 to modify an order of child support if public assistance money is being  
13 paid to or for the benefit of the child and the child support order is  
14 twenty-five percent or more below the ~~((appropriate))~~ presumptive child  
15 support amount set forth in the standard calculation as defined in  
16 section ~~((4(2)))~~ 24 of this act and reasons for the deviation are not  
17 set forth in the findings of fact or order. The determination of  
18 twenty-five percent or more shall be based on the current income of the  
19 parties and the department shall not be required to show a substantial  
20 change of circumstances if the reasons for the deviations were not set  
21 forth in the findings of fact or order.

22 (8)(a) ~~((Except as provided in (b) and (c) of this subsection,))~~  
23 Unless a decree provides for more frequent modification of child  
24 support as provided in RCW 26.09.100, all decrees entered on, before,  
25 or after September 1, 1991, that contain orders regarding child support  
26 ~~((decrees))~~ may be ~~((adjusted))~~ modified once every twenty-four months  
27 based upon changes in the income of the parents without a showing of  
28 substantially changed circumstances. Either party may initiate the  
29 modification pursuant to procedures of RCW 26.09.175.



1       (b) All decrees entered on, before, or after September 1, 1991, may  
2 be modified based upon changes in the child support schedule  
3 established in chapter 26.19 RCW without a substantial change in  
4 circumstances. Parents whose decrees are entered on, before ((the  
5 effective date of this act)), or after the effective date of this  
6 section may petition the court for a modification based on the changes  
7 in the child support schedule after twelve months has expired from the  
8 entry of the decree or the most recent modification setting child  
9 support, whichever is later. However, if a party is granted relief  
10 under this provision, twenty-four months must pass before another  
11 petition for modification may be filed pursuant to (a) of this  
12 subsection.

13       (c) A party may petition for modification in cases of substantially  
14 changed circumstances, under subsection (1) of this section, at any  
15 time. However, if relief is granted under subsection (1) of this  
16 section, twenty-four months must pass before a petition for  
17 modification under (a) of this subsection may be filed.

18       (d) If, pursuant to (a) and (b) of this subsection, the court  
19 modifies a child support obligation by more than thirty percent and the  
20 change would cause significant hardship, the court may implement the  
21 change in two equal increments, one at the time of the entry of the  
22 order and the second six months from the entry of the order. Twenty-  
23 four months must pass following the second change before a petition for  
24 modification under (a) of this subsection may be filed.

25       ~~((e) A parent who is receiving transfer payments who receives a~~  
26 ~~wage or salary increase may not bring a modification action pursuant to~~  
27 ~~(a) of this subsection alleging that increase constitutes a substantial~~  
28 ~~change of circumstances under subsection (1) of this section.))~~

1       (9) Any decree, separation agreement, contract, or other agreement  
2 that conflicts with RCW 26.09.170(8) shall, upon motion of a party, be  
3 modified to conform to the requirements of RCW 26.09.170(8).

4       (10) A parent obligated to pay support, who was on active duty for  
5 the United States military for the "Desert Shield" or "Desert Storm"  
6 operations of the United States war with Iraq, may bring a motion for  
7 modification of child support without a substantial change of  
8 circumstances for purposes of a retroactive adjustment of child support  
9 commencing from the beginning of the active duty until the date the  
10 parent was no longer on active duty. The parent must bring the motion  
11 for modification within ninety days of the end of the parent's active  
12 duty. The motion for modification may only be granted if the parent's  
13 income or resources were reduced while on active duty. Any  
14 modification granted that reduces child support during the parent's  
15 term of active duty shall be a prospective credit against future child  
16 support payments in an amount and over a period of time as determined  
17 in the court's discretion."

18       **"Sec. 6.** RCW 26.09.175 and 1990 1st ex.s. c 2 s 3 are each amended  
19 to read as follows:

20       (1) A proceeding for the modification of an order of child support  
21 shall commence with the filing of a petition(~~(, a supporting financial~~  
22 ~~affidavit,~~) and worksheets. The petition (~~(and affidavit)~~) shall be  
23 in substantially the form prescribed by the administrator for the  
24 courts. There shall be a fee of twenty dollars for the filing of a  
25 petition for modification of dissolution.

26       (2) The petitioner shall serve upon the other party the summons, a  
27 copy of the petition (~~(and affidavit, and a blank copy of a financial~~  
28 ~~affidavit)~~), and the worksheets in the form prescribed by the  
29 administrator for the courts. If the modification proceeding is the

1 first action filed in this state, service shall be made by personal  
2 service. If the decree to be modified was entered in this state,  
3 service shall be by personal service or by any form of mail requiring  
4 a return receipt. If the support obligation has been assigned to the  
5 state pursuant to RCW 74.20.330 (~~and notice has been filed with the~~  
6 ~~court~~) or the state has a subrogated interest under RCW 74.20A.030,  
7 the summons, petition, (~~affidavit,~~) and worksheets shall also be  
8 served on the attorney general. Proof of service shall be filed with  
9 the court.

10 (3) The responding party's answer (~~and completed financial~~  
11 ~~affidavit~~) and worksheets shall be served and the answer filed within  
12 twenty days after service of the petition or sixty days if served out  
13 of state. The responding party's failure to file an answer within the  
14 time required shall result in entry of a default judgment for the  
15 petitioner.

16 (4) At any time after responsive pleadings are filed, either party  
17 may schedule the matter for hearing.

18 (5) Unless both parties stipulate to arbitration or the presiding  
19 judge authorizes oral testimony pursuant to subsection (6) of this  
20 section, a petition for modification of an order of child support shall  
21 be heard by the court on affidavits, the petition, answer, and  
22 worksheets only.

23 (6) A party seeking authority to present oral testimony on the  
24 petition to modify a support order shall file an appropriate motion not  
25 later than ten days after the time of notice of hearing. Affidavits  
26 and exhibits setting forth the reasons oral testimony is necessary to  
27 a just adjudication of the issues shall accompany the petition. The  
28 affidavits and exhibits must demonstrate the extraordinary features of  
29 the case. Factors which may be considered include, but are not limited  
30 to: (a) Substantial questions of credibility on a major issue; (b)

1 insufficient or inconsistent discovery materials not correctable by  
2 further discovery; or (c) particularly complex circumstances requiring  
3 expert testimony.

4 (7) The administrator for the courts shall develop and prepare, in  
5 consultation with interested persons, model forms or notices for the  
6 use of the procedure provided by this section, including a notice  
7 advising of the right of a party to proceed with or without benefit of  
8 counsel."

9 "Sec. 7. RCW 26.09.184 and 1989 c 375 s 9 are each amended to read  
10 as follows:

11 (1) OBJECTIVES. The objectives of the permanent parenting plan are  
12 to:

13 (a) Provide for the child's physical care;

14 (b) Maintain the child's emotional stability;

15 (c) Provide for the child's changing needs as the child grows and  
16 matures, in a way that minimizes the need for future modifications to  
17 the permanent parenting plan;

18 (d) Set forth the authority and responsibilities of each parent  
19 with respect to the child, consistent with the criteria in RCW  
20 26.09.187 and 26.09.191;

21 (e) Minimize the child's exposure to harmful parental conflict;

22 (f) Encourage the parents, where appropriate under RCW 26.09.187  
23 and 26.09.191, to meet their responsibilities to their minor children  
24 through agreements in the permanent parenting plan, rather than by  
25 relying on judicial intervention; and

26 (g) To otherwise protect the best interests of the child consistent  
27 with RCW 26.09.002.

28 (2) CONTENTS OF THE PERMANENT PARENTING PLAN. The permanent  
29 parenting plan shall contain provisions for resolution of future

1 disputes between the parents, allocation of decision-making authority,  
2 and residential provisions for the child.

3 (3) DISPUTE RESOLUTION. A process for resolving disputes, other  
4 than court action, shall be provided unless precluded or limited by RCW  
5 26.09.187 or 26.09.191. A dispute resolution process may include  
6 counseling, mediation, or arbitration by a specified individual or  
7 agency, or court action. In the dispute resolution process:

8 (a) Preference shall be given to carrying out the parenting plan;

9 (b) The parents shall use the designated process to resolve  
10 disputes relating to implementation of the plan, except those related  
11 to financial support, unless an emergency exists;

12 (c) A written record shall be prepared of any agreement reached in  
13 counseling or mediation and of each arbitration award and shall be  
14 provided to each party;

15 (d) If the court finds that a parent has used or frustrated the  
16 dispute resolution process without good reason, the court shall award  
17 attorneys' fees and financial sanctions to the prevailing parent;

18 (e) The parties have the right of review from the dispute  
19 resolution process to the superior court; and

20 (f) The provisions of (a) through (e) of this subsection shall be  
21 set forth in the decree.

22 (4) ALLOCATION OF DECISION-MAKING AUTHORITY.

23 (a) The plan shall allocate decision-making authority to one or  
24 both parties regarding the children's education, health care, and  
25 religious upbringing. The parties may incorporate an agreement related  
26 to the care and growth of the child in these specified areas, or in  
27 other areas, into their plan, consistent with the criteria in RCW  
28 26.09.187 and 26.09.191. Regardless of the allocation of decision-  
29 making in the parenting plan, either parent may make emergency  
30 decisions affecting the health or safety of the child.

1 (b) Each parent may make decisions regarding the day-to-day care  
2 and control of the child while the child is residing with that parent.

3 (c) When mutual decision making is designated but cannot be  
4 achieved, the parties shall make a good-faith effort to resolve the  
5 issue through the dispute resolution process.

6 (5) RESIDENTIAL PROVISIONS FOR THE CHILD. The plan shall include  
7 a residential schedule which designates in which parent's home each  
8 minor child shall reside on given days of the year, including provision  
9 for holidays, birthdays of family members, vacations, and other special  
10 occasions, consistent with the criteria in RCW 26.09.187 and 26.09.191.

11 (6) PARENTS' OBLIGATION UNAFFECTED. If a parent fails to comply  
12 with a provision of a parenting plan or a child support order, the  
13 other parent's obligations under the parenting plan or the child  
14 support order are not affected. Failure to comply with a provision in  
15 a parenting plan or a child support order may result in a finding of  
16 contempt of court, under RCW 26.09.160.

17 (7) PROVISIONS TO BE SET FORTH IN PERMANENT PARENTING PLAN. The  
18 permanent parenting plan shall set forth the provisions of subsections  
19 (3) (a) through (c), (4) (b) and (c), and (6) of this section."

20 "**Sec. 8.** RCW 26.09.225 and 1990 1st ex.s. c 2 s 18 are each  
21 amended to read as follows:

22 (1) Each parent shall have full and equal access to the education  
23 (~~and health care~~) records of the child absent a court order to the  
24 contrary. Educational records include records of public and private  
25 schools in all grades kindergarten through twelve and any form of  
26 alternative school or postsecondary educational institution for all  
27 periods for which child support is paid or the child is the dependent  
28 in fact of the parent requesting access to the records. Neither parent  
29 may veto the access requested by the other parent and neither parent

1 nor child nor any educational institution may assert a privilege on  
2 behalf of the child.

3 (2) Each parent shall have full and equal access to the health care  
4 records of the child absent a court order to the contrary. Neither  
5 parent may veto the access requested by the other parent and neither  
6 parent nor child nor health care provider may assert a privilege on  
7 behalf of the child."

8 "Sec. 9. RCW 26.09.260 and 1989 c 375 s 14 and 1989 c 318 s 3 are  
9 each reenacted and amended to read as follows:

10 (1) Except as otherwise provided in subsection (4) of this section,  
11 the court shall not modify a prior custody decree or a parenting plan  
12 unless it finds, upon the basis of facts that have arisen since the  
13 prior decree or plan or that were unknown to the court at the time of  
14 the prior decree or plan, that a substantial change has occurred in the  
15 circumstances of the child or the nonmoving party and that the  
16 modification is in the best interest of the child and is necessary to  
17 serve the best interests of the child.

18 (2) In applying these standards, the court shall retain the  
19 residential schedule established by the decree or parenting plan  
20 unless:

21 (a) The parents agree to the modification;

22 (b) The child has been integrated into the family of the petitioner  
23 with the consent of the other parent in substantial deviation from the  
24 parenting plan;

25 (c) The child's present environment is detrimental to the child's  
26 physical, mental, or emotional health and the harm likely to be caused  
27 by a change of environment is outweighed by the advantage of a change  
28 to the child; or

1 (d) The court has found the nonmoving parent in contempt of court  
2 at least twice within three years because the parent failed to comply  
3 with the residential time provisions in the court-ordered parenting  
4 plan, or the parent has been convicted of custodial interference in the  
5 first or second degree under RCW 9A.40.060 or 9A.40.070.

6 ~~((+2+))~~ (3) A conviction of custodial interference in the first or  
7 second degree under RCW 9A.40.060 or 9A.40.070 shall constitute a  
8 substantial change of circumstances for the purposes of this section.

9 ~~((+3+))~~ (4) The court may order adjustments to a parenting plan  
10 upon a showing of a substantial change in circumstances of either  
11 parent or of the child, and without consideration of the factors set  
12 forth in subsection (2) of this section, if the proposed modification  
13 is only a:

14 (a) Modification in the dispute resolution process; or

15 (b) Minor modification in the residential schedule that:

16 (i) Does not change the residence the child is scheduled to reside  
17 in the majority of the time; and

18 (ii) Does not exceed twenty-four full days in a calendar year or  
19 five full days in a calendar month; or

20 (iii) Is based on a change of residence or an involuntary change in  
21 work schedule by a parent which makes the residential schedule in the  
22 parenting plan impractical to follow.

23 (5) If the court finds that a motion to modify a prior decree or  
24 parenting plan has been brought in bad faith, the court shall assess  
25 the attorney's fees and court costs of the nonmoving parent against the  
26 moving party."

27 "**Sec. 10.** RCW 26.09.280 and 1987 c 460 s 20 are each amended to  
28 read as follows:



1       (~~Hereafter~~) Every action or proceeding to change, modify, or  
2 enforce any final order, judgment, or decree (~~heretofore or~~  
3 ~~hereafter~~) entered in any dissolution or legal separation or  
4 declaration concerning the validity of a marriage, whether under this  
5 chapter or prior law, (~~in relation to~~) regarding the parenting plan  
6 or child support for the minor children of the marriage may be brought  
7 in the county where (~~said~~) the minor children are then residing, or  
8 in the court in which (~~said~~) the final order, judgment, or decree was  
9 entered, or in the county where the parent or other person who has the  
10 care, custody, or control of the (~~said~~) children is then residing."

11       "**Sec. 11.** RCW 26.12.010 and 1983 c 219 s 1 are each amended to  
12 read as follows:

13       Each superior court shall exercise the jurisdiction conferred by  
14 this chapter and while sitting in the exercise of such jurisdiction  
15 shall be known and referred to as the "family court." A family law  
16 proceeding under this chapter is any proceeding under this title or any  
17 proceeding in which the family court is requested to adjudicate or  
18 enforce the rights of the parties or their children regarding the  
19 determination or modification of parenting plans, child custody,  
20 visitation, or support, or the distribution of property or  
21 obligations."

