

# The Washington State Child Support Schedule: Setting Child Support

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## Should I read this?

This publication

- goes over key parts of the state Child Support Schedule. (A copy of the schedule and its instructions are attached to this publication.)
- notes [state laws \(RCWs\)](#) you should know.

This is general info only. To find out how the law applies to the specific facts of your case, talk to a lawyer. If you are low-income, call CLEAR at 1-888-201-1014.

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- ❖ For other publications on child support, see [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org), or call CLEAR.
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## What is child support?

It is money a parent pays someone taking care of the children (usually the other parent) to help support them. **A parent has a legal duty to help support his/her children.** A court's main concern in setting child support is that your children have enough to meet their needs. Support is for clothes, food, decent daycare and medical care, and a place for the children to live (rent/mortgage and utilities).

## How often must I pay child support?

You usually must pay child support **monthly**.

## How much must I pay?

Washington courts use the Washington State Support Schedule. The Schedule includes definitions, standards, instructions, and an economic table. It applies to all cases where the court orders support, even if the child now lives in another state.

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- ❖ Read through the Schedule to understand everything the court takes into account when setting support.
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## How does the Child Support Schedule work?

It works like an income tax table. The court figures out each parent's income, adds them together, and finds the support amount in the Schedule that applies to the number and ages of your children. This amount is the "basic support obligation." Later, we explain how the court may order you to pay less or more than the basic support obligation.

The schedule makes sure

- children get enough support to meet their needs
- parents across Washington with similar incomes pay or get similar support amounts

The custodial parent meets her/his basic support obligation by having custody. The other parent makes a child support "transfer" payment to the custodial parent.

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- ❖ **Our Glossary** explains some words and expressions you should know. It comes after the Frequently Asked Questions and Answers section.
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### What if I am very low-income?

If you do not have enough money to meet the children's needs, the court takes into account your ability to pay.

### I am a step-parent. Do I pay support?

**Yes.** A stepparent has a legal duty to help support stepchildren **until**

- a divorce from the child's parent is final OR
- the court ends your obligation (with an order)

[RCW 26.16.205](#).

### What is gross income?

It is your total income before any deductions for income tax, FICA, or other expenses. The Child Support Schedule instructions explain what to include in your gross income on the child support worksheets.

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- ❖ Some overtime income or income from a second job may NOT count if you worked that overtime or second job to provide for a current family's need or to pay off past relationship or child support debts. The court will not count this income if you can prove you will stop working overtime or the second job when you have paid off your debts. [RCW 26.19.071\(4\)\(i\)](#).
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### What may I deduct from my income?

Your child support obligation is based on your **net income**. That is income left after you take out (deduct) what you pay for taxes and other expenses required by law.

You can take these deductions on the child support worksheets:

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

If you are self-employed, you may also deduct normal business expenses and self-employment taxes. You must document any business expenses that the other parent or the court questions. Allowed deductions from income are at [RCW 26.19.071\(5\)](#).

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- ❖ You cannot deduct other amounts taken from your paycheck (**examples:** for medical insurance, uniforms, parking) from your income on the child support worksheet.
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### Will the court use my spouse/partner's income to calculate my support?

**No and yes.** When filling out the child support worksheets, you include just your income and the other parent's income in the basic calculation. [RCW 26.19.071\(1\)](#).

However, the court does look at both parents' entire financial situations when deciding

about support. You must disclose to the court any household income from:

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

The court may consider this information when setting support. [RCW 26.19.071\(1\)](#). It will also consider the expense of

- children in your household
- other children your spouse/partner supports

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- ❖ If you ask the court to deviate from the schedule (set a child support amount different from what the schedule says it should be), it will count your spouse's/partner's income. **Example:** You ask for the court for a deviation because your stepchildren live with you.
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### What if I do not give the court any proof of my income?

Generally, you must give the court at least the last two years of your federal income tax returns and your current pay stubs to prove your income. [RCW 26.19.071\(2\)](#). A court that has no information about your income may *impute* income to you. A court that imputes income to you decides on an income for you. It uses that income to set your support obligation.

