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NO. 40402-8-II

COURT OF APPEALS, DIVISION II

STATE OF WASHINGTON

In re the Marriage of:

WALTER WILSON,

Appellant,

and

PAMELA WILSON,

Respondent.

STATE OF WASHINGTON
BY _____
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COURT OF APPEALS
DIVISION II

SUPERIOR COURT FOR PIERCE COUNTY

HONORABLE KATHERINE M. STOLZ

BRIEF OF RESPONDENT

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II. LEGAL ARGUMENT

Assignment of Error No. 1

Appellant admits in Assignment of Error Nos. 2 and 3 that the Court utilized worksheets for child support in calculating support obligation. Appellant has not alleged any way in which the worksheets deviated from the form developed by the Office of the Administrator for the Courts. The worksheets in question are found in Appendix B. The Court did not err.

Assignment of Error Nos. 2 and 3

Appellant alleges that the Court erred by failing to include spousal support awarded to Pamela Wilson as income to Pamela Wilson and as a deduction from Walter Wilson's income on the child support worksheets developed by the Office of the Administrator for the Courts.

Child support orders are reviewed for a manifest abuse of discretion. In re Marriage of Griffin, 114 Wn.2d 772, 776, 791 P.2d 519 (1990). To succeed on appeal the appellant must show that the trial court's decision was manifestly unreasonable, or based on untenable grounds or reasons. State ex. rel. Carroll v. Junker, 79 Wn.2d 12, 26, 482 P.2d 775 (1971).

A court's decision is manifestly unreasonable if it is outside the range of acceptable choices, given the facts and the

applicable legal standard; it is based on untenable grounds if the factual findings are unsupported by the record; it is based on untenable reasons if it is based on an incorrect standard or the facts do not meet the requirements of the correct standard.

In re Marriage of Littlefield, 133 Wn.2d 39, 47, 940 P.2d 1362 (1997).

"The amount of child support rests in the sound discretion of the trial court." In re Marriage of Stern, 57 Wn.App. 707, 717, 789 P.2d 807 (1990). An Appellate Court will not substitute our judgment for the trial court's where the record shows that the trial court considered all relevant factors and the award is not unreasonable under the circumstances. Id. at 717, 789 P.2d 807.

Appellant claims that "in cases relating to maintenance, the guidelines provide that the inclusion and/or exclusion or deduction for receipt in payment of maintenance are mandatory." Brief of Appellant 11. However, none of the cases cited by Appellant stand for such a proposition. While there is a mention of maintenance in Daubert, it is not at issue, but rather the issue is a deviation from the figures provided by the standard table. None of the other cases cited deal with maintenance being used to calculate child support obligations at all.

While Appellant can provide no support for the proposition that contemporaneously awarded maintenance is to be used to calculate child support, plain reading of statute, the worksheets, and their instructions indicates otherwise. As Appellant correctly points out, RCW 26.19.071 provides in part:

(3) Income sources included in gross monthly income.

Except as specifically excluded in subsection (4) of this section, monthly gross income shall include income from any source, including:

(q) Maintenance actually received;

RCW 26.19.071(3)(q).

The language “Maintenance actually received” is used as well on the worksheets and on the instructions for the worksheets. Interestingly, this is the only occasion where the modifier “actually received” is used.

In an unambiguous statute, a word is given its plain and obvious meaning. Addleman v. Bd. of Prison Terms & Paroles, 107 Wn.2d 503, 509, 730 P.2d 1327 (1986). The statutory language is clear. The Court is to consider Pamela Wilson’s maintenance *actually received* in calculating the income of both Walter Wilson and Pamela Wilson. Appellant’s issue is that the Court failed to consider maintenance that Pamela Wilson had been awarded contemporaneously with the calculation of child support, but had

not yet received from Walter Wilson. Not only was it not error for the Court not to include potential future payments (given the possibility that payments would not be made) on the worksheets, the Court was in fact correct to do so. The Court did not err.

Assignment of Error Nos. 4 and 5

Appellant alleges that the Court erred by failing to use the method he would prefer to calculate his income in computing his child support obligation. Appellant has cited no authority for the proposition that the Court was required to disregard his earning history and to accept without question Appellant's assertions that he was never again going to be able to earn at the levels he had in the years immediately preceding the dissolution.

Child support orders are reviewed for a manifest abuse of discretion. In re Marriage of Griffin, 114 Wn.2d 772, 776, 791 P.2d 519 (1990). To succeed on appeal the appellant must show that the trial court's decision was manifestly unreasonable, or based on untenable grounds or reasons. State ex. rel. Carroll v. Junker, 79 Wn.2d 12, 26, 482 P.2d 775 (1971).

A court's decision is manifestly unreasonable if it is outside the range of acceptable choices, given the facts and the applicable legal standard; it is based on untenable grounds if the factual findings are unsupported by the record; it is based

on untenable reasons if it is based on an incorrect standard or the facts do not meet the requirements of the correct standard.

In re Marriage of Littlefield, 133 Wn.2d 39, 47, 940 P.2d 1362 (1997).

"The amount of child support rests in the sound discretion of the trial court." In re Marriage of Stern, 57 Wn.App. 707, 717, 789 P.2d 807 (1990). An Appellate Court will not substitute our judgment for the trial court's where the record shows that the trial court considered all relevant factors and the award is not unreasonable under the circumstances. Id.

Appellant, on pages 16 through 19 of his brief provides a rough summary of how the Court came to a determination of Walter Wilson's income for purposes of determining child support obligations. Even from this rough sketch of the Court's methodology, there is clearly a rational factual basis for the Court coming to the result it did. The only serious flaw that Appellant seeks to identify in the Court's method is that the Court chose to use historical pattern data of what Walter Wilson actually earned in the years before the dissolution. Other than the fact that he was not happy with the findings the Court made based on the available evidence, Appellant fails to identify specific errors.

Appellant would prefer that the Court take a recent reduction in Walter Wilson's ability to accrue overtime as an ongoing and permanent situation based on nothing but assertions that Walter Wilson's superiors had told him that it was so. Appellant has failed to provide any authority to suggest the Court was required to do so, and further has failed to show that it was manifest error for the Court to choose to believe the historical data over self-serving speculation on the part of Appellant about his future earning prospects. It was certainly reasonable for the Court to find as it did, and it was arguably a much more sound methodology. Failure of the Court to accept facts as Appellant would prefer is not manifestly unreasonable. The Court did not err.

Assignment of Error No. 6

The standard of review for the appeal of a maintenance award is abuse of discretion. In re Marriage of Mathews, 70 Wn.App. 116, 123, 853 P.2d 462 (1993). An award that does not evidence a fair consideration of the statutory factors results from an abuse of discretion. Id. To consider the statutory factors, but rely on other factors when determining maintenance is an abuse of discretion. Spreen v. Spreen, 107 Wn.App. 341, 350, 28 P.3d 769 (Wn.App. Div. 2 2001).

Appellant asserts that “it does not appear evident that the Court used the Arvey method to determine the apportionment of child support between the parties.” Brief of Appellant 21. By this, Appellant means that the Court did not take into account that two children were living with Pamela Wilson and that one child was living with Walter Wilson. The oral record of the Court, read together with the Child Support Worksheets shows that this is not the case.

The Court calculated the combined family income. I factored her monthly net income at \$1750.” RP 208 L. 20. “...gives him a monthly net of \$10,983.52 – well 53 cents, rounding up slightly; so that’s not that significant a deduction. However, minus 2,072 for the taxes, because I did divide that, that gives him a net of \$8,911.52. That gives a combined family income of \$10,661.” RP 209 L. 23 to RP 210 L. 3.

The Court then stated, “Support on a three-child family, with the rounding up to the 10,700 level, would be \$1,109 per child. Times that by three, and that’s a total of \$3,321 which would be the portion of the family budget that would be going for the support of the children.” RP 210 I.L.1-15. This is the result that is found on the Washington State Child Support Schedule Economic Table. Appendix A p. A-12. These figures were entered into the Washington State Child Support Schedule Worksheets by the Court in Part 1, number 5. Appendix B p. B-2.

The Court continues, “Now, I’ll have to do a quick – that gives him 83.58 percent, rounding to 83 percent. That gives her 17 percent, so the amount for two children would be 2,218. The amount for one would be 1,109.” RP 210 L. 16-19. The Court, as the Worksheets direct, calculated both parties’ proportional share of income by dividing the income of each by the total family income. The Court then calculated the household obligation for each by totaling the per child obligation (\$1109) for each child in the household. These figures were entered into the Worksheets by the Court in Part 1, number 6. Appendix B p. B-2.

The Court continues, “At 2,218, his support obligation is \$1,840. Her support obligation would be 18 – wait a minute, Hers is 17 percent, so the amount she owes to him is \$188.53. If you take 1,840 minus 188.53, that’s the transfer payment.” RP l. 19-23. These figures were entered into the Worksheets by the Court. Appendix B p. B-2.

Reviewing the calculations will confirm that the Court calculated Walter Wilson’s child support obligation to Pamela Wilson by multiplying his proportional share of the total income (.83) by the total family obligation for two children (\$2218) and Pamela Wilson’s obligation to Walter Wilson by multiplying her share of the total income (.17) by the total family obligation for one child (\$1109). Walter Wilson’s obligation would be

offset by Pamela Wilson's obligation to him. This is precisely the calculation that Appellant claims was not performed.

The evidence does not suggest that the Court failed to apply the Arvey formula. In fact, the evidence points only to the conclusion that the Court did it correctly (with de minimus rounding errors to the benefit of Walter Wilson). The Court did not err.

Assignment of Error Nos. 7 and 8

The standard of review for the appeal of a maintenance award is abuse of discretion. In re Marriage of Mathews, 70 Wn.App. 116, 123, 853 P.2d 462 (1993). An award that does not evidence a fair consideration of the statutory factors results from an abuse of discretion. Id. To consider the statutory factors, but rely on other factors when determining maintenance is an abuse of discretion. Spreen v. Spreen, 107 Wn.App. 341, 350, 28 P.3d 769 (Wn.App. Div. 2 2001).

