

Understanding the Washington State Child Support Schedule and How Child Support Is Set In Washington

I. Introduction

This publication should give you a basic understanding of the laws governing how child support is set in Washington State. We review key parts of the Washington State Child Support Schedule. (A copy of the schedule and its instructions are attached to this publication.) We've footnoted important statutes (RCWs) and court cases.

We give general information in the form of frequently asked questions, and the answers to those questions. The specific facts of your case may require a different legal analysis and may result in different legal conclusions. We highly recommend consultation with a lawyer. If you're low-income, call CLEAR at 1-888-201-1014.

For related publications on child support, please see www.washingtonlawhelp.org, or call CLEAR.

“Child Support” is money paid by a parent to a party taking care of the children (usually, the other parent) to help support the children. A parent has a legal duty to help support his/her children. The court's main concern in setting child support is to make sure that your children have enough money to meet their needs.¹ Support is for clothes and food, to give the children a place to live (rent/mortgage and utilities) and have adequate daycare and medical care. If the parents don't have enough money to meet the children's needs, the court also takes into account parents' ability to pay.

A stepparent also has a legal duty to help support his/her stepchildren until a divorce from the child's parent is final or until there's a court order ending the stepparent's obligation.²

The parent usually must pay child support monthly. The amount is determined by working through the Washington State Support Schedule. The Schedule applies to all cases in which child support is ordered, even if the child now lives in another state.³ The Schedule includes definitions, standards, instructions, and an economic table.

◆ Read through the Schedule so that you understand all the factors that the court will take into account when setting support.

The Schedule works like an income tax table. The court figures out each parent's income, adds it together, and finds the amount of support on the Schedule that applies to the number and ages of your children. This amount is called the “basic support obligation.” We discuss later how in some circumstances the court will order the paying parent to pay less or more than the basic support obligation.

Washington started using this schedule to ensure that children get enough support to meet their needs, and parents across the state who make similar amounts of money pay or receive similar

¹ *In re Marriage of Mattson*, 95 Wn. App. 592, 599-600, 976 P.2d 157 (1999).

² [RCW 26.16.205](#).

³ [RCW 26.19.035\(1\)](#).

amounts of support. The custodial parent (defined as the parent caring for the child(ren) the majority of the time) is considered to be meeting her/his basic support obligation. The other parent makes a child support “transfer,” or payment, to the custodial parent.

◆ Use Our Glossary: Important words that you may need to know are defined after the Frequently Asked Questions and Answers section of this publication.

II. Frequently Asked Questions and Answers

1. What is gross income?

The definition of “income” that must be included in a child support calculation is very broad. You must tell the court about all of your income and other financial resources (examples: investments or savings) by listing them on the child support worksheets.⁴

“Gross” income is your total income, before any deductions for income tax, FICA, or other expenses. The Washington State Child Support Schedule instructions have complete information about what to include in your gross income on the child support worksheets. The law – found [here](#) - has a long list of things to include in your gross income when you calculate child support.

◆ **New exclusions!** [Effective July 26, 2009](#), some of your overtime income or income from a second job may NOT be counted if that overtime or second job was worked to provide for a current family’s need, to retire past relationship debts, or to retire child support debt. The court won’t count this income if you can prove that you’ll stop working overtime or the second job when you’ve paid off your debts.

2. What may I deduct from my income?

Your child support obligation is set based upon your **net income**. “Net income” is the income left after you take out (deduct) amounts that you must pay for taxes and other expenses that are required by law.

There are very few deductions that you’re allowed to take on the child support worksheets. You may deduct:

- federal income tax
- Social Security and Medicare (sometimes seen as FICA on a paystub)
- state industrial insurance (L&I)
- mandatory union dues
- mandatory pension contributions (in certain circumstances).
- in some situations, up to \$2,000 per year of voluntary pension contributions.⁵

⁴ [RCW 26.19.071\(1\)](#).

Also, if you're self-employed, you may deduct normal business expenses and self-employment taxes. However, you have to document any business expenses that are questioned by the other parent or the court.⁶

Other amounts taken from your paycheck (examples: for medical insurance, uniforms, parking) may not be deducted from your income on the child support worksheet.

