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HOUSE BILL 1859

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State of Washington

52nd Legislature

1991 Regular Session

By Representative Appelwick; by request of Dept. of Social and Health Services.

Read first time February 12, 1991. Referred to Committee on Judiciary.

1 AN ACT Relating to child support; amending RCW 26.23.060,  
2 26.23.070, 26.23.100, 74.20.220, 74.20.310, 74.20A.055, 26.23.050,  
3 74.20A.058, 26.09.175, 26.21.230, 26.19.070, and 26.19.080; reenacting  
4 and amending RCW 26.23.110 and 74.20A.080; adding a new section to  
5 chapter 26.23 RCW; adding new sections to chapter 74.20A RCW; adding a  
6 new section to chapter 26.19 RCW; repealing RCW 26.19.020; and  
7 providing an effective date.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 **Sec. 1.** RCW 26.23.060 and 1989 c 360 s 32 are each amended to read  
10 as follows:

11 (1) The office of support enforcement may issue a notice of payroll  
12 deduction:

13 (a) As authorized by a support order which contains the income  
14 withholding notice provisions in RCW 26.23.050 or a substantially  
15 similar notice; or

1 (b) After service of a notice containing an income withholding  
2 provision under this chapter or chapter 74.20A RCW.

3 (2) The ((department may)) office of support enforcement shall  
4 serve a notice of payroll deduction upon a responsible parent's  
5 employer ((for child support obligations if the responsible parent  
6 fails to pay child support as due in an amount equal to or greater than  
7 the support payable for one month. Service shall be)), a person, or  
8 organization, whether public or private, in possession of or owing  
9 earnings to the responsible parent by personal service or by any form  
10 of mail requiring a return receipt.

11 ((+2)) (3) Service of a notice of payroll deduction upon an  
12 employer, person, or organization requires ((an)) the employer, person,  
13 or organization to immediately make a mandatory payroll deduction from  
14 the responsible ((parent/employee's)) parent's unpaid disposable  
15 earnings. The employer, person, or organization shall thereafter  
16 deduct each pay period the amount stated in the notice divided by the  
17 number of pay periods per month. The payroll deduction each pay period  
18 shall not exceed fifty percent of the responsible ((parent/employee's))  
19 parent's disposable earnings.

20 ((+3)) (4) A notice of payroll deduction for support shall have  
21 priority over any wage assignment ((or)), garnishment, attachment, or  
22 other legal process.

23 ((+4)) (5) The notice of payroll deduction shall be in writing and  
24 include:

25 (a) The name and social security number of the ((employee))  
26 responsible parent;

27 (b) The amount to be deducted from the responsible parent's  
28 disposable earnings each month, or alternate amounts and frequencies as  
29 may be necessary to facilitate processing of the payroll deduction ((  
30 by the employer));

1 (c) A statement that the total amount withheld shall not exceed  
2 fifty percent of the responsible parent's disposable earnings; and

3 (d) The address to which the payments are to be mailed or  
4 delivered.

5 ~~((+5))~~ (6) An informational copy of the notice of payroll  
6 deduction shall be mailed to the last known address of the responsible  
7 parent by regular mail.

8 ~~((+6))~~ (7) An employer, person, or organization who receives a  
9 notice of payroll deduction shall make immediate deductions from the  
10 ~~((employee's))~~ responsible parent's unpaid disposable earnings and  
11 remit proper amounts to the Washington state support registry on each  
12 date the ~~((employee))~~ responsible parent is due to be paid.

13 ~~((+7))~~ (8) An employer, person, or organization upon whom a notice  
14 of payroll deduction is served, shall make an answer to the  
15 ~~((Washington state support registry))~~ office of support enforcement  
16 within twenty days after the date of service. The answer shall confirm  
17 compliance and institution of the payroll deduction or explain the  
18 circumstances if no payroll deduction is in effect. The answer shall  
19 also state whether the responsible parent is employed by or receives  
20 earnings from the employer, whether the employer, person, or  
21 organization anticipates paying earnings and the amount of earnings.  
22 If the responsible parent is no longer employed, or receiving earnings  
23 from the employer, person, or organization the answer shall state the  
24 present employer's name and address, if known.

25 ~~((+8))~~ (9) The employer, person, or organization may deduct a  
26 processing fee from the remainder of the ~~((employee's))~~ responsible  
27 parent's earnings after withholding under the notice of payroll  
28 deduction, even if the remainder is exempt under RCW 26.18.090. The  
29 processing fee may not exceed: (a) Ten dollars for the first  
30 disbursement made ~~((by the employer))~~ to the Washington state support

1 registry; and (b) one dollar for each subsequent disbursement to the  
2 registry.

3 ~~((+9))~~ (10) The notice of payroll deduction shall remain in effect  
4 until released by the office of support enforcement or the court enters  
5 an order terminating the notice and approving an alternate payment plan  
6 under RCW 26.23.050(2).

7 **Sec. 2.** RCW 26.23.070 and 1987 c 435 s 7 are each amended to read  
8 as follows:

9 (1) The employer, person, or organization may combine amounts  
10 withheld from the earnings of more than one ~~((employee))~~ responsible  
11 parent in a single payment to the Washington state support registry,  
12 listing separately the amount of the payment which is attributable to  
13 each individual ~~((employee))~~.

14 (2) No employer, person, or organization who complies with a notice  
15 of payroll deduction under this chapter shall be civilly liable to the  
16 ~~((employee))~~ responsible parent for complying with a notice of payroll  
17 deduction under this chapter.

18 **Sec. 3.** RCW 26.23.100 and 1989 c 360 s 31 are each amended to read  
19 as follows:

20 (1) The responsible parent subject to a payroll deduction pursuant  
21 to this chapter, may file a motion in superior court to quash, modify,  
22 or terminate the payroll deduction.

23 (2) The court may grant relief only upon a showing that the payroll  
24 deduction causes extreme hardship or substantial injustice ~~((or that~~  
25 ~~the support payment was not past due in an amount equal to or greater~~  
26 ~~than the support payable for one month when the notice of payroll~~  
27 ~~deduction was served on the employer))~~. Satisfaction by the obligor of  
28 all past due payments subsequent to the issuance of the notice of

1 payroll deduction is not grounds to quash, modify, or terminate the  
2 notice of payroll deduction.

3 (3) If a notice of payroll deduction has been in operation for  
4 twelve consecutive months and the ~~((obligor's))~~ obligor's support  
5 obligation is current, upon motion of the obligor, the court may order  
6 the ~~((Washington state support registry))~~ office of support enforcement  
7 to terminate the payroll deduction, unless the obligee can show good  
8 cause as to why the payroll deduction should remain in effect.