22       "**Sec. 12.** RCW 26.12.060 and 1988 c 232 s 4 are each amended to  
23 read as follows:

24       The (~~family~~) court commissioners shall: (1) (~~Receive all~~  
25 ~~applications and complaints filed in the family court for the purpose~~  
26 ~~of disposing of them pursuant to this chapter~~) Make appropriate  
27 referrals to county family court services program if the county has a  
28 family court services program; (2) (~~investigate~~) order investigation

1 and reporting of the facts upon which to base warrants, subpoenas,  
2 orders or directions in actions or proceedings ~~((filed in or~~  
3 ~~transferred to the family court pursuant to))~~ under this chapter; (3)  
4 ~~((for the purpose of this chapter,))~~ exercise all the powers and  
5 perform all the duties of ~~((regular))~~ court commissioners; (4) ~~((hold~~  
6 ~~conciliation conferences with parties to and hearings in proceedings~~  
7 ~~under this chapter and))~~ make written reports of all proceedings had  
8 which shall become a part of the record of the family court; (5)  
9 provide ~~((such))~~ supervision ~~((in connection with))~~ over the exercise  
10 of its jurisdiction as the judge of the family court may order; (6)  
11 cause the orders and findings of the family court to be entered in the  
12 same manner as orders and findings are entered in cases in the superior  
13 court; (7) cause ~~((such))~~ other reports to be made and records kept as  
14 will indicate the value and extent of ~~((such conciliation service))~~  
15 reconciliation, mediation, investigation, and treatment services; and  
16 (8) conduct hearings under chapter 13.34 RCW as provided in RCW  
17 13.04.021."

18 "Sec. 13. RCW 26.12.170 and 1983 c 219 s 5 are each amended to  
19 read as follows:

20 ~~((The hearing shall be conducted informally as a conference or~~  
21 ~~series of conferences to effect the reconciliation of the parties or an~~  
22 ~~amicable adjustment or settlement of the issues of the controversy.))~~  
23 To facilitate and promote the purposes of this chapter, ~~((the))~~ family  
24 court judges and court commissioners may order or recommend family  
25 court services, drug and alcohol abuse evaluations and monitoring of  
26 the parties through public or private treatment services, other  
27 treatment services, the aid of physicians, psychiatrists, ~~((or))~~  
28 specialists, or other services or may recommend the aid of the pastor  
29 or director of any religious denomination to which the parties may

1 belong. ((Such aid, however, shall be at the expense of the parties  
2 involved and shall not be at the expense of the court or of the county  
3 unless the board of county commissioners shall specifically authorize  
4 such aid.))

5 If the court has reasonable cause to believe that a child of the  
6 parties has suffered abuse or neglect it may file a report with the  
7 proper law enforcement agency or the department of social and health  
8 services as provided in RCW 26.44.040. Upon receipt of such a report  
9 the law enforcement agency or the department of social and health  
10 services will conduct an investigation into the cause and extent of the  
11 abuse or neglect. The findings of the investigation may be made  
12 available to the court if ordered by the court as provided in RCW  
13 42.17.310(3). The findings shall be restricted to the issue of abuse  
14 and neglect and shall not be considered custody investigations."

15 "Sec. 14. RCW 26.12.190 and 1983 c 219 s 7 are each amended to  
16 read as follows:

17 (1) ((During the period of thirty days after filing a petition for  
18 conciliation no family law proceeding shall be filed by either party  
19 and further proceedings in a family law proceeding then pending in the  
20 superior court shall be stayed and the case transferred to the family  
21 court.)) The family court shall have jurisdiction and full power in  
22 all pending cases to make, alter, modify, and enforce all temporary and  
23 permanent orders((, orders for)) regarding the following: Parenting  
24 plans, child support, custody of children, visitation, possession of  
25 property, maintenance, contempt, custodial interference, and orders for  
26 attorneys' fees, suit money or costs as may appear just and equitable.  
27 Court commissioners or judges shall not have authority to require the  
28 parties to mediate disputes concerning child support.

1       (2) ~~((If, after the expiration of such thirty day period or the~~  
2 ~~formal conclusion of the proceedings for conciliation, the controversy~~  
3 ~~between the parties has not been terminated, either party may apply for~~  
4 ~~further relief by filing in the clerk's office additional pleadings or~~  
5 ~~by asking that the pending case be set for trial. The family court has~~  
6 ~~full jurisdiction to hear, try, and determine family law proceedings~~  
7 ~~under the laws relating thereto, and to retain jurisdiction of the case~~  
8 ~~for further hearings on decrees or orders to be made therein.~~

9       (3) ~~The conciliation provisions of this chapter may be used~~  
10 ~~concerning support, visitation, contempt, or for modification based on~~  
11 ~~changed conditions or for other problems between the parties related to~~  
12 ~~the family law proceeding.~~

13       (4) ~~Except as specifically so provided nothing in this chapter~~  
14 ~~shall be construed to repeal, nullify or change the law and procedure~~  
15 ~~relating to family law proceedings. The family court shall, when~~  
16 ~~application for relief is made under this chapter, apply provisions~~  
17 ~~governing family law proceedings in the same manner as if the action~~  
18 ~~had been brought thereunder in the superior court, save that the~~  
19 ~~conciliation procedures of the family court shall be applied so far as~~  
20 ~~appropriate to arrive at an amicable settlement of all issues in~~  
21 ~~controversy)) Family court investigation, evaluation, mediation,~~  
22 ~~treatment, and reconciliation services, and any other services may be~~  
23 ~~used to assist the court to develop an order as the court deems~~  
24 ~~necessary to preserve the marriage, implement an amicable settlement,~~  
25 ~~and resolve the issues in controversy."~~

26       **"Sec. 15.** RCW 26.12.220 and 1980 c 124 s 1 are each amended to  
27 read as follows:

28       (1) The legislative authority of any county may authorize family  
29 court services as provided in RCW 26.12.230. The legislative authority

1 may impose a fee in excess of that prescribed in RCW 36.18.010 for the  
2 issuance of a marriage license(~~(: PROVIDED, That such)~~). The fee  
3 shall not exceed eight dollars.

4 (2) In addition to any other funds used therefor, the governing  
5 body of any county shall use the proceeds from the fee increase  
6 authorized by this section to pay the expenses of the family court and  
7 the family court services under chapter 26.12 RCW. If there is no  
8 family court in the county, the legislative authority may provide such  
9 services through other county agencies or may contract with a public or  
10 private agency or person to provide such services. Family court  
11 services also may be provided jointly with other counties as provided  
12 in RCW 26.12.230.

13 (3) The family court services program may hire professional  
14 employees to provide the investigation, evaluation and reporting, and  
15 mediation services, or the county may contract for these services, or  
16 both. To facilitate and promote the purposes of this chapter, the  
17 court may order or recommend the aid of physicians, psychiatrists, or  
18 other specialists.

19 (4) The family court services program may provide or contract for:  
20 (a) Mediation; (b) investigation, evaluation, and reporting to the  
21 court; and (c) reconciliation; and may provide a referral mechanism for  
22 drug and alcohol testing, monitoring, and treatment; and any other  
23 treatment, parenting, or anger management programs the family court  
24 professional considers necessary or appropriate.

25 (5) Services other than family court investigation, evaluation,  
26 reconciliation, and mediation services shall be at the expense of the  
27 parties involved absent a court order to the contrary. The parties  
28 shall bear all or a portion of the family court investigation,  
29 evaluation, reconciliation, and mediation services according to the  
30 parties' ability to pay.

1       (6) The county legislative authority may establish rules of  
2 eligibility for (~~(conciliation)~~) the family court services funded under  
3 this section (~~(so long as its)~~). The rules (~~(do)~~) shall not conflict  
4 with rules of the court adopted under chapter 26.12 RCW or any other  
5 statute.

6       (~~(4)~~) (7) The legislative authority may establish fees for family  
7 court investigation, evaluation, reconciliation, and mediation services  
8 under this chapter according to the parties' ability to pay for the  
9 services. Fees collected under this section shall be collected and  
10 deposited in the same manner as other county funds are collected and  
11 deposited, and shall be maintained in a separate account to be used as  
12 provided in this section."

13       "NEW SECTION. Sec. 16. The family court shall give proceedings  
14 involving children priority over cases without children."

15       "NEW SECTION. Sec. 17. The court may appoint a guardian ad  
16 litem to represent the interests of a minor or dependent child when the  
17 court believes the appointment of a guardian is in the best interests  
18 of the child in any proceeding under this chapter. The family court  
19 services professionals shall make a recommendation to the court  
20 regarding whether a guardian ad litem should be appointed for the  
21 child. The court shall enter an order for costs, fees, and  
22 disbursements to cover the costs of the guardian ad litem. The court  
23 may order either or both parents to pay for the costs of the guardian  
24 ad litem, according to their ability to pay. If both parents are  
25 indigent, the county shall bear the cost of the guardian, subject to  
26 appropriation for guardians' ad litem services by the county  
27 legislative authority."

1        "NEW SECTION.   **Sec. 18.**     All acts and proceedings of the court  
2 commissioners shall be subject to revision by the superior court as  
3 provided in RCW 2.24.050."

4        "NEW SECTION.   **Sec. 19.**     (1) Any state funds appropriated in the  
5 omnibus operating budget appropriations act for the 1991-93 biennium to  
6 the office of the administrator for the courts for the purposes of  
7 funding county family courts and county family court services shall be  
8 distributed to the eligible counties as provided in this section.

9        (2) Any appropriation in the omnibus operating budget  
10 appropriations act for the purposes of implementing this section is  
11 contingent on an equal amount of money being provided by the county  
12 from nonstate sources, whether public or private.

13       (3) Any county that has implemented or has committed to implement  
14 a family court and family court services on or before January 1, 1993,  
15 is eligible for available appropriated state funds if the county: (a)  
16 Obtains approval of an application under subsection (4) of this  
17 section; and (b) commits to spend money from public or private nonstate  
18 funding sources over a one-year period beginning on the date the county  
19 receives state funding, in an amount that is equal to or greater than  
20 the state funds distributed to the county under subsection (4) of this  
21 section. Any state funding is contingent on the county maintaining the  
22 family court and the family court services over the one-year period  
23 after disbursement of state funds to the county.

24       (4) The office of the administrator for the courts shall accept  
25 applications for state funds until March 1, 1992. After the  
26 application period expires, the office of the administrator for the  
27 courts shall determine each eligible county's percentage of the funds  
28 appropriated for family courts and family court services. An eligible  
29 county's percentage share of the appropriated funds shall be the same

1 percentage as the number of cases filed in that county under Title 26  
2 RCW, divided by the number of cases filed under Title 26 RCW in all the  
3 eligible counties. The initial determination of the number of case  
4 filings in each eligible county shall be based upon the office of the  
5 administrator for the courts' most recent annual report. The office of  
6 the administrator for the courts shall adjust the calculation of the  
7 number of filings in each county if any county has a disproportionate  
8 number of filings due to changes of venue or cases in which both  
9 parties live in another county. The office of the administrator for  
10 the courts may begin disbursing the state funds by July 1, 1992, to  
11 eligible counties. The office of the administrator for the courts  
12 shall disburse the state funds not later than January 1, 1993, to  
13 eligible counties. The counties must use the state funds over a  
14 one-year period from the date of disbursement. The counties that  
15 provide family courts and family court services pursuant to a joint  
16 family court services contract under RCW 26.12.230 may apply for state  
17 funds jointly and their eligibility for state funding shall be  
18 determined in the same manner as the eligibility of individual  
19 counties.

20 (5) The office of the administrator for the courts shall develop an  
21 application form for applying for state funds under this subsection.  
22 The office of the administrator for the courts shall develop rules to  
23 determine whether a county applying for state funds (a) has implemented  
24 or has committed to implement a family court and family court services  
25 under this chapter; (b) has committed nonstate funds for a one-year  
26 period following disbursement of the state funds to continue the family  
27 court and the family court services through that one-year period; and  
28 (c) has spent the matching funds required to obtain the state funds."



1       **"Sec. 20.** RCW 26.18.070 and 1987 c 435 s 18 are each amended to  
2 read as follows:

3       (1) A petition or motion seeking a mandatory wage assignment in an  
4 action under RCW 26.18.040 may be filed by an obligee if the obligor is  
5 (~~more than fifteen days~~) past due in child support payments in an  
6 amount equal to or greater than the support payable for one month. The  
7 petition or motion shall include a sworn statement by the obligee,  
8 stating the facts authorizing the issuance of the wage assignment  
9 order, including:

10       (a) That the obligor, stating his or her name and residence, is  
11 (~~more than fifteen days~~) past due in child support payments in an  
12 amount equal to or greater than the support payable for one month;

13       (b) A description of the terms of the support order requiring  
14 payment of support, and the amount past due;

15       (c) The name and address of the obligor's employer;

16       (d) That notice by personal service or any form of mail requiring  
17 a return receipt, has been provided to the obligor (~~at least fifteen~~  
18 ~~days~~) prior to the obligee seeking a mandatory wage assignment, unless  
19 the order for support states that the obligee may seek a mandatory wage  
20 assignment without notice to the obligor; and

21       (e) In cases not filed by the state, whether the obligee has  
22 received public assistance from any source and, if the obligee has  
23 received public assistance, that the department of social and health  
24 services has been notified in writing of the pending action.

25       (2) If the court in which a mandatory wage assignment is sought  
26 does not already have a copy of the support order in the court file,  
27 then the obligee shall attach a copy of the support order to the  
28 petition or motion seeking the wage assignment."

1 "Sec. 21. RCW 26.18.100 and 1989 c 416 s 10 are each amended to  
2 read as follows:

3 The wage assignment order shall be substantially in the following  
4 form:

5 IN THE SUPERIOR COURT OF THE STATE OF  
6 WASHINGTON IN AND FOR THE COUNTY OF

7  
8 .....

9 .....,

10 Obligee

No.....

11 vs.

12 .....,

WAGE ASSIGNMENT

13 Obligor

ORDER

14 .....,

15 Employer

16 THE STATE OF WASHINGTON TO: .....

17 Employer

18 AND TO: .....

19 Obligor

20 The above-named obligee claims that the above-named obligor is  
21 (~~more than fifteen days~~) past due in child support payments in an  
22 amount equal to or greater than the child support payable for one  
23 month. The amount of the accrued child support debt as of this date is  
24 ..... dollars, the amount of arrearage payments specified in the

1 support order (if applicable) is ..... dollars per ....., and  
2 the amount of the current and continuing support obligation under the  
3 support order is ..... dollars per .....

4 You are hereby commanded to answer this order by filling in the  
5 attached form according to the instructions, and you must mail or  
6 deliver the original of the answer to the court, one copy to the  
7 Washington state support registry, one copy to the obligee or obligee's  
8 attorney, and one copy to the obligor within twenty days after service  
9 of this wage assignment order upon you.

10 If you possess any earnings due and owing to the obligor, then you  
11 shall do as follows:

12 (1) Withhold from the obligor's earnings each month, or from each  
13 regular earnings disbursement, the lesser of:

14 (a) The sum of the accrued support debt and the current support  
15 obligation;

16 (b) The sum of the specified arrearage payment amount and the  
17 current support obligation; or

18 (c) Fifty percent of the disposable earnings of the obligor.