3. Will my spouse/partner's income be used to calculate my support?

No and yes. When you fill out the child support worksheets, you include only your income and the income of the child's other parent in the basic calculation⁷. However, the court looks at both parents' entire financial situations when deciding about support. This means you must disclose to the court any household income from:

- your new live-in partner or spouse AND
- other adults and children in your household.

The court may consider this information when setting support.⁸ At the same time, the court will also consider other the expense of

- children that you have in your own household, or
- other children supported by your spouse/partner.

◆ Your spouse's income will be counted if you're asking the court to deviate from the schedule. Example: If you ask the court to deviate from the schedule because your stepchildren live with you, then the court will count your current spouse's income.

4. What happens if I don't give the court proof of my income?

If the court has no information about your income, the court may *impute* income to you. Generally you're required to give the court at least the last two years of your federal income tax returns and your current pay stubs in order to prove your income.⁹ Usually it's better to give the court as much proof as you can about your income, your earning ability, and your financial situation to help the court make decisions about setting support.

◆ If you didn't file a federal income tax return, or your employer doesn't give pay stubs, you must explain why you don't have these things, and you must give the court other proof of your income, such as W2 or 1099 forms, bank statements, or a declaration from your employer.

⁵ This is allowed if you made the contributions for the two tax years preceding the earlier of the tax year in which you separated or filed for divorce.

⁶ Allowed deductions from income are [here](#).

⁷ [RCW 26.19.071\(1\)](#).

⁸ [RCW 26.19.071\(1\)](#).

⁹ [RCW 26.19.071\(2\)](#).

If you don't give the court enough information about your income and finances, or you voluntarily stop working full time, you may end up with a result that you might not want. If you're asking for a modification or adjustment but you provide no proof of your income, the court may refuse to change your child support.¹⁰

5. How does the court impute income?

When the court imputes income to you, the court will decide upon an income for you. It will use that income to set your support obligation.

[Under a new law effective 7/26/09](#), the court must impute income based on the following information in the following order:

- Full-time earnings at your current rate of pay
- Full-time earnings at your historical rate of pay
- Full-time earnings at a part rate of pay where information is incomplete or sporadic
- Full-time earnings at minimum wage in the jurisdiction where the paying parents resides, if the paying parent has a recent history of wage earnings, is coming off public assistance or other programs, has recently been released from jail or prison, or is a high school student.

If the court has none of the above information, then the court will use the median income for a person of your age and gender in the United States.¹¹ The Washington State Child Support Schedule has a table showing the median income. That income may actually be higher than the amount you're able to earn. That's the risk of having income imputed to you.

6. When will the court impute income?

Whether the court imputes income to you will depend upon whether it decides that you're voluntarily unemployed or underemployed. If you're not working and you're not receiving public assistance, you must show the court why you're not working. Usually the court will assume you could be working full time unless you prove otherwise.

A. When might a court not impute income?

If you're unemployable due to disability. If you're disabled, get declarations from your doctor, psychologist, therapist, or other professional who can tell the court why you can't work and how long you won't be able to work. Receiving SSI or SSDI¹² or another

¹⁰ *In re Marriage of Bucklin*, 70 Wn. App. 837, 841, 855 P.2d 1197 (1993).

¹¹ [RCW 26.19.071\(6\)](#).

¹² If you receive SSI or SSD, let the court know that the Social Security Administration has decided that you can't "do any substantial gainful activity" because of a "medically determinable physical or mental impairment which is expected to result in death or can be expected to last for a continuous period of not less than 12 months." [20 CFR 416.905\(a\)](#); [20 CFR 404.1505\(a\)](#). The Social Security disability standard is hard to meet. To qualify, you must show through objective evidence a "severe impairment" that renders you "unable to do previous work or any other substantial gainful activity that exists in the national economy." *Id.* In determining whether you meet the Social Security disability standard, the SSA considers your "residual functional capacity" as well as "age, education and work experience." *Id.*

disability benefit (such as GAU)¹³ is strong evidence that you're unemployable. You must show evidence that you receive these benefits.

