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ENGROSSED SUBSTITUTE HOUSE BILL 1760

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State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives H. Myers, Brough, Appelwick, Miller, Johanson, Chappell, Ludwig, Scott and Mastin)

Read first time 02/25/93.

1 AN ACT Relating to obligations for child support and spousal  
2 maintenance; and amending RCW 26.18.010, 26.18.020, 26.18.030,  
3 26.18.040, 26.18.050, 26.18.070, 26.18.090, 26.18.100, 26.18.110,  
4 26.18.120, 26.18.140, 26.18.150, 26.18.160, and 26.18.170.

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

6 **Sec. 1.** RCW 26.18.010 and 1984 c 260 s 1 are each amended to read  
7 as follows:

8 The legislature finds that there is an urgent need for vigorous  
9 enforcement of child support and spousal maintenance obligations, and  
10 that stronger and more efficient statutory remedies need to be  
11 established to supplement and complement the remedies provided in  
12 chapters 26.09, 26.21, 26.26, 74.20, and 74.20A RCW.

13 **Sec. 2.** RCW 26.18.020 and 1989 c 416 s 2 are each amended to read  
14 as follows:

15 Unless the context clearly requires otherwise, the definitions in  
16 this section apply throughout this chapter.

17 (1) "Dependent child" means any child for whom a support order has  
18 been established or for whom a duty of support is owed.

1       (2) "Duty of spousal maintenance" means the duty to provide for the  
2 needs of a spouse or former spouse imposed under chapter 26.09 RCW.

3       (3) "Duty of support" means the duty to provide for the needs of a  
4 dependent child, which may include necessary food, clothing, shelter,  
5 education, and health care. The duty includes any obligation to make  
6 monetary payments, to pay expenses, including spousal maintenance in  
7 cases in which there is a dependent child, or to reimburse another  
8 person or an agency for the cost of necessary support furnished a  
9 dependent child. The duty may be imposed by court order, by operation  
10 of law, or otherwise.

11       (~~(3)~~) (4) "Obligee" means the custodian of a dependent child, the  
12 spouse or former spouse, or person or agency, to whom a duty of support  
13 or duty of spousal maintenance is owed, or the person or agency to whom  
14 the right to receive or collect support or spousal maintenance has been  
15 assigned.

16       (~~(4)~~) (5) "Obligor" means the person owing a duty of support or  
17 duty of spousal maintenance.

18       (~~(5)~~) (6) "Support or maintenance order" means any judgment,  
19 decree, or order of support or spousal maintenance issued by the  
20 superior court or authorized agency of the state of Washington; or a  
21 judgment, decree, or other order of support or spousal maintenance  
22 issued by a court or agency of competent jurisdiction in another state  
23 or country, which has been registered or otherwise made enforceable in  
24 this state.

25       (~~(6)~~) (7) "Employer" includes the United States government, a  
26 state or local unit of government, and any person or entity who pays or  
27 owes earnings or remuneration for employment to the obligor.

28       (~~(7)~~) (8) "Earnings" means compensation paid or payable for  
29 personal services or remuneration for employment, whether denominated  
30 as wages, salary, commission, bonus, or otherwise, and, notwithstanding  
31 any other provision of law making the payments exempt from garnishment,  
32 attachment, or other process to satisfy support or spousal maintenance  
33 obligations, specifically includes periodic payments pursuant to  
34 pension or retirement programs, or insurance policies of any type, but  
35 does not include payments made under Title 50 RCW, except as provided  
36 in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

37       (~~(8)~~) (9) "Disposable earnings" means that part of the earnings  
38 of an individual remaining after the deduction from those earnings of  
39 any amount required by law to be withheld.

1       (~~(9)~~) (10) "Department" means the department of social and health  
2 services.

3       (~~(10)~~) (11) "Health insurance coverage" includes any coverage  
4 under which medical services are provided by an employer or a union  
5 whether that coverage is provided through a self-insurance program,  
6 under the employee retirement income security act of 1974, a commercial  
7 insurer pursuant to chapters 48.20 and 48.21 RCW, a health care service  
8 contractor pursuant to chapter 48.44 RCW, or a health maintenance  
9 organization pursuant to chapter 48.46 RCW, and the state through  
10 chapter 41.05 RCW.