19 (2) The total amount withheld above is subject to the wage  
20 assignment order, and all other sums may be disbursed to the obligor.

21 (3) Upon receipt of this wage assignment order you shall make  
22 immediate deductions from the obligor's earnings and remit to the  
23 Washington state support registry the proper amounts at each regular  
24 pay interval.

25 You shall continue to withhold the ordered amounts from nonexempt  
26 earnings of the obligor until notified by:

27 (a) The court that the wage assignment has been modified or  
28 terminated; ~~((or))~~

29 (b) The Washington state support registry, office of support  
30 enforcement that the accrued child support debt has been paid; or

1        (c) The court that has entered an order delaying, modifying, or  
2 terminating the wage assignment order and has approved an alternate  
3 payment plan as provided in RCW 26.23.050(2).

4        You shall promptly notify the court and the Washington state  
5 support registry if and when the employee is no longer employed by you.  
6 If you no longer employ the employee, the wage assignment order shall  
7 remain in effect for one year after the employee has left your  
8 employment or you are no longer in possession of any earnings owed to  
9 the employee. You shall continue to hold the wage assignment order  
10 during that one-year period. If the employee returns to your  
11 employment during the one-year period you shall immediately begin to  
12 withhold the employee's earnings according to the terms of the wage  
13 assignment order. If the employee has not returned to your employment  
14 within one year, the wage assignment will cease to have effect at the  
15 expiration of the one-year period.

16        You shall deliver the withheld earnings to the Washington state  
17 support registry at each regular pay interval(~~(, but the first delivery~~  
18 ~~shall occur no sooner than twenty days after your receipt of this wage~~  
19 ~~assignment order)).~~

20        You shall deliver a copy of this order to the obligor as soon as is  
21 reasonably possible. This wage assignment order has priority over any  
22 other wage assignment or garnishment, except for another wage  
23 assignment or garnishment for child support, or order to withhold or  
24 deliver under chapter 74.20A RCW.

25        WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO  
26 ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR OBLIGOR'S CLAIMED  
27 SUPPORT DEBT TO THE OBLIGEE OR SUBJECT TO CONTEMPT OF COURT.

1 NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE  
2 SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT  
3 THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.

4 DATED THIS ... day of ..., 19 ....

5 -----

6 Obligee, Judge/Court, Commissioner  
7 or obligee's attorney"

8 "Sec. 22. RCW 26.18.110 and 1989 c 416 s 11 are each amended to  
9 read as follows:

10 (1) An employer upon whom service of a wage assignment order has  
11 been made shall answer the order by sworn affidavit within twenty days  
12 after the date of service. The answer shall state whether the obligor  
13 is employed by or receives earnings from the employer, whether the  
14 employer will honor the wage assignment order, and whether there are  
15 multiple child support attachments against the obligor.

16 (2) If the employer possesses any earnings due and owing to the  
17 obligor, the earnings subject to the wage assignment order shall be  
18 withheld immediately upon receipt of the wage assignment order. The  
19 withheld earnings shall be delivered to the Washington state support  
20 registry at each regular pay interval(~~(, but the first delivery shall~~  
21 ~~occur no sooner than twenty days after receipt of the wage assignment~~  
22 ~~order))~~).

23 (3) The employer shall continue to withhold the ordered amounts  
24 from nonexempt earnings of the obligor until notified by:

25 (a) The court that the wage assignment has been modified or  
26 terminated; (~~or~~)

1 (b) The Washington state support registry that the accrued child  
2 support debt has been paid, provided the wage assignment order contains  
3 the language set forth under RCW 26.18.100(2)(b). The employer shall  
4 promptly notify the Washington state support registry when the employee  
5 is no longer employed. If the employer no longer employs the employee,  
6 the wage assignment order shall remain in effect for one year after the  
7 employee has left the employment or the employer has been in possession  
8 of any earnings owed to the employee. The employer shall continue to  
9 hold the wage assignment order during that one-year period. If the  
10 employee returns to the employer's employment during the one-year  
11 period the employer shall immediately begin to withhold the employee's  
12 earnings according to the terms of the wage assignment order. If the  
13 employee has not returned within one year, the wage assignment shall  
14 cease to have effect at the expiration of the one-year period; or

15 (c) The court that has entered an order delaying, modifying, or  
16 terminating the wage assignment order and has approved an alternate  
17 payment plan as provided in RCW 26.23.050(2).

18 (4) The employer may deduct a processing fee from the remainder of  
19 the employee's earnings after withholding under the wage assignment  
20 order, even if the remainder is exempt under RCW 26.18.090. The  
21 processing fee may not exceed (a) ten dollars for the first  
22 disbursement made by the employer to the Washington state support  
23 registry; and (b) one dollar for each subsequent disbursement to the  
24 clerk.

25 (5) An order for wage assignment for support entered under this  
26 chapter shall have priority over any other wage assignment or  
27 garnishment, except for another wage assignment or garnishment for  
28 child support, or order to withhold and deliver under chapter 74.20A  
29 RCW.

1 (6) An employer who fails to withhold earnings as required by a  
2 wage assignment issued under this chapter may be held liable to the  
3 obligee for ~~((the amounts disbursed to the obligor in violation of the~~  
4 ~~wage assignment order, and may be found by the court to be in contempt~~  
5 ~~of court and may be punished as provided by law))~~ one hundred percent  
6 of the support debt, or the amount of support moneys that should have  
7 been withheld from the employee's earnings whichever is the lesser  
8 amount, if the employer:

9 (a) Fails or refuses, after being served with a wage assignment  
10 order, to deduct and promptly remit from the unpaid earnings the  
11 amounts of money required in the order;

12 (b) Fails or refuses to submit an answer to the notice of wage  
13 assignment after being served; or

14 (c) Is unwilling to comply with the other requirements of this  
15 section.

16 Liability may be established in superior court. Awards in superior  
17 court shall include costs, interest under RCW 19.52.020 and 4.56.110,  
18 and reasonable attorneys' fees.

19 (7) No employer who complies with a wage assignment issued under  
20 this chapter may be liable to the employee for wrongful withholding.

21 (8) No employer may discharge, discipline, or refuse to hire an  
22 employee because of the entry or service of a wage assignment issued  
23 and executed under this chapter. ~~((A person who violates this~~  
24 ~~subsection may be found by the court to be in contempt of court and may~~  
25 ~~be punished as provided by law))~~ If an employer discharges,  
26 disciplines, or refuses to hire an employee in violation of this  
27 section, the employee or person shall have a cause of action against  
28 the employer. The employer shall be liable for double the amount of  
29 damages suffered as a result of the violation and for costs and  
30 reasonable attorneys' fees, and shall be subject to a civil penalty of

1 not more than two thousand five hundred dollars for each violation.  
2 The employer may also be ordered to hire, rehire, or reinstate the  
3 aggrieved individual.

4 (9) An employer may combine amounts withheld from various employees  
5 into a single payment to the Washington state support registry, if the  
6 payment includes a listing of the amounts attributable to each employee  
7 and other information as required by the registry.

8 (10) An employer shall deliver a copy of the wage assignment order  
9 to the obligor as soon as is reasonably possible."

10 **"Sec. 23.** RCW 26.18.140 and 1984 c 260 s 14 are each amended to  
11 read as follows:

12 (1) Except as provided in subsection (2) of this section, in a  
13 hearing to quash, modify, or terminate the wage assignment order, the  
14 court may grant relief only upon a showing that the wage assignment  
15 order causes extreme hardship or substantial injustice. Satisfaction  
16 by the obligor of all past due payments subsequent to the issuance of  
17 the wage assignment order is not grounds to quash, modify, or terminate  
18 the wage assignment order. If a wage assignment order has been in  
19 operation for twelve consecutive months and the obligor's support  
20 obligation is current, the court may terminate the order upon motion of  
21 the obligor unless the obligee can show good cause as to why the wage  
22 assignment order should remain in effect.

23 (2) The court may enter an order delaying, modifying, or  
24 terminating the wage assignment order and order the obligor to make  
25 payments directly to the obligee if the court approves an alternate  
26 payment plan as provided in RCW 26.23.050(2)."



1        "NEW SECTION. Sec. 24. DEFINITIONS. Unless the context clearly  
2 requires otherwise, the definitions in this section apply throughout  
3 this chapter.

4        (1) "Basic child support obligation" means the monthly child  
5 support obligation determined from the economic table based on the  
6 parties' combined monthly net income and the number of children for  
7 whom support is owed.

8        (2) "Child support schedule" means the standards, economic table,  
9 worksheets, and instructions, as defined in this chapter.

10       (3) "Court" means a superior court judge, court commissioner, and  
11 presiding and reviewing officers who administratively determine or  
12 enforce child support orders.

13       (4) "Deviation" means a child support amount that differs from the  
14 standard calculation.

15       (5) "Economic table" means the child support table for the basic  
16 support obligation provided in RCW 26.19.020.

17       (6) "Instructions" means the instructions developed by the office  
18 of the administrator for the courts pursuant to RCW 26.19.050 for use  
19 in completing the worksheets.

20       (7) "Multiple families" means all the possible combinations of  
21 families in which a party has children from more than one relationship  
22 to whom the party owes a duty to support. Possible combinations  
23 include any natural, adopted, or stepchildren to whom the person owes  
24 a duty of support, whether or not the children are illegitimate or were  
25 born during a former or existing marriage, and whether or not the  
26 children reside with the person obligated to support them.

27       (8) "Standards" means the standards for determination of child  
28 support as provided in sections 27 through 31 of this act and RCW  
29 26.19.090.

1 (9) "Standard calculation" means the presumptive amount of child  
2 support owed as determined from the child support schedule before the  
3 court considers any reasons for deviation.

4 (10) "Support transfer payment" means the amount of money the court  
5 orders one parent to pay to another parent or custodian for child  
6 support after determination of the standard calculation and deviations.  
7 If certain expenses or credits are expected to fluctuate and the order  
8 states a formula or percentage to determine the additional amount or  
9 credit on an ongoing basis, the term "support transfer payment" does  
10 not mean the additional amount or credit.

11 (11) "Worksheets" means the forms developed by the office of the  
12 administrator for the courts pursuant to RCW 26.19.050 for use in  
13 determining the amount of child support."

14 **"Sec. 25.** RCW 26.19.020 and 1990 1st ex.s. c 2 s 19 are each  
15 amended to read as follows:

16 ~~ECONOMIC TABLE. ((If approved by a majority vote of the superior  
17 court judges of a county, the superior court may adopt by local court  
18 rule an economic table that shall be used by the superior court of that  
19 county, instead of the economic table adopted by the commission, to  
20 determine the appropriate amount of child support. The economic table  
21 adopted by the superior court shall not vary by more than twenty five  
22 percent from the economic table adopted by the commission and shall not  
23 vary the economic table for combined monthly net income of two thousand  
24 five hundred dollars or less.))~~

25 ECONOMIC TABLE  
26 MONTHLY BASIC SUPPORT OBLIGATION PER CHILD  
27 KEY: A = AGE 0-11 B = AGE 12-18

1	COMBINED			
2	MONTHLY		ONE	TWO
3	NET		CHILD	CHILDREN
4	INCOME		FAMILY	FAMILY
5				
6			A	B
7				
8	0			
9	100			
10	200			
11	300			
12	400			
13	500			
14	600	133	164	103
15	700	155	191	120
16	800	177	218	137
17	900	199	246	154
18	1,000	220	272	171
19	1,100	242	299	188
20	1,200	264	326	205
21	1,300	285	352	221
22	1,400	307	379	238
23	1,500	327	404	254
24	1,600	347	428	269
25	1,700	367	453	285
26	1,800	387	478	300
27	1,900	407	503	316
28	2,000	427	527	331
29	2,100	447	552	347
30	2,200	467	577	362
31	2,300	487	601	378
32	2,400	506	626	393
33	2,500	526	650	408
34	2,600	543	672	423
35	2,700	561	693	436
36	2,800	578	715	449
37	2,900	596	736	463
38	3,000	613	757	476
39	3,100	630	778	489
40	3,200	647	800	502
41	3,300	664	821	516
42	3,400	680	840	528
43	3,500	695	859	540
44	3,600	711	879	552
45	3,700	727	898	564
46	3,800	741	916	576
47	3,900	757	935	588
48	4,000	771	954	599
49	4,100	787	972	611
50	4,200	802	991	623
51	4,300	816	1,009	634
52	4,400	829	1,025	644
53	4,500	842	1,040	653
54	4,600	854	1,056	663
55	4,700	866	1,070	673
56	4,800	878	1,086	682
57	4,900	891	1,100	692
58	5,000	902	1,115	701
59	5,100	914	1,130	711

For income less than \$600 see section 31 of this act.

1	<u>5,200</u>	<u>925</u>	<u>1,144</u>	<u>719</u>	<u>888</u>
2	<u>5,300</u>	<u>937</u>	<u>1,159</u>	<u>728</u>	<u>899</u>
3	<u>5,400</u>	<u>949</u>	<u>1,173</u>	<u>737</u>	<u>911</u>
4	<u>5,500</u>	<u>960</u>	<u>1,186</u>	<u>746</u>	<u>922</u>
5	<u>5,600</u>	<u>971</u>	<u>1,201</u>	<u>755</u>	<u>932</u>
6	<u>5,700</u>	<u>983</u>	<u>1,214</u>	<u>764</u>	<u>942</u>
7	<u>5,800</u>	<u>993</u>	<u>1,228</u>	<u>772</u>	<u>953</u>
8	<u>5,900</u>	<u>1,005</u>	<u>1,241</u>	<u>780</u>	<u>964</u>
9	<u>6,000</u>	<u>1,015</u>	<u>1,254</u>	<u>789</u>	<u>974</u>
10	<u>6,100</u>	<u>1,026</u>	<u>1,268</u>	<u>797</u>	<u>985</u>
11	<u>6,200</u>	<u>1,036</u>	<u>1,281</u>	<u>806</u>	<u>995</u>
12	<u>6,300</u>	<u>1,047</u>	<u>1,294</u>	<u>814</u>	<u>1,004</u>
13	<u>6,400</u>	<u>1,057</u>	<u>1,307</u>	<u>822</u>	<u>1,014</u>
14	<u>6,500</u>	<u>1,068</u>	<u>1,319</u>	<u>829</u>	<u>1,024</u>
15	<u>6,600</u>	<u>1,077</u>	<u>1,332</u>	<u>837</u>	<u>1,034</u>
16	<u>6,700</u>	<u>1,088</u>	<u>1,344</u>	<u>845</u>	<u>1,044</u>
17	<u>6,800</u>	<u>1,097</u>	<u>1,357</u>	<u>853</u>	<u>1,054</u>
18	<u>6,900</u>	<u>1,108</u>	<u>1,369</u>	<u>861</u>	<u>1,063</u>
19	<u>7,000</u>	<u>1,117</u>	<u>1,380</u>	<u>869</u>	<u>1,072</u>

