
HOUSE BILL 1397

State of Washington

67th Legislature

2021 Regular Session

By Representatives Klippert and Walsh

1 AN ACT Relating to day care expenses paid by child support; and
2 amending RCW 26.19.080.

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

4 **Sec. 1.** RCW 26.19.080 and 2009 c 84 s 5 are each amended to read
5 as follows:

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

9 (2) Health care costs are not included in the economic table.
10 Monthly health care costs shall be shared by the parents in the same
11 proportion as the basic child support obligation. Health care costs
12 shall include, but not be limited to, medical, dental, orthodontia,
13 vision, chiropractic, mental health treatment, prescription
14 medications, and other similar costs for care and treatment.

15 (3) (a) Day care and special child rearing expenses, such as
16 tuition and long-distance transportation costs to and from the
17 parents for visitation purposes, are not included in the economic
18 table. These expenses shall be shared by the parents in the same
19 proportion as the basic child support obligation. If an obligor pays
20 court or administratively ordered day care or special child rearing
21 expenses that are not actually incurred, the obligee must reimburse

1 the obligor for the overpayment if the overpayment amounts to at
2 least (~~twenty~~) 20 percent of the obligor's annual day care or
3 special child rearing expenses. The obligor may institute an action
4 in the superior court or file an application for an adjudicative
5 hearing with the department of social and health services for
6 reimbursement of day care and special child rearing expense
7 overpayments that amount to (~~twenty~~) 20 percent or more of the
8 obligor's annual day care and special child rearing expenses. Any
9 ordered overpayment reimbursement shall be applied first as an offset
10 to child support arrearages of the obligor. If the obligor does not
11 have child support arrearages, the reimbursement may be in the form
12 of a direct reimbursement by the obligee or a credit against the
13 obligor's future support payments. If the reimbursement is in the
14 form of a credit against the obligor's future child support payments,
15 the credit shall be spread equally over a (~~twelve~~) 12-month period.
16 Absent agreement of the obligee, nothing in this section entitles an
17 obligor to pay more than his or her proportionate share of day care
18 or other special child rearing expenses in advance and then deduct
19 the overpayment from future support transfer payments.

20 (b) An obligee must provide documentation of day care expenses if
21 requested by an obligor who contributes to all or a portion of day
22 care expenses. If the child care is being provided by a licensed day
23 care provider, documentation may come in the form of a receipt of
24 payment or other similar documentation from the provider. If the
25 child care is being provided by a license-exempt provider,
26 documentation may come in the form of a statement from the provider,
27 signed under penalty of perjury, outlining the terms of the day care
28 arrangement during the relevant period, including charges and the day
29 care schedule.

30 (4) The court may exercise its discretion to determine the
31 necessity for and the reasonableness of all amounts ordered in excess
32 of the basic child support obligation.

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