11       (~~(11)~~) (12) "Insurer" means a commercial insurance company  
12 providing disability insurance under chapter 48.20 or 48.21 RCW, a  
13 health care service contractor providing health care coverage under  
14 chapter 48.44 RCW, a health maintenance organization providing  
15 comprehensive health care services under chapter 48.46 RCW, and shall  
16 also include any employer or union which is providing health insurance  
17 coverage on a self-insured basis.

18       (13) "Remuneration for employment" means moneys due from or  
19 payable by the United States to an individual within the scope of 42  
20 U.S.C. Sec. 659 and 42 U.S.C. Sec. 662(f).

21       **Sec. 3.** RCW 26.18.030 and 1984 c 260 s 3 are each amended to read  
22 as follows:

23       (1) The remedies provided in this chapter are in addition to, and  
24 not in substitution for, any other remedies provided by law.

25       (2) This chapter applies to any dependent child, whether born  
26 before or after June 7, 1984, and regardless of the past or current  
27 marital status of the parents, and to a spouse or former spouse.

28       (3) This chapter shall be liberally construed to assure that all  
29 dependent children are adequately supported.

30       **Sec. 4.** RCW 26.18.040 and 1984 c 260 s 4 are each amended to read  
31 as follows:

32       (1) A proceeding to enforce a duty of support or spousal  
33 maintenance is commenced:

34       (a) By filing a petition for an original action; or

35       (b) By motion in an existing action or under an existing cause  
36 number.

1 (2) Venue for the action is in the superior court of the county  
2 where the dependent child resides or is present, where the obligor or  
3 obligee resides, or where the prior support or maintenance order was  
4 entered. The petition or motion may be filed by the obligee, the  
5 state, or any agency providing care or support to the dependent child.  
6 A filing fee shall not be assessed in cases brought on behalf of the  
7 state of Washington.

8 (3) The court retains continuing jurisdiction under this chapter  
9 until all duties of either support or spousal maintenance, or both, of  
10 the obligor, including arrearages, (~~with respect to the dependent~~  
11 ~~child~~) have been satisfied.

12 **Sec. 5.** RCW 26.18.050 and 1989 c 373 s 22 are each amended to read  
13 as follows:

14 (1) If an obligor fails to comply with a support or spousal  
15 maintenance order, a petition or motion may be filed without notice  
16 under RCW 26.18.040 to initiate a contempt action as provided in  
17 chapter 7.21 RCW. If the court finds there is reasonable cause to  
18 believe the obligor has failed to comply with a support or spousal  
19 maintenance order, the court may issue an order to show cause requiring  
20 the obligor to appear at a certain time and place for a hearing, at  
21 which time the obligor may appear to show cause why the relief  
22 requested should not be granted. A copy of the petition or motion  
23 shall be served on the obligor along with the order to show cause.

24 (2) Service of the order to show cause shall be by personal  
25 service, or in the manner provided in the civil rules of superior court  
26 or applicable statute.

27 (3) If the order to show cause served upon the obligor included a  
28 warning that an arrest warrant could be issued for failure to appear,  
29 the court may issue a bench warrant for the arrest of the obligor if  
30 the obligor fails to appear on the return date provided in the order.

31 (4) If the obligor contends at the hearing that he or she lacked  
32 the means to comply with the support or spousal maintenance order, the  
33 obligor shall establish that he or she exercised due diligence in  
34 seeking employment, in conserving assets, or otherwise in rendering  
35 himself or herself able to comply with the court's order.

36 (5) As provided in RCW 26.18.040, the court retains continuing  
37 jurisdiction under this chapter and may use a contempt action to  
38 enforce a support or maintenance order until the obligor satisfies all

1 duties of support, including arrearages, that accrued pursuant to the  
2 support or maintenance order.