20	-----						
21	<u>COMBINED</u>						
22	<u>MONTHLY</u>	<u>THREE</u>		<u>FOUR</u>		<u>FIVE</u>	
23	<u>NET</u>	<u>CHILDREN</u>		<u>CHILDREN</u>		<u>CHILDREN</u>	
24	<u>INCOME</u>	<u>FAMILY</u>		<u>FAMILY</u>		<u>FAMILY</u>	
25	-----						
26		<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>
27	-----						

28	0						
29	100						
30	200						
31	300	For income less than \$600 see section 31 of					
32	400	this act.					
33	500						
34	600	86	106	73	90	63	78
35	700	100	124	85	105	74	91
36	800	115	142	97	120	84	104
37	900	129	159	109	135	95	118
38	1,000	143	177	121	149	105	130
39	1,100	157	194	133	164	116	143
40	1,200	171	211	144	179	126	156
41	1,300	185	228	156	193	136	168
42	1,400	199	246	168	208	147	181
43	1,500	212	262	179	221	156	193
44	1,600	225	278	190	235	166	205
45	1,700	238	294	201	248	175	217
46	1,800	251	310	212	262	185	228
47	1,900	264	326	223	275	194	240
48	2,000	277	342	234	289	204	252
49	2,100	289	358	245	303	213	264
50	2,200	302	374	256	316	223	276
51	2,300	315	390	267	330	233	288
52	2,400	328	406	278	343	242	299
53	2,500	341	421	288	356	251	311
54	2,600	352	436	298	368	260	321
55	2,700	364	450	308	380	268	332
56	2,800	375	463	317	392	276	342
57	2,900	386	478	327	404	285	352

1	<u>3,000</u>	<u>397</u>	<u>491</u>	<u>336</u>	<u>415</u>	<u>293</u>	<u>362</u>
2	<u>3,100</u>	<u>409</u>	<u>505</u>	<u>345</u>	<u>426</u>	<u>301</u>	<u>372</u>
3	<u>3,200</u>	<u>419</u>	<u>519</u>	<u>355</u>	<u>439</u>	<u>310</u>	<u>382</u>
4	<u>3,300</u>	<u>430</u>	<u>531</u>	<u>364</u>	<u>450</u>	<u>317</u>	<u>392</u>
5	<u>3,400</u>	<u>440</u>	<u>544</u>	<u>372</u>	<u>461</u>	<u>325</u>	<u>402</u>
6	<u>3,500</u>	<u>450</u>	<u>557</u>	<u>381</u>	<u>471</u>	<u>333</u>	<u>411</u>
7	<u>3,600</u>	<u>460</u>	<u>569</u>	<u>389</u>	<u>482</u>	<u>340</u>	<u>420</u>
8	<u>3,700</u>	<u>470</u>	<u>582</u>	<u>398</u>	<u>492</u>	<u>348</u>	<u>429</u>
9	<u>3,800</u>	<u>480</u>	<u>594</u>	<u>407</u>	<u>502</u>	<u>355</u>	<u>438</u>
10	<u>3,900</u>	<u>491</u>	<u>606</u>	<u>415</u>	<u>513</u>	<u>361</u>	<u>447</u>
11	<u>4,000</u>	<u>501</u>	<u>618</u>	<u>423</u>	<u>523</u>	<u>369</u>	<u>456</u>
12	<u>4,100</u>	<u>510</u>	<u>630</u>	<u>431</u>	<u>533</u>	<u>376</u>	<u>465</u>
13	<u>4,200</u>	<u>520</u>	<u>642</u>	<u>440</u>	<u>542</u>	<u>383</u>	<u>474</u>
14	<u>4,300</u>	<u>529</u>	<u>654</u>	<u>447</u>	<u>553</u>	<u>390</u>	<u>482</u>
15	<u>4,400</u>	<u>538</u>	<u>664</u>	<u>454</u>	<u>561</u>	<u>396</u>	<u>490</u>
16	<u>4,500</u>	<u>545</u>	<u>674</u>	<u>461</u>	<u>570</u>	<u>402</u>	<u>497</u>
17	<u>4,600</u>	<u>553</u>	<u>684</u>	<u>468</u>	<u>578</u>	<u>408</u>	<u>505</u>
18	<u>4,700</u>	<u>562</u>	<u>694</u>	<u>474</u>	<u>587</u>	<u>414</u>	<u>512</u>
19	<u>4,800</u>	<u>570</u>	<u>704</u>	<u>481</u>	<u>595</u>	<u>420</u>	<u>519</u>
20	<u>4,900</u>	<u>577</u>	<u>713</u>	<u>488</u>	<u>603</u>	<u>426</u>	<u>526</u>
21	<u>5,000</u>	<u>585</u>	<u>723</u>	<u>494</u>	<u>611</u>	<u>432</u>	<u>534</u>
22	<u>5,100</u>	<u>593</u>	<u>732</u>	<u>501</u>	<u>619</u>	<u>437</u>	<u>540</u>
23	<u>5,200</u>	<u>600</u>	<u>742</u>	<u>507</u>	<u>627</u>	<u>442</u>	<u>547</u>
24	<u>5,300</u>	<u>607</u>	<u>751</u>	<u>514</u>	<u>635</u>	<u>448</u>	<u>554</u>
25	<u>5,400</u>	<u>615</u>	<u>761</u>	<u>520</u>	<u>642</u>	<u>453</u>	<u>561</u>
26	<u>5,500</u>	<u>622</u>	<u>770</u>	<u>527</u>	<u>651</u>	<u>459</u>	<u>567</u>
27	<u>5,600</u>	<u>629</u>	<u>778</u>	<u>533</u>	<u>658</u>	<u>464</u>	<u>574</u>
28	<u>5,700</u>	<u>637</u>	<u>787</u>	<u>539</u>	<u>666</u>	<u>470</u>	<u>581</u>
29	<u>5,800</u>	<u>644</u>	<u>796</u>	<u>545</u>	<u>673</u>	<u>475</u>	<u>587</u>
30	<u>5,900</u>	<u>651</u>	<u>805</u>	<u>551</u>	<u>680</u>	<u>481</u>	<u>593</u>
31	<u>6,000</u>	<u>658</u>	<u>814</u>	<u>557</u>	<u>688</u>	<u>486</u>	<u>600</u>
32	<u>6,100</u>	<u>665</u>	<u>822</u>	<u>562</u>	<u>695</u>	<u>490</u>	<u>606</u>
33	<u>6,200</u>	<u>672</u>	<u>830</u>	<u>568</u>	<u>702</u>	<u>495</u>	<u>613</u>
34	<u>6,300</u>	<u>679</u>	<u>839</u>	<u>574</u>	<u>709</u>	<u>500</u>	<u>619</u>
35	<u>6,400</u>	<u>686</u>	<u>847</u>	<u>579</u>	<u>716</u>	<u>505</u>	<u>625</u>
36	<u>6,500</u>	<u>692</u>	<u>855</u>	<u>585</u>	<u>724</u>	<u>510</u>	<u>631</u>
37	<u>6,600</u>	<u>698</u>	<u>863</u>	<u>591</u>	<u>730</u>	<u>515</u>	<u>637</u>
38	<u>6,700</u>	<u>705</u>	<u>872</u>	<u>596</u>	<u>737</u>	<u>520</u>	<u>643</u>
39	<u>6,800</u>	<u>712</u>	<u>880</u>	<u>601</u>	<u>744</u>	<u>525</u>	<u>648</u>
40	<u>6,900</u>	<u>718</u>	<u>887</u>	<u>607</u>	<u>750</u>	<u>530</u>	<u>655</u>
41	<u>7,000</u>	<u>724</u>	<u>895</u>	<u>612</u>	<u>757</u>	<u>535</u>	<u>660</u>

42        For combined monthly net income that exceeds \$5000 and \$7000 see  
43 section 31 of this act."

44        "NEW SECTION. Sec. 26.        The administrator for the courts shall  
45 review the support schedule every four years to determine if the  
46 application of the support schedule results in appropriate support  
47 orders.        The administrator for the courts shall report findings  
48 regarding the application of the schedule to the legislature.        Upon the

1 review and approval of the office of financial management, the  
2 department of social and health services shall pay the reasonable and  
3 necessary costs of this review process."

4 "NEW SECTION. **Sec. 27.** STANDARDS FOR CHILD SUPPORT SCHEDULE  
5 APPLICATION. (1) **Application of the child support schedule.** The child  
6 support schedule shall be applied:

7 (a) In each county of the state;

8 (b) In judicial and administrative proceedings under this title or  
9 Title 13 or 74 RCW;

10 (c) In all proceedings in which child support is determined or  
11 modified;

12 (d) In setting temporary and permanent support;

13 (e) In automatic modification provisions or decrees entered  
14 pursuant to RCW 26.09.100; and

15 (f) In addition to proceedings in which child support is determined  
16 for minors, to adult children who are dependent on their parents and  
17 for whom support is ordered pursuant to RCW 26.09.100.

18 The provisions of this chapter for determining child support and  
19 reasons for deviation from the standard calculation shall be applied in  
20 the same manner by the court, presiding officers, and reviewing  
21 officers.

22 (2) **Written findings of fact supported by the evidence.** An order  
23 for child support shall be supported by written findings of fact upon  
24 which the support determination is based and shall include reasons for  
25 any deviation from the standard calculation and reasons for denial of  
26 a party's request for deviation from the standard calculation.

27 (3) **Completion of worksheets.** Worksheets in the form developed by  
28 the office of the administrator for the courts shall be completed under  
29 penalty of perjury and filed in every proceeding in which child support

1 is determined. The court shall not accept incomplete worksheets or  
2 worksheets that vary from the worksheets developed by the office of the  
3 administrator for the courts.

4 (4) **Court review of the worksheets and order.** The court shall  
5 review the worksheets and the order setting support for the adequacy of  
6 the reasons set forth for any deviation or denial of any request for  
7 deviation and for the adequacy of the amount of support ordered. Each  
8 order shall state the amount of child support calculated using the  
9 standard calculation and the amount of child support actually ordered.  
10 Worksheets shall be attached to the decree or order or if filed  
11 separately shall be initialed or signed by the judge and filed with the  
12 order."

13 "NEW SECTION. Sec. 28. STANDARDS FOR ALLOCATION OF CHILD SUPPORT  
14 OBLIGATION BETWEEN PARENTS. (1) The parents' total obligation for  
15 support shall be based on their combined monthly net income, resources,  
16 and special child rearing costs.

17 (2) The basic child support obligation derived from the economic  
18 table shall be allocated between the parents based on each parent's  
19 share of the combined monthly net income.

20 (3) Ordinary health care expenses are included in the economic  
21 table. Monthly health care expenses that exceed five percent of the  
22 basic support obligation shall be considered extraordinary health care  
23 expenses. Extraordinary health care expenses, day care expenses, and  
24 special child rearing expenses such as tuition and long distance  
25 transportation costs to and from the parents for visitation purposes,  
26 are not included in the economic table. These expenses shall be shared  
27 by the parents in the same proportion as the basic support obligation.  
28 These expenses may be listed as a specific dollar amount or as a  
29 percentage amount. Day care expenses include, but are not limited to,

1 day care expenses incurred while the parent in custody of the child is  
2 working, pursuing accredited educational training, or obtaining medical  
3 care.

4 (4) The court shall exercise discretion to determine the necessity  
5 for and the reasonableness of all amounts ordered in excess of the  
6 basic support obligation."

7 "NEW SECTION. **Sec. 29.** STANDARDS FOR DETERMINATION OF INCOME.

8 (1) **Consideration of all income.** All income and resources of each  
9 parent's household shall be disclosed and considered by the court when  
10 the court determines the child support obligation of each parent.  
11 However, for purposes of calculating the basic support obligation, only  
12 the income of the parents of the children whose support is at issue  
13 shall be calculated. Income and resources of any other person shall not  
14 be included in calculating the basic support obligation.

15 (2) **Verification of income.** Tax returns for the preceding two  
16 years and current paystubs shall be provided to verify income and  
17 deductions. Other sufficient verification shall be required for income  
18 and deductions which do not appear on tax returns or paystubs.

19 (3) **Income sources included in gross monthly income.** Except as  
20 specifically excluded in subsection (4) of this section, monthly gross  
21 income shall include income from any source, including:

- 22 (a) Salaries;
- 23 (b) Wages;
- 24 (c) Commissions;
- 25 (d) Deferred compensation;
- 26 (e) Recurring bonuses;
- 27 (f) Dividends;
- 28 (g) Interest;
- 29 (h) Trust income;



- 1 (i) Severance pay;
- 2 (j) Annuities;
- 3 (k) Capital gains;
- 4 (l) Pension retirement benefits;
- 5 (m) Workers' compensation;
- 6 (n) Unemployment benefits; and
- 7 (o) Spousal maintenance actually received.

8 (4) **Income sources excluded from gross monthly income.** The  
9 following income and resources shall be disclosed but shall not be  
10 included in gross income:

11 (a) Income of a new spouse or income of other adults in the  
12 household;

13 (b) Child support received from other relationships;

14 (c) Nonrecurring income from bonuses, contract-related cash and  
15 noncash benefits, gifts, and prizes. The burden of proving that these  
16 sources of income are nonrecurring is on the parent seeking to exclude  
17 them from gross income;

18 (d) Overtime, whether mandatory or voluntary;

19 (e) If the parent has at least one full-time job that requires the  
20 parent to work a minimum of forty hours per week, income derived from  
21 a second job or additional jobs other than the full-time job;

22 (f) Aid to families with dependent children;

23 (g) Supplemental security income;

24 (h) General assistance;

25 (i) Veterans aid and attendance allowance or special medical  
26 compensation paid under 38 U.S.C. Sec. 314 (k) through (r);

27 (j) Food stamps;

28 (k) Payments made for the hiring of the services of an attendant as  
29 provided in RCW 51.32.060(3). If the payment is made directly to the

1 attendant as provided in RCW 51.32.060(3), the payment need not be  
2 disclosed; and

3 (1) Payments from any source, other than RCW 51.32.060(3) or  
4 veterans' aid and attendant allowances or special medical compensation  
5 paid under 38 U.S.C. Sec. 314 (k) through (r), for services provided by  
6 an attendant in case of a disability when the disability necessitates  
7 the hiring of the services of an attendant.

8 Receipt of income and resources from aid to families with dependent  
9 children, supplemental security income, general assistance, veterans  
10 aid and attendance allowance or special medical compensation paid under  
11 38 U.S.C. Sec. 314 (k) through (r), payments for hiring an attendant  
12 paid under RCW 51.32.060(3), payments for services provided by an  
13 attendant in case of a disability as provided in (1) of this  
14 subsection, and food stamps shall not be a reason to deviate from the  
15 standard calculation.

16 (5) **Determination of net income.** The following expenses shall be  
17 disclosed and deducted from gross monthly income to calculate net  
18 monthly income:

- 19 (a) Federal and state income taxes;
- 20 (b) Federal insurance contributions act deductions;
- 21 (c) Mandatory pension plan payments;
- 22 (d) Mandatory union or professional dues;
- 23 (e) State industrial insurance premiums;
- 24 (f) Court-ordered spousal maintenance to the extent actually paid;
- 25 (g) Up to two thousand dollars per year in voluntary pension  
26 payments actually made if the contributions were made for the two tax  
27 years preceding the earlier of the (i) tax year in which the parties  
28 separated with intent to live separate and apart or (ii) tax year in  
29 which the parties filed for dissolution; and

1 (h) Normal business expenses and self-employment taxes for self-  
2 employed persons. Justification shall be required for any business  
3 expense deduction about which there is disagreement.