9 **Sec. 4.** RCW 74.20.220 and 1979 c 141 s 367 are each amended to  
10 read as follows:

11 In order to carry out its responsibilities imposed under this  
12 chapter and as required by federal law, the state department of social  
13 and health services, through the attorney general or prosecuting  
14 attorney, is hereby authorized to:

15 (1) ~~((Represent))~~ Initiate an action in superior court to obtain a  
16 support order or obtain other relief related to support for a dependent  
17 child ~~((or dependent children))~~ on whose behalf the department is  
18 providing public assistance ~~((is being provided in obtaining any~~  
19 ~~support order necessary to provide for his or their needs))~~ or support  
20 enforcement services under RCW 74.20.040, or to enforce ~~((any such~~  
21 ~~order previously entered))~~ a superior court order.

22 (2) ~~((Appear as a friend of the court in divorce and separate~~  
23 ~~maintenance suits, or proceedings supplemental thereto, when either or~~  
24 ~~both of the parties thereto are receiving public assistance, for the~~  
25 ~~purpose of advising the court as to the financial interest of the state~~  
26 ~~of Washington therein.~~

27 ~~(3) Appear on behalf of the custodial parent of a dependent child~~  
28 ~~or children on whose behalf public assistance is being provided, when~~  
29 ~~so requested by such parent, for the purpose of assisting such parent~~

1 ~~in securing a modification of a divorce or separate maintenance decree~~  
2 ~~wherein no support, or inadequate support, was given for such child or~~  
3 ~~children: PROVIDED, That the attorney general shall be authorized to~~  
4 ~~so appear only where it appears to the satisfaction of the court that~~  
5 ~~the parent is without funds to employ private counsel. If the parent~~  
6 ~~does not request such assistance, or refuses it when offered, the~~  
7 ~~attorney general may nevertheless appear as a friend of the court at~~  
8 ~~any supplemental proceeding, and may advise the court of such facts as~~  
9 ~~will show the financial interest of the state of Washington therein;~~  
10 ~~but the attorney general shall not otherwise participate in the~~  
11 ~~proceeding)) Appear as a party in dissolution, child support,~~  
12 ~~parentage, maintenance suits, or other proceedings, for the purpose of~~  
13 ~~representing the financial interest and actions of the state of~~  
14 ~~Washington therein.~~

15 (3) Petition the court for modification of a superior court order  
16 when the office of support enforcement is providing support enforcement  
17 services under RCW 74.20.040.

18 (4) When the attorney general or prosecuting attorney appears in,  
19 defends, or initiates actions to establish, modify, or enforce child  
20 support obligations he or she represents the state, the best interests  
21 of the child relating to parentage, and the best interests of the  
22 children of the state, but does not represent the interests of any  
23 other individual.

24 (5) If public assistance has been applied for or granted on behalf  
25 of a child of parents who are divorced or legally separated, the  
26 attorney general or prosecuting attorney may apply to the superior  
27 court in such action for an order directing either parent or both to  
28 show cause:

29 (a) Why an order of support for the child should not be entered, or

1 (b) Why the amount of support previously ordered should not be  
2 increased, or

3 (c) Why the parent should not be held in contempt for his or her  
4 failure to comply with any order of support previously entered.

5 ~~((5))~~ (6) Initiate any civil proceedings deemed necessary by the  
6 department to secure reimbursement from the parent or parents of minor  
7 dependent children for all moneys expended by the state in providing  
8 assistance or services to said children.

9 (7) Nothing in this section limits the authority of the attorney  
10 general or prosecuting attorney to use any and all civil and criminal  
11 remedies to enforce, establish, or modify child support obligations  
12 whether or not the custodial parent receives public assistance.

13 **Sec. 5.** RCW 74.20.310 and 1979 ex.s. c 171 s 15 are each amended  
14 to read as follows:

15 (1) The provisions of RCW 26.26.090 requiring appointment of a  
16 general guardian or guardian ad litem to represent the child in an  
17 action brought to determine the parent and child relationship do not  
18 apply to actions brought under chapter 26.26 RCW if:

19 ~~((1))~~ (a) The action is brought by the attorney general on behalf  
20 of the department of social and health services~~((7))~~ and the child~~((7~~  
21 ~~or the natural mother))~~); or

22 ~~((2))~~ (b) The action is brought by any prosecuting attorney on  
23 behalf of the state~~((7))~~ and the child~~((7~~  
24 ~~or the natural mother))~~) when  
25 referral has been made to the prosecuting attorney by the department of  
26 social and health services requesting such action.

27 (2) On the issue of parentage, the attorney general or prosecuting  
28 attorney functions as the child's guardian ad litem provided the  
interests of the state and the child are not in conflict.

1       (3) The court, on its own motion or on motion of a party, may  
2 appoint a guardian ad litem when necessary.

3       **Sec. 6.** RCW 26.23.110 and 1989 c 360 s 16 and 1989 c 175 s 77 are  
4 each reenacted and amended to read as follows:

5       (1) The department may serve a notice of support owed on a  
6 responsible parent when a support order:

7       (a) Does not state the current and future support obligation as a  
8 fixed dollar amount; or

9       (b) Contains an escalation clause or adjustment provision for which  
10 additional information not contained in the order is needed to  
11 determine the amount of the accrued debt and/or the current and future  
12 obligation.

13       (2) The notice of support owed shall facilitate enforcement of the  
14 support order and implement and effectuate the terms of the order,  
15 rather than modify those terms. ~~((When the office of support  
16 enforcement issues a notice of support owed, the office shall inform  
17 the payee under the order.))~~

18       (3) The notice of support owed shall be served on a responsible  
19 parent by personal service or any form of mailing requiring a return  
20 receipt. ~~((The notice shall contain an initial finding of the amount  
21 of current and future support that should be paid and/or the amount of  
22 the support debt owed under the support order.~~

23       ~~(4) A)~~ If the responsible parent ~~((who))~~ objects to the amounts  
24 stated in the notice the parent has twenty days from the date of the  
25 service of the notice to:

26       (a) File an application for an adjudicative proceeding to contest  
27 the notice; or

28       (b) Initiate an action in superior court to set amounts due and  
29 payable under the support order.

1        ~~((5))~~ (4) The notice shall ~~((state that the parent may))~~:

2        (a) ~~((File an application))~~ Contain an initial finding of the  
3 amount owed for current support or the amount of the support debt owed  
4 under the support order, or both;

5        (b) Explain the responsible parent's right to:

6        (i) Apply for an adjudicative proceeding ~~((in which the parent will~~  
7 ~~be required to appear and show cause why the amount stated in the~~  
8 ~~notice for current and future support and/or the accrued support debt~~  
9 ~~is incorrect and should not be ordered))~~; or

10       ~~((b))~~ (ii) Initiate an action in superior court;

11       (c) Inform the responsible parent that the payee under the order  
12 may also apply for an adjudicative proceeding or initiate an action in  
13 superior court as a result of the notice;

14       (d) Warn the responsible parent of the results if the parent fails  
15 to apply for an adjudicative proceeding or participate in such a  
16 proceeding scheduled by the department at the request of either the  
17 responsible parent or the payee.