Appellant alleges that the Court abused its discretion, suggesting that the Court failed to properly consider the statutory factors found in RCW 26.09.090(1). The Court made findings in Exhibit A to the Findings of Fact and Conclusions of Law which specifically considers all of the statutory factors. Appendix C p. C-1 to C-2. In large part, Appellant recites these findings without issue in his brief. Brief of Appellant 22-25.

Appellant can point to nothing in the record to indicate that the Court relied on anything other than the statutory factors in calculating the maintenance award.

Appellant does take issue with the Court's findings regarding Pamela Wilson's educational plans. Appellant alleges that the Court abused its discretion because the Court did not have any evidence to show that Pamela Wilson's "desire for further education was illusory." Brief of Appellant 29. Appellant further characterizes the testimony of Pamela Wilson to be "the only evidence of the program produced at trial, Ms. Wilson's belief that it would take 6 years, and would cost at least \$6000 a year to become a nurse practitioner." Brief of Appellant 27

Appellant continues, "There was no evidence offered as to actual programs being offered by any institution... Ms. Wilson testified that she didn't know its cost, except that it would be a lot. There is no evidence that a nurse practitioner program takes six years to complete, when medical school requires four years." Brief of Appellant 27.

But here is the actual testimony of Ms. Wilson:

"A: ... I really want to enroll in school by winter, the winter semester.

Q: Is that why you took this job in Issaquah because it's close to the schools that you need to go to?

A: Yes. There's a school up there that – there's two schools.

The Bellevue College is one I'm interested in, and then
Naselle is another one.

Q: And what program and you – are you – do you have your
heart set on?

A: I want to be a nurse practitioner.”

RP p. 61, L. 19 to p. 62, L. 3.

“Q: Okay. So is it fair to say that you're doing this long
commute from Graham up to Issaquah for work because
that's part of your plan to, also, be able to attend college
in the nurse practitioner's program?

A: Yes.

Q: Do you know what that's going to cost you?

A: No. But I know that it's going to be a lot.

Q: Well, you must have checked into – or I'm presuming
you've checked into it?

A: Yeah. It's going to be at least \$6,000 a semester.

Q: Okay. And do you know how long the program is?

A: Six years.”

RP p. 62, L. 15 to p. 63, L. 1.

Contrary to the characterization of Appellant, Pamela Wilson testified that she had a desire to study a specific program; she had a definite timeline for when she wished to begin; she had an institution that offered this program where she would prefer to study; she was aware of a second viable option if she was unable to study at her preferred institution; she knew that it would cost a minimum of \$6000 per semester; and she knew that it would take six years to complete the program.

This is far from “no evidence” or “not a presentment of a meaningful educational plan.” The testimony of Pamela Wilson was a reasonable basis for the Court to believe that Pamela Wilson had formulated an educational plan and had investigated what this course of study would involve. It also provided a factual basis for the Court to determine what expense would be involved in pursuing this course of study. Appellant offers nothing beyond inference and speculation to suggest that Pamela Wilson did not have a “meaningful educational plan.” Appellant even seeks to discredit the notion that a nurse practitioner program could take six years complete by noting without evidence “medical school requires four years,” Brief of Appellant 27, almost suggesting that one could become a practicing physician within four years of graduating high school.

The burden is on Appellant to show that the Court abused its discretion, but has failed to cite any authority to suggest that the Court’s

decision was manifestly unreasonable, or based on untenable grounds or reasons, based on the testimony provided. Rather, the Court was provided with a definite educational plan, with costs and a timeline provided on which the Court could make discrete findings of fact.

Appellant has failed to provide any authority for the proposition that the Court was required to leave Pamela Wilson in the meager financial situation she was in and not provide for her education. To the contrary, the Court should take into consideration the age, health, education and employment history of the parties and their children, and the future earning prospects of all of them. DeRuwe v. DeRuwe, 72 Wn.2d 404, 408, 433 P.2d 209 (1967). It is the economic condition in which the decree will leave the parties that engenders the paramount concern in providing for child support and alimony and in making a property division. Stacy v. Stacy, 68 Wn.2d 573, 414 P.2d 791 (1966). The Court correctly considered the greatly disadvantaged position of Pamela Wilson in terms of educational level, work experience, and earning potential.

Appellant likewise provides no authority to suggest that a period of twelve years for maintenance was manifestly unjust. Washington law does not limit how long a spouse may receive maintenance but allows a court to order maintenance for such periods of time as the court deems just. Spreen v. Spreen, 107 Wn.App. 341,348, 28 P.3d 769 (Wn.App. Div. 2 2001).

What is a reasonable length of time for a divorced spouse to become employable and provide for his or her own support, so that maintenance can be terminated, depends on the particular facts and circumstances of each case. Endres v. Endres, 62 Wn.2d. 55, 58, 380 P.2d 873 (1963). In some cases, a lifetime award of maintenance may even be just. Spreen v. Spreen, 107 Wn.App. at 348, 28 P.3d 769 (Wn.App. Div. 2 2001).

We have a situation where Appellant is not satisfied that the Court accepted Pamela Wilson's testimony and did not share Appellant's skepticism that Pamela Wilson either required or was likely to pursue education to put her in a financial position to provide for herself in her post-married life. There were reasonable grounds for the Court to do so based on the facts presented. The Court did not err.

Assignment of Error No. 9

Denial of a trial court's order for reconsideration are reviewed for a manifest abuse of discretion. Sligar v. Odell, 156 Wn.App. 720, 233 P.3d 914 (Wash.App. Div. 1 2010). A trial court abuses its discretion when its decision is manifestly unreasonable or based on untenable grounds. Id.

Appellant offers no argument as to how the Court abused its discretion by denying the motion for reconsideration. The Court did not err by denying the motion.

Assignment of Error No. 10

The standard of review for the appeal of an award of attorney's fees is abuse of discretion. In re Marriage of Terry, 79 Wn.App. 866, 871, 905 P.2d 935 (1995). An abuse of discretion occurs when the decision is untenable or manifestly unreasonable. Spreen v. Spreen, 107 Wn.App. 341, 351, 28 P.3d 769 (Wn.App. Div. 2 2001). RCW 26.09.140 provides in part,

The court from time to time after considering the financial resources of both parties may order a party to pay a reasonable amount for the cost to the other party of maintaining or defending any proceeding under this chapter and for reasonable attorney's fees or other professional fees in connection therewith, including sums for legal services rendered

RCW 26.09.140.

The Court had the authority to award attorney fees as appropriate under RCW 26.09.140. The Court had reasonable grounds to determine that Pamela Wilson should be awarded attorney fees to be paid by Walter Wilson. This issue is fully discussed with respect to Assignment of Error Nos. 11 and 12, *infra*. Appellant has provided no evidence that circumstances had changed in the time between the award of attorney fees

at the conclusion of trial and the award of attorney fees at the denial of the motion to reconsider. Appellant further offers no evidence for the assertion that the award was punitive in nature. The Court did not err.

Assignment of Error Nos. 11 and 12

The standard of review for the appeal of an award of attorney's fees is abuse of discretion. In re Marriage of Terry, 79 Wn.App. 866, 871, 905 P.2d 935 (1995). An abuse of discretion occurs when the decision is untenable or manifestly unreasonable. Spreen v. Spreen, 107 Wn.App. 341, 351, 28 P.3d 769 (Wn.App. Div. 2 2001).

Appellant argues, in essence, that the award of attorney's fees in this case is groundless and unreasonable. RCW 26.09.140 provides in part,

The court from time to time after considering the financial resources of both parties may order a party to pay a reasonable amount for the cost to the other party of maintaining or defending any proceeding under this chapter and for reasonable attorney's fees or other professional fees in connection therewith, including sums for legal services rendered

RCW 26.09.140.

Appellant argues that the Court “must determine the financial resources of both parties and then may order one party to pay a reasonable amount for attorney’s fees.” Brief of Appellant 40. This leaves three possible areas for the Court to err: the financial resources of Walter Wilson, the financial resources of Pamela Wilson, and a reasonable amount of fees.

Although Appellant implies that the Court failed to consider the resources of at least one of the parties, the record contradicts that. The Court examined evidence offered at trial and made specific rulings on the financial resources of both parties. RP 207 l.21 through RP 217 l. 15. The Court made specific findings about the relative incomes of both parties and how property and debts would be distributed between the parties. Appellant offers no proof to suggest the Court disregarded either in considering an award of fees.

The only question that remains is whether the award was reasonable. Appellant offers no authority to show that under these particular facts, the award was unreasonable. Rather, Appellant suggests that the Court had no reason to believe that Pamela Wilson’s attorney’s fees would be at or in excess of \$7500. Again, the record shows otherwise.

Pamela Wilson’s attorney, Mr. Wood, informed the Court that after receiving an initial retainer of \$2500, he had not received payment for his services for seven or eight months. RP 203 L.18-22. He further informed

the Court that \$6000 plus trial time would be a reasonable amount for attorney's fees. RP 204 L. 5-6. When Appellant questioned the award of \$7500 in attorney fees, Mr. Wood represented to the Court as an officer of the Court that his actual fees would be "far in excess of \$7,500." RP 215 L. 18 to RP 216 L. 5. The Court confirmed the award of \$7500, but offered Appellant the opportunity to note a motion for Mr. Wood to submit an affidavit in lieu of his oral representation. RP 216 L. 6-8. Appellant declined.

The Court had a reasonable basis for determining what the minimum Pamela Wilson's attorney's fees would amount to. The Court had made findings based on documentation and testimony about the relative financial resources of both parties. Given the wide disparity in the parties' positions, it was well within the Court's discretion to award the amount given that Pamela Wilson's total costs would be, as Mr. Wood stated, "far in excess" of what the Court awarded. Appellant has offered no authority to suggest otherwise. The Court did not err.