4 Items deducted from gross income under this subsection shall not be  
5 a reason to deviate from the standard calculation.

6 (6) **Imputation of income.** The court shall impute income to a parent  
7 when the parent is voluntarily unemployed or voluntarily underemployed.  
8 The court shall determine whether the parent is voluntarily  
9 underemployed or voluntarily unemployed based upon that parent's work  
10 history, education, health, age, and other relevant factors. A parent  
11 will not be deemed underemployed if that parent is gainfully employed  
12 on a full-time basis. Income shall not be imputed for an unemployable  
13 parent."

14 "NEW SECTION. **Sec. 30.** STANDARDS FOR DEVIATION FROM THE STANDARD  
15 CALCULATION. (1) Reasons for deviation from the standard calculation  
16 include but are not limited to the following:

17 (a) **Sources of income and tax planning.** The court may deviate from  
18 the standard calculation after consideration of the following resources  
19 and income:

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

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

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

28 (iv) Overtime, whether mandatory or voluntary;

29 (v) Nonrecurring bonuses;

1 (vi) Contract-related cash benefits and contract related noncash  
2 benefits that reduce living expenses;

3 (vii) Gifts;

4 (viii) Prizes;

5 (ix) Income derived from a second job or additional jobs that was  
6 excluded from gross income under section 29 of this act;

7 (x) Possession of wealth, including but not limited to savings,  
8 investments, real estate holdings and business interests, vehicles,  
9 boats, pensions, bank accounts, insurance plans, or other assets;

10 (xi) Extraordinary income of a child; or

11 (xii) Tax planning considerations. A deviation for tax planning  
12 may be granted only if the child would not receive a lesser economic  
13 benefit due to the tax planning.

14 (b) **Debt and high expenses.** The court may deviate from the  
15 standard calculation after consideration of the following expenses:

16 (i) Extraordinary debt not voluntarily incurred;

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

19 (iii) Special needs of disabled children; or

20 (iv) Special medical, educational, or psychological needs of the  
21 children.

22 (c) **Residential schedule.** The court may deviate from the standard  
23 calculation if the child spends a significant amount of time with the  
24 parent who is obligated to make a support transfer payment. The court  
25 may not deviate on that basis if the deviation will result in  
26 insufficient funds in the house receiving the support to meet the basic  
27 needs of the child or if the child is receiving aid to families with  
28 dependent children. When determining the amount of the deviation, the  
29 court shall consider evidence concerning the increased expenses to a  
30 parent making support transfer payments resulting from the significant

1 amount of time spent with that parent and shall consider the decreased  
2 expenses, if any, to the party receiving the support resulting from the  
3 significant amount of time the child spends with the parent making the  
4 support transfer payment.

5 (d) **Multiple families.** The court may deviate from the standard  
6 calculation when either or both of the parents before the court have  
7 children in multiple families to whom the parent owes a duty of  
8 support.

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

12 (ii) Children from families other than the children of the parties  
13 before the court shall not be counted in the number of children for  
14 purposes of determining the basic support obligation and the standard  
15 calculation.

16 (iii) When considering a deviation from the standard calculation  
17 for children in the family before the court, the court may consider  
18 only other children to whom the parent owes a duty of support. The  
19 court may consider court-ordered payments of child support for children  
20 from other families only to the extent that the support is actually  
21 paid.

22 (iv) When the court has determined that either or both parents have  
23 multiple families, deviations under this section shall be based on  
24 consideration of the total circumstances of both households. All child  
25 support obligations paid, received, and owed for all children in the  
26 multiple families shall be disclosed and considered.

27 (2) All income and resources of the parties before the court, new  
28 spouses, and other adults in the households shall be disclosed and  
29 considered as provided in this section. The presumptive amount of  
30 support shall be determined according to the child support schedule.

1 Unless specific reasons for deviation are set forth in the written  
2 findings of fact and are supported by the evidence, the court shall  
3 order each parent to pay the amount of support determined by using the  
4 standard calculation.

5 (3) The court shall enter findings that specify reasons for any  
6 deviation or any denial of a party's request for any deviation from the  
7 standard calculation made by the court. The court shall not consider  
8 reasons for deviation until the court determines the standard  
9 calculation for each parent.

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

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

15 "NEW SECTION. Sec. 31. STANDARDS FOR ESTABLISHING LOWER AND UPPER  
16 LIMITS ON CHILD SUPPORT AMOUNTS. (1) **Limit at forty-five percent of a**  
17 **parent's net income.** Neither parent's total child support obligation  
18 may exceed forty-five percent of net income except for good cause  
19 shown. Good cause includes but is not limited to possession of  
20 substantial wealth, children with day care expenses, special medical  
21 need, educational need, psychological need, and larger families.

22 (2) **Income below six hundred dollars.** When combined monthly net  
23 income is less than six hundred dollars, a support order of not less  
24 than twenty-five dollars per child per month shall be entered for each  
25 parent. A parent's support obligation shall not reduce his or her net  
26 income below the need standard for one person established pursuant to  
27 RCW 74.04.770, except for the mandatory minimum payment of twenty-five  
28 dollars per child per month as required in this section or in cases  
29 where the court finds reasons for deviation under section 30 of this

1 act. This section shall not be construed to require monthly  
2 substantiation of income.

3 (3) **Income above five and seven thousand dollars.** The economic  
4 table is presumptive for combined monthly net incomes up to and  
5 including five thousand dollars. When combined monthly net income  
6 exceeds five thousand dollars, support shall not be set at an amount  
7 lower than the presumptive amount of support set for combined monthly  
8 net incomes of five thousand dollars unless the court finds a reason to  
9 deviate below that amount. The economic table is advisory but not  
10 presumptive for combined monthly net incomes that exceed five thousand  
11 dollars. When combined monthly net income exceeds seven thousand  
12 dollars, the court may set support at an advisory amount of support set  
13 for combined monthly net incomes between five thousand and seven  
14 thousand dollars or the court may exceed the advisory amount of support  
15 set for combined monthly net incomes of seven thousand dollars upon  
16 written findings of fact."

17 **"Sec. 32.** RCW 26.19.090 and 1990 1st ex.s. c 2 s 9 are each  
18 amended to read as follows:

19 STANDARDS FOR POSTSECONDARY EDUCATIONAL SUPPORT AWARDS. The child  
20 support schedule shall be advisory and not mandatory for postsecondary  
21 educational support. When considering whether to order support for  
22 postsecondary educational expenses, the court shall determine whether  
23 the child is in fact dependent and is relying upon the parents for the  
24 reasonable necessities of life. The court shall exercise its  
25 discretion when determining whether and for how long to award  
26 postsecondary educational support based upon consideration of factors  
27 that include but are not limited to the following: Age of the child;  
28 the child's needs; the expectations of the parties for their children  
29 when the parents were together; the child's prospects, desires,

1 aptitudes, abilities or disabilities; the nature of the postsecondary  
2 education sought; and the parents' level of education, standard of  
3 living, and current and future resources. Also to be considered are  
4 the amount and type of support that the child would have been afforded  
5 if the parents had stayed together. The child must be enrolled in an  
6 accredited academic or vocational school, actively pursuing a course of  
7 study commensurate with the child's vocational goals, and must be in  
8 good academic standing as defined by the institution ((or)). The child  
9 shall also make available all academic records and grades to both  
10 parents as a condition of receiving postsecondary educational support.  
11 Each parent shall have full and equal access to the postsecondary  
12 education records as provided in RCW 26.09.225. The court-ordered  
13 postsecondary educational support ~~((may))~~ shall be automatically  
14 suspended during the period or periods the child fails to comply with  
15 these conditions. ~~((The court in its discretion may order that the~~  
16 ~~payment be made directly to the parent who has been receiving the~~  
17 ~~transfer payments, to the educational institution if feasible, or to~~  
18 ~~the child.))~~ The court shall not order the payment of postsecondary  
19 educational expenses beyond the child's twenty-third birthday, except  
20 for exceptional circumstances, such as mental, physical, or emotional  
21 disabilities. The court shall direct that either or both parents'  
22 payments for postsecondary educational expenses be made directly to the  
23 educational institution if feasible. If direct payments are not  
24 feasible, then the court in its discretion may order that either or  
25 both parents' payments be made directly to the child if the child does  
26 not reside with either parent. If the child resides with one of the  
27 parents the court may direct that the parent making the support  
28 transfer payments make the payments to the child or to the parent who  
29 has been receiving the support transfer payments."



1        "NEW SECTION.        **Sec. 33.**        REIMBURSEMENT AND VERIFICATION OF

2 EXTRAORDINARY EXPENSES. (1)(a) If sum certain amounts are established  
3 for day care, transportation costs, extraordinary health care, or other  
4 extraordinary expenses, and are set forth in the decree, those sums  
5 shall be payable as part of the regularly paid support transfer payment  
6 ordered by the court. The parent making the support transfer payment is  
7 entitled to proof of the amount paid for those expenses.

8        (b) If an amount for those expenses is not specified in the decree  
9 or those amounts fluctuate and are not part of the support transfer  
10 payment, the parent paying these expenses shall be entitled to prompt  
11 reimbursement of the other parent's share of those expenses.  
12 Reimbursement must be made promptly but not later than thirty days  
13 after receipt of proof of payment of these expenditures. The parent  
14 paying those expenses is entitled to proof of the amount paid for those  
15 expenses.

16        (2)(a) If reimbursement is not made within the thirty-day period or  
17 is incomplete due to a nonsufficient fund check or other failure to  
18 pay, the parent seeking reimbursement may by motion obtain an order  
19 compelling payment with statutory interest. If a parent requests proof  
20 of payment and it is not provided within thirty days, the party may  
21 move to compel production of the documents. The court shall award  
22 actual court costs and reasonable attorneys' fees to the prevailing  
23 party in every motion filed under this section except upon a showing of  
24 good cause for nonpayment.

25        (b) Wage assignment orders may be obtained pursuant to chapter  
26 26.18 RCW to collect court-ordered basic child support, day care,  
27 health care, long-distance transportation costs, or other extraordinary  
28 expenses, attorneys' fees, court costs, or any other item ordered by  
29 the court. A parent to whom basic child support, day care, health  
30 care, long-distance transportation costs, or other extraordinary

1 expenses are to be paid based on a percentage share of the costs, may  
2 by motion obtain a court order reducing the amounts owed to a sum  
3 certain and then enforce collection of that amount by a wage assignment  
4 order."

5 "Sec. 34. RCW 26.21.230 and 1963 c 45 s 30 are each amended to  
6 read as follows:

7 The obligee, the prosecuting attorney, or the attorney general may  
8 register the foreign support order in a court of this state in the  
9 manner(~~(, with the effect and for the purposes herein)~~) provided for in  
10 this chapter for the purpose of modification and enforcement of the  
11 support provisions. The court shall only have jurisdiction to consider  
12 the child support provisions of the order. The modification shall be  
13 pursuant to RCW 26.09.170 and 26.09.175."

14 "Sec. 35. RCW 26.23.035 and 1989 c 360 s 34 are each amended to  
15 read as follows:

16 (1) (~~The child support registry shall distribute all moneys~~  
17 ~~received in compliance with 42 U.S.C. Sec. 657. Support received by~~  
18 ~~the office of support enforcement shall be distributed promptly but not~~  
19 ~~later than eight days from the date of receipt unless circumstances~~  
20 ~~exist which make such distribution impossible. Such circumstances~~  
21 ~~include when: (a) The location of the custodial parent is unknown; (b)~~  
22 ~~the child support debt is in litigation; or (c) the responsible parent~~  
23 ~~or custodial parent cannot be identified. When, following termination~~  
24 ~~of public assistance, the office of support enforcement collects~~  
25 ~~support, all moneys collected up to the maximum of the support due for~~  
26 ~~the period following termination from public assistance shall, to the~~  
27 ~~extent permitted by federal law, be paid to the custodial parent before~~  
28 ~~any distribution to the office of support enforcement under federal~~

1 ~~law. This section shall not apply to support collected through~~  
2 ~~intercepting federal tax refunds under 42 U.S.C. Sec. 664. When a~~  
3 ~~responsible parent has more than one support obligation, or a support~~  
4 ~~debt is owed to more than one party, moneys received will be~~  
5 ~~distributed between the parties proportionally, based upon the amount~~  
6 ~~of the support obligation and/or support debt owed.))~~ The department  
7 of social and health services shall adopt rules for the distribution of  
8 support money collected by the office of support enforcement. These  
9 rules shall:

10 (a) Comply with 42 U.S.C. Sec. 657;

11 (b) Direct the office of support enforcement to distribute support  
12 money within eight days of receipt, unless one of the following  
13 circumstances, or similar circumstances specified in the rules,  
14 prevents prompt distribution:

15 (i) The location of the custodial parent is unknown;

16 (ii) The support debt is in litigation;

17 (iii) The office of support enforcement cannot identify the  
18 responsible parent or the custodian;

19 (c) Provide for proportionate distribution of support payments if  
20 the responsible parent owes a support obligation or a support debt for  
21 two or more Title IV-D cases; and

22 (d) Authorize the distribution of support money, except money  
23 collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to  
24 the IV-D custodian before the debt owed to the state when the custodian  
25 stops receiving a public assistance grant.

26 (2) The office of support enforcement may distribute support  
27 payments to the payee under the support order or to another person who  
28 has lawful physical custody of the child or custody with the payee's  
29 consent. The payee may file an application for an adjudicative  
30 proceeding to challenge distribution to such other person. Prior to

1 distributing support payments to any person other than the payee, the  
2 registry shall:

3 (a) Obtain a written statement from the child's physical custodian,  
4 under penalty of perjury, that the custodian has lawful custody of the  
5 child or custody with the payee's consent;

6 (b) Mail to the responsible parent and to the payee at the payee's  
7 last known address a copy of the physical custodian's statement and a  
8 notice which states that support payments will be sent to the physical  
9 custodian; and

10 (c) File a copy of the notice with the clerk of the court that  
11 entered the original support order.

12 (3) If the Washington state support registry distributes a support  
13 payment to a person in error, the registry may obtain restitution by  
14 means of a set-off against future payments received on behalf of the  
15 person receiving the erroneous payment, or may act according to RCW  
16 74.20A.270 as deemed appropriate. Any set-off against future support  
17 payments shall be limited to amounts collected on the support debt and  
18 ten percent of amounts collected as current support."