3 **Sec. 6.** RCW 26.18.070 and 1987 c 435 s 18 are each amended to read  
4 as follows:

5 (1) A petition or motion seeking a mandatory wage assignment in an  
6 action under RCW 26.18.040 may be filed by an obligee if the obligor is  
7 more than fifteen days past due in child support or spousal maintenance  
8 payments in an amount equal to or greater than the ((support))  
9 obligation payable for one month. The petition or motion shall include  
10 a sworn statement by the obligee, stating the facts authorizing the  
11 issuance of the wage assignment order, including:

12 (a) That the obligor, stating his or her name and residence, is  
13 more than fifteen days past due in child support or spousal maintenance  
14 payments in an amount equal to or greater than the ((support))  
15 obligation payable for one month;

16 (b) A description of the terms of the ((support)) order requiring  
17 payment of support or spousal maintenance, and the amount past due;

18 (c) The name and address of the obligor's employer;

19 (d) That notice by personal service or any form of mail requiring  
20 a return receipt, has been provided to the obligor at least fifteen  
21 days prior to the obligee seeking a mandatory wage assignment, unless  
22 the order for support or maintenance states that the obligee may seek  
23 a mandatory wage assignment without notice to the obligor; and

24 (e) In cases not filed by the state, whether the obligee has  
25 received public assistance from any source and, if the obligee has  
26 received public assistance, that the department of social and health  
27 services has been notified in writing of the pending action.

28 (2) If the court in which a mandatory wage assignment is sought  
29 does not already have a copy of the support or maintenance order in the  
30 court file, then the obligee shall attach a copy of the support or  
31 maintenance order to the petition or motion seeking the wage  
32 assignment.

33 **Sec. 7.** RCW 26.18.090 and 1984 c 260 s 9 are each amended to read  
34 as follows:

35 (1) The wage assignment order in RCW 26.18.080 shall include:

1 (a) The maximum amount of current support or spousal maintenance,  
2 if any, to be withheld from the obligor's earnings each month, or from  
3 each earnings disbursement; and

4 (b) The total amount of the arrearage or reimbursement judgment  
5 previously entered by the court, if any, together with interest, if  
6 any.

7 (2) The total amount to be withheld from the obligor's earnings  
8 each month, or from each earnings disbursement, shall not exceed fifty  
9 percent of the disposable earnings of the obligor. If the amounts to  
10 be paid toward the arrearage are specified in the support or spousal  
11 maintenance order, then the maximum amount to be withheld is the sum  
12 of: Either the current support or spousal maintenance ordered, or  
13 both; and the amount ordered to be paid toward the arrearage, or fifty  
14 percent of the disposable earnings of the obligor, whichever is less.

15 (3) The provisions of RCW 6.27.150 do not apply to wage assignments  
16 for child support or spousal maintenance authorized under this chapter,  
17 but fifty percent of the disposable earnings of the obligor are exempt,  
18 and may be disbursed to the obligor.

19 (4) If an obligor is subject to two or more attachments for child  
20 support on account of different obligees, the employer shall, if the  
21 nonexempt portion of the obligor's earnings is not sufficient to  
22 respond fully to all the attachments, apportion the obligor's nonexempt  
23 disposable earnings between or among the various obligees equally. Any  
24 obligee may seek a court order reapportioning the obligor's nonexempt  
25 disposable earnings upon notice to all interested obligees. Notice  
26 shall be by personal service, or in the manner provided by the civil  
27 rules of superior court or applicable statute.

28 (5) If an obligor is subject to two or more attachments for spousal  
29 maintenance on account of different obligees, the employer shall, if  
30 the nonexempt portion of the obligor's earnings is not sufficient to  
31 respond fully to all the attachments, apportion the obligor's nonexempt  
32 disposable earnings between or among the various obligees equally. An  
33 obligee may seek a court order reapportioning the obligor's nonexempt  
34 disposable earnings upon notice to all interested obligees. Notice  
35 shall be by personal service, or in the manner provided by the civil  
36 rules of superior court or applicable statute.