18       (5) After service of the notice of support owed on the responsible  
19 parent, the office of support enforcement shall mail to the last known  
20 address of the payee under the support order:

21       (a) A copy of the notice; and

22       (b) A letter explaining the:

23       (i) Payee's right to:

24       (A) Apply for an adjudicative proceeding to object to the amounts  
25 stated in the notice;

26       (B) Participate as a party in an adjudicative proceeding the  
27 responsible parent requests to object to the notice; and

28       (C) Initiate an action in superior court to set the amounts due and  
29 payable under the support order; and

1        (ii) Results if the payee fails to apply for an adjudicative  
2 proceeding or participate in such a proceeding scheduled by the  
3 department at the request of either the payee or the responsible  
4 parent.

5        (6) The payee shall file an application for an adjudicative  
6 proceeding or initiate an action in superior court within twenty days  
7 of the date the office of support enforcement mails a copy of the  
8 notice and letter to the payee.

9        (7) If the responsible parent ((does not)) and the payee fail to  
10 file an application for an adjudicative proceeding or initiate an  
11 action in superior court, the amount of current and future support  
12 and/or the support debt stated in the notice shall become final and  
13 subject to collection action.

14        ~~((+7))~~ (8) If an adjudicative proceeding is requested, the  
15 department shall mail a copy of the notice of ((hearing)) the  
16 proceeding to the responsible parent and the payee ((under the support  
17 order at the payee's last known address. A payee who appears for the  
18 hearing shall be allowed to participate. Participation includes, but  
19 is not limited to, giving testimony, presenting evidence, being present  
20 for or listening to other testimony offered in the proceeding, and  
21 offering rebuttal to other testimony. Nothing in this section shall  
22 preclude the administrative law judge from limiting participation to  
23 preserve the confidentiality of information protected by law)). A  
24 party who objects to the notice of support owed shall appear and show  
25 cause why the amounts stated in the notice are incorrect and should not  
26 be ordered.

27        ~~((+8))~~ (9) If the responsible parent ((does not)) and the payee  
28 fail to initiate an action in superior court, and serve notice of the  
29 action on the department within the twenty-day period, ((the  
30 responsible parent)) they shall be deemed to have made an election of

1 remedies and shall be required to exhaust administrative remedies under  
2 this chapter with judicial review available as provided for in RCW  
3 34.05.510 through 34.05.598.

4 ~~((9))~~ (10) An administrative order entered ~~((in accordance with))~~  
5 under this section shall state the basis, rationale, or formula upon  
6 which the amounts established in the order were based. The amount of  
7 current and future support and/or the amount of the support debt  
8 determined under this section shall be subject to collection under this  
9 chapter and other applicable state statutes.

10 ~~((10))~~ (11) The department shall ~~((also provide))~~ adopt rules  
11 providing for:

12 (a) An annual review of the support order entered under this  
13 section if ~~((either))~~ the office of support enforcement, the payee, or  
14 the responsible parent requests such a review; and

15 (b) A late hearing if the responsible parent or the payee fails to  
16 file an application for an adjudicative proceeding in a timely manner  
17 under this section.

18 ~~((11))~~ (12) If an annual review or late hearing is requested  
19 under subsection ~~((10))~~ (11) of this section, the department shall  
20 mail a copy of the notice of hearing to the payee ~~((at the payee's last~~  
21 ~~known address. A payee who appears for the proceeding shall be allowed~~  
22 ~~to participate. Participation includes, but is not limited to, giving~~  
23 ~~testimony, presenting evidence, being present for or listening to other~~  
24 ~~testimony offered in the proceeding, and offering rebuttal to other~~  
25 ~~testimony. Nothing in this section shall preclude the administrative~~  
26 ~~law judge from limiting participation to preserve the confidentiality~~  
27 ~~of information protected by law))~~ and the responsible parent.

28 **Sec. 7.** RCW 74.20A.055 and 1990 1st ex.s. c 2 s 21 are each  
29 amended to read as follows:

1           (1) The secretary may, in the absence of a superior court order,  
2 serve on the responsible parent or parents a notice and finding of  
3 financial responsibility requiring a responsible parent or parents to  
4 appear and show cause in an adjudicative proceeding why the finding of  
5 responsibility and/or the amount thereof is incorrect, should not be  
6 finally ordered, but should be rescinded or modified. This notice and  
7 finding shall relate to the support debt accrued and/or accruing under  
8 this chapter and/or RCW 26.16.205, including periodic payments to be  
9 made in the future (~~for such period of time as the child or children~~  
10 ~~of said responsible parent or parents are in need~~). The hearing shall  
11 be held pursuant to RCW 74.20A.055, chapter 34.05 RCW, the  
12 Administrative Procedure Act, and the rules of the department.

13           (2) The notice and finding of financial responsibility shall be  
14 served in the same manner prescribed for the service of a summons in a  
15 civil action or may be served on the responsible parent by certified  
16 mail, return receipt requested. The receipt shall be prima facie  
17 evidence of service. The notice shall be served upon the debtor within  
18 sixty days from the date the state assumes responsibility for the  
19 support of the dependent child or children on whose behalf support is  
20 sought. If the notice is not served within sixty days from such date,  
21 the department shall lose the right to reimbursement of payments made  
22 after the sixty-day period and before the date of notification:  
23 PROVIDED, That if the department exercises reasonable efforts to locate  
24 the debtor and is unable to do so the entire sixty-day period is tolled  
25 until such time as the debtor can be located. (~~Any responsible parent~~  
26 ~~who objects to all or any part of the notice and finding shall have the~~  
27 ~~right for not more than twenty days from the date of service to file an~~  
28 ~~application for an adjudicative proceeding. The application shall be~~  
29 ~~served upon the department by registered or certified mail or~~  
30 ~~personally. If no such application is made, the notice and finding of~~

1 responsibility shall become final, and the debt created therein shall  
2 be subject to collection action as authorized under this chapter. If  
3 a timely application is made, the execution of notice and finding of  
4 responsibility shall be stayed pending the entry of the final  
5 administrative order. If no timely written application has previously  
6 been made, the responsible parent may petition the secretary or the  
7 secretary's designee at any time for an adjudicative proceeding as  
8 provided for in this section upon a showing of good cause for the  
9 failure to make a timely application. The filing of the petition for an  
10 adjudicative proceeding after the twenty-day period shall not affect  
11 any collection action previously taken under this chapter. The  
12 granting of an application after the twenty-day period operates as a  
13 stay on any future collection action, pending entry of the final  
14 administrative order. Moneys withheld as a result of collection action  
15 in effect at the time of the granting of the application after the  
16 twenty-day period shall be delivered to the department and shall be  
17 held in trust by the department pending entry of the final  
18 administrative order. The department may petition the presiding or  
19 reviewing officer to set temporary current and future support to be  
20 paid beginning with the month in which the application after the  
21 twenty-day period is granted. The presiding or reviewing officer shall  
22 order payment of temporary current and future support if appropriate in  
23 an amount determined pursuant to the child support schedule adopted  
24 under RCW 26.19.040. In the event the responsible parent does not make  
25 payment of the temporary current and future support as ordered by the  
26 presiding or reviewing officer, the department may take collection  
27 action pursuant to chapter 74.20A RCW during the pendency of the  
28 adjudicative proceeding or thereafter to collect any amounts owing  
29 under the order. Temporary current and future support paid, or  
30 collected, during the pendency of the adjudicative proceeding shall be