Usually you should give as much proof as you can about your income, earning ability, and financial situation. If you do not give the court enough information about your income and finances, or you voluntarily stop working full

time, **the court may impute a higher income to you than what you actually make.**

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- ❖ If you did not file a federal income tax return, or your employer does not give pay stubs, you must explain why you do not have these things and give the court other proof of your income. **Examples:** W2 or 1099 forms, bank statements, or a declaration from your employer.
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### How does the court impute income?

It decides on an income for you based on this info in this order:

- Full-time earnings at your current rate of pay
- Full-time earnings at your (past average) rate of pay
- Full-time earnings at a part rate of pay where information is incomplete or irregular
- Full-time earnings at minimum wage in the area where you live, if you have a recent history of wage earnings, are coming off public assistance or other programs, have recently gotten out of jail or prison, or are a high school student

A court that has none of the above info will use the median income for someone your age and gender in the U.S. [RCW 26.19.071\(6\)](#). The Washington State Child Support Schedule has a table showing median income.

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- ❖ The risk of having income imputed to you is that the imputed income may actually be higher than what you can earn.
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### When does the court impute income?

**It will impute income to you if it believes you are *voluntarily unemployed* or *underemployed*.** If you are not working and not getting public assistance, you must show the court why you are not working. Usually the court will assume you could be working full time. You must prove otherwise.

### Could the court decide not to impute income?

**Yes, if you cannot work due to disability.** You should get declarations from your doctor, psychologist, therapist, or other professional who can tell the court why you cannot work and how long you will be unable to work. Getting SSI, SSDI, or another disability benefit is strong evidence that you are unemployable. You must be able to prove you get these benefits.

### When would a court find that I am voluntarily unemployed?

- **You cannot prove you have tried to find work.** If you were laid off, you must show the court you have tried to find other work. **Examples** of proof: Your job search records from the unemployment office, or copies of letters turning you down for jobs.
- **You are going to school.** The court assumes your priority should be to work to support your children. You may be able to show the court that you cannot really work unless you finish school first. **Examples:** a school program you entered through

WorkFirst, trying to finish your high school degree, or taking English as a Second Language (ESL).

- **You are staying home to care for children.** This is voluntary unemployment. There may exceptions, such as when one of your children has special needs requiring more care.

### Would the court find I am voluntarily underemployed?

The court might believe you are voluntarily earning or working less than you can if:

**You are working part-time.** If you are not 35 or, more usually, 40 hours a week, the court can impute income to you. Usually, it will impute full-time income to you by multiplying your part-time income as if you were working full-time.

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- ❖ **The court should not impute income to you if you cannot work full time because you are following a court-ordered plan to get your children back from foster care or CPS (a reunification plan).** [RCW 26.19.071\(6\)](#).
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**You are earning less than you have before.** If you are working full time now, the court can only impute income to you if it is proven that you are voluntarily earning less to try to lower your child support. [RCW 26.19.071\(6\)](#). If you are earning less for other reasons, such as changing careers, or you are not earning the maximum that someone in your field could earn, the court should set support based on your actual income.

## What if I get public assistance?

Money from public assistance (TANF, food stamps and SSI) does **not** count as income when calculating child support. [RCW 26.19.071\(4\)](#). You list public assistance on the worksheets at line 22f. Most people getting public assistance should ask the court to set their support obligation at \$0.

Most parents who get TANF must also take part in WorkFirst. You must work if you are able to do so. [WAC 388-310-0200](#). (Other publications available at [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org) have more info about exceptions to WorkFirst work requirements.) If you get TANF, but are not being made to work, tell the court you cannot work right now. You can

- show the court a copy of [WAC 388-310-0400\(1\)](#).
- ask your DSHS caseworker for a declaration explaining why DSHS is not making you work.

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❖ **Declarations** are written, sworn statements you file with the court. Our packet called [How to Write a Declaration in a Family Law Case](#) at [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org) has the form and instructions.

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## What if I am in jail?

