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FILED
COURT OF APPEALS DIV I
STATE OF WASHINGTON
2013 JAN 28 PM 1:24

No. 69430-8-1

IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION ONE

In re the Marriage of

KELLY REYES f/k/a KELLY S. MORRIS
Respondent

and

GREGORY CHARLES MORRIS
Appellant

ON REVIEW FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR KING COUNTY

OPENING BRIEF OF APPELLANT

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I. ASSIGNMENTS OF ERROR

1. The trial court erred when it ordered postsecondary education support because the court did not have authority to do so in a child support adjustment proceeding.

2. The trial court erred when it made the following findings of fact or conclusions of law:

...the motion for adjustment should be granted because:

The right to request post secondary support was reserved in the support order and there is a need to determine each parent's obligation.

CP 198-199.

3. The trial court erred when it failed to make findings that the father could afford the support the court ordered.

4. The trial court erred when it ordered postsecondary education support because the father does not have the resources to fund his daughters' postsecondary education.

Issues Pertaining to Assignments of Error

1. Where statute requires a party to seek relief by means of a specific mechanism (i.e., modification), which includes a requirement to show a substantial change of circumstances, may the court ignore that requirement?

2. Where the prior child support order merely reserves “the right to petition” for postsecondary education support, does a trial court have authority to order such support absent fulfillment of the modification requirements of RCW 26.09.170?

3. Must a trial court consider a parent’s financial ability to fund college education for adult children and find that such an ability exists before ordering postsecondary child support?

II. MOTION FOR ATTORNEY FEES

Because of the disparity in the parties’ financial conditions, the father requests his fees on appeal. See § V.G, below.

III. STATEMENT OF THE CASE

The parties dissolved their marriage in 1996. They have two children, now aged 19 and 17, who have resided primarily with the mother.¹ Since entry of the first order of support, the court has twice modified support, in 2001 and 2008. CP 1-13.

The 2008 order provided as follows:

3.13 TERMINATION OF SUPPORT

Support shall be paid:

until the children reach the age of 18 or as long as the children remain enrolled in high school, whichever occurs last, except as otherwise provided below in paragraph 3.14.

¹ In respect of their privacy, the children’s names will not be used.

3.14 POST SECONDARY EDUCATIONAL SUPPORT

The right to petition for post secondary support is reserved, provided that the right is exercised before support terminates as set forth in paragraph 3.13.

3.16 PERIODIC ADJUSTMENT

Pursuant to statute RCW 26.09.170.

CP 39. The oldest child was born December 4, 1993 and turned 18 in 2011. She graduated from high school on June 9, 2012. CP 26, 91. On June 8, 2012, her mother filed a motion to adjust child support. CP 14-19. On the form, she asked both for a periodic adjustment as it related to the younger child (per § 3.16 of the 2008 order of child support) and for post secondary support for both children, declaring: "The right to request post-secondary support was reserved in the support order and the court needs to determine each parent's obligation." CP 15.

The father objected to the request for postsecondary education support on the basis that the mother could not seek such relief by a motion to adjust child support, but, rather, was required by statute to commence a modification action (RCW 26.09.170).

CP 60. Respecting the minor child (born 1995), the father agreed

to proceed with the motion for periodic adjustment of child support.
CP 60, 79.²

The mother argued that because the issue of postsecondary education support had been “reserved” in the 2008 child support order, it was not necessary to prove a change in circumstances or to seek a modification. CP 91-92. The father replied that the earlier order merely reserved “the right to petition” for postsecondary support. CP 60. That is, the issue was left undecided.

He also opposed postsecondary support on the basis that he could not afford it and that the level of support requested by the mother would work a hardship on his current household. CP 60-62. With his wife working only part-time and with a young child, the family can do little more each month than meet its monthly expenses. *Id.*

A family court commissioner denied postsecondary education support as to the older child and granted this support as to the younger child. CP 120, 123-124, 134-136. Specifically, the commissioner ruled that RCW 26.09.170 required the mother to

² This adjustment in child support for the minor child is not at issue in this appeal.

seek postsecondary education support by petition to modify. CP 134, 137-138.

The commissioner apparently offered no explanation for the inconsistency in ordering postsecondary education support for the younger daughter while ruling the court did not have authority to order it for the older daughter. RP 7. As a practical matter, because child support terminated one day after the mother filed her motion, she was barred forever from modifying child support for the oldest child. CP 79, 83.

The mother sought revision. CP 140-191. The father did not seek revision of the order as to the younger daughter, explaining that the mother could still petition to modify for the youngest daughter and the father was concerned about the expense of another proceeding. RP 10-11. Nevertheless, he noted the court had no authority to award such support for either child. *Id.*

At the hearing on revision, a superior court judge construed the problem as one involving subject matter jurisdiction. RP 14-17, 21. The court agreed the issue of postsecondary support had not been determined in the prior support order; rather, the order had “simply anticipated” that a request could be made. RP 18.

At the hearing, the mother offered as authority for her position the mandatory forms for both types of proceedings. These forms are included in the appendix, and the relevant provisions are set forth below. See, also, CP 96-104. The form petition for modification includes the following provision regarding postsecondary support:

1.4 Reasons for Modifying Child Support

...

- No post-secondary support was ordered and the right to request post-secondary child support was not reserved. (Name of child) _____ is in need of post secondary educational support because the child is in fact dependent and is relying upon the parents for the reasonable necessities of life and there has been the following substantial change of circumstances since the order was entered (explain):

The corresponding provision in the form motion for adjustment provides:

2.5 Post Secondary Support

- Does not apply.
- The right to request post secondary support was reserved in the support order and the court needs to determine each parent's obligation;
- The previous support order provided that the parents shall pay for post secondary support and the court needs to allocate the expenses;

And the factual basis is as follows:

Both of these forms cite as authority RCW 26.09.170. As the father noted, these forms do not trump the statute. RP 19.

The court ruled it had broad authority to ignore the difference between modification and adjustment of child support and ordered postsecondary support for both children. RP 20-21; CP 195-200. The court made no finding regarding the father's ability to pay nearly triple his current child support, while also supporting his five-year-old son and current spouse.

The father timely appealed. CP 216-237

IV. ARGUMENT

A. CHILD SUPPORT FOR POST SECONDARY EDUCATION COULD BE ORDERED PURSUANT ONLY TO A PETITION TO MODIFY, NOT A MOTION TO ADJUST.