19 "Sec. 36. RCW 26.23.050 and 1989 c 360 s 15 are each amended to  
20 read as follows:

21 (1) Except as provided in subsection (2) of this section, the  
22 superior court shall include in all superior court orders which  
23 establish or modify a support obligation:

24 (a) A provision which orders and directs that the responsible  
25 parent make all support payments to the Washington state support  
26 registry;

27 (b) A statement that a notice of payroll deduction may be issued or  
28 other income withholding action under chapter 26.18 RCW or chapter

1 74.20A RCW may be taken, without further notice to the responsible  
2 parent((÷

3 ~~(i) If a support payment is not paid when due, and an amount equal~~  
4 ~~to or greater than the support payable for one month is owed under an~~  
5 ~~order entered prior to July 1, 1990; or~~

6 ~~(ii))~~ at any time after entry of the court order ((for orders  
7 entered by the court on or after July 1, 1990)), unless:

8 (i) One of the parties demonstrates, and the court finds, that  
9 there is good cause not to require immediate income withholding; or

10 (ii) The parties reach a written agreement that is approved by the  
11 court that provides for an alternate arrangement; and

12 (c) A statement that the receiving parent may be required to submit  
13 an accounting of how the support is being spent to benefit the child.

14 (2) The court may order the responsible parent to make payments  
15 directly to the person entitled to receive the payments or, for orders  
16 entered on or after July 1, 1990, direct that the issuance of a notice  
17 of payroll deduction or other income withholding actions be delayed  
18 until a support payment is past due if the court approves an alternate  
19 payment plan. The parties to the order must agree to such a plan and  
20 the plan must contain reasonable assurances that payments will be made  
21 in a regular and timely manner. The court may approve such a plan and  
22 modify or terminate the payroll deduction or other income withholding  
23 action at the time of entry of the order or at a later date upon motion  
24 and agreement of the parties. If the order directs payment to the  
25 person entitled to receive the payments instead of to the Washington  
26 state support registry, the order shall include a statement that the  
27 order may be submitted to the registry if a support payment is past  
28 due. If the order directs delayed issuance of the notice of payroll  
29 deduction or other income withholding action, the order shall include  
30 a statement that such action may be taken, without further notice, at

1 any time after a support payment is past due. The provisions of this  
2 subsection do not apply if the department is providing public  
3 assistance under Title 74 RCW.

4 (3) The office of administrative hearings and the department of  
5 social and health services shall require that all support obligations  
6 established as administrative orders include a provision which orders  
7 and directs that the responsible parent shall make all support payments  
8 to the Washington state support registry. All administrative orders  
9 shall also state that a notice of payroll deduction may be issued, or  
10 other income withholding action taken without further notice to the  
11 responsible parent((÷

12 ~~(a) If a support payment is not paid when due and an amount equal~~  
13 ~~to or greater than the support payable for one month is owed under an~~  
14 ~~order entered prior to July 1, 1990; or~~

15 ~~(b)) at any time after entry of the order ((for administrative~~  
16 ~~orders entered on or after July 1, 1990)), unless:~~

17 (a) One of the parties demonstrates, and the presiding officer  
18 finds, that there is good cause not to require immediate income  
19 withholding; or

20 (b) The parties reach a written agreement that is approved by the  
21 presiding officer that provides for an alternate agreement.

22 (4) If the support order does not include the provision ordering  
23 and directing that all payments be made to the Washington state support  
24 registry and a statement that a notice of payroll deduction may be  
25 issued if a support payment is past due or at any time after the entry  
26 of the order, the office of support enforcement may serve a notice on  
27 the responsible parent stating such requirements and authorizations.  
28 Service may be by personal service or any form of mail requiring a  
29 return receipt.

30 (5) Every support order shall state:

1 (a) That payment shall be made to the Washington state support  
2 registry or in accordance with the alternate payment plan approved by  
3 the court;

4 (b) That a notice of payroll deduction may be issued or other  
5 income withholding action under chapter 26.18 RCW or chapter 74.20A RCW  
6 may be taken, without further notice to the responsible parent((+)

7 ~~(i) If a support payment is not paid when due and an amount equal~~  
8 ~~to or greater than the support payable for one month is owed under an~~  
9 ~~order entered prior to July 1, 1990; or~~

10 ~~(ii))~~ at any time after entry of an order by the court ~~((on or~~  
11 ~~after July 1, 1990))~~, unless:

12 (i) The court approves an alternate payment plan under subsection  
13 (2) of this section;

14 (ii) One of the parties demonstrates, and the court finds, that  
15 there is good cause not to require immediate income withholding; or

16 (iii) The parties reach an alternate agreement that is approved by  
17 the court that provides for an alternate arrangement;

18 (c) The income of the parties, if known, or that their income is  
19 unknown and the income upon which the support award is based;

20 (d) The support award as a sum certain amount;

21 (e) The specific day or date on which the support payment is due;

22 (f) The social security number, residence address, and name of  
23 employer of the responsible parent;

24 (g) The social security number and residence address of the  
25 physical custodian except as provided in subsection (6) of this  
26 section;

27 (h) The names, dates of birth, and social security numbers, if any,  
28 of the dependent children;

29 (i) That the parties are to notify the Washington state support  
30 registry of any change in residence address;

1 (j) That any parent owing a duty of child support shall be  
2 obligated to provide health insurance coverage for his or her child if  
3 coverage that can be extended to cover the child is or becomes  
4 available to that parent through employment or is union-related as  
5 provided under RCW 26.09.105;

6 (k) That if proof of health insurance coverage is not provided  
7 within twenty days, the obligee or the department may seek direct  
8 enforcement of the coverage through the obligor's employer or union  
9 without further notice to the obligor as provided under chapter 26.18  
10 RCW; and

11 (l) The reasons for not ordering health insurance coverage if the  
12 order fails to require such coverage.

13 (6) The physical custodian's address shall be omitted from an order  
14 entered under the administrative procedure act. A responsible parent  
15 whose support obligation has been determined by such administrative  
16 order may request the physical custodian's residence address by  
17 submission of a request for disclosure under RCW 26.23.120.

18 (7) The superior court clerk, the office of administrative  
19 hearings, and the department of social and health services shall,  
20 within five days of entry, forward to the Washington state support  
21 registry, a true and correct copy of all superior court orders or  
22 administrative orders establishing or modifying a support obligation  
23 which provide that support payments shall be made to the support  
24 registry. If a superior court order entered prior to January 1, 1988,  
25 directs the responsible parent to make support payments to the clerk,  
26 the clerk shall send a true and correct copy of the support order and  
27 the payment record to the registry for enforcement action when the  
28 clerk identifies that a payment is more than fifteen days past due.  
29 The office of support enforcement shall reimburse the clerk for the  
30 reasonable costs of copying and sending copies of court orders to the



1 registry at the reimbursement rate provided in Title IV-D of the social  
2 security act.

3 (8) Receipt of a support order by the registry or other action  
4 under this section on behalf of a person or persons who are not  
5 recipients of public assistance is deemed to be a request for support  
6 enforcement services under RCW 74.20.040 to the fullest extent  
7 permitted under federal law.

8 (9) After the responsible parent has been ordered or notified to  
9 make payments to the Washington state support registry in accordance  
10 with subsection (1), (~~((2), or))~~ (3), or (4) of this section, the  
11 responsible parent shall be fully responsible for making all payments  
12 to the Washington state support registry and shall be subject to  
13 payroll deduction or other income withholding action. The responsible  
14 parent shall not be entitled to credit against a support obligation for  
15 any payments made to a person or agency other than to the Washington  
16 state support registry. A civil action may be brought by the payor to  
17 recover payments made to persons or agencies who have received and  
18 retained support moneys paid contrary to the provisions of this  
19 section."

20 "Sec. 37. RCW 26.23.060 and 1989 c 360 s 32 are each amended to  
21 read as follows:

22 (1) The office of support enforcement may issue a notice of payroll  
23 deduction:

24 (a) As authorized by a support order that contains the income  
25 withholding notice provisions in RCW 26.23.050 or a substantially  
26 similar notice; or

27 (b) After service of a notice containing an income withholding  
28 provision under this chapter or chapter 74.20A RCW.

1        (2) The ((department may)) office of support enforcement shall  
2        serve a notice of payroll deduction upon a responsible parent's  
3        employer ((for child support obligations if the responsible parent  
4        fails to pay child support as due in an amount equal to or greater than  
5        the support payable for one month. Service shall be)), a person, or  
6        organization, whether public or private, in possession of or owing  
7        earnings to the responsible parent by personal service or by any form  
8        of mail requiring a return receipt.

9        ~~((+2))~~ (3) Service of a notice of payroll deduction upon an  
10       employer, person, or organization requires ((an)) the employer, person,  
11       or organization to immediately make a mandatory payroll deduction from  
12       the responsible ((parent/employee's)) parent's unpaid disposable  
13       earnings. The employer, person, or organization shall thereafter  
14       deduct each pay period the amount stated in the notice divided by the  
15       number of pay periods per month. The payroll deduction each pay period  
16       shall not exceed fifty percent of the responsible ((parent/employee's))  
17       parent's disposable earnings.

18       ~~((+3))~~ (4) A notice of payroll deduction for support shall have  
19       priority over any wage assignment ((or)), garnishment, attachment, or  
20       other legal process.

21       ~~((+4))~~ (5) The notice of payroll deduction shall be in writing and  
22       include:

23       (a) The name and social security number of the ~~((employee))~~  
24       responsible parent;

25       (b) The amount to be deducted from the responsible parent's  
26       disposable earnings each month, or alternate amounts and frequencies as  
27       may be necessary to facilitate processing of the payroll deduction ~~((by~~  
28       ~~the employer))~~;

29       (c) A statement that the total amount withheld shall not exceed  
30       fifty percent of the responsible parent's disposable earnings; and

1 (d) The address to which the payments are to be mailed or  
2 delivered.

3 ~~((+5))~~ (6) An informational copy of the notice of payroll  
4 deduction shall be mailed to the last known address of the responsible  
5 parent by regular mail.

6 ~~((+6))~~ (7) An employer, person, or organization who receives a  
7 notice of payroll deduction shall make immediate deductions from the  
8 ~~((employee's))~~ responsible parent's unpaid disposable earnings and  
9 remit proper amounts to the Washington state support registry on each  
10 date the ~~((employee))~~ responsible parent is due to be paid.

11 ~~((+7))~~ (8) An employer, person, or organization, upon whom a  
12 notice of payroll deduction is served, shall make an answer to the  
13 ~~((Washington state))~~ office of support ~~((registry))~~ enforcement within  
14 twenty days after the date of service. The answer shall confirm  
15 compliance and institution of the payroll deduction or explain the  
16 circumstances if no payroll deduction is in effect. The answer shall  
17 also state whether the responsible parent is employed by or receives  
18 earnings from the employer, whether the employer, person, or  
19 organization anticipates paying earnings and the amount of earnings.  
20 If the responsible parent is no longer employed, or receiving earnings  
21 from the employer, person, or organization, the answer shall state the  
22 present employer's name and address, if known.

23 ~~((+8))~~ (9) The employer, person, or organization may deduct a  
24 processing fee from the remainder of the ~~((employee's))~~ responsible  
25 parent's earnings after withholding under the notice of payroll  
26 deduction, even if the remainder is exempt under RCW 26.18.090. The  
27 processing fee may not exceed: (a) Ten dollars for the first  
28 disbursement made ~~((by the employer))~~ to the Washington state support  
29 registry; and (b) one dollar for each subsequent disbursement to the  
30 registry.

1       (~~(9)~~) (10) The notice of payroll deduction shall remain in effect  
2 until released by the office of support enforcement (~~(e)~~), the court  
3 enters an order terminating the notice and approving an alternate  
4 payment plan under RCW 26.23.050(2), or one year has expired since the  
5 employer, person, or organization has employed the responsible parent  
6 or has been in possession of or owing any earnings to the responsible  
7 parent."

8       "**Sec. 38.** RCW 26.23.070 and 1987 c 435 s 7 are each amended to  
9 read as follows:

10       (1) The employer, person, or organization may combine amounts  
11 withheld from the earnings of more than one (~~(employee)~~) responsible  
12 parent in a single payment to the Washington state support registry,  
13 listing separately the amount of the payment which is attributable to  
14 each individual (~~(employee)~~).

15       (2) No employer, person, or organization who complies with a notice  
16 of payroll deduction under this chapter shall be civilly liable to the  
17 (~~(employee)~~) responsible parent for complying with a notice of payroll  
18 deduction under this chapter."

19       "**Sec. 39.** RCW 26.23.100 and 1989 c 360 s 31 are each amended to  
20 read as follows:

21       (1) The responsible parent subject to a payroll deduction pursuant  
22 to this chapter, may file a motion in superior court to quash, modify,  
23 or terminate the payroll deduction.

24       (2) Except as provided in subsections (4) and (5) of this section,  
25 the court may grant relief only upon a showing: (a) That the payroll  
26 deduction causes extreme hardship or substantial injustice; or (b) that  
27 the support payment was not past due (~~(in an amount equal to or greater~~

1 ~~than the support payable for one month))~~ under the terms of the order  
2 when the notice of payroll deduction was served on the employer.

3 (3) Satisfaction by the obligor of all past due payments subsequent  
4 to the issuance of the notice of payroll deduction is not grounds to  
5 quash, modify, or terminate the notice of payroll deduction.

6 (4) If a notice of payroll deduction has been in operation for  
7 twelve consecutive months and the ~~((obligor's))~~ obligor's support  
8 obligation is current, upon motion of the obligor, the court may order  
9 the ~~((Washington state))~~ office of support ~~((registry))~~ enforcement to  
10 terminate the payroll deduction, unless the obligee can show good cause  
11 as to why the payroll deduction should remain in effect.

12 (5) Subsection (2) of this section shall not prevent the court from  
13 ordering an alternative payment plan as provided under RCW  
14 26.23.050(2)."

15 "**Sec. 40.** RCW 26.23.110 and 1989 c 360 s 16 and 1989 c 175 s 77  
16 are each reenacted and amended to read as follows:

17 (1) The department may serve a notice of support owed on a  
18 responsible parent when a support order:

19 (a) Does not state the current and future support obligation as a  
20 fixed dollar amount; or

21 (b) Contains an escalation clause or adjustment provision for which  
22 additional information not contained in the order is needed to  
23 determine the amount of the accrued debt and/or the current and future  
24 obligation.

25 (2) The notice of support owed shall facilitate enforcement of the  
26 support order and implement and effectuate the terms of the order,  
27 rather than modify those terms. ~~((When the office of support~~  
28 ~~enforcement issues a notice of support owed, the office shall inform~~  
29 ~~the payee under the order.))~~

1 (3) The notice of support owed shall be served on a responsible  
2 parent by personal service or any form of mailing requiring a return  
3 receipt. (~~The notice shall contain an initial finding of the amount~~  
4 ~~of current and future support that should be paid and/or the amount of~~  
5 ~~the support debt owed under the support order.~~

6 ~~(4) A)~~ If the responsible parent ((who)) objects to the amounts  
7 stated in the notice the parent has twenty days from the date of the  
8 service of the notice to:

9 (a) File an application for an adjudicative proceeding to contest  
10 the notice; or

11 (b) Initiate an action in superior court to set amounts due and  
12 payable under the support order.