1 ~~disbursed to the custodial parent or as otherwise appropriate when~~  
2 ~~received by the department. If the final administrative order is that~~  
3 ~~the department has collected from the responsible parent other than~~  
4 ~~temporary current or future support, an amount greater than such~~  
5 ~~parent's past support debt, the department shall promptly refund any~~  
6 ~~such excess amount to such parent.~~

7 ~~(3) Hearings may be held in the county of residence or other place~~  
8 ~~convenient to the responsible parent.)~~ (3) The notice and finding of  
9 financial responsibility shall set forth the amount the department has  
10 determined the responsible parent owes, the support debt accrued and/or  
11 accruing, and periodic payments to be made in the future ~~((for such~~  
12 ~~period of time as the child or children of the responsible parent are~~  
13 ~~in need, all computable on the basis of the need alleged))~~. The notice  
14 and finding shall also include:

15 (a) A statement of the name of the recipient or custodian and the  
16 name of the child or children for whom ~~((need))~~ support is ~~((alleged))~~  
17 sought; ~~((and/or))~~

18 (b) A statement of the amount of periodic future support payments  
19 as to which financial responsibility is alleged~~((-))~~;

20 ~~((4) The notice and finding shall include)~~ (c) A statement that  
21 the responsible parent may object to all or any part of the notice and  
22 finding, and file an application for an adjudicative proceeding to show  
23 cause why said responsible parent should not be determined to be liable  
24 for any or all of the debt, past and future~~((-))~~;

25 ~~((The notice and finding shall include))~~

26 (d) A statement that, if the responsible parent fails in timely  
27 fashion to file an application for an adjudicative proceeding, the  
28 support debt and payments stated in the notice and finding, including  
29 periodic support payments in the future, shall be assessed and

1 determined and ordered by the department and that this debt and amounts  
2 due under the notice shall be subject to collection action;

3 (e) A statement that the property of the debtor, without further  
4 advance notice or hearing, will be subject to lien and foreclosure,  
5 distrain, seizure and sale, ((or)) order to withhold and deliver,  
6 notice of payroll deduction or other collection action to satisfy the  
7 debt and enforce the support obligation established under the notice.

8 (4) A responsible parent who objects to the notice and finding of  
9 financial responsibility may file an application for an adjudicative  
10 proceeding within twenty days of the date of service of the notice or  
11 thereafter as provided under this subsection. An adjudicative  
12 proceeding shall be held in the county of residence or other place  
13 convenient to the responsible parent.

14 (a) If the responsible parent files the application within twenty  
15 days, the department shall schedule an adjudicative proceeding to hear  
16 the parent's objection and determine the parents' support obligation.  
17 The filing of the application stays collection action pending the entry  
18 of a final administrative order;

19 (b) If the responsible parent fails to file an application within  
20 twenty days, the notice and finding shall become a final administrative  
21 order. The amounts for current and future support and the support debt  
22 stated in the notice are final and subject to collection, except as  
23 provided under (c) and (d) of this subsection;

24 (c) If the responsible parent files the application more than  
25 twenty days after, but within one year of the date of service, the  
26 department shall schedule an adjudicative proceeding to hear the  
27 parents' objection and determine the parent's support obligation. The  
28 filing of the application does not stay further collection action,  
29 pending the entry of a final administrative order, and does not affect  
30 any prior collection action;

1       (d) If the responsible parent files the application more than one  
2 year after the date of service, the department shall schedule an  
3 adjudicative proceeding at which the responsible parent must show good  
4 cause for failure to file a timely application. The filing of the  
5 application does not stay future collection action and does not affect  
6 prior collection action:

7       (i) If the presiding officer finds that good cause exists, the  
8 presiding officer shall proceed to hear the parent's objection to the  
9 notice and determine the parent's support obligation;

10       (ii) If the presiding officer finds that good cause does not exist,  
11 the presiding officer shall treat the application as a petition for  
12 prospective modification of the amount for current and future support  
13 established under the notice and finding. In the modification  
14 proceeding, the presiding officer shall set current and future support  
15 under chapter 26.19 RCW. The responsible parent need show neither good  
16 cause nor a substantial change of circumstances to justify modification  
17 of current and future support;

18       (e) The department shall retain and/or shall not refund support  
19 money collected more than twenty days after the date of service of the  
20 notice. Money withheld as the result of collection action shall be  
21 delivered to the department. The department shall distribute such  
22 money, as provided in published rules.

23       (5) If an application for an adjudicative proceeding is filed, the  
24 presiding or reviewing officer shall determine the past liability and  
25 responsibility, if any, of the alleged responsible parent and shall  
26 also determine the amount of periodic payments to be made in the  
27 future, which amount is not limited by the amount of any public  
28 assistance payment made to or for the benefit of the child. If  
29 deviating from the child support schedule (~~adopted under RCW~~  
30 ~~26.19.040~~)) in making these determinations, the presiding or reviewing

1 officer shall (~~comply with the provisions set forth in chapter 26.19~~  
2 RCW)) apply the standards contained in the child support schedule and  
3 enter written findings of fact supporting the deviation.

4 (6) If the responsible parent fails to attend or participate in the  
5 hearing or other stage of an adjudicative proceeding, upon a showing of  
6 valid service, the presiding officer shall enter an (~~initial decision~~  
7 ~~and~~) administrative order declaring the support debt and payment  
8 provisions stated in the notice and finding of financial responsibility  
9 to be assessed and determined and subject to collection action.

10 (~~(6)~~) (7) The final administrative order establishing liability  
11 and/or future periodic support payments shall be superseded upon entry  
12 of a superior court order for support to the extent the superior court  
13 order is inconsistent with the administrative order(~~(: PROVIDED, That~~  
14 ~~in the absence of a superior court order, either the responsible parent~~  
15 ~~or the department may petition the secretary or his designee for~~  
16 ~~issuance of an order to appear and show cause based on a showing of~~  
17 ~~good cause and material change of circumstances, to require the other~~  
18 ~~party to appear and show cause why the order previously entered should~~  
19 ~~not be prospectively modified. Said order to appear and show cause~~  
20 ~~together with a copy of the petition and affidavit upon which the order~~  
21 ~~is based shall be served in the manner of a summons in a civil action~~  
22 ~~or by certified mail, return receipt requested, on the other party by~~  
23 ~~the petitioning party. Prospective modification may be ordered, but~~  
24 ~~only upon a showing of good cause and material change of circumstances.~~

25 (~~7~~) The presiding or reviewing officer shall order support payments  
26 under the child support schedule adopted under RCW 26.19.040)).