As our Supreme Court recently clarified, the superior court has broad subject matter jurisdiction, which “refers to the court's authority to entertain a type of controversy...” *In re Marriage of Schneider*, 173 Wn.2d 353, 360, 268 P.3d 215 (2013). However, the legislature may limit the court's authority, as it does with respect to issues of interstate family support, which was the issue in *Schneider*. *Id.*, at 360-361. “A court that grants relief beyond the scope of its authority commits an error of law but does not exceed its subject matter jurisdiction.” *Id.*, at 362. This Court reviews a question of law de novo. *Id.*, at 358.

In Washington, child support is governed by statute. RCW 26.19.001 (creating support schedule) and RCW 26.19.035 (applying schedule to all proceedings involving child support). Among other things, the statute requires that in order “for support obligations to continue after emancipation the obligation must be expressly stated.” *In re Marriage of Gimlet*, 95 Wn.2d 699, 703, 629 P.2d 450 (1982). This specificity gives the support-paying parent “advance notice of the termination date or event, rather than being forced to wait for some elusive or fortuitous date of the dependency cessation.” *Id.*, at 703.

Here, the order of child support provided that support would terminate when the children reached “the age of 18 or as long as the children remain enrolled in high school, whichever occurs last, ...” CP 39. The order also “reserved” the “right to petition for post secondary support ... provided that the right is exercised before support terminates ...” CP 39. These provisions are virtually identical to those in *In re Marriage of Sagner*, 159 Wn. App. 741, 744 (¶ 2), 247 P.3d 444 (2011).

By filing one day before the oldest daughter’s official date of graduation, the mother complied with the deadline, that is, before support terminated under the terms of the child support order. See

Sagner, at 752 (filed three days before high school graduation). However, the 2008 child support order reserved only the right to petition. It did not otherwise determine the factual or legal issues pertinent to whether the court should order postsecondary education support. For example, the provision in this case is very different from one that declares the parents shall contribute to the post-secondary educational support of the children, leaving to later only the questions of amount and apportionment. Here, essentially, and as the trial court agreed, all the 2008 child support order did was to restate Washington law on this point, which this court summarized in *Sagner* as “[a] court may modify the order of child support to provide postsecondary education support if a party files the petition to modify before support terminates.” *Sagner*, at 748. (internal citations omitted). That is, the order left the question of postsecondary support to be determined in a modification proceeding.

Here, the mother did not seek this relief by the requisite mechanism. Explicitly, the order of child support required her to “petition” for postsecondary support. More importantly, the statute requires that postsecondary educational support may be ordered only pursuant to a modification proceeding, if it is not ordered in the

decree. RCW 26.09.170; *Marriage of Gimlet*, 95 Wn.2d at 704; *Marriage of Sagner*, 159 Wn. App. at 748.

Contrary to the view of the superior court judge, this case is not about subject matter jurisdiction. RP 14-17. In taking this view, the judge looked at cases affirming the superior court's jurisdiction to award postsecondary education support, such as *In re Marriage of Major*, 71 Wn. App. 531, 859 P.2d 1262 (1993) and *Balch v. Balch*, 75 Wn. App. 776, 880 P.2d 78 (1994). These cases do not hold that a court may ignore the statutorily prescribed procedure for seeking postsecondary child support. In *Major*, this Court rejected a CR 60(b) challenge to a postsecondary child support order based on lack of subject matter jurisdiction, but expressly did not reach the merits of the child support order itself. 71 Wn. App. at 536. The court also noted the frequent confusion regarding subject matter jurisdiction. *Id.*, at 534-535.

In *Balch*, the court noted the distinction between subject matter jurisdiction and a court's authority under a statute to perform a certain act. 75 Wn. App. at 778. Thus, the question presented in *Balch* was not jurisdiction, but, more narrowly, the meaning of the prior support order, specifically, whether the prior child support order extended support until the child was no longer dependent.

in this context, according to one commentator (1 WASH. STATE BAR ASS'N, FAMILY LAW DESKBOOK § 28.7(5)(a), at 28-79); however, courts may not disregard the standard altogether, as happened here.

In addition to finding a substantial change of circumstances, the court is required by statute to determine in the modification proceeding the following:

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 postsecondary 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 children when the parents were together; the child's prospects, desires, aptitudes, abilities or disabilities; the nature of the postsecondary education sought; and the parents' 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.

RCW 26.19.090(2) (emphasis added). The trial court here made no findings on any of these factors.

By contrast to modification proceedings, adjustments are permitted, without a substantial change of circumstances, to address changes in the income of the parents or in the economic tables. RCW 26.09.170(7). The adjustment procedure offers a

streamlined alternative to a modification proceeding, allowing parties to conform “existing provisions of a child support order to the parties' current circumstances” without proving a substantial change of circumstances. *In re Marriage of Scanlon*, 109 Wn. App. 167, 173, 34 P.3d 877 (2001).

This important distinction relates directly to the difference between child support for minor children and child support for adult children. The former is a mandatory obligation. *Amunrud v. Bd. of Appeals*, 158 Wn.2d 208, 223, 143 P.3d 571 (2006). However, assisting a child obtain a child education “will not be a duty of support of all parents, but is circumstantial ...” *Childers v. Childers*, 89 Wn.2d 592, 600, 575 P.2d 201 (1978). That is, “[i]t is not the policy of this State to require divorced parents to provide adult children with a college education in all circumstances.” *Id.* Rather, “a parent may have a duty of support for college education if it works the parent no significant hardship and if the child shows aptitude.” *Id.*, at 601. For this more expansive inquiry, a modification proceeding is mandatory, including a requirement to show a substantial change of circumstances.

B. THE FATHER CANNOT AFFORD TO FUND HALF HIS DAUGHTERS' POSTSECONDARY EDUCATION.

Because the trial court had no authority to enter an order modifying child support to provide for postsecondary education, its order to the contrary must be vacated. Accordingly, the merits of the support order itself are not at issue here. Nevertheless, it bears observing that the circumstances here are not appropriate for postsecondary education support, at least not at the level ordered by the court.