B. When might a court find that I'm voluntarily unemployed?

- **If you don't prove that you've tried to find a job.** If you were laid off from your job, you must show the court that you've tried to find other work. Examples of such proof include your job search records from the unemployment office, or copies of any letters that you get turning you down for jobs.
- **If you're going to school.** If you're unemployed because you're going to school, usually the court will consider you voluntarily unemployed and will impute income to you. The court will assume that your priority should be to work to support your children. However, you may be able to show the court that you can't really work unless you finish school first. Examples include a school program you entered through WorkFirst, trying to finish your high school degree, or taking English as a Second Language (ESL).
- **If you're staying home to care for children.** Staying home to care for children is voluntary unemployment.¹⁴ If you've made the choice to stay home to care for your children, the court may impute income to you. However, there may be cases in which the court shouldn't consider staying home as "voluntary," such as when one of your children has special needs that require more care.

C. When is a court likely to find that I'm voluntarily underemployed?

In some very limited situations, the court might impute income to you because it thinks you're voluntarily earning less or working less than you're able to.

- **If you're working part time.** If you're not working full time (usually 40 hours per week, sometimes 35), the court can impute income to you.¹⁵ Usually, the court will take your part-time income and calculate it as if you were working full-time hours, and then impute that income to you.

◆ The court shouldn't impute income to you if you can't work full time because you're following a court-ordered plan to get your children back from foster care or CPS (called a reunification plan).¹⁶

If you're earning less than you have before. If you're working full time now, the court can only impute income to you if it's proven that you're voluntarily earning less to try to reduce your child support.¹⁷ If you're earning less for other reasons, such as

¹³ If you receive General Assistance Unemployable (GAU), let the court know that DSHS has decided that you're "unable to secure and perform gainful employment due to a physical, emotional or mental condition expected to last at least 90 days." [RCW 74.04.005\(6\)\(a\)\(ii\)\(B\)](#). The GAU eligibility determination is based upon "clear, objective medical documentation" by a medical professional. [WAC 388-448-0020](#) and [388-448-0030](#).

¹⁴ *In re Marriage of Pollard*, 99 Wn. App. 48, 991 P.2d 1201 (2000); *In re Marriage of Brockopp*, 78 Wn. App. 441 (1995).

¹⁵ *In re Marriage of Wright*, 78 Wn. App. 230, 896 P.2d 735 (1995).

¹⁶ [RCW 26.19.071\(6\)](#).

¹⁷ [RCW 26.19.071\(6\)](#).

changing careers, or you're not earning the maximum amount that someone in your field could earn, the court should set support based on your actual income.¹⁸

7. What if I'm receiving public assistance?

Money from public assistance (GAU, TANF, food stamps and SSI) doesn't count as income when calculating child support.¹⁹ You list this type of income on the worksheets at line 22f, but it doesn't count as income in determining your support amount. Most people who are receiving public assistance should ask the court to set their support obligation at \$0.

Most, but not all, parents who get TANF must also participate in WorkFirst. You're required to work if you're able to do so.²⁰ (Exceptions to WorkFirst are explained in other packets available at www.washingtonlawhelp.org.) If you're receiving TANF, but you're not being required to work, tell the court that you can't work right now.²¹ Try to ask your DSHS caseworker for a declaration²² explaining why you're not being required to work.

8. What if I'm in jail?

If you're incarcerated and you're working in a correctional industry work program, at least fifteen percent of your gross wages will be sent for child support.²³ Your child support obligation can also be based on any other money, assets, or property you may own while incarcerated.²⁴

9. What if I can't afford the support amount in the schedule?

As a general rule, the court must order the paying parent to pay the basic support obligation under the economic table of the child support schedule.²⁵ There are times when the court will set the child support at an amount less or greater than the basic obligation, based upon special circumstances in the financial situation of either parent or the children. These special circumstances are known as *deviations*.

A. When might the court set support lower than the basic support obligation?

There are limits on how much support you should pay if you're very low income. In some cases, the court must order a support amount that is less than the basic support obligation. The child support worksheets will help you determine when that situation applies to you.