13 ~~((5))~~ (4) The notice shall ((state that the parent may)):

14 ~~((File an application))~~ Contain an initial finding of the  
15 amount owed for current support or the amount of the support debt owed  
16 under the support order, or both;

17 (b) Explain the responsible parent's right to:

18 (i) Apply for an adjudicative proceeding ((in which the parent will  
19 be required to appear and show cause why the amount stated in the  
20 notice for current and future support and/or the accrued support debt  
21 is incorrect and should not be ordered)); or

22 ~~((b))~~ (ii) Initiate an action in superior court((-));

23 (c) Inform the responsible parent that the payee under the order  
24 may also apply for an adjudicative proceeding or initiate an action in  
25 superior court as a result of the notice;

26 (d) Warn the responsible parent of the results if the parent fails  
27 to apply for an adjudicative proceeding or participate in such a  
28 proceeding scheduled by the department at the request of either the  
29 responsible parent or the payee.

1 (5) After service of the notice of support owed on the responsible  
2 parent, the office of support enforcement shall mail to the last known  
3 address of the payee under the support order:

4 (a) A copy of the notice; and

5 (b) A letter explaining the:

6 (i) Payee's right to:

7 (A) Apply for an adjudicative proceeding to object to the amounts  
8 stated in the notice;

9 (B) Participate as a party in an adjudicative proceeding the  
10 responsible parent requests to object to the notice; and

11 (C) Initiate an action in superior court to set the amounts due and  
12 payable under the support order; and

13 (ii) Results if the payee fails to apply for an adjudicative  
14 proceeding or participate in such a proceeding scheduled by the  
15 department at the request of either the payee or the responsible  
16 parent.

17 (6) The payee who objects to the amounts stated in the notice shall  
18 file an application for an adjudicative proceeding or initiate an  
19 action in superior court within twenty days of the date the office of  
20 support enforcement mails a copy of the notice and letter to the payee.

21 (7) If the responsible parent ((does not)) and the payee fail to  
22 file an application for an adjudicative proceeding or initiate an  
23 action in superior court, the amount of current and future support  
24 and/or the support debt stated in the notice shall become final and  
25 subject to collection action.

26 ((+7)) (8) If an adjudicative proceeding is requested, the  
27 department shall mail a copy of the notice of ((hearing)) the  
28 proceeding to the responsible parent and the payee ((under the support  
29 order at the payee's last known address. A payee who appears for the  
30 hearing shall be allowed to participate. Participation includes, but

1 is not limited to, giving testimony, presenting evidence, being present  
2 for or listening to other testimony offered in the proceeding, and  
3 offering rebuttal to other testimony. Nothing in this section shall  
4 preclude the administrative law judge from limiting participation to  
5 preserve the confidentiality of information protected by law)). A  
6 party who objects to the notice of support owed shall appear and show  
7 cause why the amounts stated in the notice are incorrect and should not  
8 be ordered.

9 ((+8)) (9) If the responsible parent ((does not)) and the payee  
10 fail to initiate an action in superior court, and serve notice of the  
11 action on the department within the twenty-day period, ((the  
12 responsible parent)) they shall be deemed to have made an election of  
13 remedies and shall be required to exhaust administrative remedies under  
14 this chapter with judicial review available as provided for in RCW  
15 34.05.510 through 34.05.598.

16 ((+9)) (10) An administrative order entered ((in accordance with))  
17 under this section shall state the basis, rationale, or formula upon  
18 which the amounts established in the order were based. The amount of  
19 current and future support and/or the amount of the support debt  
20 determined under this section shall be subject to collection under this  
21 chapter and other applicable state statutes.

22 ((+10)) (11) The department shall ((also provide)) adopt rules  
23 providing for:

24 (a) An annual review of the support order entered under this  
25 section if ((either)) the office of support enforcement, the payee, or  
26 the responsible parent requests such a review; and

27 (b) A late hearing if the responsible parent or the payee fails to  
28 file an application for an adjudicative proceeding in a timely manner  
29 under this section.



1       (~~(11)~~) (12) If an annual review or late hearing is requested  
2 under subsection (~~(10)~~) (11) of this section, the department shall  
3 mail a copy of the notice of hearing to the payee (~~at the payee's last~~  
4 ~~known address. A payee who appears for the proceeding shall be allowed~~  
5 ~~to participate. Participation includes, but is not limited to, giving~~  
6 ~~testimony, presenting evidence, being present for or listening to other~~  
7 ~~testimony offered in the proceeding, and offering rebuttal to other~~  
8 ~~testimony. Nothing in this section shall preclude the administrative~~  
9 ~~law judge from limiting participation to preserve the confidentiality~~  
10 ~~of information protected by law)) and the responsible parent."~~

11       "NEW SECTION. Sec. 41. A new section is added to chapter 26.23  
12 RCW to read as follows:

13       The department shall be given twenty calendar days prior notice of  
14 the entry of any final order and five days prior notice of the entry of  
15 any temporary order in any proceeding involving child support or  
16 maintenance if the department has a financial interest based on an  
17 assignment of support rights under RCW 74.20.330 or the state has a  
18 subrogated interest under RCW 74.20A.030. Service of this notice upon  
19 the department shall be by personal service on, or mailing by any form  
20 of mail requiring a return receipt to, the office of the attorney  
21 general."

22       "Sec. 42. RCW 74.20.220 and 1979 c 141 s 367 are each amended to  
23 read as follows:

24       In order to carry out its responsibilities imposed under this  
25 chapter and as required by federal law, the state department of social  
26 and health services, through the attorney general or prosecuting  
27 attorney, is hereby authorized to:

1       (1) ~~((Represent))~~ Initiate an action in superior court to obtain a  
2 support order or obtain other relief related to support for a dependent  
3 child ((or dependent children)) on whose behalf the department is  
4 providing public assistance ((is being provided in obtaining any  
5 support order necessary to provide for his or their needs)) or support  
6 enforcement services under RCW 74.20.040, or to enforce ((any such  
7 order previously entered)) a superior court order.

8       (2) ~~((Appear as a friend of the court in divorce and separate~~  
9 ~~maintenance suits, or proceedings supplemental thereto, when either or~~  
10 ~~both of the parties thereto are receiving public assistance, for the~~  
11 ~~purpose of advising the court as to the financial interest of the state~~  
12 ~~of Washington therein.~~

13       (3) ~~Appear on behalf of the custodial parent of a dependent child~~  
14 ~~or children on whose behalf public assistance is being provided, when~~  
15 ~~so requested by such parent, for the purpose of assisting such parent~~  
16 ~~in securing a modification of a divorce or separate maintenance decree~~  
17 ~~wherein no support, or inadequate support, was given for such child or~~  
18 ~~children: PROVIDED, That the attorney general shall be authorized to~~  
19 ~~so appear only where it appears to the satisfaction of the court that~~  
20 ~~the parent is without funds to employ private counsel. If the parent~~  
21 ~~does not request such assistance, or refuses it when offered, the~~  
22 ~~attorney general may nevertheless appear as a friend of the court at~~  
23 ~~any supplemental proceeding, and may advise the court of such facts as~~  
24 ~~will show the financial interest of the state of Washington therein;~~  
25 ~~but the attorney general shall not otherwise participate in the~~  
26 ~~proceeding)) Appear as a party in dissolution, child support,~~  
27 parentage, maintenance suits, or other proceedings, for the purpose of  
28 representing the financial interest and actions of the state of  
29 Washington therein.

1       (3) Petition the court for modification of a superior court order  
2 when the office of support enforcement is providing support enforcement  
3 services under RCW 74.20.040.

4       (4) When the attorney general or prosecuting attorney appears in,  
5 defends, or initiates actions to establish, modify, or enforce child  
6 support obligations he or she represents the state, the best interests  
7 of the child relating to parentage, and the best interests of the  
8 children of the state, but does not represent the interests of any  
9 other individual.

10       (5) If public assistance has been applied for or granted on behalf  
11 of a child of parents who are divorced or legally separated, the  
12 attorney general or prosecuting attorney may apply to the superior  
13 court in such action for an order directing either parent or both to  
14 show cause:

15       (a) Why an order of support for the child should not be entered, or

16       (b) Why the amount of support previously ordered should not be  
17 increased, or

18       (c) Why the parent should not be held in contempt for his or her  
19 failure to comply with any order of support previously entered.

20       ~~((+5+))~~ (6) Initiate any civil proceedings deemed necessary by the  
21 department to secure reimbursement from the parent or parents of minor  
22 dependent children for all moneys expended by the state in providing  
23 assistance or services to said children.

24       (7) Nothing in this section limits the authority of the attorney  
25 general or prosecuting attorney to use any and all civil and criminal  
26 remedies to enforce, establish, or modify child support obligations  
27 whether or not the custodial parent receives public assistance."

28       "**Sec. 43.** RCW 74.20.310 and 1979 ex.s. c 171 s 15 are each amended  
29 to read as follows:

1       (1) The provisions of RCW 26.26.090 requiring appointment of a  
2 general guardian or guardian ad litem to represent the child in an  
3 action brought to determine the parent and child relationship do not  
4 apply to actions brought under chapter 26.26 RCW if:

5       (~~(1)~~) (a) The action is brought by the attorney general on behalf  
6 of the department of social and health services(~~(7)~~) and the child(~~(7~~  
7 ~~or the natural mother)~~); or

8       (~~(2)~~) (b) The action is brought by any prosecuting attorney on  
9 behalf of the state(~~(7)~~) and the child(~~(7~~~~or the natural mother)~~) when  
10 referral has been made to the prosecuting attorney by the department of  
11 social and health services requesting such action.

12       (2) On the issue of parentage, the attorney general or prosecuting  
13 attorney functions as the child's guardian ad litem provided the  
14 interests of the state and the child are not in conflict.

15       (3) The court, on its own motion or on motion of a party, may  
16 appoint a guardian ad litem when necessary.

17       (4) The summons shall contain a notice to the parents that the  
18 parents have a right to move the court for a guardian ad litem for the  
19 child other than the prosecuting attorney or the attorney general  
20 subject to subsection (2) of this section."

21       "NEW SECTION. Sec. 44. A new section is added to chapter 74.20  
22 RCW to read as follows:

23       When the department appears or participates in an adjudicative  
24 proceeding under chapter 26.23 or 74.20A RCW it shall:

25       (1) Act in furtherance of the state's financial interest in the  
26 matter and the best interests of the children of the state;

27       (2) Facilitate the resolution of the controversy; and

28       (3) Make independent recommendations to ensure the integrity and  
29 proper application of the process.

1 In these proceedings the department does not act on behalf or as an  
2 agent or representative of any individual."

3 "Sec. 45. RCW 74.20A.055 and 1990 1st ex.s. c 2 s 21 are each  
4 amended to read as follows:

5 (1) The secretary may, in the absence of a superior court order,  
6 serve on the responsible parent or parents a notice and finding of  
7 financial responsibility requiring a responsible parent or parents to  
8 appear and show cause in an adjudicative proceeding why the finding of  
9 responsibility and/or the amount thereof is incorrect, should not be  
10 finally ordered, but should be rescinded or modified. This notice and  
11 finding shall relate to the support debt accrued and/or accruing under  
12 this chapter and/or RCW 26.16.205, including periodic payments to be  
13 made in the future (~~for such period of time as the child or children~~  
14 ~~of said responsible parent or parents are in need~~). The hearing shall  
15 be held pursuant to (~~RCW 74.20A.055~~) this section, chapter 34.05 RCW,  
16 the Administrative Procedure Act, and the rules of the department.

17 (2) The notice and finding of financial responsibility shall be  
18 served in the same manner prescribed for the service of a summons in a  
19 civil action or may be served on the responsible parent by certified  
20 mail, return receipt requested. The receipt shall be prima facie  
21 evidence of service. The notice shall be served upon the debtor within  
22 sixty days from the date the state assumes responsibility for the  
23 support of the dependent child or children on whose behalf support is  
24 sought. If the notice is not served within sixty days from such date,  
25 the department shall lose the right to reimbursement of payments made  
26 after the sixty-day period and before the date of notification:  
27 PROVIDED, That if the department exercises reasonable efforts to locate  
28 the debtor and is unable to do so the entire sixty-day period is tolled  
29 until such time as the debtor can be located. (~~Any responsible parent~~

1 who objects to all or any part of the notice and finding shall have the  
2 right for not more than twenty days from the date of service to file an  
3 application for an adjudicative proceeding. The application shall be  
4 served upon the department by registered or certified mail or  
5 personally. If no such application is made, the notice and finding of  
6 responsibility shall become final, and the debt created therein shall  
7 be subject to collection action as authorized under this chapter. If  
8 a timely application is made, the execution of notice and finding of  
9 responsibility shall be stayed pending the entry of the final  
10 administrative order. If no timely written application has previously  
11 been made, the responsible parent may petition the secretary or the  
12 secretary's designee at any time for an adjudicative proceeding as  
13 provided for in this section upon a showing of good cause for the  
14 failure to make a timely application. The filing of the petition for an  
15 adjudicative proceeding after the twenty-day period shall not affect  
16 any collection action previously taken under this chapter. The  
17 granting of an application after the twenty-day period operates as a  
18 stay on any future collection action, pending entry of the final  
19 administrative order. Moneys withheld as a result of collection action  
20 in effect at the time of the granting of the application after the  
21 twenty-day period shall be delivered to the department and shall be  
22 held in trust by the department pending entry of the final  
23 administrative order. The department may petition the presiding or  
24 reviewing officer to set temporary current and future support to be  
25 paid beginning with the month in which the application after the  
26 twenty-day period is granted. The presiding or reviewing officer shall  
27 order payment of temporary current and future support if appropriate in  
28 an amount determined pursuant to the child support schedule adopted  
29 under RCW 26.19.040. In the event the responsible parent does not make  
30 payment of the temporary current and future support as ordered by the

1 ~~presiding or reviewing officer, the department may take collection~~  
2 ~~action pursuant to chapter 74.20A RCW during the pendency of the~~  
3 ~~adjudicative proceeding or thereafter to collect any amounts owing~~  
4 ~~under the order. Temporary current and future support paid, or~~  
5 ~~collected, during the pendency of the adjudicative proceeding shall be~~  
6 ~~disbursed to the custodial parent or as otherwise appropriate when~~  
7 ~~received by the department. If the final administrative order is that~~  
8 ~~the department has collected from the responsible parent other than~~  
9 ~~temporary current or future support, an amount greater than such~~  
10 ~~parent's past support debt, the department shall promptly refund any~~  
11 ~~such excess amount to such parent.~~

12 ~~(3) Hearings may be held in the county of residence or other place~~  
13 ~~convenient to the responsible parent.)) (3) The notice and finding of~~  
14 ~~financial responsibility shall set forth the amount the department has~~  
15 ~~determined the responsible parent owes, the support debt accrued and/or~~  
16 ~~accruing, and periodic payments to be made in the future ((for such~~  
17 ~~period of time as the child or children of the responsible parent are~~  
18 ~~in need, all computable on the basis of the need alleged)). The notice~~  
19 ~~and finding shall also include:~~

20 ~~(a) A statement of the name of the recipient or custodian and the~~  
21 ~~name of the child or children for whom ((need)) support is ((alleged))~~  
22 ~~sought; ((and/or))~~

23 ~~(b) A statement of the amount of periodic future support payments~~  
24 ~~as to which financial responsibility is alleged((-))i~~

25 ~~((4) The notice and finding shall include)) (c) A statement that~~  
26 ~~the responsible parent may object to all or any part of the notice and~~  
27 ~~finding, and file an application for an adjudicative proceeding to show~~  
28 ~~cause why said responsible parent should not be determined to be liable~~  
29 ~~for any or all of the debt, past and future((-))i~~

30 ~~((The notice and finding shall include))~~

1        (d) A statement that, if the responsible parent fails in timely  
2 fashion to file an application for an adjudicative proceeding, the  
3 support debt and payments stated in the notice and finding, including  
4 periodic support payments in the future, shall be assessed and  
5 determined and ordered by the department and that this debt and amounts  
6 due under the notice shall be subject to collection action;

7        (e) A statement that the property of the debtor, without further  
8 advance notice or hearing, will be subject to lien and foreclosure,  
9 distrain, seizure and sale, ((or)) order to withhold and deliver,  
10 notice of payroll deduction or other collection action to satisfy the  
11 debt and enforce the support obligation established under the notice.