Assignment of Error No. 13

The standard of review for the appeal of a maintenance award is abuse of discretion. In re Marriage of Mathews, 70 Wn.App. 116, 123, 853

P.2d 462 (1993). An award that does not evidence a fair consideration of the statutory factors results from an abuse of discretion.

Appellant contends that “the record contains no evidence of a need for moving expenses.” Brief of Appellant 42. The following testimony was elicited from Pamela Wilson at trial:

“Q: So who is living with you now?

A: EvaMae and Nathanael and Alaena.

Q: Okay. Three of the kids are living with you?

A: Mm-hmm.

Q: And that is house that is in foreclosure?

A: It’s in the house, yes.

Q: When did you find out that your family home was in foreclosure?

A: Well, I haven’t, actually – I mean, as far as – there’s no papers. There’s nothing saying exactly that it’s in foreclosure other than people are calling me all the time, reminding me that we’re seriously behind.

Q: Do you know why you have no paperwork?

A: They won’t tell me. They won’t send stuff to me. They only send it to him, and I’ve asked them to send me

copies of what's going on, and they won't because it has his address on it. Everything goes to him.

Q: Do you know if he put in an order for a change of address for that type of stuff?

A: I imagine he did.

Q: So the only way you found out the house was in foreclosure was by a creditor's telephone call?

A: Right."

RP 27 L. 18 to RP 28 L. 15.

The Court could reasonably find that, based on these facts, Pamela Wilson would need to relocate.

Pamela Wilson later testified, "I'm asking -- when I'm looking around, especially for places to rent, I'm finding that the -- like I told you, the closest things that I can find to rent are from, like thirteen to fifteen."

RP 95 L. 12-15.

The Court awarded \$2500 in moving expenses, finding, "She's going to need to have the first month, last month. That's to compensate her for the fact that he, apparently, unilaterally, decided to utilize the mortgage or the refund for braces; and most of it went into his pocket, as well as the stock that was liquidated." RP 215 L. 7-11.

Contrary to Appellant's assertion, the Court had evidence of Pamela Wilson's urgent need to relocate, exacerbated by the actions of Walter Wilson, and a factual basis on which to set a monetary figure for the award. Appellant has failed to show that the Court acted without facts, and offers no authority for the assignment of error. The Court did not err.

Assignment of Error No. 14

A Court can disregard a claim that does not support its argument with citations to legal authority. S &S Constr. inc v. ADC Properties LLC 151 Wn.App. 247 FN 9. See also Am. Legion Post No. 32 v. City of Walla Walla, 116 Wn.2d 1, 7, 802 P.2d 784 (1991) ("In the absence of argument and citation to authority, an issue raised on appeal will not be considered."); Holland v. City of Tacoma, 90 Wn.App. 533, 538, 954 P.2d 290 (1998) ("Passing treatment of an issue or lack of reasoned arguments is insufficient to merit judicial consideration."). "Where no authorities are cited in support of a proposition, the court is not required to search out authorities, but may assume that counsel, after diligent search, has found none." DeHeer v. Post-Intelligencer, 60 Wn.2d 122, 126, 372 P.d 193 (1962).

Appellant has cited to no authority to support the Assignment of Error. This Assignment of Error should not be considered. If it is, despite

lack of meaningful argument, there is evidence in the record to show that the Court did not abuse its discretion.

The Court found “Now, we had testimony that one party didn’t get to use the charge cards other than the one she used once. Apparently, she did have a debit card at the bank account at such time as the parties, apparently were – she was working and depositing money into the account, and I’m not quite sure how or where the parties racked up the debt they did on the credit union accounts; but it’s interesting to note that from the ones that were filed in this divorce in Exhibit 1, I believe, that the account still continues to hemorrhage money, even though it is, totally under his control in Utah. I mean, there are numerous, you know check overdrafts, what have you.” RP 211 L. 9-21. The Court concluded, “I am going to order her to pay the Capital One account. That balance is, allegedly, at \$724. He can pay the rest of the credit debts which includes the Chase Visa and then the credit union debts. RP 212 L. 8-11.

The Record shows that the Court carefully considered the evidence and made a ruling based on the facts, the relative economic positions of the parties, and equity. There is no authority to suggest that the Court abused its discretion by doing so. The Court did not err.

Appellant's Request for Attorney Fees

RAP 18.1 provides, "If applicable law grants to a party the right to recover reasonable attorney fees or expenses on review before either the Court of Appeals or Supreme Court, the party must request the fees or expenses as provided in this rule, unless a statute specifies that the request is to be directed to the trial court." RAP 18.1(a). Appellant has provided no statutory authority for the imposition of Attorney fees. Appellant's request should be denied

Respondent's Request for Attorney Fees

Pamela Wilson requests attorney fees pursuant to RCW 26.09.140, which provides in part,

The court from time to time after considering the financial resources of both parties may order a party to pay a reasonable amount for the cost to the other party of maintaining or defending any proceeding under this chapter and for reasonable attorney's fees or other professional fees in connection therewith, including sums for legal services rendered

RCW 26.09.140.

Affidavits of Financial Need and of Fees and Expenses will be filed with the Court.

III. CONCLUSION

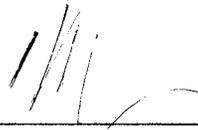
Appellant has alleged 14 errors of the Trial Court. Every issue raised is one that is to be reviewed for abuse of discretion. The record reflects that every one of the Court's Findings of Fact and Conclusions of Law had a reasonable basis. Appellant's arguments are largely without authority and sometimes mistaken. These allegations are largely based on Appellant's dissatisfaction that, from Appellant's perspective, the Court tended to give more credence to the facts provided by Pamela Wilson rather than the version of facts provided by Walter Wilson. Even, *arguendo*, if this were true, there is nothing in the record or Appellant's arguments to suggest that this represents an abuse of discretion. On every Assignment of Error, the Trial Court should be Affirmed.

Appellant requests attorney fees based on RAP 18, which allows a request for fees if there is a statutory basis. Appellant's request for fees should be denied.

Respondent bases her request for fees on the same statutory basis on which the Trial Court awarded fees. Given the parties' relative financial

positions, an award of fees is appropriate. Respondent should be awarded attorney fees.

Respectfully submitted this 10th day of January 2011



Matthew J. Hutchins
WSBA #38283
Attorney for Respondent

WASHINGTON STATE CHILD SUPPORT SCHEDULE

Including:

- Definitions and Standards
- Instructions
- Economic Table
- Worksheets

Effective Dates:

Definitions & Standards	October 1, 2009
Instructions	October 1, 2009
Economic Table	October 1, 2009
Worksheets	October 1, 2009
Worksheets – RDP	October 1, 2009



WASHINGTON
COURTS

ADMINISTRATIVE OFFICE OF THE COURTS

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WASHINGTON STATE CHILD SUPPORT SCHEDULE DEFINITIONS AND STANDARDS

Definitions

Unless the context clearly requires otherwise, these definitions apply to the standards following this section.

Basic child support obligation: means the monthly child support obligation determined from the economic table based on the parties' combined monthly net income and the number of children for whom support is owed.

Child support schedule: means the standards, economic table, worksheets and instructions, as defined in chapter 26.19 RCW.

Court: means a superior court judge, court commissioner, and presiding and reviewing officers who administratively determine or enforce child support orders.

Deviation: means a child support amount that differs from the standard calculation.

Economic table: means the child support table for the basic support obligation provided in RCW 26.19.020.

Instructions: means the instructions developed by the Administrative Office of the Courts pursuant to RCW 26.19.050 for use in completing the worksheets.

Standards: means the standards for determination of child support as provided in chapter 26.19 RCW.

Standard calculation: means the presumptive amount of child support owed as determined from the child support schedule before the court considers any reasons for deviation.

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

Worksheets: means the forms developed by the Administrative Office of the Courts pursuant to RCW 26.19.050 for use in determining the amount of child support.

Application Standards

1. **Application of the support schedule:** The child support schedule shall be applied:
 - a. in each county of the state;
 - b. in judicial and administrative proceedings under titles 13, 26 and 74 RCW;
 - c. in all proceedings in which child support is determined or modified;
 - d. in setting temporary and permanent support;
 - e. in automatic modification provisions or decrees entered pursuant to RCW 26.09.100; and
 - f. in addition to proceedings in which child support is

determined for minors, to adult children who are dependent on their parents and for whom support is ordered pursuant to RCW 26.09.100.

The provisions of RCW 26.19 for determining child support and reasons for deviation from the standard calculation shall be applied in the same manner by the court, presiding officers and reviewing officers.

2. **Written findings of fact supported by the evidence:** An order for child support shall be supported by written findings of fact upon which the support determination is based and shall include reasons for any deviation from the standard calculation and reasons for denial of a party's request for deviation from the standard calculation. RCW 26.19.035(2).
3. **Completion of worksheets:** Worksheets in the form developed by the Administrative Office of the Courts shall be completed under penalty of perjury and filed in every proceeding in which child support is determined. The court shall not accept incomplete worksheets or worksheets that vary from the worksheets developed by the Administrative Office of the Courts.
4. **Court review of the worksheets and order:** The court shall review the worksheets and the order setting child support for the adequacy of the reasons set forth for any deviation or denial of any request for deviation and for the adequacy of the amount of support ordered. Each order shall state the amount of child support calculated using the standard calculation and the amount of child support actually ordered. Worksheets shall be attached to the decree or order or if filed separately, shall be initialed or signed by the judge and filed with the order.

Income Standards

1. **Consideration of all income:** All income and resources of each parent's household shall be disclosed and considered by the court when the court determines the child support obligation of each parent. Only the income of the parents of the children whose support is at issue shall be calculated for purposes of calculating the basic support obligation. Income and resources of any other person shall not be included in calculating the basic support obligation.
2. **Verification of income:** Tax returns for the preceding two years and current paystubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and deductions which do not appear on tax returns or paystubs.
3. **Income sources included in gross monthly income:** Monthly gross income shall include income from any source, including: salaries; wages; commissions; deferred compensation; overtime, except as excluded from income in RCW 26.19.071(4)(h); contract-related benefits; income from second jobs except as excluded from income in RCW 26.19.071(4)(h); dividends; interest; trust income; severance pay; annuities; capital gains; pension retirement benefits; workers' compensation; unemployment benefits; maintenance actually received; bonuses; social security benefits; disability insurance benefits;

and income from self-employment, rent, royalties, contracts, proprietorship of a business, or joint ownership of a partnership or closely held corporation.