It is axiomatic that "a parent obligated to support his or her minor children cannot be deprived of adequate money to meet those obligations, in favor of supporting adult children through college." *In re Marriage of Shellenberger*, 80 Wn. App. 71, 84, 906 P.2d 968 (1995). Yet, here, the trial court seemed not to know that a parent's financial situation was a critical part of the analysis. The court noted that paying for college required "a major financial sacrifice" (RP 25), but otherwise avoided any analysis of the father's ability to pay. Rather, the court felt compelled to obligate him if the mother was obligated. RP 27. See *Kelly v. Hannan*, 85 Wn. App. 785, 794, 934 P.2d 1218 (1997) (court may order "either or both parents" to pay for postsecondary education). The court also felt it lacked the authority to place a limit on the contribution,

apart from the statutory maximum. RP 29. See, *Kelly v. Hannan*, at 791-792 (considerations affecting amount of support ordered). Certainly, the court made no findings in support of its order. See *State ex rel. J.V.G. v. Van Guilder*, 137 Wn. App. 417, 429, 154 P.3d 243 (2007) (trial court abused discretion by failing to make findings about the father's ability to pay tuition while still meeting the support needs of his minor child from another relationship).

Both parents in this case have remarried. The father has a five-year-old son and is the family's primary wage earner. The mother was pregnant with twins at the time of the revision hearing. On the basis of the duty to support his son, the father received a deviation, so that his monthly support for the remaining minor daughter is \$665.28. CP 203-204. If he is required to pay 46% of the two daughters' postsecondary education, using the University of Washington figures of \$24,000.00 per child (CP 27-28), his monthly support obligation will approximate \$1,840. The mother agreed this figure was likely to go up with anticipated tuition increases. CP 27.

In other words, the father's child support obligation will nearly triple in two years. This makes no sense, particularly in light of the court's finding, and the mother's agreement, that a deviation is warranted in respect of the father's obligation to support his five

year old son. It makes no sense to seeing a need to reduce child support by several hundred dollars on the one hand, then increase the obligation by more than a thousand dollars.

The father works as a golf pro. His monthly net income as found by the court is \$7,667.91. He provides most of the support for his second family. CP 84, 86. At the end of the month, after living expenses and debt service and current child support for the minor child, the father's family has nothing left. CP 84-89. By contrast, the mother is a dentist and is remarried to another high wage earner. CP 20-25. Her new husband contributes over \$9,000 monthly to their household, over ten times what the father's wife makes. CP 22, 86.

As this Court observed in *Shellenberger*, a post-secondary education support obligation that imposes financial hardship, such as forcing a choice between a support payment and a mortgage payment, "will, in most cases we can presently envision, amount to a patent abuse of discretion." 80 Wn. App. at 84. Such is the case here. The court's lack of findings on this point is itself problematic. *Id.* More problematically, the facts do not support that the father can contribute nearly half the cost of putting two children through college while supporting his household, including his minor child.

C. THE FATHER SHOULD RECEIVE HIS ATTORNEY FEES.

The father requests attorney fees on the basis of RCW 26.09.140 and RAP 18.1, based on the disparity in the parties' financial circumstances. The statute authorizes the court to make one party pay the fees of the other party "after considering the financial resources of both parties" RCW 26.09.140. RAP 18.1(a) makes this provision applicable to appeals. Here the father's income is \$1000/month less than the mother's and his household is substantially less well-off than the mother's. CP 20. She can afford this litigation better than the father, who has no money left at the end of each month after paying for his household's expenses, debt service, and child support.

V. CONCLUSION

For the foregoing reasons, the court's orders regarding child support should be vacated and the cause remanded with an order to vacate the award of postsecondary education support. The father should receive his fees and costs.

Dated this 25th day of January 2013.

RESPECTFULLY SUBMITTED,



PATRICIA NOVOTNY
WSBA #13604
Attorney for Appellant

INDEX TO APPENDIX:
OPENING BRIEF OF APPELLANT

In re Marriage of Morris
Court of Appeals, Division One, No. 69403-8-1

<u>Number</u>	<u>Description</u>
A	Order Re Adjustment of Child Support
B	Order of Child Support
C	Statutory Provisions
D	Mandatory Forms: Petition to Modify and Motion to Adjust (CP 96-104)

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7 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
8 **IN AND FOR THE COUNTY OF KING**

9 In re the Marriage of:

10 KELLY KUNIYUKI-HIRAHARA REYES
11 (FKA KELLY S. MORRIS)

Petitioner,

12 v.

13 GREGORY CHARLES MORRIS,

14 Respondent.
15

No. 96-3-01066-2 KNT

~~PROPOSED~~
16 **Order re Adjustment of Child Support**
17 **(OR)**

18 **I. Basis**

19 A motion for the adjustment of child support has been presented. The court has jurisdiction over the parties and over the subject matter.

20 **II. Findings**

21 Based on the motion, the court **finds**:

22 the motion for adjustment should be denied for the following reasons:

23 the motion for adjustment should be granted because:

24 It is more than 24 months since the order was entered or since the last incremental
25 change went into effect, whichever is later, and there has been a change in the
26 incomes of the parties.

It is more than 24 months since the order was entered or since the last incremental
change went into effect, whichever is later, and there have been changes in the
economic table or standards in RCW 26.19.

1 It has been 12 months since the order was entered and the order provides for support to be periodically adjusted.

2 The right to request post secondary support was reserved in the support order and there is a need to determine each parent's obligation.

3
4 The previous support order provided that the parents shall pay for post secondary support and there is a need to allocate the expenses.

5 Incremental Increase (RCW 26.09.170(7)(c))

6 An incremental increase was not requested.

7 An incremental increase should not be ordered because the modification of the obligor's child support obligation is not greater than 30 percent or the change will not cause a significant hardship.

8 An incremental increase should be ordered because the modification of the obligor's child support obligation is greater than 30 percent and the change will cause a significant hardship.

10
11 **Servicemembers Civil Relief Act Statement**

12 Service member status --- It appears the nonrequesting party:

13 is not a service member;

14 is on active duty in the U.S. armed forces (excluding National Guard and reserves);

15 is on active duty and is a National Guard member or a Reservist residing in Washington;

16 is not on active duty in the U.S. armed forces (excluding National Guard and reserves);

17 is not on active duty and is a National Guard member or a Reservist residing in Washington.

18 Dependent of a service member status --- It appears the nonrequesting party:

19 is not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;

20 is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;

21 is presumed not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist.

