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Re: Stepparent Child Support Liability – General Law for Washington State

Am I liable for my spouse’s child support obligation from a previous relationship?

Answer: Generally, no.

The intent of the State of Washington is to make the biological parent responsible to pay for their children. Washington law states that, “the earnings of a noncustodial, nonobligated stepparent are not subject to the antenuptial obligation of child support.” *Van Dyke v. Thompson* (1981). The State will look to the biological parent first and not the stepparent unless the two rules described above apply.

If a spouse owes child support from a previous relationship, then that spouse’s bank account could be garnished. If you have a joint bank account, the person seeking child support may be able to garnish part of the funds in the account. Your community half should not be garnished, but you have to show that those funds are your separate earnings. (RCW 26.16.200)

Am I liable to pay child support if I divorce my wife who has a child from a previous relationship?

Answer: For situations where the stepparent and biological parent divorce, it is possible for the biological parent to ask the stepparent for temporary child support. The support obligation generally is limited to the following cases:

1. When the child resides with that stepparent *in loco parentis* (i.e. acting as a parent or guardian);
or
2. During a divorce/legal separation proceeding between biological and stepparent.

Under Washington State’s Family Expense Statute (RCW 26.16.205) both *parties in a marriage* are responsible for the expenses of the family. It defines family as: “stepchildren who are part of the family unit, who reside in the family home, or who are in the residential care of on of the adults in the family unit. **It does not include children who are in the primary residential care of the other parent.**” Thus, if the child lives with the other biological parent, the stepparent IS NOT obligated to pay support.

If temporary support is ordered, the obligation terminate upon death or entry of the decree of divorce/separation, emancipation of the child, or if the child leaves the

family home during marriage. Between a parent and a stepparent, the obligation is joint and several, not primary and secondary. This means that a third party (usually DSHS) can collect all from the biological parent, or all from the stepparent, or part of it from both.

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