

**AGENDA FOR “CHILDREN FROM OTHER RELATIONSHIPS”
SUBCOMMITTEEMEETING
OCTOBER 9, 2008**

GOAL:

To provide recommendations to the larger group on how to treat children from other relationships (referred to below as “additional dependents”). Points of consensus can be (super majority of the subcommittee) will be presented to the larger group as recommendations. Points of dispute (no consensus reached) will also be presented to the larger group for further discussion. The ultimate goal is to put together some basic information to include in the CSSWG’s report to the legislature.

2005 CSSWG RECOMMENDATION:

Children Not Before the Court of the noncustodial parent shall be considered, pursuant to the **Whole Family Formula**, as part of the presumptive calculation (or in an above the line calculation). Judges are to be granted authority to deviate from this formula only under limited circumstances, when application of the formula would leave insufficient funds to meet the basic needs of the children in the receiving household and when taking the totality of the circumstances of both parents, application of the formula would be unjust. The children of the noncustodial parent¹ that may be included in the formula are limited to:

- 1) Children for whom the noncustodial parent has a support ordered obligation;
- 2) Biological children;
- 3) Adopted children;
- 4) Children of the noncustodial parent’s current marriage² residing with the noncustodial parent a majority of the time; and/or
- 5) Children for whom the noncustodial parent can prove that he or she is paying child support.
- 6) Step-children are not to be included in the formula.

Application of the Whole Family Formula alone may not serve as the basis for a substantial change in circumstances for a modification of a child support order.

PRIMARY QUESTION:

Do we as a subcommittee disagree with the recommendation put forth by the 2005 CSSWG? If so, how would we revise the recommendation?

¹ The terms noncustodial parent and custodial parent, and obligor and obligee, respectively are used interchangeably throughout this report. The terms noncustodial parent and custodial parent are not consistent with RCW 26.09.910 because Washington no longer designates “custody” of a child to one parent or another, but rather designates one parent as the primary residential parent. However, since the terms are commonly recognized and used by the federal government, other states, and the Division of Child Support, they are used in this report.

² These children were referred to as marital children during the course of the workgroup discussions, and as is reflected in the minutes

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AGENDA QUESTIONS:

1. Who do we define as children from other relationships (aka additional dependents)?
2. Should there be different treatment between the parent’s children that are subject to a support order and those that are not?
3. Will we treat additional dependents of the NCP and CP equally?
4. Which formula should we use?

Examples:

- Whole Family Formula
 - Blended Family Formula
 - Reducing/Adding Net Income based on child support already being paid out/into household
 - Dummy Orders (either full order or percentage of)
5. Will this be permissive or presumptive?
 6. How should we deal with additional dependents if the family is very low-income?
 7. If presumptive, do we want the court to be allowed to deviate from the adjustment formula to provide additional support for the “first family”?
 8. Will additional dependents be a basis for modifying previous support orders?
 9. Will we provide a statutory mechanism by which the court will adjust all previously entered child support orders for all additional dependents?