- **If the basic support obligation would reduce your income below the federal poverty guidelines.**

If paying the basic support obligation would leave you with income below the [*federal poverty guidelines*](#), the court should reduce your monthly payment for current support. However, the court may order you to pay \$50 per month per child

¹⁸ In re Marriage of Peterson, 80 Wn. App. 148, 154, 906 P.2d 1009 (1995), review denied, 129 Wn.2d 1014 (1996).
¹⁹ RCW 26.19.071(4).

²⁰ WAC 388-310-0200.

²¹ You can show the court a copy of [WAC 388-310-0400](#).

²² Declarations are written, sworn statements that can be filed with the court. Our do-it-yourself packets at www.washingtonlawhelp.org have declarations forms and explain how to write a declaration.

²³ [RCW 72.09.111](#)(1). This doesn't apply if you're in a Class I work program.

²⁴ [RCW 72.09.480](#).

²⁵ See the Washington State Child Support Schedule instructions, pages 5-7, for information on how to compute the "basic support obligation" in your case.

regardless of what this does to your net income.²⁶ The court may also order a deviation (explained more fully below).

The federal poverty guidelines can be found [here](#). The guidelines are updated each year.

◆ If you can't afford the \$50 per month per child payment, the court may set child support lower if you prove that the \$50 per month per child is unjust or inappropriate in your case.²⁷ The court must consider the total circumstances of both households. That means the court needs to consider how much the children's household needs the \$50 per child versus how much it would burden the paying parent's household to pay it.²⁸ In some cases, such as when the parent is in prison and has no other assets, or receives SSI, child support may be set at \$0.

- **If child support amount would exceed 45% of your after-tax income.**

The law says that your child support obligation to all of your biological children should be no more than 45% of your net income. Each child is entitled to a pro rata share of the income available for support, but the court will apply the pro rata share only to the children in the case before the court.

However, the court can consider the best interest of the child/ren and the circumstances of each parent and then decide not to limit your support to 45% of your income after all. The court may consider whether application of the 45% limitation would leave enough support to the custodial parent to meet the children's basic needs, and whether there are any involuntary limits on either parents earning capacity. (See discussion of voluntary unemployment, above, for examples.)²⁹

- **If the combined net income of the parents is above \$12,000.**

There are also legal limits on using the basic support obligation in the Schedule when the combined net monthly income of both parents is over \$12,000.³⁰ Parents with income in that range could typically afford an attorney to assist with child support. This packet doesn't address those situations.

B. When is the court likely to order deviations from the standard calculation?

The court may decide not to order the "standard calculation" if it finds a good reason to order a different amount. This is called ordering a "deviation."

When deciding whether to grant a deviation, the court must consider all of the income and financial resources of all of the adults in each parent's household.³¹ If you ask for a

²⁶ [RCW 26.19.065\(2\)](#).

²⁷ *In re Marriage of Gilbert*, 88 Wn. App. 362, 945 P.2d 238 (1997).

²⁸ *In re Marriage of Casey*, 88 Wn. App. 662, 967 P.2d 982 (1997).

²⁹ [RCW 26.19.065\(1\)](#).

³⁰ [RCW 26.19.065\(3\)](#).

³¹ [RCW 26.19.075\(2\)](#).

deviation, the court looks both at your financial needs and how reducing the amount of support would affect the other parent's household.

If you ask for a deviation from the standard support amount, you must give the court proof that a deviation is appropriate in your situation. **The Child Support Schedule describes many situations where the court can grant a deviation. We list only some below.**

- **If you have other children to support.**

The court may grant a deviation if you must support other children.³² In order to get a deviation for other children, you must prove that the child either lives with you, or that you're required to and actually do pay support for the other child. The court will also take into account the income of your spouse/partner, any child support or benefits that the other children receive, and the "total circumstances of both households." There's no set formula for the court to use in this situation.

- **If you split custody, or if you have a lot of visitation with the child(ren).**

The court may adjust the monthly support amount in cases in which the parents split custody, such as those in which one of the children lives with one parent, and the other child lives with the other parent. One formula for determining the amount of support in that situation is in the court case *In re Marriage of Arvey*.³³ However, the court may deny the deviation if reducing the paying parent's support payment would result in the custodial parent's household having much less money.³⁴

The court can also reduce the paying parent's support if the child/ren spend/s a lot of visitation time with that parent and the child isn't on public assistance. The court shouldn't grant a deviation if it would leave the custodial parent's household without enough money to meet the children's basic needs.³⁵ These deviations should be limited to situations in which the paying parent has a great deal more than every other weekend and a mid-week visit with the children. The parent asking for this deviation should also show how much more the parent spends on the child due to the substantial amount of time the child is with that parent, as well as any savings to the other parent.