12        (4) A responsible parent who objects to the notice and finding of  
13 financial responsibility may file an application for an adjudicative  
14 proceeding within twenty days of the date of service of the notice or  
15 thereafter as provided under this subsection. An adjudicative  
16 proceeding shall be held in the county of residence or other place  
17 convenient to the responsible parent.

18        (a) If the responsible parent files the application within twenty  
19 days, the department shall schedule an adjudicative proceeding to hear  
20 the parent's objection and determine the parents' support obligation  
21 for the entire period covered by the notice and finding of financial  
22 responsibility. The filing of the application stays collection action  
23 pending the entry of a final administrative order;

24        (b) If the responsible parent fails to file an application within  
25 twenty days, the notice and finding shall become a final administrative  
26 order. The amounts for current and future support and the support debt  
27 stated in the notice are final and subject to collection, except as  
28 provided under (c) and (d) of this subsection;

29        (c) If the responsible parent files the application more than  
30 twenty days after, but within one year of the date of service, the



1 department shall schedule an adjudicative proceeding to hear the  
2 parents' objection and determine the parent's support obligation for  
3 the entire period covered by the notice and finding of financial  
4 responsibility. The filing of the application does not stay further  
5 collection action, pending the entry of a final administrative order,  
6 and does not affect any prior collection action;

7 (d) If the responsible parent files the application more than one  
8 year after the date of service, the department shall schedule an  
9 adjudicative proceeding at which the responsible parent must show good  
10 cause for failure to file a timely application. The filing of the  
11 application does not stay future collection action and does not affect  
12 prior collection action:

13 (i) If the presiding officer finds that good cause exists, the  
14 presiding officer shall proceed to hear the parent's objection to the  
15 notice and determine the parent's support obligation;

16 (ii) If the presiding officer finds that good cause does not exist,  
17 the presiding officer shall treat the application as a petition for  
18 prospective modification of the amount for current and future support  
19 established under the notice and finding. In the modification  
20 proceeding, the presiding officer shall set current and future support  
21 under chapter 26.19 RCW. The responsible parent need show neither good  
22 cause nor a substantial change of circumstances to justify modification  
23 of current and future support;

24 (e) The department shall retain and/or shall not refund support  
25 money collected more than twenty days after the date of service of the  
26 notice. Money withheld as the result of collection action shall be  
27 delivered to the department. The department shall distribute such  
28 money, as provided in published rules.

29 (5) If an application for an adjudicative proceeding is filed, the  
30 presiding or reviewing officer shall determine the past liability and

1 responsibility, if any, of the alleged responsible parent and shall  
2 also determine the amount of periodic payments to be made in the  
3 future, which amount is not limited by the amount of any public  
4 assistance payment made to or for the benefit of the child. If  
5 deviating from the child support schedule (~~adopted under RCW~~  
6 ~~26.19.040~~) in making these determinations, the presiding or reviewing  
7 officer shall (~~comply with the provisions set forth in chapter 26.19~~  
8 ~~RCW~~) apply the standards contained in the child support schedule and  
9 enter written findings of fact supporting the deviation.

10 (6) If the responsible parent fails to attend or participate in the  
11 hearing or other stage of an adjudicative proceeding, upon a showing of  
12 valid service, the presiding officer shall enter an (~~initial decision~~  
13 ~~and~~) administrative order declaring the support debt and payment  
14 provisions stated in the notice and finding of financial responsibility  
15 to be assessed and determined and subject to collection action.

16 (~~(6)~~) (7) The final administrative order establishing liability  
17 and/or future periodic support payments shall be superseded upon entry  
18 of a superior court order for support to the extent the superior court  
19 order is inconsistent with the administrative order(~~PROVIDED, That~~  
20 ~~in the absence of a superior court order, either the responsible parent~~  
21 ~~or the department may petition the secretary or his designee for~~  
22 ~~issuance of an order to appear and show cause based on a showing of~~  
23 ~~good cause and material change of circumstances, to require the other~~  
24 ~~party to appear and show cause why the order previously entered should~~  
25 ~~not be prospectively modified. Said order to appear and show cause~~  
26 ~~together with a copy of the petition and affidavit upon which the order~~  
27 ~~is based shall be served in the manner of a summons in a civil action~~  
28 ~~or by certified mail, return receipt requested, on the other party by~~  
29 ~~the petitioning party. Prospective modification may be ordered, but~~  
30 ~~only upon a showing of good cause and material change of circumstances.~~

1       ~~(7) The presiding or reviewing officer shall order support payments~~  
2 ~~under the child support schedule adopted under RCW 26.19.040)).~~

3       (8) Debts determined pursuant to this section, accrued and not  
4 paid, are subject to collection action under this chapter without  
5 further necessity of action by a presiding or reviewing officer.

6       ~~((9) "Need" as used in this section shall mean the necessary costs~~  
7 ~~of food, clothing, shelter, and medical attendance for the support of~~  
8 ~~a dependent child or children. The amount determined by reference to~~  
9 ~~the child support schedule adopted under RCW 26.19.040, shall be a~~  
10 ~~rebuttable presumption of the alleged responsible parent's ability to~~  
11 ~~pay and the need of the family: PROVIDED, That such responsible parent~~  
12 ~~shall be presumed to have no ability to pay child support under this~~  
13 ~~chapter from any income received from aid to families with dependent~~  
14 ~~children, supplemental security income, or continuing general~~  
15 ~~assistance.))"~~

16       "NEW SECTION. Sec. 46. A new section is added to chapter 74.20A  
17 RCW to read as follows:

18       (1) The department, the physical custodian, or the responsible  
19 parent may petition for a prospective modification of a final  
20 administrative order if:

21       (a) The administrative order has not been superseded by a superior  
22 court order; and

23       (b) There has been a substantial change of circumstances, except as  
24 provided under RCW 74.20A.055(4)(d).

25       (2) An order of child support may be modified one year or more  
26 after it has been entered without showing a substantial change of  
27 circumstances:

28       (a) If the order in practice works a severe economic hardship on  
29 either party or the child; or

1 (b) If a party requests an adjustment in an order for child support  
2 that was based on guidelines which determined the amount of support  
3 according to the child's age, and the child is no longer in the age  
4 category on which the current support amount was based; or

5 (c) If a child is a full-time student and reasonably expected to  
6 complete secondary school or the equivalent level of vocational or  
7 technical training before the child becomes nineteen years of age upon  
8 a finding that there is a need to extend support beyond the eighteenth  
9 birthday.

10 (3) An order may be modified without showing a substantial change  
11 of circumstances if the requested modification is to:

12 (a) Require health insurance coverage for a child covered by the  
13 order; or

14 (b) Modify an existing order for health insurance coverage.

15 (4) Support orders may be adjusted once every twenty-four months  
16 based upon changes in the income of the parents without a showing of  
17 substantially changed circumstances.

18 (5) An obligor's voluntary unemployment or voluntary  
19 underemployment, by itself, is not a substantial change of  
20 circumstances.

21 (6) The department shall file the petition and a supporting  
22 affidavit with the secretary or the secretary's designee when the  
23 department petitions for modification.

24 (7) The responsible parent or the physical custodian shall follow  
25 the procedures in this chapter for filing an application for an  
26 adjudicative proceeding to petition for modification.

27 (8) Upon the filing of a proper petition or application, the  
28 secretary or the secretary's designee shall issue an order directing  
29 each party to appear and show cause why the order should not be  
30 modified.

1 (9) If the presiding or reviewing officer finds a modification is  
2 appropriate, the officer shall modify the order and set current and  
3 future support under chapter 26.19 RCW."

4 "Sec. 47. RCW 74.20A.058 and 1989 c 55 s 5 are each amended to  
5 read as follows:

6 (~~(If an adjudicative proceeding is requested by an alleged father  
7 under RCW 74.20A.056, the department shall mail a copy of the notice of  
8 hearing to the mother at her last known address. If the mother appears  
9 for the proceeding, she shall be allowed to participate in it.  
10 Participation includes giving testimony, and being present for or  
11 listening to other testimony offered in the proceeding. Nothing in this  
12 section shall preclude the administrative law judge from limiting  
13 participation to preserve the confidentiality of information protected  
14 by law.)~~)

15 (1) The office of support enforcement shall serve a copy of the  
16 notice and finding of financial or parental responsibility on the  
17 custodian after service of the notice and finding on the responsible  
18 parent.

19 (2) The office of support enforcement shall serve the notice on the  
20 custodian by mailing a copy of the notice and a letter of explanation  
21 by first class mail to the custodian's last known address. The letter  
22 shall contain the following information:

23 (a) The custodian's right to object to the notice; and

24 (b) The consequences if the custodian defaults.

25 (3) The custodian may apply for an adjudicative proceeding to  
26 object to the notice or a proposed settlement on the notice. The  
27 custodian has twenty days from the date notice was given to the  
28 custodian to apply for an adjudicative proceeding to contest:

1        (a) A notice and finding of financial or parental responsibility;

2        or

3        (b) A proposed settlement on the notice.

4        (4) The custodian may:

5        (a) Participate as a party in an adjudicative proceeding scheduled  
6 by the department on a notice and finding of financial or parental  
7 responsibility; and

8        (b) Apply for an adjudicative proceeding after the twenty days on  
9 the same grounds as the responsible parent or alleged father."

10        "NEW SECTION. Sec. 48. A new section is added to chapter 74.20A  
11 RCW to read as follows:

12        When providing support enforcement services, the office of support  
13 enforcement may take action, under this chapter and chapter 26.23 RCW,  
14 against a responsible parent's property of any kind, including but not  
15 limited to earnings, located in, or subject to the jurisdiction of, the  
16 state of Washington regardless of the presence or residence of the  
17 responsible parent. If the responsible parent resides in another state  
18 or country, the office of support enforcement shall serve a notice  
19 under RCW 74.20A.040 more than sixty days before taking collection  
20 action."

21        "NEW SECTION. Sec. 49. The following acts or parts of acts are  
22 each repealed:

23        (1) RCW 26.12.090 and 1983 c 219 s 2 & 1949 c 50 s 9;

24        (2) RCW 26.12.100 and 1983 c 219 s 3 & 1949 c 50 s 10;

25        (3) RCW 26.12.110 and 1949 c 50 s 11;

26        (4) RCW 26.12.120 and 1983 c 219 s 4 & 1949 c 50 s 12;

27        (5) RCW 26.12.130 and 1949 c 50 s 13;

- 1 (6) RCW 26.12.140 and 1980 c 124 s 2, 1971 ex.s. c 151 s 1, & 1949  
2 c 50 s 14;
- 3 (7) RCW 26.12.150 and 1949 c 50 s 15;
- 4 (8) RCW 26.12.180 and 1983 c 219 s 6 & 1949 c 50 s 18;
- 5 (9) RCW 26.12.200 and 1983 c 219 s 8 & 1949 c 50 s 20; and
- 6 (10) RCW 26.12.210 and 1983 c 219 s 9 & 1949 c 50 s 21."

7 "NEW SECTION. Sec. 50. The following acts or parts of acts are  
8 each repealed:

- 9 (1) RCW 26.19.001 and 1988 c 275 s 1;
- 10 (2) RCW 26.19.010 and 1988 c 275 s 2;
- 11 (3) RCW 26.19.040 and 1990 1st ex.s. c 2 s 20, 1988 c 275 s 5, &  
12 1987 c 440 s 2;
- 13 (4) RCW 26.19.060 and 1988 c 275 s 7;
- 14 (5) RCW 26.19.070 and 1990 1st ex.s. c 2 s 6;
- 15 (6) RCW 26.19.080 and 1990 1st ex.s. c 2 s 7; and
- 16 (7) RCW 26.19.110 and 1990 1st ex.s. c 2 s 12."

17 "NEW SECTION. Sec. 51. Sections 16 through 18 of this act are  
18 each added to chapter 26.12 RCW."

19 "NEW SECTION. Sec. 52. If by June 30, 1991, the omnibus  
20 operating budget appropriations act for the 1991-93 biennium does not  
21 provide specific funding for section 19 of this act, referencing this  
22 act by bill number, section 19 of this act is null and void."

23 "NEW SECTION. Sec. 53. If specific funding for the purposes of  
24 section 33 of this act, referencing section 33 of this act by bill and  
25 section number, is not provided by June 30, 1991, in the omnibus  
26 appropriations act, section 33 of this act shall be null and void."

1        "NEW SECTION. Sec. 54.        If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected."

5        "NEW SECTION. Sec. 55.        (1) Except for section 47 of this act,  
6 this act shall take effect September 1, 1991, and shall apply to all  
7 decrees and modifications entered on or after September 1, 1991.

8        (2) Section 47 of this act shall take effect January 1, 1992."

9        "NEW SECTION. Sec. 56.        Sections 24, 26 through 31, and 33 of  
10 this act are each added to chapter 26.19 RCW."

11       "NEW SECTION. Sec. 57.        Captions as used in this act do not  
12 constitute any part of the law."

13 **E2SSB 5120** - H AMD  
14        By Representative Appelwick

15  
16        On page 1, line 1 of the title, after "support;" strike the  
17 remainder of the title and insert "amending RCW 26.09.010, 26.09.015,  
18 26.09.100, 26.09.160, 26.09.170, 26.09.175, 26.09.184, 26.09.225,  
19 26.09.280, 26.12.010, 26.12.060, 26.12.170, 26.12.190, 26.12.220,  
20 26.18.070, 26.18.100, 26.18.110, 26.18.140, 26.19.020, 26.19.090,  
21 26.21.230, 26.23.035, 26.23.050, 26.23.060, 26.23.070, 26.23.100,  
22 74.20.220, 74.20.310, 74.20A.055, and 74.20A.058; reenacting and  
23 amending RCW 26.09.260 and 26.23.110; adding new sections to chapter  
24 26.12 RCW; adding new sections to chapter 26.19 RCW; adding a new  
25 section to chapter 26.23 RCW; adding a new section to chapter 74.20  
26 RCW; adding new sections to chapter 74.20A RCW; creating new sections;



1 repealing RCW 26.12.090, 26.12.100, 26.12.110, 26.12.120, 26.12.130,  
2 26.12.140, 26.12.150, 26.12.180, 26.12.200, 26.12.210, 26.19.001,  
3 26.19.010, 26.19.040, 26.19.060, 26.19.070, 26.19.080, and 26.19.110;  
4 prescribing penalties; and providing effective dates."