22 other:

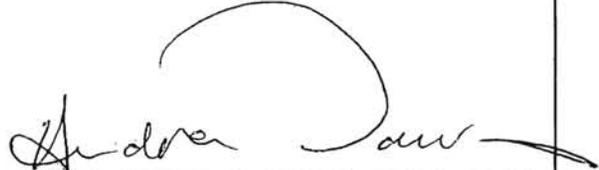
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III. Order

It is Ordered:

- The motion is denied.
 The motion is granted. The Order of Child Support signed by the court on this date or dated 9-14-2012, and the child support worksheet, which has been approved by the court, are incorporated by reference as part of this order.
 Other:

Dated: 9-14-2012


Judge/Commissioner

Presented by:


Jennifer Papahronis, WSBA No. 41561
Attorney for Petitioner, Kelly Reyes

Approved for entry:
Notice of presentation waived:


Larry R. Garrett, WSBA No. 23830
Attorney for Respondent, Gregory Morris

Approved for entry:

Kelly Reyes, Petitioner

Approved for entry:

Gregory Morris, Respondent

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

In re Marriage of:

KELLY KUNIYUKI-HIRAHARA REYES
(FKA KELLY S. MORRIS),

Petitioner,

and

GREGORY CHARLES MORRIS,

Respondent.

No. 96-3-01066-2 KNT

~~PROPOSED~~ 

**ADJUSTED FINAL ORDER OF
CHILD SUPPORT (ORS)**

(Clerk's Action Required)

I. Judgment Summary

1.1 Judgment Summary for Non-Medical Expenses

Does not apply.

1.2 Judgment Summary for Medical Support

Does not apply.

II. Basis

2.1 Type of Proceeding

This order is entered under an order of adjustment.

1 **2.2 Child Support Worksheet**

2 The child support worksheets which have been approved by the court are attached to
3 this order and are incorporated by reference or have been initialed and filed
4 separately and is incorporated by reference.

5 **2.3 Other**

6 N/A

7 **III. Findings and Order**

8 *It Is Ordered:*

9 **3.1 Child for Whom Support is Required**

<u>Name (first/last)</u>	<u>Age</u>
Kylee S. Morris*	18 (DOB 12/4/1993)
Kiyomi J. Morris	17 (DOB 4/21/1995)

12 *post-secondary and medical expenses only. \$ 3.15

uf - JR

13
14 **3.2 Person Paying Support (Obligor)**

15 Name (first/last): Gregory Charles Morris
16 Birth date: 4/25/1974
17 Service Address: 521 West 2nd Street, Whitefish, MT 59937

18 *The Obligor Parent Must Immediately File With the Court and the Washington
19 State Child Support Registry, and Update as Necessary, the Confidential
20 Information Form Required by RCW 26.23.050.*

21 *The Obligor Parent Shall Update the Information Required by Paragraph 3.2
22 Promptly After any Change in the Information. The Duty to Update the
23 Information Continues as long as any Support Debt Remains due Under This
24 Order.*

25 For purposes of this Order of Child Support, the support obligation is based upon
the following income:

The net income of the father is \$7,667.91 per month.

1 **3.3 Person Receiving Support (Obligee)**

2 Name (first/last): Kelly S. Reyes
3 Birth date: 11/27/1973
4 Service Address: 19309 25th Dr SE, Bothell, WA 98012

5 *The Obligee Must Immediately File With the Court and the Washington State*
6 *Child Support Registry and Update as Necessary the Confidential Information*
7 *Form Required by RCW 26.23.050.*

8 *The Obligee Shall Update the Information Required by Paragraph 3.3 Promptly*
9 *After any Change in the Information. The Duty to Update the Information*
10 *Continues as Long as any Monthly Support Remains Due or any Unpaid*
11 *Support Debt Remains Due Under This Order.*

12 For purposes of this Order of Child Support, the support obligation is based upon
13 the following income:

14 The net income of the mother is **\$8,924.83** per month.

15 The obligor may be able to seek reimbursement for day care or special child
16 rearing expenses not actually incurred. RCW 26.19.080.

17 **3.4 Service of Process**

18 *Service of Process on the Obligor at the Address Required by Paragraph 3.2 or*
19 *any Updated Address, or on the Obligee at the Address Required by Paragraph*
20 *3.3 or any Updated Address, may Be Allowed or Accepted as Adequate in any*
21 *Proceeding to Establish, Enforce or Modify a Child Support Order Between the*
22 *Parties by Delivery of Written Notice to the Obligor or Obligee at the Last*
23 *Address Provided.*

24 **3.5 Transfer Payment**

25 The obligor parent shall pay the following amount per month for the following
child:

<u>Name</u>	<u>Amount</u>
Kiyomi J. Morris	\$665.28

The Obligor Parent's Privileges to Obtain or Maintain a License, Certificate,
Registration, Permit, Approval, or Other Similar Document Issued by a
Licensing Entity Evidencing Admission to or Granting Authority to Engage in a
Profession, Occupation, Business, Industry, Recreational Pursuit, or the
Operation of a Motor Vehicle may Be Denied or may Be Suspended if the

1 ***Obligor Parent is not in Compliance With This Support Order as Provided in***
2 ***Chapter 74.20A Revised Code of Washington.***

3 **3.6 Standard Calculation**

4 \$851.93 (See Worksheets line 17.)

5 **3.7 Reasons for Deviation From Standard Calculation**

6 The child support amount ordered in paragraph 3.5 deviates from the standard
7 calculation because the father has a child from another relationship.

8 **3.8 Reasons why Request for Deviation Was Denied**

9 Does not apply.

10 **3.9 Starting Date and Day to Be Paid**

11 Starting Date: July 21, 2012

12 Day(s) of the month support is due: 21st day of each month

13 **3.10 Incremental Payments**

14 Does not apply.

15 **3.11 Making Support Payments**

16 Select Enforcement and Collection, Payment Services Only, or Direct Payment:

17 Enforcement and collection: The Division of Child Support (DCS) provides
18 support enforcement services for this case because: this is a public assistance
19 case, this is a case in which a parent has requested services from DCS, a
parent has **signed** the application for services from DCS **on the last page of this**
20 **support order.** (Check all that apply.) Support payments shall be made to:

21 Washington State Support Registry
22 P. O. Box 45868
Olympia, WA 98504
23 Phone: 1-800-922-4306 or
1-800-442-5437

24 A party required to make payments to the Washington State Support Registry will
25 not receive credit for a payment made to any other party or entity. The obligor
parent shall keep the registry informed whether he or she has access to health
insurance coverage at reasonable cost and, if so, to provide the health insurance
policy information.

1 Any time the Division of Child Support is providing support enforcement services
2 under RCW 26.23.045, or if a party is applying for support enforcement services
3 by signing the application form on the bottom of the support order, the receiving
4 parent might be required to submit an accounting of how the support, including
5 any cash medical support, is being spent to benefit the child.