- **If the children have special needs.**

If one or more of the children is disabled or has special educational, psychological or medical needs that are not covered by insurance, the court can require the paying parent to contribute to those costs through an increase in the monthly support amount.³⁶ The parent asking for these expenses will need to provide letters from doctors, bills and receipts to show why the child needs this, and to prove how much the court should order.

³² [RCW 26.19.075\(1\)\(e\).](#)

³³ 77 Wn. App. 817, 894 P.2d 1346 (1995).

³⁴ *In re Marriage of Oakes*, 71 Wn. App. 646, 861 P.2d 1065 (1993).

³⁵ [RCW 26.19.075\(1\)\(d\).](#)

³⁶ [RCW 26.19.075\(1\)\(c\)\(iii\) & \(iv\).](#)

- **If the paying parent has significant non-recurring income.**

Income that isn't guaranteed (such as bonuses and overtime) must be included in your gross income when your child support is calculated. However, the court may order less than the basic support obligation if it believes that you're not likely to make as much in the future.³⁷ Be prepared to show that the income won't be available by using declarations from your employer or others.

Other deviations.

The court may increase or reduce support for a number of other reasons. Examples: one of the parents is very wealthy, or one parent pays costs for court-ordered services to reunify with the children. You must list any special circumstances in the worksheets.

10. What if the basic child support amount doesn't cover all the children's expenses?

In addition to the basic child support obligation, the court may order the parents to share expenses for the children for uninsured medical expenses, premiums, daycare, education, and long-distance transportation.³⁸ Usually, the court will order each parent to pay a share of those expenses, which is calculated using the child support worksheets. To find out your proportionate share of daycare, for example, you would multiply the total amount of daycare per month by the percentage under your column on line 6 of the child support worksheets.

◆ Orthodontic care (such as braces) and some special psychological care (such as special classes or activities that the child goes to for help with an emotional problem) aren't necessarily included in the definition of uninsured medical expenses. If you know that your child will have these expenses, you should include them specifically in your child support order. Example: you could add a paragraph to the order that says "The paying parent will pay ___% of the child's orthodontic care directly to the orthodontist."

11. What If my child needs support after high school (such as for college)?

The court may order support for the child for college or vocational school, or if the child will still be dependent on the parents after high school graduation (such as can happen if the child is disabled). **This is called post-secondary support.** In deciding whether to order post-secondary support, the court will decide whether the child is really dependent on the parents, and will also consider 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 post-secondary education sought; and the parents' level of education, standard of living, and current and future resources.

³⁷ [RCW 26.19.075\(1\)\(b\).](#)

³⁸ [RCW 26.19.080\(3\).](#)

Also to be considered are the amount and type of support that the child would have been given if the parents had stayed together.³⁹

◆ **BUT NOTE: Most orders of child support don't provide for post-secondary support.** Instead, they often state that child support should continue only until the child turns 18 or until the child graduates from high school (as long as that's before the child is 19). **If you think your child will need post-secondary support, and your Order of Child Support doesn't specifically order it, you must file a petition for modification requesting that post-secondary support be set before regular child support payments would end under your order.**⁴⁰ To do so, read our publications on changing your child support order and/or consult with an attorney. (If you're low income, call CLEAR at 1-888-201-1014).

12. What if the child isn't living with either parent?

If the child won't be living with either parent, you each must pay your proportional share of the "basic support obligation" to whoever's taking care of the child (or to the state, if the child is receiving public assistance or is in foster care).

III. Glossary: Words You May Need to Know

Affidavit: A written statement made under oath and notarized by a Notary Public. Affidavits are no longer required in Washington; instead, the courts use Declarations, which don't require notarization.

Bailiff: A member of the judge or commissioner's staff who is in charge of courtroom procedure and security. The bailiff may sometimes be called the "clerk."