27 (8) Debts determined pursuant to this section, accrued and not  
28 paid, are subject to collection action under this chapter without  
29 further necessity of action by a presiding or reviewing officer.

1       (~~(9) "Need" as used in this section shall mean the necessary costs~~  
2 ~~of food, clothing, shelter, and medical attendance for the support of~~  
3 ~~a dependent child or children. The amount determined by reference to~~  
4 ~~the child support schedule adopted under RCW 26.19.040, shall be a~~  
5 ~~rebuttable presumption of the alleged responsible parent's ability to~~  
6 ~~pay and the need of the family: PROVIDED, That such responsible parent~~  
7 ~~shall be presumed to have no ability to pay child support under this~~  
8 ~~chapter from any income received from aid to families with dependent~~  
9 ~~children, supplemental security income, or continuing general~~  
10 ~~assistance.))~~

11       NEW SECTION.   **Sec. 8.** A new section is added to chapter 26.23 RCW  
12 to read as follows:

13       The department shall be given twenty calendar days prior notice of  
14 the entry of any final order and five days prior notice of the entry of  
15 any temporary order in any proceeding involving child support or  
16 maintenance if the department has a financial interest based on an  
17 assignment of support rights under RCW 74.20.330 or the state has a  
18 subrogated interest under RCW 74.20A.030. Service of this notice upon  
19 the department shall be by personal service on, or mailing by any form  
20 of mail requiring a return receipt to, the office of the attorney  
21 general.

22       **Sec. 9.** RCW 26.23.050 and 1989 c 360 s 15 are each amended to read  
23 as follows:

24       (1) Except as provided in subsection (2) of this section, the  
25 superior court shall include in all superior court orders which  
26 establish or modify a support obligation:

1 (a) A provision which orders and directs that the responsible  
2 parent make all support payments to the Washington state support  
3 registry;

4 (b) A statement that a notice of payroll deduction may be issued or  
5 other income withholding action under chapter 26.18 RCW or chapter  
6 74.20A RCW may be taken, without further notice to the responsible  
7 parent:

8 (i) If a support payment is not paid when due, and an amount equal  
9 to or greater than the support payable for one month is owed under an  
10 order entered prior to July 1, 1990; or

11 (ii) At any time after entry of the court order for orders entered  
12 by the court on or after July 1, 1990, unless:

13 (A) One of the parties demonstrates, and the court finds, that  
14 there is good cause not to require immediate income withholding; or

15 (B) The parties reach a written agreement which is approved by the  
16 court that provides for an alternate arrangement; and

17 (c) A statement that the receiving parent may be required to submit  
18 an accounting of how the support is being spent to benefit the child.

19 (2) The court may order the responsible parent to make payments  
20 directly to the person entitled to receive the payments or, for orders  
21 entered on or after July 1, 1990, direct that the issuance of a notice  
22 of payroll deduction or other income withholding actions be delayed  
23 until a support payment is past due if the court approves an alternate  
24 payment plan. The parties to the order must agree to such a plan and  
25 the plan must contain reasonable assurances that payments will be made  
26 in a regular and timely manner. The court may approve such a plan at  
27 the time of entry of the order or at a later date upon motion and  
28 agreement of the parties. If the order directs payment to the person  
29 entitled to receive the payments instead of to the Washington state  
30 support registry, the order shall include a statement that the order

1 may be submitted to the registry if a support payment is past due. If  
2 the order directs delayed issuance of the notice of payroll deduction  
3 or other income withholding action, the order shall include a statement  
4 that such action may be taken, without further notice, at any time  
5 after a support payment is past due. The provisions of this subsection  
6 do not apply if the department is providing public assistance under  
7 Title 74 RCW.

8 (3) The office of administrative hearings and the department of  
9 social and health services shall require that all support obligations  
10 established as administrative orders include a provision which orders  
11 and directs that the responsible parent shall make all support payments  
12 to the Washington state support registry. All administrative orders  
13 shall also state that a notice of payroll deduction may be issued, or  
14 other income withholding action taken without further notice to the  
15 responsible parent:

16 (a) If a support payment is not paid when due and an amount equal  
17 to or greater than the support payable for one month is owed under an  
18 order entered prior to July 1, 1990; or

19 (b) At any time after entry of the order for administrative orders  
20 entered on or after July 1, 1990, unless:

21 (i) One of the parties demonstrates, and the presiding officer  
22 finds, that there is good cause not to require immediate income  
23 withholding; or

24 (ii) The parties reach a written agreement which is approved by the  
25 presiding officer that provides for an alternate arrangement.

26 (4) If the support order does not include the provision ordering  
27 and directing that all payments be made to the Washington state support  
28 registry and a statement that a notice of payroll deduction may be  
29 issued if a support payment is past due or at any time after the entry  
30 of the order, the office of support enforcement may serve a notice on

1 the responsible parent stating such requirements and authorizations.  
2 Service may be by personal service or any form of mail requiring a  
3 return receipt.

4 (5) Every support order shall state:

5 (a) That payment shall be made to the Washington state support  
6 registry or in accordance with the alternate payment plan approved by  
7 the court;

8 (b) That a notice of payroll deduction may be issued or other  
9 income withholding action under chapter 26.18 RCW or chapter 74.20A RCW  
10 may be taken, without further notice to the responsible parent:

11 (i) If a support payment is not paid when due and an amount equal  
12 to or greater than the support payable for one month is owed under an  
13 order entered prior to July 1, 1990; or

14 (ii) At any time after entry of an order by the court on or after  
15 July 1, 1990, unless:

16 (A) The court approves an alternate payment plan under subsection  
17 (2) of this section; or

18 (B) One of the parties demonstrates, and the court finds, that  
19 there is good cause not to require immediate income withholding; or

20 (C) The parties reach a written agreement which is approved by the  
21 court that provides for an alternate arrangement;

22 (c) The income of the parties, if known, or that their income is  
23 unknown and the income upon which the support award is based;

24 (d) The support award as a sum certain amount;

25 (e) The specific day or date on which the support payment is due;

26 (f) The social security number, residence address, and name of  
27 employer of the responsible parent;

28 (g) The social security number and residence address of the  
29 physical custodian except as provided in subsection (6) of this  
30 section;

1 (h) The names, dates of birth, and social security numbers, if any,  
2 of the dependent children;

3 (i) That the parties are to notify the Washington state support  
4 registry of any change in residence address;

5 (j) That any parent owing a duty of child support shall be  
6 obligated to provide health insurance coverage for his or her child if  
7 coverage that can be extended to cover the child is or becomes  
8 available to that parent through employment or is union-related as  
9 provided under RCW 26.09.105;

10 (k) That if proof of health insurance coverage is not provided  
11 within twenty days, the obligee or the department may seek direct  
12 enforcement of the coverage through the obligor's employer or union  
13 without further notice to the obligor as provided under chapter 26.18  
14 RCW; and

15 (l) The reasons for not ordering health insurance coverage if the  
16 order fails to require such coverage.