6 **3.12 Wage Withholding Action**

7 Withholding action may be taken against wages, earnings, assets, or benefits, and
8 liens enforced against real and personal property under the child support statutes of
9 this or any other state, without further notice to the obligor parent at any time after
10 entry of this order unless an alternative provision is made below: **If the obligor is
11 30 days in arrears in any payments required herein.**

12 [If the court orders immediate wage withholding in a case where Division of Child
13 Support does not provide support enforcement services, a mandatory wage
14 assignment under Chapter 26.18 RCW must be entered and support payments must
15 be made to the Support Registry.]

16 **3.13 Termination of Support**

17 Support shall be paid:

18 Until each child reaches the age of 18, or as long as the child remains enrolled in
19 high school, whichever occurs last, but in no event beyond a child's 19th birthday,
20 except as otherwise provided below in Paragraph 3.14. Further, if the child is
21 enrolled to commence college/vocational school in the fall after graduation from
22 high school, the support shall continue from graduation from high school until the
23 commencement of college that fall.

24 **3.14 Post Secondary Educational Support**

25 The father shall pay 46% and the mother shall pay 54% of the cost of each child's
post-secondary education (accredited college, university or vocational institution),
specifically including, but not limited to tuition and fees, room and board, books
and supplies, uncovered health care expenses and transportation as defined by the
college, university or vocational institution. The parents' obligation shall not
exceed that for a full-time, in state student attending the highest cost in-state public
institution. In addition, the parents shall not have an obligation to contribute
unless the child is a student in good standing, carrying a full-course load at such
college, university or vocational institution. In no event shall the parties have such
an obligation beyond the child's graduation from undergraduate/vocational school
or the school year during which the child attains the age of twenty-three (23) years.

Whenever possible, payment shall be made directly to the institution by each
parent. In the event this is not possible and a parent pays an expense in full, he or
she shall be reimbursed by the other parent within 10 days of providing a copy of
the invoice/proof of payment of an expense.

1 The child shall be responsible for payment of her personal expenses, as defined by
2 the college, university or vocational institution, from funds set aside for each child
3 (approximately \$12,000) by her great-grandfather and from part-time employment.

4 Both parties shall be provided academic and grade records fro the student. Parties
5 shall cooperate in obtaining this information.

6 **3.15 Payment for Expenses not Included in the Transfer Payment**

7 The following expenses are not included in the transfer payment and shall be paid
8 each month 46% by the father and 54% by the mother:

- 9 1. Agreed upon extracurricular activity expenses, including, but not limited to
10 sports, camps, lessons, music, related equipment, and the like.

11 For expenses requiring prior agreement in writing, email is acceptable. If a parent
12 sends an email regarding an expense and does not receive a response within ~~48~~ *1 week*
13 ~~hours~~, the other parent will be deemed to have agreed to the expense. A parent
14 shall not unreasonably withhold his/her consent to an expense. If a parent does not
15 agree to an activity or expense, the parent shall state with specificity the reason
16 and propose an alternate activity where applicable. A response that merely states
17 that a parent does not agree shall be insufficient. *T*

18 If one parent incurs 100% of an expense, he/she shall be reimbursed by the other
19 parent within ten days of providing an invoice/proof of the payment.

20 **3.16 Periodic Adjustment**

21 Does not apply.

22 **3.17 Income Tax Exemptions/Tax Benefits**

23 Tax exemptions for the children shall be allocated as follows:

24 The father shall claim the tax exemption and other tax benefits for Kylee for the
25 tax year 2012 and all subsequent years that the exemption and/or benefits are
available.

The mother shall claim the tax exemption and other tax benefits for Kiyomi for tax
year 2012 and all subsequent years that the exemption and/or benefits are
available.

3.18 Medical Support – Health Insurance

Each parent shall provide health insurance coverage for the child listed in
paragraph 3.1, as follows:

1
2
3 **3.18.1 Health Insurance**

4 B. Findings about insurance:

5 25% of the petitioner's basic support obligation is \$248.02 (from line 19 of
6 the Worksheets). 25% of the respondent's basic support obligation is
7 \$212.98 (from line 19 of the Worksheets).

8 Insurance coverage for the child is available and accessible to the
9 respondent.

10 AND

11 C. Parties' obligations:

12 (i) Petitioner shall provide private health insurance coverage for the
13 children even if the cost of such coverage exceeds 25% of the petitioner's
14 basic support obligation.

15 (ii) Respondent shall provide private health insurance coverage for the
16 children even if the cost of such coverage exceeds 25% of the respondent's
17 basic support obligation.

18 (iii) Both parties' obligation:

19 If the children are receiving state financed medical coverage, the Division
20 of Child Support may enforce the responsible parent's monthly premium.

21 The parent(s) shall maintain health insurance coverage, if available for the
22 children listed in paragraph 3.1, until further order of the court or until
23 health insurance is no longer available through the parents' employer or
24 union and no conversion privileges exist to continue coverage following
25 termination of employment. The parties shall maintain health insurance
coverage for the children, if available, until each child attains the age of 23
years or graduates with an undergraduate degree or vocational degree,
whichever first occurs.

A parent who is required under this order to provide health insurance
coverage is liable for any covered health care costs for which that parent
receives direct payment from an insurer.

A parent who is required under this order to provide health insurance

1 coverage shall provide proof that such coverage is available or not
2 available within 20 days of the entry of this order to the other parent or the
3 Washington State Support Registry if the parent has been notified or
4 ordered to make payments to the Washington State Support Registry.

5 If proof that health insurance coverage is available or not available is not
6 provided within 20 days, the parent seeking enforcement or the Department
7 of Social and Health Services may seek direct enforcement of the coverage
8 through the other parent's employer or union without further notice to the
9 other parent as provided under Chapter 26.18 RCW.

10 **3.18.2 Change of Circumstances and Enforcement**

11 A parent required to provide health insurance coverage must notify both the
12 Division of Child Support and the other parent when coverage terminates.

13 If the parents' circumstances change, or if the court has not specified how medical
14 support shall be provided, the parents' medical support obligations will be
15 enforced as provided in RCW 26.18.170.