Calendar: The court's schedule of cases to be heard, also called a Docket.

Caption: The heading of each legal document, which contains the name of the court, the names of the parties, the case number, and the name of the document itself.

Certified Copy: A copy of a paper from a court file made by the court clerk, which has an official stamp on it. Usually, you must pay a fee for a certified copy.

Clerk of the Court: An officer of the court who handles clerical matters like keeping records, entering judgments and providing certified copies. Usually, there's one head clerk, but many people who work in the Clerk's Office are also clerks. Also, a judge or commissioner's assistance can be called clerks.

Commissioner/Court Commissioner: Similar to a judge, but only makes decisions relating to a particular subject matter. Many counties have family law commissioners who decide cases only about family law.

Continuance: Delaying your court hearing to a later date.

Custody: The parent or person with whom the child lives most of the time has "custody" of the child. Washington uses the term "primary residential care" rather than "custody" in cases in

³⁹ [RCW 26.19.090\(2\)](#).

⁴⁰ *In re Marriage of Gillespie*, 77 Wn. App. 342, 890 P.2d 1083 (1994).

which the children live with a parent. In this publication, we use the terms “custodial parent” and “noncustodial parent” or “paying parent.”

DCS/ Division of Child Support: The state office (part of DSHS) that establishes, enforces and sometimes changes child support obligations in many cases. DCS used to be called CSD, OSE and SED.

Declaration: A written statement made to the court under oath.

Default Order: An order that can be obtained if the responding person doesn’t respond on time. When a default order is entered, the person who filed the petition or motion usually gets everything that was asked for in the petition or motion.

Dissolution: The legal word for divorce.

Enter (an Order): A judge or commissioner enters an order when he or she signs the order and the order is filed with the Court Clerk.

Ex Parte: Going before the court without notifying the other party. Some courts have special departments where motions without notice to the other party are heard, which are called **ex parte** departments.

File/Filing: Giving court papers to the Court Clerk’s office as part of a legal case. Court papers that are filed become part of the official records on your court case. You must file court papers to start (or respond to) a legal case or motion.

Impute/Imputing Income: Estimating or making up an income for a parent when that parent’s income isn’t known. When imputing income to a parent, you can’t use just any income that you think of – you must base the income on the person’s past income, age, education, and other factors. If you don’t have any information, use the Approximate Median Net Monthly Income table in the child support schedule.

Jurisdiction: The court’s authority to make decisions regarding certain people and issues. If a court doesn’t have jurisdiction, it doesn’t have the power to make orders.

Motion: A request to the judge (or court commissioner) to enter or make a decision about an issue (or issues) in a legal case. Usually, one party in a legal case files a motion with the court and the other party has a chance to give the court a response. The judge or commissioner makes a written decision, called an order that both parties must follow.

Motion Docket: The court’s schedule of motions to be heard.

Note/Notice of Hearing/Note for Calendar Motion: A written request to the clerk to schedule your case for hearing

Order: A judge or court commissioner’s decision, usually in writing. In some cases, each party will give the judge a proposed (or sample) order, and the judge will make changes to and sign the order that the judge decides is the right one.

Parentage: The legal name for a paternity case.

Petitioner: The person who first files a legal case. The petitioner in the caption of a form doesn’t change even when motions are filed later by the other party.

Pro Se: Acting without aid of an attorney; representing yourself in court.

Primary Residential Care: The parent (or other person) with whom the child lives most of the time has “primary residential care” of the child. Also called “custody.”

RCW: Revised Code of Washington is the law that applies to court cases in Washington State. The numbers following “RCW” tell you the title, chapter, and section of the law that applies.

Respondent: The person against whom a legal case was originally filed. The respondent in the caption of a form doesn’t change even when motions are filed later by that party.

Served/Service/Serving: When one party gives another legal papers, the other party has been served with legal papers. There are rules about the ways to correctly serve a party, which are in the do-it-yourself packets.

Venue: The county where the case should be filed.

WAC: The Washington Administrative Code is the law that applies to administrative and DSHS proceedings in Washington. The numbers following “WAC” tell you the title, chapter, and section of the law that applies.

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