17 (6) The physical custodian's address shall be omitted from an order  
18 entered under the administrative procedure act. A responsible parent  
19 whose support obligation has been determined by such administrative  
20 order may request the physical custodian's residence address by  
21 submission of a request for disclosure under RCW 26.23.120.

22 (7) The superior court clerk, the office of administrative  
23 hearings, and the department of social and health services shall,  
24 within five days of entry, forward to the Washington state support  
25 registry, a true and correct copy of all superior court orders or  
26 administrative orders establishing or modifying a support obligation  
27 which provide that support payments shall be made to the support  
28 registry. If a superior court order entered prior to January 1, 1988,  
29 directs the responsible parent to make support payments to the clerk,  
30 the clerk shall send a true and correct copy of the support order and

1 the payment record to the registry for enforcement action when the  
2 clerk identifies that a payment is more than fifteen days past due.  
3 The office of support enforcement shall reimburse the clerk for the  
4 reasonable costs of copying and sending copies of court orders to the  
5 registry at the reimbursement rate provided in Title IV-D of the social  
6 security act.

7 (8) Receipt of a support order by the registry or other action  
8 under this section on behalf of a person or persons who are not  
9 recipients of public assistance is deemed to be a request for support  
10 enforcement services under RCW 74.20.040 to the fullest extent  
11 permitted under federal law.

12 (9) After the responsible parent has been ordered or notified to  
13 make payments to the Washington state support registry in accordance  
14 with subsection (1), (~~(2), or (3)~~) (3), or (4) of this section, the  
15 responsible parent shall be fully responsible for making all payments  
16 to the Washington state support registry and shall be subject to  
17 payroll deduction or other income withholding action. The responsible  
18 parent shall not be entitled to credit against a support obligation for  
19 any payments made to a person or agency other than to the Washington  
20 state support registry. A civil action may be brought by the payor to  
21 recover payments made to persons or agencies who have received and  
22 retained support moneys paid contrary to the provisions of this  
23 section.

24 NEW SECTION. **Sec. 10.** A new section is added to chapter 74.20A  
25 RCW to read as follows:

26 (1) The department, the physical custodian, or the responsible  
27 parent may petition for a prospective modification of a final  
28 administrative order if:

1 (a) The administrative order has not been superseded by a superior  
2 court order; and

3 (b) There has been a substantial change of circumstances, except as  
4 provided under RCW 74.20A.055(4)(d).

5 (2) An order of child support may be modified one year or more  
6 after it has been entered without showing a substantial change of  
7 circumstances:

8 (a) If the order in practice works a severe economic hardship on  
9 either party or the child; or

10 (b) If a party requests an adjustment in an order for child support  
11 that was based on guidelines which determined the amount of support  
12 according to the child's age, and the child is no longer in the age  
13 category on which the current support amount was based; or

14 (c) If a child is a full-time student and reasonably expected to  
15 complete secondary school or the equivalent level of vocational or  
16 technical training before the child becomes nineteen years of age upon  
17 a finding that there is a need to extend support beyond the eighteenth  
18 birthday.

19 (3) An order may be modified without showing a substantial change  
20 of circumstances if the requested modification is to:

21 (a) Require health insurance coverage for a child covered by the  
22 order; or

23 (b) Modify an existing order for health insurance coverage.

24 (4) Support orders may be adjusted once every twenty-four months  
25 based upon changes in the income of the parents without a showing of  
26 substantially changed circumstances.

27 (5) An obligor's voluntary unemployment or voluntary  
28 underemployment, by itself, is not a substantial change of  
29 circumstances.

1 (6) The department shall file the petition and a supporting  
2 affidavit with the secretary or the secretary's designee when the  
3 department petitions for modification.

4 (7) The responsible parent or the physical custodian shall follow  
5 the procedures in this chapter for filing an application for an  
6 adjudicative proceeding to petition for modification.

7 (8) Upon the filing of a proper petition or application, the  
8 secretary or the secretary's designee shall issue an order directing  
9 each party to appear and show cause why the order should not be  
10 modified.

11 (9) If the presiding or reviewing officer finds a modification is  
12 appropriate, the officer shall modify the order and set current and  
13 future support under chapter 26.19 RCW.

14 **Sec. 11.** RCW 74.20A.058 and 1989 c 55 s 5 are each amended to read  
15 as follows:

16 ~~((If an adjudicative proceeding is requested by an alleged father  
17 under RCW 74.20A.056, the department shall mail a copy of the notice of  
18 hearing to the mother at her last known address. If the mother appears  
19 for the proceeding, she shall be allowed to participate in it.  
20 Participation includes giving testimony, and being present for or  
21 listening to other testimony offered in the proceeding. Nothing in this  
22 section shall preclude the administrative law judge from limiting  
23 participation to preserve the confidentiality of information protected  
24 by law.))~~

25 (1) The office of support enforcement shall serve a copy of the  
26 notice and finding of financial or parental responsibility on the  
27 custodian after service of the notice and finding on the responsible  
28 parent.

1       (2) The office of support enforcement shall serve the notice on the  
2 custodian by mailing a copy of the notice and a letter of explanation  
3 by first class mail to the parent's last known address. The letter  
4 shall contain the following information:

5       (a) The custodian's right to object to the notice; and

6       (b) The consequences if the custodian defaults.

7       (3) The custodian may apply for an adjudicative proceeding to  
8 object to the notice or a proposed settlement on the notice. The  
9 custodian has twenty days from the date notice was given to the  
10 custodian to apply for an adjudicative proceeding to contest:

11       (a) A notice and finding of financial or parental responsibility;  
12 or

13       (b) A proposed settlement on the notice.

14       (4) The custodian may:

15       (a) Participate as a party in an adjudicative proceeding scheduled  
16 by the department on a notice and finding of financial or parental  
17 responsibility; and

18       (b) Apply for an adjudicative proceeding after the twenty days on  
19 the same grounds as the responsible parent or alleged father.

20       **Sec. 12.** RCW 26.09.175 and 1990 1st ex.s. c 2 s 3 are each amended  
21 to read as follows:

22       (1) A proceeding for the modification of an order of child support  
23 shall commence with the filing of a petition(~~(, a supporting financial~~  
24 ~~affidavit,)~~) and worksheets. The petition (~~(and affidavit)~~) shall be  
25 in substantially the form prescribed by the administrator for the  
26 courts. There shall be a fee of twenty dollars for the filing of a  
27 petition for modification of dissolution.

28       (2) The petitioner shall serve upon the other party the summons, a  
29 copy of the petition (~~(and affidavit, and a blank copy of a financial~~

1 affidavit))), and the worksheets in the form prescribed by the  
2 administrator for the courts. If the modification proceeding is the  
3 first action filed in this state, service shall be made by personal  
4 service. If the decree to be modified was entered in this state,  
5 service shall be by personal service or by any form of mail requiring  
6 a return receipt. If the support obligation has been assigned to the  
7 state pursuant to RCW 74.20.330 (~~and notice has been filed with the~~  
8 ~~court~~) or the state has a subrogated interest under RCW 74.20A.030,  
9 the summons, petition, (~~affidavit,~~) and worksheets shall also be  
10 served on the attorney general. Proof of service shall be filed with  
11 the court.