16 If a parent does not provide proof of accessible coverage for the child(ren) through
17 private insurance, a parent may be required to satisfy his or her medical support
18 obligation by doing one of the following, listed in order of priority:

- 19 1) Providing or maintaining health insurance coverage through the parent's
20 employment or union at a cost not to exceed 25% of that parent's basic
21 support obligation;
- 22 2) Contributing the parent's proportionate share of a monthly premium being
23 paid by the other parent for health insurance coverage for the child(ren)
24 listed in paragraph 3.1 of this order, not to exceed 25% of the obligated
25 parent's basic support obligation; or
- 3) Contributing the parent's proportionate share of a monthly premium paid
by the state if the child(ren) receives state-financed medical coverage
through DSHS under RCW 74.09 for which there is an assignment.

A parent seeking to enforce the obligation to provide health insurance coverage
may apply for support enforcement services from the Division of Child Support;
file a motion for contempt (use form WPF DRPSCU 05.0100, Motion/Declaration
for an Order to Show Cause re Contempt); or file a petition.

3.19 Uninsured Medical Expenses

Part II: Basic Child Support Obligation (see Instructions, page 7)		
7. Each Parent's Basic Child Support Obligation without consideration of low income limitations (Each parent's Line 6 times Line 5.)	\$851.93	\$992.07
8. Calculating low income limitations: Fill in only those that apply.		
Self-Support Reserve: (125% of the Federal Poverty Guideline.)	\$1,164.00	
a. <u>Is combined Net Income Less Than \$1,000?</u> If yes, for each parent enter the presumptive \$50 per child.	-	-
b. <u>Is Monthly Net Income Less Than Self-Support Reserve?</u> If yes, for that parent enter the presumptive \$50 per child.	-	-
c. <u>Is Monthly Net Income Greater Than Self-Support Reserve?</u> If yes, 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 - 8c, but not less than the presumptive \$50 per child.	\$851.93	\$992.07
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 Paid for Child(ren)	-	-
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 (line 10c amounts combined)		
11. Day Care and Special 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 (line 11e amounts Combined)		
13. Total Health Care, Day Care, and Special Expenses (line 10d plus line 12)		
14. Each Parent's Obligation for Health Care, Day Care, and Special Expenses (multiply each number on line 6 by line 13)	-	-
Part IV: Gross Child Support Obligation		
15. Gross Child Support Obligation (line 9 plus line 14)	\$851.93	\$992.07
Part V: Child Support Credits (see Instructions, page 9)		
16. Child Support Credits		
a. Monthly Health Care Expenses Credit	-	-
b. Day Care and Special Expenses Credit	-	-

c. Other Ordinary Expenses Credit (describe)	-	-
	-	-
	-	-
d. Total Support Credits (add lines 16a through 16c)	-	-
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)	\$851.93	\$992.07
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)	\$3,450.56	\$4,016.17
19. 25% of each parent's basic support obligation from line 9 (.25 x amount from line 9 for each parent)	\$212.98	\$248.02
Part VIII: Additional Factors for Consideration (see Instructions, page 9)		
20. Household Assets (List the estimated 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.)		
a.	-	-
b.	-	-
c.	-	-
d.	-	-
e.	-	-
f.	-	-
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 8	-	-
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)			
		-	-
		-	-
24. Child Support Owed, Monthly, for Biological or Legal Child(ren)		Father's Household	Mother's Household
Name/age:	Paid <input type="checkbox"/> Yes <input type="checkbox"/> No	-	-
Name/age:	Paid <input type="checkbox"/> Yes <input type="checkbox"/> No	-	-
Name/age:	Paid <input type="checkbox"/> Yes <input type="checkbox"/> No	-	-
25. Other Child(ren) Living In Each Household (First name(s) and age(s))			
26. Other Factors For Consideration			

Other Factors For Consideration (continued) (attach additional pages as necessary)

Signature and Dates

I declare, under penalty of perjury under the laws of the State of Washington, the information contained in these Worksheets is complete, true, and correct.

Mother's Signature

Father's Signature

Date

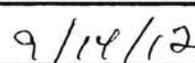
City

Date

City



Judicial/Reviewing Officer



Date

Worksheet certified by the State of Washington Administrative Office of the Courts.

Photocopying of the worksheet is permitted.

WSCSS-Worksheets - Mandatory (CSW/CSWP) 07/2011 Page 5 of 5

SupportCalc® 2012

Whole Family Formula Deviation

Mother: Kelly
County: KING

Father: Gregory
Superior Court Case Number: 96-3-01066-2
SEA

Names and Birthdates of Children For Whom Support Is Being Determined:		
Kiyomi		
Names and Birthdates of Additional Children For Whom Father Is Responsible:		
Braydon	10/2006	
1. Father's BASIC CHILD SUPPORT OBLIGATION (From Worksheet, Line 7)		\$851.93
2. Number of ALL Children Father Is Legally Responsible For:	2	
3. Per Child BASIC SUPPORT OBLIGATION Using ALL Children To Reference Columns In Child Support Table. (Per WHOLE FAMILY FORMULA Instructions).		
Kiyomi	\$1440.00	
	-	
	-	
	-	
	-	
4. BASIC CHILD SUPPORT OBLIGATION (Using WHOLE FAMILY FORMULA)	\$1440.00	
5. Father's Proportional Share of Income (From Worksheet, Line 6)	.462	
6. Father's BASIC SUPPORT OBLIGATION (Line 4 times Line 5)		
7. WHOLE FAMILY FORMULA DEVIATION AMOUNT (Line 1 minus Line 6)		\$186.65
8. Father's Net Support Obligation/Presumptive Support Amount (From Worksheet, Line 17)		\$851.93
9. WHOLE FAMILY FORMULA DEVIATION AMOUNT (Line 7)		\$186.65
10. Transfer Payment AFTER Applying WHOLE FAMILY FORMULA (Line 8 minus Line 7)		\$665.28

Annotated Revised Code of Washington > TITLE 26. > CHAPTER 26.09.

