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Child Support in Washington State

1. What is child support?

Child support is the court ordered payment of money from a parent to another party who has custody of a child. Each parent has a legal duty to financially support their children. Child support is meant to ensure that the non-custodial parent is supporting their child or children. Child support considers both the children's needs and both parents' income.

2. How is child support calculated in Washington State?

Washington State uses a schedule to determine the amount of support that will be ordered. The schedule works like an income tax table and takes into account each parents earnings and their reasonable expenses, the number of children, and the ages of the children. The schedule is used to ensure that the amounts ordered are uniform across the state.

3. Does the court consider BAH (Basic Allowance for Housing) as income for child support purposes?

Yes. BAH is intended as an allowance for housing for a Soldier and the Soldier's family. BAH can be considered in the net income of a parent. If you receive BAH on paper but live in government housing the court will likely consider your BAH as net income. You should try to have your Leave Earning Statement (LES) adjusted accordingly.

4. How is child support determined for low income parents?

If a parent does not make 125% of the federal poverty guidelines the court should order you to pay \$50 per month per child.

5. What if the other parent does not work, how will their income be determined?



The court might impute (estimate what the parent could earn) income to the non working parent. The court will look to determine if the other parent is capable of working. If the parent is capable of working and the court decides to impute income, the court will look at the other parent's age, experience, education, and several other factors to determine the amount of imputed income.

6. How do I change my child support amount?

There are two ways to change child support in Washington State. The first is called a Motion for Adjustment of Child Support (MFA). The second is called a Petition for Modification of Child Support (PFM). You file these in the court that is enforcing the child support order. You can find these forms at <http://www.courts.wa.gov/forms/>.

7. What is a substantial change in financial circumstances?

A substantial change is a change that you had no control over. Some examples include: going to jail, injury or illness that prevents you from working, or a layoff.

8. What if I cannot afford to pay child support?

You can request a deviation from the child support schedule. Generally, deviations are difficult to have ordered. Some examples of valid reasons for potential deviations are: if the scheduled support would place you below the federal poverty guideline; if child support would consume 45% or more of your post tax income; if the combined net income of the parties is above \$12,000; or if you have other children you support. Please schedule an appointment with a legal assistance attorney if you believe you qualify for a deviation.

9. What if I am set to ETS soon and I do not have a job lined up?

This is a difficult question to answer. The court generally looks at your income at the time of the case. Arguably, if you know your ETS date it should not be considered a "substantial change" type situation. In a situation such as this, we recommend retaining a civilian attorney to advocate on your behalf. If you are unable to afford a civilian attorney you should be prepared to show the judge, with documents and evidence, that you have a set ETS date and that your income is of a limited or temporary nature.

10. Will the Army require me to pay child support?

Yes. Army Regulation 608-99 is a punitive regulation that requires Soldiers pay their child support obligations as ordered by a court.

11. Will the Army help me pay my child support?



In some circumstances Soldiers who live in the barracks and have a child support order may be entitled to BAH Differential. We recommend speaking to your S1 or DFAS to determine eligibility.

12. What happens if I do not pay child support as ordered?

You could be subject to UCMJ action for failure to support your dependants as required by AR 608-99. Further, the DCS (Division of Child Support) can suspend your driver's license, other licenses, and garnish your wages.

13. I owe back child support, what can I do?

You may be able to work out a payment plan with the DCS. You should contact the DCS office that is nearest to you for more information.

14. What if the other parent has remarried and the new spouse earns a lot of money?

Generally, the income of other adults in the household is not considered. This is because step-parents, other relatives, and friends are not legally required to support your children. For the court to consider the new spouse's or other adult in the household then you must be requesting a deviation for the support schedule for a different reason (such as the need to support other children).

15. Can the other parent and I agree on the amount of child support paid?

No. Washington State sees child support as a right of the child that cannot be waived by either parent. Once the amount of child support is ordered by the Court it is important to abide by that order and pay the full amount required.

16. What do I do if the other parent won't pay the required amount of child support?

The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) allows for child custody and support orders to be enforced in the child's home state. The Washington State DCS has investigators to locate the parent and can garnish wages or income to acquire payment. You can find contact information for your local office at <https://www.dshs.wa.gov/esa/division-child-support>.