12 (3) The responding party's answer (~~and completed financial~~  
13 ~~affidavit~~) and worksheets shall be served and the answer filed within  
14 twenty days after service of the petition or sixty days if served out  
15 of state. The responding party's failure to file an answer within the  
16 time required shall result in entry of a default judgment for the  
17 petitioner.

18 (4) At any time after responsive pleadings are filed, either party  
19 may schedule the matter for hearing.

20 (5) Unless both parties stipulate to arbitration or the presiding  
21 judge authorizes oral testimony pursuant to subsection (6) of this  
22 section, a petition for modification of an order of child support shall  
23 be heard by the court on (~~affidavits~~) the petition, answer, and  
24 worksheets only.

25 (6) A party seeking authority to present oral testimony on the  
26 petition to modify a support order shall file an appropriate motion not  
27 later than ten days after the time of notice of hearing. Affidavits  
28 and exhibits setting forth the reasons oral testimony is necessary to  
29 a just adjudication of the issues shall accompany the petition. The  
30 affidavits and exhibits must demonstrate the extraordinary features of

1 the case. Factors which may be considered include, but are not limited  
2 to: (a) Substantial questions of credibility on a major issue; (b)  
3 insufficient or inconsistent discovery materials not correctable by  
4 further discovery; or (c) particularly complex circumstances requiring  
5 expert testimony.

6 (7) A modification commenced under this section shall be limited to  
7 a modification of the child support obligation contained in the court  
8 order.

9 (8) The administrator for the courts shall develop and prepare, in  
10 consultation with interested persons, model forms or notices for the  
11 use of the procedure provided by this section, including a notice  
12 advising of the right of a party to proceed with or without benefit of  
13 counsel.

14 (9) A petition for modification of the support obligation contained  
15 in the court order shall not be based solely on income, or an increase  
16 in income, of other adults in the household.

17 NEW SECTION. Sec. 13. A new section is added to chapter 74.20A  
18 RCW to read as follows:

19 When providing support enforcement services, the office of support  
20 enforcement may take action, under this chapter and chapter 26.23 RCW,  
21 against a responsible parent's property of any kind, including but not  
22 limited to earnings, located in, or subject to the jurisdiction of, the  
23 state of Washington regardless of the presence or residence of the  
24 responsible parent. If the responsible parent resides in another state  
25 or country, the office of support enforcement shall serve a notice  
26 under RCW 74.20A.040 more than sixty days before taking collection  
27 action.

1        NEW SECTION.    **Sec. 14.**    A new section is added to chapter 74.20 RCW  
2 to read as follows:

3        When the department appears or participates in an adjudicative  
4 proceeding under chapter 26.23 or 74.20A RCW it shall:

5        (1) Act in furtherance of the state's financial interest in the  
6 matter and the best interests of the children of the state;

7        (2) Facilitate the resolution of the controversy; and

8        (3) Make independent recommendations to ensure the integrity and  
9 proper application of the process.

10       In these proceedings the department does not act on behalf or as an  
11 agent or representative of any individual.

12       NEW SECTION.    **Sec. 15.**    A new section is added to chapter 26.19 RCW  
13 to read as follows:

14       The administrator for the courts shall review the support schedule  
15 every four years to determine if the application of the support  
16 schedule results in appropriate support orders. The administrator for  
17 the courts shall report findings regarding the application of the  
18 schedule to the legislature. Upon the review and approval of the  
19 office of financial management, the department of social and health  
20 services shall pay the reasonable and necessary costs of this review  
21 process.

22       **Sec. 16.**    RCW 26.21.230 and 1963 c 45 s 30 are each amended to read  
23 as follows:

24       The obligee, the prosecuting attorney, or the attorney general may  
25 register the foreign support order in a court of this state in the  
26 manner(~~(, with the effect and for the purposes herein)~~) provided for in  
27 this chapter for the purpose of modification and enforcement of the  
28 support provisions. The court shall only have jurisdiction to consider

1 the child support provisions of the order. The modification shall be  
2 pursuant to RCW 26.09.170 and 26.09.175.

3 **Sec. 17.** RCW 74.20A.080 and 1989 c 360 s 10 and 1989 c 175 s 154  
4 are each reenacted and amended to read as follows:

5 (1) The secretary may issue to any person, firm, corporation,  
6 association, political subdivision, or department of the state, an  
7 order to withhold and deliver property of any kind, including but not  
8 restricted to earnings which are due, owing, or belonging to the  
9 debtor, when the secretary has reason to believe that there is in the  
10 possession of such person, firm, corporation, association, political  
11 subdivision, or department of the state property which is due, owing,  
12 or belonging to said debtor. Such order to withhold and deliver may be  
13 issued:

14 (a) When a support payment is past due, if a responsible parent's  
15 support order:

16 (i) Contains language directing the parent to make support payments  
17 to the Washington state support registry; and

18 (ii) Includes a statement that other income-withholding action  
19 under this chapter may be taken without further notice to the  
20 responsible parent, as provided for in RCW 26.23.050(1);

21 (b) Twenty-one days after service of a notice of support debt under  
22 RCW 74.20A.040;

23 (c) Twenty-one days after service of a notice and finding of  
24 parental responsibility;

25 (d) Twenty-one days after service of a notice of support owed under  
26 RCW 26.23.110;

27 (e) Twenty-one days after service of a notice and finding of  
28 financial responsibility under RCW 74.20A.055; or

29 (f) When appropriate under RCW 74.20A.270.

1 (2) The order to withhold and deliver shall:

2 (a) State the amount of the support debt accrued;

3 (b) State in summary the terms of RCW 74.20A.090 and 74.20A.100;

4 (c) Be served in the manner prescribed for the service of a summons  
5 in a civil action or by certified mail, return receipt requested.

6 (3) Any person, firm, corporation, association, political  
7 subdivision, or department of the state upon whom service has been made  
8 is hereby required to:

9 (a) Answer said order to withhold and deliver within twenty days,  
10 exclusive of the day of service, under oath and in writing, and shall  
11 make true answers to the matters inquired of therein; and

12 (b) Provide further and additional answers when requested by the  
13 secretary.

14 (4) Any such person, firm, corporation, association, political  
15 subdivision, or department of the state in possession of any property  
16 which may be subject to the claim of the department of social and  
17 health services shall:

18 (a)(i) Immediately withhold such property upon receipt of the order  
19 to withhold and deliver; and

20 (ii) Deliver the property to the secretary as soon as the twenty-  
21 day answer period expires;

22 (iii) Continue to withhold earnings payable to the debtor at each  
23 succeeding disbursement interval as provided for in RCW 74.20A.090, and  
24 deliver amounts withheld from earnings to the obligee within ten days  
25 of the date earnings are payable to the debtor;

26 (iv) Inform the secretary of the date the amounts were withheld as  
27 requested under this section; or

28 (b) Furnish to the secretary a good and sufficient bond,  
29 satisfactory to the secretary, conditioned upon final determination of  
30 liability.