§ 26.09.170. Modification of decree for maintenance or support, property disposition -- Termination of maintenance obligation and child support -- Grounds

- (1) Except as otherwise provided in RCW 26.09.070(7), the provisions of any decree respecting maintenance or support may be modified: (a) Only as to installments accruing subsequent to the petition for modification or motion for adjustment except motions to compel court-ordered adjustments, which shall be effective as of the first date specified in the decree for implementing the adjustment; and, (b) except as otherwise provided in this section, only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.
- (2) Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance or registration of a new domestic partnership of the party receiving maintenance.
- (3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child.
- (4) Unless expressly provided by an order of the superior court or a court of comparable jurisdiction, provisions for the support of a child are terminated upon the marriage or registration of a domestic partnership to each other of parties to a paternity order, or upon the remarriage or registration of a domestic partnership to each other of parties to a decree of dissolution. The remaining provisions of the order, including provisions establishing paternity, remain in effect.
- (5)
 - (a) A party to an order of child support may petition for a modification based upon a showing of substantially changed circumstances at any time.
 - (b) An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.
- (6) An order of child support may be modified one year or more after it has been entered without a showing of substantially changed circumstances:
 - (a) If the order in practice works a severe economic hardship on either party or the child;
 - (b) If a party requests an adjustment in an order for child support which was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based;
 - (c) If a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school; or
 - (d) To add an automatic adjustment of support provision consistent with RCW 26.09.100.

- (7) (a) If twenty-four months have passed from the date of the entry of the order or the last adjustment or modification, whichever is later, the order may be adjusted without a showing of substantially changed circumstances based upon:
- (i) Changes in the income of the parents; or
 - (ii) Changes in the economic table or standards in chapter 26.19 RCW.
- (b) Either party may initiate the adjustment by filing a motion and child support worksheets.
- (c) If the court adjusts or modifies a child support obligation pursuant to this subsection by more than thirty percent and the change would cause significant hardship, the court may implement the change in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a motion for another adjustment under this subsection may be filed.
- (8)
- (a) The department of social and health services may file an action to modify or adjust an order of child support if public assistance money is being paid to or for the benefit of the child and the child support order is at least twenty-five percent above or below the appropriate child support amount set forth in the standard calculation as defined in RCW 26.19.011 and reasons for the deviation are not set forth in the findings of fact or order.
 - (b) The department of social and health services may file an action to modify or adjust an order of child support in a nonassistance case if:
 - (i) The child support order is at least twenty-five percent above or below the appropriate child support amount set forth in the standard calculation as defined in RCW 26.19.011;
 - (ii) The department has determined the case meets the department's review criteria; and
 - (iii) A party to the order or another state or jurisdiction has requested a review.
 - (c) The determination of twenty-five percent or more shall be based on the current income of the parties and the department shall not be required to show a substantial change of circumstances if the reasons for the deviations were not set forth in the findings of fact or order.
- (9) The department of social and health services may file an action to modify or adjust an order of child support under subsections (5) through (7) of this section if:
- (a) Public assistance money is being paid to or for the benefit of the child;
 - (b) A party to the order in a nonassistance case has requested a review; or
 - (c) Another state or jurisdiction has requested a modification of the order.
- (10) If testimony other than affidavit is required in any proceeding under this section, a court of this state shall permit a party or witness to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means, unless good cause is shown.

Annotated Revised Code of Washington > TITLE 26. > CHAPTER 26.09.

§ 26.09.100. Child support -- Apportionment of expense -- Periodic adjustments or modifications

- (1) In a proceeding for dissolution of marriage or domestic partnership, legal separation, declaration of invalidity, maintenance, or child support, after considering all relevant factors but without regard to misconduct, the court shall order either or both parents owing a duty of support to any child of the marriage or the domestic partnership dependent upon either or both spouses or domestic partners to pay an amount determined under chapter 26.19 RCW.
- (2) The court may require automatic periodic adjustments or modifications of child support. That portion of any decree that requires periodic adjustments or modifications of child support shall use the provisions in chapter 26.19 RCW as the basis for the adjustment or modification. Provisions in the decree for periodic adjustment or modification shall not conflict with RCW 26.09.170 except that the decree may require periodic adjustments or modifications of support more frequently than the time periods established pursuant to RCW 26.09.170.
- (3) Upon motion of a party and without a substantial change of circumstances, the court shall modify the decree to comply with subsection (2) of this section as to installments accruing subsequent to entry of the court's order on the motion for modification.
- (4) The adjustment or modification provision may be modified by the court due to economic hardship consistent with the provisions of RCW 26.09.170(6)(a).

History

2010 c 279 § 3; 2008 c 6 § 1013; 1991 sp.s. c 28 § 1; 1990 1st ex.s. c 2 § 1; 1989 c 375 § 7; 1988 c 275 § 9; 1987 c 430 § 3; 1973 1st ex.s. c 157 § 10.

Annotations

Notes

PART HEADINGS NOT LAW -- SEVERABILITY -- 2008 C 6: See RCW 26.60.900 and 26.60.901.

SEVERABILITY -- 1991 S.P.S. C 28: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1991 sp.s. c 28 § 9.]

EFFECTIVE DATE -- 1991 S.P.S. C 28: "Sections 1 through 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect September 1, 1991." [1991 sp.s. c 28 § 10.]

CAPTIONS NOT LAW -- 1991 S.P.S. C 28: "Captions as used in this act do not constitute any part of the law." [1991 sp.s. c 28 § 11.]

Rev. Code Wash. (ARCW) § 26.19.090

Statutes current through 2012 Second Special Session.

Annotated Revised Code of Washington > TITLE 26. > CHAPTER 26.19.

§ 26.19.090. Standards for postsecondary educational support awards

- (1) The child support schedule shall be advisory and not mandatory for postsecondary educational support.
- (2) When considering whether to order support for postsecondary 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 postsecondary 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 children when the parents were together; the child's prospects, desires, aptitudes, abilities or disabilities; the nature of the postsecondary education sought; and the parents' 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 postsecondary 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 postsecondary educational support. Each parent shall have full and equal access to the postsecondary education records as provided in RCW 26.09.225.
- (5) The court shall not order the payment of postsecondary 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 postsecondary educational expenses be 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 be 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.

History

1991 sp.s. c 28 § 7; 1990 1st ex.s. c 2 § 9.

Annotations

Notes

SEVERABILITY -- EFFECTIVE DATE -- CAPTIONS NOT LAW -- 1991 SP.S. C 28: See

**Superior Court of Washington
County of**

In re:

and

Petitioner,

Respondent.

No.

**Petition for Modification
of Child Support
(PTMD)**

I. Basis

(Name of requesting party) _____ represents to the court that:

1.1 Place of Residence

The petitioner resides in (county and state only) _____.

The child(ren) reside(s) in (county and state only) _____.

The respondent resides in (county and state only) _____.

1.2 Jurisdiction Over Parents

This court has jurisdiction over the parents for the reasons that follow.