Veterans' disability pensions: Veterans' disability pensions or regular compensation for disability incurred in or aggravated by service in the United States armed forces paid by the Veterans' Administration shall be disclosed to the court. The court may consider either type of compensation as disposable income for purposes of calculating the child support obligation.

4. Income sources excluded from gross monthly income: The following income and resources shall be disclosed but shall not be included in gross income: income of a new spouse or domestic partner or income of other adults in the household; child support received from other relationships; gifts and prizes; temporary assistance for needy families; Supplemental Security Income; general assistance; food stamps; and overtime or income from second jobs beyond forty hours per week averaged over a twelve-month period worked to provide for a current family's needs, to retire past relationship debts, or to retire child support debt, when the court finds the income will cease when the party has paid off his or her debts. Receipt of income and resources from temporary assistance for needy families, Supplemental Security Income, general assistance and food stamps shall not be a reason to deviate from the standard calculation.

VA aid and attendant care: Aid and attendant care payments to prevent hospitalization paid by the Veterans Administration solely to provide physical home care for a disabled veteran, and special compensation paid under 38 U.S.C. Sec. 314(k) through (r) to provide either special care or special aids, or both to assist with routine daily functions shall be disclosed. The court may not include either aid or attendant care or special medical compensation payments in gross income for purposes of calculating the child support obligation or for purposes of deviating from the standard calculation.

Other aid and attendant care: Payments from any source, other than veterans' aid and attendance allowance or special medical compensation paid under 38 U.S.C. Sec. 314(k) through (r) for services provided by an attendant in case of a disability when the disability necessitates the hiring of the services or an attendant shall be disclosed but shall not be included in gross income and shall not be a reason to deviate from the standard calculation.

5. Determination of net income: The following expenses shall be disclosed and deducted from gross monthly income to calculate net monthly income: federal and state income taxes (see the following paragraph); federal insurance contributions act deductions (FICA); mandatory pension plan payments; mandatory union or professional dues; state industrial insurance premiums; court-ordered maintenance to the extent actually paid; up to five thousand dollars per year in voluntary retirement contributions actually made if the contributions show a pattern of contributions during the one-year period preceding the action establishing the child support order unless there is a determination that the contributions were made for the purpose of reducing child support; and normal business expenses and self-employment taxes for self-employed persons. Justification shall be required for any business expense deduction about

which there is a disagreement. Items deducted from gross income shall not be a reason to deviate from the standard calculation.

Allocation of tax exemptions: The parties may agree which parent is entitled to claim the child or children as dependents for federal income tax exemptions. The court may award the exemption or exemptions and order a party to sign the federal income tax dependency exemption waiver. The court may divide the exemptions between the parties, alternate the exemptions between the parties or both.

6. Imputation of income: The court shall impute income to a parent when the parent is voluntarily unemployed or voluntarily underemployed. The court shall determine whether the parent is voluntarily underemployed or voluntarily unemployed based upon that parent's work history, education, health and age or any other relevant factors. A court shall not impute income to a parent who is gainfully employed on a full-time basis, unless the court finds that the parent is voluntarily underemployed and finds that the parent is purposely underemployed to reduce the parent's child support obligation. Income shall not be imputed for an unemployable parent. Income shall not be imputed to a parent to the extent the parent is unemployed or significantly underemployed due to the parent's efforts to comply with court-ordered reunification efforts under chapter 13.34 RCW or under a voluntary placement agreement with an agency supervising the child. In the absence of records of a parent's actual earnings, the court shall impute a parent's income in the following order of priority:
- Full-time earnings at the current rate of pay;
 - Full-time earnings at the historical rate of pay based on reliable information, such as employment security department data;
 - Full-time earnings at a past rate of pay where information is incomplete or sporadic;
 - Full-time earnings at minimum wage in the jurisdiction where the parent resides if the parent has a recent history of minimum wage earnings, is recently coming off public assistance, general assistance-unemployable, supplemental security income, or disability, has recently been released from incarceration, or is a high school student;
 - Median net monthly income of year-round full-time workers as derived from the United States bureau of census, current population reports, or such replacement report as published by the bureau of census. (See "Approximate Median Net Monthly Income" table on page 6.)

Allocation Standards

- Basic child support: The basic child support obligation derived from the economic table shall be allocated between the parents based on each parent's share of the combined monthly net income.
- Health care expenses: Health care costs are not included in the economic table. Monthly health care costs shall be shared by the parents in the same proportion as the basic support obligation. Health care costs shall include, but not be limited to, medical,

dental, orthodontia, vision, chiropractic, mental health treatment, prescription medications, and other similar costs for care and treatment.

3. Day care and special child rearing expenses: Day care and special child rearing expenses, such as tuition and long distance transportation costs to and from the parents for visitation purposes, are not included in the economic table. These expenses shall be shared by the parents in the same proportion as the basic child support obligation. RCW 26.19.080.
4. The court may exercise its discretion to determine the necessity for and the reasonableness of all amounts ordered in excess of the basic child support obligation.

Limitations Standards

1. Limit at 45 percent of a parent's net income: Neither parent's child support obligation owed for all his or her biological or legal children may exceed 45 percent of net income except for good cause shown.
 - a. Each child is entitled to a pro rata share of the income available for support, but the court only applies the pro rata share to the children in the case before the court.
 - b. Before determining whether to apply the 45 percent limitation, the court must consider the best interests of the child(ren) and the circumstances of each parent. Such circumstances include, but are not limited to, leaving insufficient funds in the custodial parent's household to meet the basic needs of the child(ren), comparative hardship to the affected households, assets or liabilities, and any involuntary limits on either parent's earning capacity including incarceration, disabilities, or incapacity.
 - c. Good cause includes, but is not limited to, possession of substantial wealth, child(ren) with day care expenses, special medical need, educational need, psychological need, and larger families.
2. Presumptive minimum support obligation: When a parent's monthly net income is below 125% of the federal poverty guideline, a support order of not less than fifty dollars per child per month shall be entered unless the obligor parent establishes that it would be unjust to do so in that particular case. The decision whether there is a sufficient basis to go below the presumptive minimum payment must take into consideration the best interests of the child(ren) and circumstances of each parent. Such circumstances can include leaving insufficient funds in the custodial parent's household to meet the basic needs of the child(ren), comparative hardship to the affected households, assets or liabilities, and earning capacity.
3. Self-support reserve: 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, except for the presumptive minimum payment of fifty dollars per child per month or when it would be unjust to apply the self-support reserve limitation after considering the best interests of the child(ren) and the circumstances of each parent. Such circumstances include, but are not limited to,

leaving insufficient funds in the custodial parent's household to meet the basic needs of the child(ren), comparative hardship to the affected households, assets or liabilities, and earning capacity. This section shall not be construed to require monthly substantiation of income. (See the Self-Support Reserve memorandum on the courts' website www.courts.wa.gov/forms and at www.WashingtonLawHelp.org.)

4. Income above twelve thousand dollars: The economic table is presumptive for combined monthly net incomes up to and including twelve thousand dollars. When combined monthly net income exceeds twelve thousand dollars, the court may exceed the maximum presumptive amount of support upon written findings of fact.

Deviation Standards

1. Reasons for deviation from the standard calculation include but are not limited to the following:
 - a. Sources of income and tax planning: The court may deviate from the standard calculation after consideration of the following:
 - i. Income of a new spouse or new domestic partner if the parent who is married to the new spouse or the parent who is in a domestic partnership with the new domestic partner is asking for a deviation based on any other reason. Income of a new spouse or domestic partner is not, by itself, a sufficient reason for deviation;
 - ii. Income of other adults in the household if the parent who is living with the other adult is asking for a deviation based on any other reason. Income of the other adults in the household is not, by itself, a sufficient reason for deviation;
 - iii. Child support actually received from other relationships;
 - iv. Gifts;
 - v. Prizes;
 - vi. Possession of wealth, including but not limited to savings, investments, real estate holdings and business interests, vehicles, boats, pensions, bank accounts, insurance plans or other assets;
 - vii. Extraordinary income of a child; or
 - viii. Tax planning considerations. A deviation for tax planning may be granted only if child(ren) would not receive a lesser economic benefit due to the tax planning;
 - ix. Income that has been excluded under RCW 26.19.071(4)(h) if the person earning that income asks for a deviation for any other reason.
 - b. Nonrecurring income: The court may deviate from the standard calculation based on a finding that a particular source of income included in the calculation of the basic support obligation is not a recurring source of income. Depending on the circumstances, nonrecurring income may include overtime, contract-related benefits, bonuses or income from second jobs. Deviations for nonrecurring income shall be based on a review of the nonrecurring income received in the previous two calendar years.

