

Subcommittee on Children from Other Relationships  
Report to the 2011 Child Support Workgroup  
August 26, 2011

*SUBCOMMITTEE PROPOSAL TO THE WORKGROUP*

CNBC are defined as those children:

*a. born during marriage, domestic partnership, or otherwise consistent with the provisions of RCW 26.26.116 (and the presumption of paternity under Chapter 26.26 RCW has not been rebutted),*

*b. who have been adopted,*

*c. born outside a marriage but for whom paternity has been established by either a registered acknowledgment of paternity or a court order, and*

*d. for whom the parent has been established as a de facto parent pursuant to In Re: Parentage of L.B., 155 Wn. 2d 679, 122 P. 3d 161 (2005).*

Stepchildren are not CNBC, but they may be considered along with other factors in deciding whether to deviate from either the *standard* or *presumptive* calculation.

Setting the Presumptive Level of Support for CBC:

Generally, under the “new” system the subcommittee contemplates a worksheet where there is a clearly identified *standard* calculation – the same as we have currently at line 7 of the worksheet. Then there would a *presumptive* calculation – this is the transfer payment that results after consideration of the obligor’s CNBC using the Whole Family Formula method.

*Subject to the limitations set forth in RCW 26.19.065, the court or administrative tribunal shall set support based upon the presumptive*

*calculation (which includes the obligor's CNBC) using the Whole Family Formula unless:*

*1) the presumption has been rebutted; or*

[The bases for the rebuttal of the presumption shall include, but not be limited to, a showing that the obligor has not actually paid the support owed in the prior 12 month period for non-residential CNBC without reasonable justification. The term “reasonable justification” shall include a consideration of the obligor’s ability to fully comply with the child support owed for those non-residential CNBC in the prior 12 month period.]

*2) the presumptive support calculation would result in insufficient funds to meet the basic needs of the CBC in the obligee's household and when taking the totality of the circumstances of both parents into account, including the obligee's CNBC, the application of the presumptive calculation would be unjust.*

[The obligee shall be determined to have insufficient funds to meet the basic needs of the obligee's household if the obligee's net income before the transfer payment is at or below 125% of the federal poverty level for the obligee's household size, including both CBC and CNBC.]

*If the tribunal does not set support at either the standard calculation or the presumptive calculation, the tribunal shall set forth specific reasons for this deviation.*

RCW 26.19.065(2) (a) and (b) should be amended to provide:

*(a) When a parent's monthly net income is below [125%] of the federal poverty guideline for a one person household, a support order of not less than . . . .*

*(b) The basic support obligation of the parent making the transfer payment, excluding health care, day care, and special child-rearing expenses, shall not reduce his or her net income below the self-*

*support reserve of [125%] of the federal poverty level for a one person household, except for the presumptive minimum payment of .*

. . .

Respectfully submitted,

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