If you are in jail/prison and working in a correctional industry work program, at least fifteen percent of your gross wages will go to child support. (This does not apply if you are in a Class I work program.) [RCW 72.09.111\(1\)](#). Your child support obligation can also be based on any other money, assets, or property you own while in jail/prison. [RCW 72.09.480](#).

## What if I cannot afford the support amount in the schedule?

Generally, the court must order you to pay the amount in the schedule. The court might set support lower or higher if there are special circumstances in someone's financial situation. We call this a *deviation*.

## Would the court set support lower than the basic support obligation?

Maybe. If you are very low-income, there are limits on how much support you should pay. The court might have to order an amount less than the basic support obligation. The child support worksheets will help you determine if this is the case for you.

**If paying the basic support obligation would leave you with income below the federal poverty guidelines**, the court should lower your monthly payment for current support. The court may order you to pay \$50/month per child no matter what this does to your net income. [RCW 26.19.065\(2\)](#). The court may also order a deviation (see below).

You can find the federal poverty guidelines here: <https://aspe.hhs.gov/poverty-guidelines>. The guidelines are updated each year.

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- ❖ If you cannot afford the \$50/month per child payment, the court may set child support even lower **if** you prove \$50/month per child is unjust or inappropriate in your case. The court must consider the total circumstances of both households. It must also consider how strongly the children's household needs the \$50 per child versus how much it would burden your household to pay it. In cases where, for example, you are in prison and have no other assets, or get SSI, the court may set child support at \$0.
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**Your child support obligation to all your biological children should be no more than 45% of your net income.** Each child is entitled to a proportional share of the income available for support. The court applies the share only to the children in the case before the court.

The court can consider the children's best interest and each parent's circumstances 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 the custodial parent enough support to meet the children's basic needs, and whether there are any involuntary limits on either parent's earning capacity. [RCW 26.19.065\(1\)](#). (See discussion of voluntary unemployment, above, for **examples**.)

### **When will the court order a deviation?**

When there is good reason to do so. The court must

- consider all income and financial resources of all adults in each parent's household. [RCW 26.19.075\(2\)](#).
- look at your financial needs AND how lowering the support amount would affect the other parent's household.

If you ask for a deviation, you must give proof that a deviation is appropriate in your situation. **The Child Support Schedule describes many situations where the court can grant a deviation. Here are only some:**

- **You have other children to support.** [RCW 26.19.075\(1\)\(e\)](#). You must prove the child either lives with you OR you must and do pay support for other children. The court will also take into account your spouse's/partner's income, any child support or benefits the other children get, and both households' total circumstances. There is no set formula the court must use.
- **You split custody, or you have lots of visitation with the children AND they are not on public assistance.** These deviations should be limited to situations where the paying parent has much more than every other weekend and a mid-week visit. A parent who wants this deviation should also show how much more the parent spends on the child due to all the time they spend together, and any savings to the other parent.
- The court may order less than the basic support obligation if it believes **you are not likely to make as much in the future.** [RCW 26.19.075\(1\)\(b\)](#). You must include income that is not guaranteed (**examples**: bonuses and overtime) in your gross income when

your child support is calculated. Be ready with declarations from your employer or others to show the income will not be available.

- One parent is very wealthy.
- One parent pays costs for court-ordered services to reunify with the children.
- **If one or more children are disabled or have special educational, psychological or medical needs not covered by insurance**, the court can increase the support amount. [RCW 26.19.075\(1\)\(c\)\(iii\) & \(iv\)](#). The parent asking for these expenses must provide doctors' letters, medical bills, and receipts to show why s/he needs this and how much the court should order.

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❖ You must list any special circumstances in the worksheets.

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### **I asked the court to set child support lower. Will the court deny my request?**

Yes, if:

- Lowering the support payment would result in the custodial parent's household having much less money.
- It would leave the custodial parent's household without enough money to meet the children's basic needs. [RCW 26.19.075\(1\)\(d\)](#).

### **What if the basic child support amount does not cover all the children's expenses?**

The court may order the parents to share expenses for the children for uninsured medical expenses, premiums, daycare, education, and long-distance transportation. [RCW 26.19.080\(3\)](#). Usually, the court will order each parent to pay a share of those expenses. They calculate this share using the child support worksheets.