- c. Debt and high expenses: The court may deviate from the standard calculation after consideration of the following expenses:
- i. Extraordinary debt not voluntarily incurred;
 - ii. A significant disparity in the living costs of the parents due to conditions beyond their control;
 - iii. Special needs of disabled child(ren); or
 - iv. Special medical, educational or psychological needs of the child(ren).
 - v. Costs anticipated to be incurred by the parents in compliance with court-ordered reunification efforts under chapter 13.34 RCW or under a voluntary placement agreement with an agency supervising the child.
- d. Residential schedule: The court may deviate from the standard calculation if the child(ren) spend(s) a significant amount of time with the parent who is obligated to make a support transfer payment. The court may not deviate on that basis if the deviation will result in insufficient funds in the household receiving the support to meet the basic needs of the child or if the child is receiving temporary assistance for needy families. When determining the amount of the deviation, the court shall consider evidence concerning the increased expenses to a parent making support transfer payments resulting from the significant amount of time spent with that parent and shall consider the decreased expenses, if any, to the party receiving the support resulting from the significant amount of time the child spends with the parent making the support transfer payment.
- e. Children from other relationships: The court may deviate from the standard calculation when either or both of the parents before the court have children from other relationships to whom the parent owes a duty of support.
- i. The child support schedule shall be applied to the parents and children of the family before the court to determine the presumptive amount of support.
 - ii. Children from other relationships shall not be counted in the number of children for purposes of determining the basic support obligation and the standard calculation.
 - iii. When considering a deviation from the standard calculation for children from other relationships, the court may consider only other children to whom the parent owes a duty of support. The court may consider court-ordered payments of child support for children from other relationships only to the extent that the support is actually paid.
 - iv. When the court has determined that either or both parents have children from other relationships, deviations under this section shall be based on consideration of the total circumstances of both households. All child support obligations paid, received, and owed for all children shall be disclosed and considered.
2. All income and resources of the parties before the court, new spouses or domestic partners, and other adults in the household shall be disclosed and considered as provided. The presumptive amount of support shall be determined according to the child support schedule. Unless specific reasons for deviation are set forth in the written findings of fact and are supported by the evidence, the court shall order each parent to pay the amount of support determined by using the standard calculation.
3. The court shall enter findings that specify reasons for any deviation or any denial of a party's request for any deviation from the standard calculation made by the court. The court shall not consider reasons for deviation until the court determines the standard calculation for each parent.
 4. When reasons exist for deviation, the court shall exercise discretion in considering the extent to which the factors would affect the support obligation.
 5. Agreement of the parties is not by itself adequate reason for any deviations from the standard calculations.

Post-Secondary Education Standards

1. The child support schedule shall be advisory and not mandatory for post-secondary educational support.
2. When considering whether to order support for post-secondary educational expenses, the court shall determine whether the child is in fact dependent and is relying upon the parents for the reasonable necessities of life. The court shall exercise its discretion when determining whether and for how long to award post-secondary educational support based upon consideration of factors that include but are not limited to the following: age of the child; the child's needs; the expectations of the parties for their child(ren) when the parents were together; the child(ren)'s prospects, desires, aptitudes, abilities or disabilities; the nature of the post-secondary education sought and the parent's level of education, standard of living and current and future resources. Also to be considered are the amount and type of support that the child would have been afforded if the parents had stayed together.
3. The child must enroll in an accredited academic or vocational school, must be actively pursuing a course of study commensurate with the child's vocational goals and must be in good academic standing as defined by the institution. The court-ordered post-secondary educational support shall be automatically suspended during the period or periods the child fails to comply with these conditions.
4. The child shall also make available all academic records and grades to both parents as a condition of receiving post-secondary educational support. Each parent shall have full and equal access to the post-secondary education records as provided by statute (RCW 26.09.225).
5. The court shall not order the payment of post-secondary educational expenses beyond the child's twenty-third birthday, except for exceptional circumstances, such as mental, physical or emotional disabilities.
6. The court shall direct that either or both parents' payments for post-secondary educational expenses are made directly to the educational institution if feasible. If direct payments are not feasible, then the court in its discretion may order that either or both parents' payments are made directly to the child if the child does not reside with either parent. If the child resides with one of the parents, the court may direct that the parent making the support transfer payments make the payments to the child or to the parent who has been receiving the support transfer payments.

WASHINGTON STATE CHILD SUPPORT SCHEDULE INSTRUCTIONS FOR WORKSHEETS

Child Support Order Summary Report:

Fill out the Child Support Order Summary Report only if you are also submitting a temporary or a final child support order to be signed by a judicial or reviewing officer.

Worksheets:

Fill in the names and ages of only those children whose support is at issue.

Part I: Basic Child Support Obligation

Pursuant to INCOME STANDARD #1: Consideration of all income, "only the income of the parents of the child(ren) whose support is at issue shall be calculated for purposes of calculating the basic support obligation." (See page 1.)

Pursuant to INCOME STANDARD #2: Verification of income, "tax returns for the preceding two years and current paystubs are required for income verification purposes. Other sufficient verification shall be required for income and deductions which do not appear on tax returns or paystubs." (See page 1.)

Gross Monthly Income

Gross monthly income is defined under INCOME STANDARD #3: Income sources included in gross monthly income. (See page 1.)

Income exclusions are defined under INCOME STANDARD #4: Income sources excluded from gross monthly income. (See page 2.) Excluded income must be disclosed and listed in Part VIII of the worksheets.

Monthly Average of Income:

- If income varies during the year, divide the annual total of the income by 12.
- If paid weekly, multiply the weekly income by 52 and divide by 12.
- If paid every other week, multiply the two-week income by 26 and divide by 12.
- If paid twice a month (bi-monthly), multiply the bi-monthly income by 24 and divide by 12.

LINE 1a, Wages and Salaries: Enter the average monthly total of all salaries, wages, contract-related benefits, bonuses, and income from overtime and second jobs that is not excluded from income by RCW 26.19.071(4)(h).

LINE 1b, Interest and Dividend Income: Enter the average monthly total of dividends and interest income.

LINE 1c, Business Income: Enter the average monthly income from self-employment, rent, royalties, contracts, proprietorship of a business, or joint ownership of a partnership or closely held corporation.

LINE 1d, Maintenance Received: Enter the monthly amount of maintenance actually received.

LINE 1e, Other Income: Enter the average monthly total of other income. (Other income includes, but is not limited to: trust income, severance pay, annuities, capital gains, pension retirement benefits, workers compensation, unemployment benefits, social security benefits and disability insurance benefits.)

LINE 1f, Imputed Income: Enter the imputed gross monthly income for a parent who is voluntarily unemployed, underemployed or if you do not have records of a parent's actual earnings. Refer to "INCOME STANDARD #6: Imputation of income." (See page 2.) Impute income using the first method possible based on the information you have in the following order:

Calculate full-time earnings using either:

1. Current rate of pay;
2. Historical rate of pay based on reliable information;
3. Past rate of pay, if current information is incomplete or sporadic; or
4. Minimum wage where the parent lives when the parent has a history of minimum wage or government assistance is recently released from incarceration or is a high school student.

Historical rate of pay information may be available from the Division of Child Support. Use form 18-701: "Request for Income Information for Purposes of Entering a Child Support Order", available online at:
<http://www.dshs.wa.gov/dcs/Resources/Forms.asp>

If you impute income using one of the four methods, above, enter the amount in line 1f. Also, in line 26 of the Worksheets, explain which method you used to impute income and how you calculated the amount of imputed income.

If you cannot use any of the above methods, impute the parent's net monthly income using the table below, and enter the appropriate amount for the parent's age and gender on line 1f and on line 3. The table, below, shows net income, after deductions. So if you impute using this table, you will not enter any deductions on the worksheet under line 2. Leave lines 2a through 2i blank. For this parent, go to line 4. Also, in line 26 of the Worksheets, explain that net income was imputed using the Approximate Median Net Monthly Income Table.

Approximate Median Net Monthly Income

MALE	age	FEMALE
\$1,832	15-24	\$1,632
\$2,804	25-34	\$2,446
\$3,448	35-44	\$2,693
\$3,569	45-54	\$2,714
\$3,735	55-64	\$2,814
\$4,084	65 +	\$2,960

U.S. Census Bureau, Current Population Survey, 2009 Annual Social and Economic Supplement, Table PINC-01. Selected Characteristics of People 15 Years Old and Over by Total Money Income in 2008, Work Experience in 2008, Race, Hispanic Origin, and Sex, Worked Full Time, Year Round.

[Net income has been determined by subtracting FICA (7.65 percent) and the tax liability for a single person (one withholding allowance).]

LINE 1g, Total Gross Monthly Income: Add the monthly income amounts for each parent (lines 1a through 1f) and enter the totals on line 1g.

Monthly Deductions from Gross Income

Allowable monthly deductions from gross income are defined under INCOME STANDARD #5: Determination of net income. (See page 2.)

Monthly Average of Deductions: If a deduction is annual or varies during the year, divide the annual total of the deduction by 12 to determine a monthly amount.

LINE 2a, Income Taxes: Enter the monthly amount actually owed for state and federal income taxes. (The amount of income tax withheld on a paycheck may not be the actual amount of income tax owed due to tax refund, etc. It is appropriate to consider tax returns from prior years as indicating the actual amount of income tax owed if income has not changed.)

LINE 2b, FICA/Self Employment Taxes: Enter the total monthly amount of FICA, Social Security, Medicare and Self-employment taxes owed.

LINE 2c, State Industrial Insurance Deductions: Enter the monthly amount of state industrial insurance deductions.

LINE 2d, Mandatory Union/Professional Dues: Enter the monthly cost of mandatory union or professional dues.

LINE 2e, Mandatory Pension Plan Payments: Enter the monthly cost of mandatory pension plan payments amount.

LINE 2f, Voluntary Retirement Contributions: Enter the monthly cost of voluntary Retirement Contributions. Divide the amount of the voluntary retirement contribution, up to \$5,000 per year, by 12 to calculate the monthly cost. (For more information regarding limitations on the allowable deduction of voluntary retirement contributions, refer to INCOME STANDARD #5: Determination of net income. See page 2.)

LINE 2g, Maintenance Paid: Enter the monthly amount of maintenance actually paid pursuant to a court order.

LINE 2h, Normal Business Expenses: If self-employed, enter the amount of normal business expenses. (Pursuant to INCOME STANDARD #5: Determination of net income, "justification shall be required for any business expense deduction about which there is a disagreement." See page 2.)

LINE 2i, Total Deductions From Gross Income: Add the monthly deductions for each parent (lines 2a through 2h) and enter the totals on line 2i.

LINE 3, Monthly Net Income: For each parent, subtract total deductions (line 2i) from total gross monthly income (line 1g) and enter these amounts on line 3.

LINE 4, Combined Monthly Net Income: Add the parents' monthly net incomes (line 3) and enter the total on line 4.