- There is a Washington Order of Child Support.
- Both parties currently reside in the state of Washington.
- Other:

1.3 Most Recent Support Order

The most recent support order was entered in (county and state) _____
on (date) _____.

The order requires (name) _____ to pay
\$ _____ per month for the support of (list name(s) of the child(ren)):

1.4 Reasons for Modifying Child Support

A party commenced this action.

OR

The DSHS commenced this action under RCW 26.09.170(8), or RCW 26.09.170(9) and/or RCW 26.09.175(3) and:

- Public assistance money is being paid to or for the benefit of a child; or
- A party to the order in a nonassistance case requested a review; or
- Another state or jurisdiction requested a modification of the order.

AND, the order of child support should be modified for the following reasons:

There has been the following substantial change of circumstances since the order was entered (explain):

No post-secondary support was ordered and the right to request post-secondary child support was not reserved. (Name of child) _____ is in need of post secondary educational support because the child is in fact dependent and is relying upon the parents for the reasonable necessities of life and there has been the following substantial change of circumstances since the order was entered (explain):

(Name of child) _____ is a dependent adult child and support should be extended beyond his or her 18th birthday because:

- Whether or not there is a substantial change of circumstances, the previous order was entered more than a year ago and:
- The order works a severe economic hardship.
 - The child has moved to a new age category for support purposes.
 - The child is still in high school and there is a need to extend support beyond the child's 18th birthday to allow the child to complete high school.
 - An automatic adjustment of support should be added consistent with RCW 26.09.100.
- Other:

1.5 Starting Date of Modified Order

- Does not apply.
- The starting date of the modified child support order should be the date on which this petition is filed.

1.6 Other

II. Relief Requested

The court should modify the order of child support by:

- requiring either or both parents to maintain or provide medical support consistent with RCW 26.09.105, including but not limited to health insurance coverage for the child(ren), and by requiring each parent to contribute his or her proportionate share of uninsured medical expenses.
- ordering child support payments which are based upon the Washington State child support statutes. A copy of the child support worksheet is filed with this action.
- ordering repayment or credit for overpaid child support since the date of filing this petition.
- ordering payment of underpaid child support since the date of filing this petition or entering judgment in that amount.

- requiring a periodic adjustment of support.
- extending child support beyond (name of child) _____'s 18th birthday to allow the child to complete high school.
- extending child support beyond (name of child) _____'s 18th birthday until (he) (she) is no longer dependent upon either or both parents and is capable of self-support.
- allowing for post secondary educational support for (name of child) _____.
- ordering the payment of day care.
- ordering the payment of educational expenses.
- ordering the payment of long distance transportation expenses.
- ordering the payment of uninsured medical expenses.
- awarding the tax exemption for the child(ren) as follows:

- ordering the payment of attorney fees and costs.
- other:

Dated: _____

Signature of Requesting Party or Lawyer/WSBA

No.

Print or Type Name

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____ (state) _____ on (date) _____.

Signature of Requesting Party

Print or Type Name

**Superior Court of Washington
County of**

In re:

and

Petitioner,

Respondent.

No.

**Motion and Declaration for
Adjustment of Child Support
(MT)**

I. Motion

The undersigned asks the court for an order adjusting the support provisions of the most recent Order of Child Support. This motion is based upon the following declaration and the Child Support Worksheet and Financial Declaration which are filed with this motion.

Dated: _____

Signature of Requesting Party or Lawyer/WSBA

No.

Print or Type Name

II. Declaration

The support provided for in the most recent order of child support should be adjusted for the following reasons.

2.1 Requesting Party

I am a party to this action.

OR

The DSHS started this action under RCW 26.09.170(8), or RCW 26.09.170(9) and/or RCW 26.09.175(3) and:

Public assistance money is being paid to or for the benefit of a child; or

A party to the order in a nonassistance case requested a review; or

Another state or jurisdiction requested a review of the order.

2.2 More Than 24 Months and Change in Income of Parties

- Does not apply.
- It is more than 24 months since the order was entered or since the last incremental change went into effect, whichever is later, and there has been a change in the incomes of the parties as follows:

2.3 More Than 24 Months and Changes in Economic Table or Standards/RCW 26.19

- Does not apply.
- It is more than 24 months since the order was entered or since the last incremental change went into effect, whichever is later, and there have been changes in the economic table or standards in RCW 26.19 as follows:

2.4 Periodic Adjustment Required

- Does not apply.
- It has been 12 months since the order was entered and the order provides for support to be periodically adjusted and the court should order an adjustment as follows:

2.5 Post Secondary Support

- Does not apply.
- The right to request post secondary support was reserved in the support order and the court needs to determine each parent's obligation;

The previous support order provided that the parents shall pay for post secondary support and the court needs to allocate the expenses;
And the factual basis is as follows:

2.6 Servicemembers Civil Relief Act Statement

2.6.1 A. Service member status -- (name of other party) _____ :

- is not a service member;
- is on active duty in the U.S. armed forces (excluding National Guard and reserves);
- is on active duty and is a National Guard member or a Reservist residing in Washington;
- is not on active duty in the U.S. armed forces (excluding National Guard and reserves);
- is not on active duty and is a National Guard member or a Reservist residing in Washington;
- I am unable to determine whether the other party is or is not on active duty in the U.S. armed forces;
- I am unable to determine whether the other party is or is not on active duty as a National Guard member or a Reservist residing in Washington.

B. Factual basis:

- See the attached Department of Defense Manpower Data Center Status Report Pursuant to Servicemembers Civil Relief Act (SCRA) obtained from <https://www.dmdc.osd.mil/appj/scra/>. (You must have the person's social security number to search in this site.)

Other factual basis:

C. As indicated above, the other party is on active duty and (check all that apply):

- The other party is represented by an attorney.
- The court has appointed an attorney to represent the other party.
- A stay of these proceedings has has not been entered by the court.

2.6.2 A. Dependent of a service member status -- (name of other party) _____

- is not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;
- is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;
- I am unable to determine whether the other party is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist.

B. Factual basis:

- The other party failed to respond to a notice to him or her as a dependent of a person in Military Service that was served on mailed by first class mail on (date) _____, therefore he or she should be presumed not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist.
- Other factual basis:

C. As indicated above, the other party is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist and (check all that apply):

- The other party is represented by an attorney.
- The court has appointed an attorney to represent the other party.
- A stay of these proceedings has has not been entered by the court.

2.7 Other

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____ (state) _____ on (date) _____.

Signature of Requesting Party

Print or Type Name