1 (5) Where money is due and owing under any contract of employment,  
2 express or implied, or is held by any person, firm, corporation, or  
3 association, political subdivision, or department of the state subject  
4 to withdrawal by the debtor, such money shall be delivered by  
5 remittance payable to the order of the secretary.

6 (6) Delivery to the secretary of the money or other property held  
7 or claimed shall satisfy the requirement and serve as full acquittance  
8 of the order to withhold and deliver.

9 (7) The state warrants and represents that:

10 (a) It shall defend and hold harmless for such actions persons  
11 delivering money or property to the secretary pursuant to this chapter;  
12 and

13 (b) It shall defend and hold harmless for such actions persons  
14 withholding money or property pursuant to this chapter.

15 (8) The secretary may hold the money or property delivered under  
16 this section in trust for application on the indebtedness involved or  
17 for return, without interest, in accordance with final determination of  
18 liability or nonliability.

19 (9) Exemptions contained in RCW 74.20A.090 apply to orders to  
20 withhold and deliver issued under this section.

21 (10) The secretary shall also, on or before the date of service of  
22 the order to withhold and deliver, mail or cause to be mailed (~~by~~  
23 ~~certified mail~~) a copy of the order to withhold and deliver to the  
24 debtor at the debtor's last known post office address(~~(, or, in the~~  
25 ~~alternative, a copy of the order to withhold and deliver shall be~~  
26 ~~served on the debtor in the same manner as a summons in a civil action~~  
27 ~~on or before the date of service of the order or within two days~~  
28 ~~thereafter)~~). The copy of the order shall be mailed (~~(or served)~~)  
29 together with a concise explanation of the right to petition for  
30 judicial review. This requirement is not jurisdictional, but, if the

1 copy is not mailed (~~or served as in this section provided~~), or if any  
2 irregularity appears with respect to the mailing (~~or service~~), the  
3 superior court, in its discretion on motion of the debtor promptly made  
4 and supported by affidavit showing that the debtor has suffered  
5 substantial injury due to the failure to mail the copy, may set aside  
6 the order to withhold and deliver and award to the debtor an amount  
7 equal to the damages resulting from the secretary's failure to serve on  
8 or mail to the debtor the copy.

9 (11) An order to withhold and deliver issued in accordance with  
10 this section has priority over any other wage assignment or  
11 garnishment.

12 (12) The office of support enforcement shall notify any person,  
13 firm, corporation, association, or political subdivision, or department  
14 of the state required to withhold and deliver the earnings of a debtor  
15 under this action that they may deduct a processing fee from the  
16 remainder of the debtor's earnings, even if the remainder would  
17 otherwise be exempt under RCW 74.20A.090. The processing fee shall not  
18 exceed ten dollars for the first disbursement to the department and one  
19 dollar for each subsequent disbursement under the order to withhold and  
20 deliver.

21 **Sec. 18.** RCW 26.19.070 and 1990 1st ex.s. c 2 s 6 are each amended  
22 to read as follows:

23 (1) In any proceeding under this title or Title 13 or 74 RCW in  
24 which child support is at issue, support shall be determined and  
25 ordered according to this chapter. The provisions of this chapter for  
26 determining child support and reasons for deviation therefrom shall be  
27 applied in the same manner by the court, presiding officers, and  
28 reviewing officers. References to the court also incorporates the

1 presiding and reviewing officers who administratively determine ((or  
2 enforce)) child support orders.

3 (2) An order for child support shall be supported by written  
4 findings of fact upon which the support determination is based and  
5 shall include reasons for any deviation from the standard calculation.

6 (3)(a) All income and resources of each parent's household shall be  
7 disclosed and shall be considered by the court when the child support  
8 obligation of each parent is determined. The court may exclude from  
9 the standard calculation amounts that will be paid after the order into  
10 a voluntary pension plan up to the federal limit of tax exempt  
11 contributions to one individual retirement account if:

12 (i) Contributions to the plan began before the commencement of the  
13 proceeding; and

14 (ii) The individual is not participating in a mandatory pension  
15 plan.

16 (b) Tax returns for the preceding three years and current paystubs  
17 shall be provided to verify income and deductions. Other sufficient  
18 verification shall be required for income and deductions which do not  
19 appear on tax returns or paystubs.

20 (4) Worksheets in the form developed by the administrator for the  
21 courts shall be completed under penalty of perjury and filed in every  
22 proceeding in which child support is determined. The court shall not  
23 accept incomplete worksheets or worksheets that vary from the  
24 worksheets developed by the administrator for the courts.

25 (5) Unless specific reasons for deviation are set forth in the  
26 written findings of fact or order and are supported by the evidence,  
27 the court shall order each parent to pay the amount of child support  
28 determined using the standard calculation.

29 (6) The court shall review the worksheets and the order for  
30 adequacy of the reasons set forth for any deviation and for the

1 adequacy of the amount of support ordered. Each order shall state the  
2 amount of child support calculated using the standard calculation and  
3 the amount of child support actually ordered. The worksheet on which  
4 the order is based shall be initialed or signed by the judge and filed  
5 with the order.

6 **Sec. 19.** RCW 26.19.080 and 1990 1st ex.s. c 2 s 7 are each amended  
7 to read as follows:

8 (1) The basic child support obligation derived from the economic  
9 table shall be allocated between the parents based on each parent's  
10 share of the combined monthly net income.

11 (2) The income of other adults in the household shall not be used  
12 in the standard calculation, but the court may use this income as a  
13 reason to deviate from the basic support obligation.

14 (3) Ordinary health care expenses are included in the economic  
15 table. Monthly health care expenses that exceed five percent of the  
16 basic support obligation shall be considered extraordinary health care  
17 expenses. Extraordinary health care expenses shall be shared by the  
18 parents in the same proportion as the basic child support obligation.

19 ~~((3))~~ (4) Day care and special child rearing expenses, such as  
20 tuition and long-distance transportation costs to and from the parents  
21 for visitation purposes, are not included in the economic table. These  
22 expenses shall be shared by the parents in the same proportion as the  
23 basic child support obligation.

24 ~~((4))~~ (5) The court may exercise its discretion to determine the  
25 necessity for and the reasonableness of all amounts ordered in excess  
26 of the basic child support obligation.

27 NEW SECTION. **Sec. 20.** Section 11 of this act shall take  
28 effect January 1, 1992.

1        NEW SECTION.    **Sec. 21.**        RCW 26.19.020 and 1990 1st ex.s. c 2 s  
2 19, 1989 c 175 s 76, & 1988 c 275 s 3 are each repealed.