LINE 5, Basic Child Support Obligation: In the work area provided on line 5, enter the basic support obligation amount determined for each child. Add these amounts together and enter the total in the box on line 5. (To determine a per child basic support obligation, see the following economic table instructions.)

Economic Table Instructions

To use the Economic Table to determine an individual support amount for each child:

- Locate in the left-hand column the combined monthly net income amount closest to the amount entered on line 4 of Worksheet (round up when the combined monthly net income falls halfway between the two amounts in the left-hand column);
- Locate on the top row the family size for the number of children for whom child support is being determined (when determining family size for the required worksheets, do not include child(ren) from other relationships); and
- circle the two numbers in the columns listed below the family size that are across from the net income. The amount in the "A" column is the basic support amount for a child up to age 11. The amount in the "B" column is the basic support amount for a child 12 years of age or older.

LINE 6, Proportional Share of Income: Divide the monthly net income for each parent (line 3) by the combined monthly net income (line 4) and enter these amounts on line 6. (The entries on line 6 when added together should equal 1.00.)

Part II: Basic Child Support Obligation

LINE 7, Each Parent's Basic Child Support Obligation without consideration of low income limitations: Multiply the total basic child support obligation (amount in box on line 5) by the income share proportion for each parent (line 6) and enter these amounts on line 7. (The amounts entered on line 7 added together should equal the amount entered on line 5.)

LINE 8, Calculating low income limitations: Complete only those that apply:

To calculate the low-income limitation standards in lines 8b and 8c, you will need to know the self-support reserve amount, which is 125 % of the current federal poverty guideline. As of February 2009, self-support reserve is \$1,128. The guideline and self-support reserve change roughly annually. To check the current self-support reserve amount go to the courts' web site at: www.courts.wa.gov, or go to www.WashingtonLawHelp.org. Enter the self-support reserve amount in the space provided in line 8. (For more information, see Limitation Standard #2 on page 3 of the Definitions and Standards.)

- 8a. Combined net income less than \$1,000.** If combined net monthly income on line 4 is less than \$1,000, enter each parent's presumptive support obligation of \$50 per child. Do not enter an amount on line 8a if combined income on line 4 is more than \$1,000.
- 8b. Monthly net income less than self-support reserve:** For each parent whose monthly net income on line 3 is less than the self support reserve, enter the parent's presumptive support obligation of \$50 per child. Do not use this box for a parent whose net income on line 3 is greater than the self-support reserve.
- 8c. Monthly net income greater than self-support reserve:** Subtract the self-support reserve from line 3 and enter this amount or enter \$50 per child whichever is greater. Do not use this box if the amount is greater than the amount in line 7.

LINE 9, Each parent's basic child support obligation after calculating applicable limitations: Enter the lowest amount from line 8a – 8c for each parent, or enter the amount from line 7 if the limitations in 8a – 8c did not apply.

Part III: Health Care, Day Care, and Special Child Rearing Expenses

Pursuant to ALLOCATION STANDARD #4: "the court may exercise its discretion to determine the necessity for and the reasonableness of all amounts ordered in excess of the basic child support obligation." (See page 2.)

Pursuant to ALLOCATION STANDARD #2: Health care expenses and #3: Day care and special child rearing expenses, health care, day care, and special child rearing expenses shall be shared by the parents in the same proportion as the basic support obligation. (See page 2.) NOTE: The court order should reflect that health care, day care and special child rearing expenses not listed should be apportioned by the same percentage as the basic child support obligation.

Monthly Average of Expenses: If a health care, day care, or special child rearing expense is annual or varies during the year, divide the annual total of the expense by 12 to determine a monthly amount.

Health Care Expenses

LINE 10a, Monthly Health Insurance Premiums Paid For Child(ren): List the monthly amount paid by each parent for health care insurance for the child(ren) of the relationship. (When determining an insurance premium amount, do not include the portion of the premium paid by an employer or other third party and/or the portion of the premium that covers the parent or other household members.)

LINE 10b, Uninsured Monthly Health Care Expenses Paid For Child(ren): List the monthly amount paid by each parent for the child(ren)'s health care expenses not reimbursed by insurance.

LINE 10c, Total Monthly Health Care Expenses: For each parent add the health insurance premium payments (line 10a) to the uninsured health care payments (line 10b) and enter these amounts on line 10c.

LINE 10d, Combined Monthly Health Care Expenses: Add the parents' total health care payments (line 10c) and enter this amount on line 10d.

Day Care and Special Child Rearing Expenses

LINE 11a, Day Care Expenses: Enter average monthly day care costs.

LINE 11b, Education Expenses: Enter the average monthly costs of tuition and other related educational expenses.

LINE 11c, Long Distance Transportation Expenses: Enter the average monthly costs of long distance travel incurred pursuant to the residential or visitation schedule.

LINE 11d, Other Special Expenses: Identify any other special expenses and enter the average monthly cost of each.

LINE 11e, Total Day Care and Special Expenses: Add the monthly expenses for each parent (lines 11a through 11d) and enter these totals on line 11e.

LINE 12, Combined Monthly Total of Day Care and Special Expenses: Add the parents' total expenses (line 11e) and enter this total on line 12.

LINE 13, Total Health Care, Day Care and Special Expenses: Add the health care expenses (line 10d) to the combined monthly total of day care and special expenses (line 12) and enter this amount on line 13.

LINE 14, Each Parent's Obligation For Health Care, Day Care And Special Expenses: Multiply the total health care, day care, and special expense amount (line 13) by the income proportion for each parent (line 6) and enter these amounts on line 14.

LINE 15, Gross Child Support Obligation: For each parent, add the basic child support obligation (line 9) to the obligation for extraordinary health care, day care and special expenses (line 14). Enter these amounts on line 15.

Part V: Child Support Credits

Child support credits are provided in cases where parents make direct payments to third parties for the cost of goods and services which are included in the standard calculation support obligation (e.g., payments to an insurance company or a day care provider).

LINE 16a, Monthly Health Care Expenses Credit: Enter the total monthly health care expenses amounts from line 10c for each parent.

LINE 16b, Day Care And Special Expenses Credit: Enter the total day care and special expenses amounts from line 11e for each parent.

LINE 16c, Other Ordinary Expense Credit: If approval of another ordinary expense credit is being requested, in the space provided, specify the expense and enter the average monthly cost in the column of the parent to receive the credit. (It is generally assumed that ordinary expenses are paid in accordance with the child(ren)'s residence. If payment of a specific ordinary expense does not follow this assumption, the parent paying for this expense may request approval of an ordinary expense credit. This credit is discretionary with the court.)

LINE 16d, Total Support Credits: For each parent, add the entries on lines 16 a through c and enter the totals on line 16d.

Part VI: Standard Calculation/Presumptive Transfer Payment

LINE 17, For Each Parent: subtract the total support credits (line 16d) from the gross child support obligation (line 15) and enter the resulting amounts on line 17. If the amount is less than \$50 per child for either parent, then enter the presumptive minimum support obligation of \$50 per child, instead of the lower amount.

Part VII: Additional Informational Calculations

LINE 18, 45% of Each Parent's Net Income From Line 3: For each parent, multiply line 3 by .45. Refer to LIMITATIONS Standards #1: Limit at 45% of a parent's net income.

LINE 19, 25% of Each Parent's Basic Support Obligation from Line 9: For each parent, multiply line 9 by .25.

Part VIII: Additional Factors for Consideration

Pursuant to INCOME STANDARD #1: Consideration of all income: "all income and resources of each parent's household shall be disclosed and considered by the court when the court determines the child support obligation of each parent." (See page 1.)

LINE 20 a-h, Household Assets: Enter the estimated present value of assets of the household.

LINE 21, Household Debt: Describe and enter the amount of liens against assets owned by the household and/or any extraordinary debt.

Other Household Income

LINE 22a, Income of Current Spouse or Domestic Partner: If a parent is currently married to or in a domestic partnership with someone other than the parent of the child(ren) for whom support is being determined, list the name and enter the income of the present spouse or domestic partner.

LINE 22b, Income of Other Adults In The Household: List the names and enter the incomes of other adults residing in the household.

LINE 22c, Gross income from overtime or from second jobs the party is asking the court to exclude per INCOME STANDARD #4, Income sources excluded from gross monthly income (see page 2).

LINE 22d, Income of Children: If the amount is considered to be extraordinary, list the name and enter the income of children residing in the home.

LINE 22e, Income from Child Support: List the name of the child(ren) for whom support is received and enter the amount of the support income. Do not include the child(ren) for whom support is being determined.

LINE 22f, Income from Assistance Programs: List the program and enter the amount of any income received from assistance programs. (Assistance programs include, but are not limited to: temporary assistance for needy families, SSI, general assistance, food stamps and aid and attendance allowances.)

LINE 22g, Other Income: Describe and enter the amount of any other income of the household. (Include income from gifts and prizes on this line.)

LINE 23, Nonrecurring Income: Describe and enter the amount of any income included in the calculation of gross income (LINE 1g) which is nonrecurring. (Pursuant to DEVIATION STANDARD #1b: Nonrecurring income, "depending on the circumstances, nonrecurring income may include overtime, contract-related benefits, bonuses or income from second jobs." See page 3.)

LINE 24, Child Support Owed, Monthly, for Biological or Legal Child(ren). List the names and ages and enter the amount of child support owed for other children, (not the children for whom support is being determined). Is the support paid? Check Yes or No.

LINE 25, Other Child(ren) Living in Each Household: List the names and ages of children, other than those for whom support is being determined, who are living in each household.

LINE 26, Other Factors For Consideration: In the space provided list any other factors that should be considered in determining the child support obligation. (For information regarding other factors for consideration, refer to DEVIATION STANDARDS. See page 3.) Also use this space to explain how you calculated the income and deductions in lines 1 and 2.

Nonparental Custody Cases: When the children do not reside with either parent, the household income and resources of the children's custodian(s) should be listed on line 26.