**Example:** To find out your proportionate share of daycare, you multiply the total amount of daycare per month by the percentage under your column on line 6 of the child support worksheets.

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- ❖ 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) are not always included in the definition of uninsured medical expenses. If you know your child will have these expenses, include them 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."
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### **What if my child needs support after high school (such as for college)?**

The court may order **post-secondary support** for the child

- for college or vocational school OR
- if the child will still be dependent on the parents after high school

graduation (for example, if the child has a disability)

In deciding whether to order post-secondary support, the court decides whether the child is really dependent on the parents. It will consider:

- the child's age and needs
- the parents' expectations for their children when they were together
- the child's prospects, desires, aptitudes, abilities or disabilities
- the nature of the post-secondary education sought
- the parents' level of education, standard of living, and current and future resources
- the amount and type of support the child would have gotten if the parents had stayed together

[RCW 26.19.090\(2\)](#).

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- ❖ **Most child support orders do not provide for post-secondary support.** They often just state that child support should continue only until the child turns 18 or graduates from high school (as long as that is before the child is 19). **If you think your child will need post-secondary support, and your Child Support Order does not specifically order it, you must file a petition for modification asking the court to set post-secondary support before regular child support payments would end under your order.** Read our publications called [Collecting](#)

[Support After High School](#) and/or talk with a lawyer. (If you are low-income, call CLEAR at 1-888-201-1014.)

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### What if the child does not live with either parent?

You each must pay your proportional share of the "basic support obligation" to whoever has custody (or to the state, if the child is getting public assistance or is in foster care).

### What if I need legal help?

- **Apply online with [CLEAR\\*Online](#) - <http://nwjustice.org/get-legal-help> or**
- Call CLEAR at 1-888-201-1014

CLEAR is Washington's toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

- **Outside King County:** Call 1-888-201-1014 weekdays from 9:15 a.m. until 12:15 p.m.
- **King County:** Call 211 for information and referral to an appropriate legal services provider Monday through Friday from 8:00 am – 6:00 pm. You may also call (206) 461-3200, or the toll-free number, 1-877-211-WASH (9274). You can also get information on legal service providers in King County through 211's website at [www.resourcehouse.com/win211/](http://www.resourcehouse.com/win211/).
- **Persons 60 and Over:** Persons 60 or over may call CLEAR\*Sr at 1-888-387-7111, regardless of income.



Callers who are deaf and hard of hearing can call 1-800-833-6384 or 711 to get a free relay operator. They will then connect you with 211 or CLEAR.

## **Glossary: Words and Expressions You Should Know**

**Clerk of Court (or Court Clerk):** Officer of the court who handles clerical matters like keeping records, entering judgments, and providing certified copies. Usually, there is one head clerk. Many people who work in the Clerk's Office are also clerks. A judge's or commissioner's assistant can be called a clerk.

**Custody:** The parent/person with whom the child lives most of the time has "custody." Washington uses the term "primary residential care" instead of "custody."

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

**Default Order:** An order you can get if the responding person does not respond on time. When the court enters a default order, the person who filed the petition/motion usually gets everything they asked for.

**Enter (an Order):** A judge/commissioner enters an order when s/he signs it and has it filed with the Court Clerk.

**File/Filing:** Giving court papers to the Court Clerk's office to become part of a case's file

(official record). You 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 his/her income is unknown. You must base the income on the person's past income, age, education, and other factors. If you do not have any information, use the Approximate Median Net Monthly Income table in the child support schedule.

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

**Order:** A judge's decision, usually in writing. In some cases, each party gives the judge a proposed (or sample) order. The judge makes changes to and signs the order s/he decides is the right one.

**RCW:** The Revised Code of Washington (RCW for short) is Washington State's laws. The numbers following "RCW" tell you a specific law's title, chapter, and section.

**WAC:** The Washington Administrative Code (WAC for short) is the collection of regulations that applies to administrative and DSHS proceedings in Washington. The numbers following "WAC" tell you a specific regulation's title, chapter, and section.

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