**WASHINGTON STATE CHILD SUPPORT SCHEDULE
ECONOMIC TABLE**

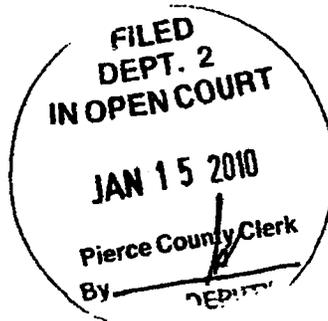
MONTHLY BASIC SUPPORT OBLIGATION PER CHILD

(KEY: A = AGE 0-11 B = AGE 12-18)

Combined Monthly Net Income	One Child Family		Two Children Family		Three Children Family		Four Children Family		Five Children Family	
	A	B	A	B	A	B	A	B	A	B
For income less than \$1,000, the obligation is based upon the resources and living expenses of each household. Minimum support shall not be less than \$50 per child per month except when allowed by RCW 26.19.065(2).										
1000	220	272	171	211	143	177	121	149	105	130
1100	242	299	188	232	157	194	133	164	116	143
1200	264	326	205	253	171	211	144	179	126	156
1300	285	352	221	274	185	228	156	193	136	168
1400	307	379	238	294	199	246	168	208	147	181
1500	327	404	254	313	212	262	179	221	156	193
1600	347	428	269	333	225	278	190	235	166	205
1700	367	453	285	352	238	294	201	248	175	217
1800	387	478	300	371	251	310	212	262	185	228
1900	407	503	316	390	264	326	223	275	194	240
2000	427	527	331	409	277	342	234	289	204	252
2100	447	552	347	429	289	358	245	303	213	264
2200	467	577	362	448	302	374	256	316	223	276
2300	487	601	378	467	315	390	267	330	233	288
2400	506	626	393	486	328	406	278	343	242	299
2500	526	650	408	505	341	421	288	356	251	311
2600	534	661	416	513	346	428	293	362	256	316
2700	542	670	421	520	351	435	298	368	259	321
2800	549	679	427	527	356	440	301	372	262	324
2900	556	686	431	533	360	445	305	376	266	328
3000	561	693	436	538	364	449	308	380	268	331
3100	566	699	439	543	367	453	310	383	270	334
3200	569	704	442	546	369	457	312	386	272	336
3300	573	708	445	549	371	459	314	388	273	339
3400	574	710	446	551	372	460	315	389	274	340
3500	575	711	447	552	373	461	316	390	275	341
3600	577	712	448	553	374	462	317	391	276	342
3700	578	713	449	554	375	463	318	392	277	343
3800	581	719	452	558	377	466	319	394	278	344
3900	596	736	463	572	386	477	326	404	284	352
4000	609	753	473	584	395	488	334	413	291	360
4100	623	770	484	598	404	500	341	422	298	368
4200	638	788	495	611	413	511	350	431	305	377
4300	651	805	506	625	422	522	357	441	311	385
4400	664	821	516	637	431	532	364	449	317	392
4500	677	836	525	649	438	542	371	458	323	400
4600	689	851	535	661	446	552	377	467	329	407
4700	701	866	545	673	455	562	384	475	335	414
4800	713	882	554	685	463	572	391	483	341	422
4900	726	897	564	697	470	581	398	491	347	429
5000	738	912	574	708	479	592	404	500	353	437
5100	751	928	584	720	487	602	411	509	359	443
5200	763	943	593	732	494	611	418	517	365	451
5300	776	959	602	744	503	621	425	525	371	458
5400	788	974	612	756	511	632	432	533	377	466
5500	800	989	622	768	518	641	439	542	383	473
5600	812	1004	632	779	527	651	446	551	389	480
5700	825	1019	641	791	535	661	452	559	395	488
5800	837	1035	650	803	543	671	459	567	401	495
5900	850	1050	660	815	551	681	466	575	407	502
6000	862	1065	670	827	559	691	473	584	413	509
6100	875	1081	680	839	567	701	479	593	418	517
6200	887	1096	689	851	575	710	486	601	424	524
6300	899	1112	699	863	583	721	493	609	430	532
6400	911	1127	709	875	591	731	500	617	436	539
6500	924	1142	718	887	599	740	506	626	442	546
6600	936	1157	728	899	607	750	513	635	448	554
6700	949	1172	737	911	615	761	520	643	454	561
6800	961	1188	747	923	623	770	527	651	460	568
6900	974	1203	757	935	631	780	533	659	466	575
7000	986	1218	767	946	639	790	540	668	472	583
7100	998	1233	776	958	647	800	547	677	478	591
7200	1009	1248	785	971	654	809	554	684	484	598
7300	1021	1262	794	982	662	818	560	693	490	605
7400	1033	1276	803	993	670	828	567	701	496	613
7500	1044	1290	812	1004	677	837	574	709	502	620
7600	1055	1305	821	1015	685	846	581	718	507	627
7700	1067	1319	830	1026	692	855	587	726	513	634
7800	1078	1333	839	1037	700	865	594	734	519	642
7900	1089	1346	848	1048	707	874	601	742	525	649
8000	1100	1360	857	1059	714	883	607	750	531	656
8100	1112	1374	865	1069	722	892	614	759	536	663
8200	1123	1387	874	1080	729	901	620	767	542	670
8300	1134	1401	882	1091	736	910	627	775	548	677
8400	1144	1414	891	1101	743	919	633	783	553	684
8500	1155	1428	899	1112	750	928	640	791	559	691
8600	1166	1441	908	1122	758	936	646	799	565	698
8700	1177	1454	916	1133	765	945	653	807	570	705

8800	1187	1467	925	1143	772	954	659	815	576	712
8900	1198	1481	933	1153	779	962	665	822	582	719
9000	1208	1493	941	1163	786	971	672	830	587	726
9100	1219	1506	949	1173	792	980	678	838	593	732
9200	1229	1519	957	1183	799	988	684	846	598	739
9300	1239	1532	966	1193	806	996	691	854	604	746
9400	1250	1545	974	1203	813	1005	697	861	609	753
9500	1260	1557	982	1213	820	1013	703	869	614	759
9600	1270	1570	989	1223	826	1021	709	877	620	766
9700	1280	1582	997	1233	833	1030	716	884	625	773
9800	1290	1594	1005	1242	840	1038	722	892	631	779
9900	1300	1606	1013	1252	846	1046	728	900	636	786
10000	1310	1619	1021	1262	853	1054	734	907	641	793
10100	1319	1631	1028	1271	859	1062	740	915	647	799
10200	1329	1643	1036	1281	866	1070	746	922	652	806
10300	1339	1655	1044	1290	872	1078	752	930	657	812
10400	1348	1666	1051	1299	879	1086	758	937	662	819
10500	1358	1678	1059	1308	885	1094	764	944	668	825
10600	1367	1690	1066	1318	891	1102	770	952	673	832
10700	1377	1701	1073	1327	898	1109	776	959	678	838
10800	1386	1713	1081	1336	904	1117	782	966	683	844
10900	1395	1724	1088	1345	910	1125	788	974	688	851
11000	1404	1736	1095	1354	916	1132	794	981	693	857
11100	1413	1747	1102	1363	922	1140	799	988	698	863
11200	1422	1758	1110	1371	928	1147	805	995	703	869
11300	1431	1769	1117	1380	934	1155	811	1002	708	876
11400	1440	1780	1124	1389	940	1162	817	1009	714	882
11500	1449	1791	1131	1398	946	1170	822	1017	719	888
11600	1458	1802	1138	1406	952	1177	828	1024	723	894
11700	1467	1813	1145	1415	958	1184	834	1031	728	900
11800	1475	1823	1151	1423	964	1191	839	1038	733	906
11900	1484	1834	1158	1431	970	1199	845	1045	738	912
12000	1492	1844	1165	1440	975	1206	851	1051	743	919

The economic table is presumptive for combined monthly net incomes up to and including twelve thousand dollars. When combined monthly net income exceeds twelve thousand dollars, the court may exceed the maximum presumptive amount of support upon written findings of fact.



Washington State Child Support Schedule Worksheets

Proposed by (name) Pamela Wilson State of WA Other _____ (CSWP)
Or, Signed by the Judicial/Reviewing Officer. (CSW)

Mother Pamela Wilson Father Walter Wilson
County Pierce Case No. 08-3-02919-0

Child Support Order Summary Report

This section must be completed for all Worksheets signed by the judicial/reviewing officer.

A. The order does **does not** replace a prior court or administrative order.

B. The **Standard Calculation** listed on line 17 of the Worksheet for the paying parent is: \$ 1,650.00.

C. The **Transfer Amount** ordered by the Court from the Order of Child Support is: \$ 1650.00 to be paid by mother father

D. The Court deviated (changed) from the **Standard Calculation** for the following reasons:
 Does not apply
 Nonrecurring income Sources of income and tax planning
 Split custody Residential schedule (including shared custody)
 Child(ren) from other relationships for whom the parent owes support
 High debt not voluntarily incurred and high expenses for the child(ren)
 Other (please describe): _____

E. Income for the father is imputed actual income.
 Income for the mother is imputed actual income.
 Income was imputed for the following reasons: _____

F. If applicable: All health care, day care and special child rearing expenses are included in the worksheets in Part III.

Worksheets

B-1

Child(ren) and Age(s):		
Part I: Income (see Instructions, page 6)		
1. Gross Monthly Income	Father	Mother
a. Wages and Salaries	\$ 11,851	\$ 2,060
b. Interest and Dividend Income	\$	\$
c. Business Income	\$	\$
d. Maintenance Received	\$	\$
e. Other Income	\$	\$
f. Imputed Income	\$	\$
g. Total Gross Monthly Income (add lines 1a through 1f)	\$	\$
2. Monthly Deductions from Gross Income		
a. Income Taxes (Federal and State)	\$	\$
b. FICA (Soc.Sec.+Medicare)/Self-Employment Taxes	\$	\$
c. State Industrial Insurance Deductions	\$	\$
d. Mandatory Union/Professional Dues	\$	\$
e. Mandatory Pension Plan Payments	\$	\$
f. Voluntary Retirement Contributions	\$	\$
g. Maintenance Paid	\$	\$
h. Normal Business Expenses	\$	\$
i. Total Deductions from Gross Income (add lines 2a through 2h)	\$	\$
3. Monthly Net Income (line 1g minus 2i)	\$ 8911.52	\$ 1750
4. Combined Monthly Net Income (add father's and mother's monthly net incomes from line 3)		\$ 10,661.00
5. Basic Child Support Obligation (enter total amount in box →) Child #1 <u>1107</u> Child #3 <u>1108</u> Child #5 _____ Child #2 <u>1107</u> Child #4 _____		\$ 3321.00
6. Proportional Share of Income (each parent's net income from line 3 divided by line 4)	.83	.17
Part II: Basic Child Support Obligation (see Instructions, page 8)		
7. Each Parent's Basic Child Support Obligation without consideration of low income limitations. (Multiply each number on line 6 by line 5.)	\$ 1840.00	\$ 188.00
8. Calculating low income limitations: (Complete those that apply.)		
Self-Support Reserve: (125% of the Federal Poverty Guideline.)	\$	
a. Combined Net Income Less Than \$1,000: If line 4 is less than \$1000, then for each parent enter the presumptive \$50 per child.	\$	\$
b. Monthly Net Income Less Than Self-Support Reserve: If a parent's monthly net income on line 3 is less than the self-support reserve, then for that parent enter the presumptive \$50 per child.	\$	\$
c. Monthly Net Income Greater Than Self-Support Reserve: For each parent subtract the self-support reserve from line 3. If that amount is less than line 7, then enter that amount or the presumptive \$50 per child, whichever is greater.	\$	\$
9. Each parent's basic child support obligation after calculating applicable limitations. For each parent, enter the lowest amount from line 7, 8a, 8b or 8c.	\$ 1840.00	\$ 188.00

Part III: Health Care, Day Care, and Special Child Rearing Expenses (see instructions, page 8)		
10. Health Care Expenses	Father	Mother
a. Monthly Health Insurance Premiums Paid for Child(ren)	\$ 400.00	\$
b. Uninsured Monthly Health Care Expenses Paid for Child(ren)	\$	\$
c. Total Monthly Health Care Expenses (line 10a plus line 10b)	\$	\$
d. Combined Monthly Health Care Expenses (add father's and mother's totals from line 10c)	\$ 400.00	
11. Day Care and Special Child Rearing Expenses		
a. Day Care Expenses	\$	\$
b. Education Expenses	\$	\$
c. Long Distance Transportation Expenses	\$	\$
d. Other Special Expenses (describe)	\$	\$
	\$	\$
e. Total Day Care and Special Expenses (add lines 11a through 11d)	\$	\$
12. Combined Monthly Total Day Care and Special Expenses (add father's and mother's day care and special expenses from line 11e)	\$	
13. Total Health Care, Day Care, and Special Expenses (line 10d plus line 12)	\$ 547	
14. Each Parent's Obligation for Health Care, Day Care, and Special Expenses (multiply each number on line 6 by line 13)	\$ 235	\$ 46
Part IV: Gross Child Support Obligation		
15. Gross Child Support Obligation (line 9 plus line 14)	\$ 2075.00	\$ 234.00
Part V: Child Support Credits (see instructions, page 9)		
16. Child Support Credits		
a. Monthly Health Care Expenses Credit	\$ 400.00	\$
b. Day Care and Special Expenses Credit	\$ 25.00	\$
c. Other Ordinary Expenses Credit (describe)	\$	\$
d. Total Support Credits (add lines 16a through 16c)	\$ 425.00	\$
Part VI: Standard Calculation/Presumptive Transfer Payment (see instructions, page 9)		
17. Standard Calculation (line 15 minus line 16d or \$50 per child whichever is greater)	\$ 1650.00	\$ 234
Part VII: Additional Informational Calculations		
18. 45 % of each parent's net income from line 3 (.45 x amount from line 3 for each parent)	\$	\$
19. 25% of each parent's basic support obligation from line 9 (.25 x amount from line 9 for each parent)	\$	\$

Part VIII: Additional Factors for Consideration (see instructions, page 9)		
20. Household Assets (List the estimated present value of all major household assets.)	Father's Household	Mother's Household
a. Real Estate	\$	\$
b. Investments	\$	\$
c. Vehicles and Boats	\$	\$
d. Bank Accounts and Cash	\$	\$
e. Retirement Accounts	\$	\$
f. Other (describe)	\$	\$
	\$	\$
21. Household Debt (List liens against household assets, extraordinary debt.)		
	\$	\$
	\$	\$
	\$	\$
22. Other Household Income		
a. Income Of Current Spouse or Domestic Partner (if not the other parent of this action)		
Name _____	\$	\$
Name _____	\$	\$
b. Income Of Other Adults In Household		
Name _____	\$	\$
Name _____	\$	\$
c. Gross income from overtime or from second jobs the party is asking the court to exclude per Instructions, page 10		
_____	\$	\$
d. Income Of Child(ren) (if considered extraordinary)		
Name _____	\$	\$
Name _____	\$	\$
e. Income From Child Support		
Name _____	\$	\$
Name _____	\$	\$
f. Income From Assistance Programs		
Program _____	\$	\$
Program _____	\$	\$
g. Other Income (describe)		
_____	\$	\$
_____	\$	\$
23. Non-Recurring Income (describe)		
_____	\$	\$
_____	\$	\$

EXHIBIT A – Spousal Maintenance

The Court heard substantial testimony on the issue of spousal maintenance. Based on that testimony, exhibits admitted at trial and the factors listed in RCW 26.09.090 the Court found the following basis for its award of Maintenance to the Petitioner.

RCW 26.09.090 (a) states: *“The financial resources of the party seeking maintenance, including separate or community property apportioned to him or her, and his or her ability to meet his or her needs independently, including the extent to which a provision for support of a child living with the party includes a sum for that party.”*

This Court finds that the Petitioner was married to Respondent for twenty seven (27) years. Seven (7) children were born in this relationship, three (3) are still minors. For the length of the marriage the parties maintained a “traditional” marriage, the Mother took care of family needs and raised the children and performed the role and duties of a full time “stay at home” housewife, foregoing any meaningful outside work or education (she has a high school diploma). The Respondent worked outside the home, rising to an executive position with a large national company. His recent earnings have been in excess of \$130,000.00 per year. He also has an MBA degree, a stable job and a history of financial upward mobility...

The family home (currently occupied by the Petitioner and three (3) of the parties children) is in, or near, foreclosure; the Respondent having violated a February 26, 2009 Court Order requiring him to keep these payments current.

The Petitioner is employed, yet her income is substantially below an amount that would allow her to independently meet her needs. Without additional school and/or training she is likely to continue on a course of financial need.

RCW 26.09.090 (b) states: *“The time necessary to acquire sufficient education or training to enable the party seeking maintenance to find employment appropriate to his or her skill, interests, style of life, and other attendant circumstances.”*

Based upon testimony at trial it is evident that the Petitioner, out of the work force for twenty seven (27) years, will need substantial education to become employable in a meaningfully financial way. The Petitioner presented a meaningful educational plan, requiring extensive higher education attendance followed by training time. Absent any alternative offered by Respondent, this Court adopts the Petitioner’s plan for education and training which would allow her to eventually “find employment appropriate to her skill, interests ...” and need.

RCW 26.09.090 © states: *“The standard of living established during the marriage or domestic partnership.”*

The parties maintained an upper middle class standard of living throughout this twenty seven (27) year marriage. They were able to afford a home/homes adequate for

raising seven (7) children, with the financial ability to have the Petitioner unemployed so she could assume duties as a homemaker and housewife.

RCW 26.09.090 (d) states: *"The duration of the marriage or domestic partnership "*

This is a twenty seven year marriage. The Petitioner was twenty (20) years old at the time of marriage, with a high school diploma. The Respondent was twenty seven (27) years old and had obtained an MBA degree.

RCW 26.09.090 (e) states: *"The age, physical and emotional condition, and financial obligations of the spouse or domestic partner seeking maintenance."*

The Petitioner is forty seven (47) years old and apparently in good health, no testimony to the contrary having been offered. However, her financial obligations are dire. Based upon her income, and earning potential absent schooling or retraining, she would be financially limited in obtaining housing, utilities and other necessities without an award of spousal maintenance.

RCW 26.09.090 (f) states: *"The ability of the spouse or domestic partner from whom maintenance is sought to meet his or her needs and financial obligations while meeting those of the spouse or domestic partner seeking maintenance."*

Evidence, including tax information, pay stubs and financial declarations were admitted and examined by the Court. There is no doubt that the Respondent, with his earning history and earning capacity, has the ability to meet his own financial needs as well as the needs of the Petitioner. The Court's award of Spousal Maintenance, based upon the above factors, is set forth in the Decree of Dissolution and Findings of Fact and Conclusions of Law.

11 JAN 10 PM 12:49

STATE OF WASHINGTON
BY 
DEPUTY

**IN THE COURT OF APPEALS, DIVISION II
IN AND FOR THE STATE OF WASHINGTON**

WALTER WILSON,

Appellant,

v.

PAMELA WILSON,

Respondent.

No. 40402-8-II

AFFIDAVIT OF SERVICE

DECLARATION

I, Matthew J. Hutchins, state and declare as follows:

1. I am over the age of 18 and make this declaration from personal knowledge.
2. On this day, January 10, 2011, I delivered a true and correct copy of Brief of Respondent to which this affidavit is attached to Attorneys for Appellant at 1101 South Fawcett, Suite 300, Tacoma, WA 98402.
3. I declare under penalty of perjury under the Laws of the State of Washington that the foregoing is true and correct.

Signed this January 10, 2011, in Tacoma, Washington.


Matthew J. Hutchins

DECLARATION OF SERVICE

MATTHEW J. HUTCHINS
ATTORNEY AT LAW
1454 E HARRISON ST. #308
SEATTLE, WA 98112
206-234-3173