37 **Sec. 8.** RCW 26.18.100 and 1991 c 367 s 20 are each amended to read  
38 as follows:

1 The wage assignment order shall be substantially in the following  
2 form:

3 IN THE SUPERIOR COURT OF THE  
4 STATE OF WASHINGTON IN AND FOR THE  
5 COUNTY OF . . . . .

6 . . . . . ,  
7 Obligee No. . . . .  
8 vs.  
9 . . . . . , WAGE ASSIGNMENT  
10 Obligor ORDER  
11 . . . . . ,  
12 Employer

13 THE STATE OF WASHINGTON TO: . . . . .  
14 Employer  
15 AND TO: . . . . .  
16 Obligor

17 The above-named obligee claims that the above-named obligor is more  
18 than fifteen days past due in either child support or spousal  
19 maintenance payments, or both, in an amount equal to or greater than  
20 the child support or spousal maintenance payable for one month. The  
21 amount of the accrued child support or spousal maintenance debt as of  
22 this date is . . . . . dollars, the amount of arrearage payments  
23 specified in the support or spousal maintenance order (if applicable)  
24 is . . . . . dollars per . . . . . , and the amount of the current  
25 and continuing support or spousal maintenance obligation under the  
26 (~~support~~) order is . . . . . dollars per . . . . .

27 You are hereby commanded to answer this order by filling in the  
28 attached form according to the instructions, and you must mail or  
29 deliver the original of the answer to the court, one copy to the  
30 Washington state support registry, one copy to the obligee or obligee's  
31 attorney, and one copy to the obligor within twenty days after service  
32 of this wage assignment order upon you.

33 If you possess any earnings or other remuneration for employment  
34 due and owing to the obligor, then you shall do as follows:

35 (1) Withhold from the obligor's earnings or remuneration each  
36 month, or from each regular earnings disbursement, the lesser of:

1 (a) The sum of the accrued support or spousal maintenance debt and  
2 the current support or spousal maintenance obligation;

3 (b) The sum of the specified arrearage payment amount and the  
4 current support or spousal maintenance obligation; or

5 (c) Fifty percent of the disposable earnings or remuneration of the  
6 obligor.

7 (2) The total amount withheld above is subject to the wage  
8 assignment order, and all other sums may be disbursed to the obligor.

9 (3) Upon receipt of this wage assignment order you shall make  
10 immediate deductions from the obligor's earnings or remuneration and  
11 remit to the Washington state support registry or other address  
12 specified below the proper amounts at each regular pay interval.

13 You shall continue to withhold the ordered amounts from nonexempt  
14 earnings or remuneration of the obligor until notified by:

15 (a) The court that the wage assignment has been modified or  
16 terminated;

17 (b) The Washington state support registry, office of support  
18 enforcement that the accrued child support debt has been paid; or

19 (c) The court that has entered an order delaying, modifying, or  
20 terminating the wage assignment order and has approved an alternate  
21 payment plan as provided in RCW 26.23.050(2).

22 You shall promptly notify the court and the Washington state  
23 support registry if and when the employee is no longer employed by you,  
24 or if the obligor no longer receives earnings or remuneration from you.  
25 If you no longer employ the employee, the wage assignment order shall  
26 remain in effect for one year after the employee has left your  
27 employment or ((~~your~~—{you})) you are no longer in possession of any  
28 earnings or remuneration owed to the employee, whichever is later. You  
29 shall continue to hold the wage assignment order during that ((~~one~~—  
30 ~~year~~)) period. If the employee returns to your employment during the  
31 one-year period you shall immediately begin to withhold the employee's  
32 earnings according to the terms of the wage assignment order. If the  
33 employee has not returned to your employment within one year, the wage  
34 assignment will cease to have effect at the expiration of the one-year  
35 period, unless you still owe the employee earnings or other  
36 remuneration.

37 You shall deliver the withheld earnings or remuneration to the  
38 Washington state support registry or other address stated below at each  
39 regular pay interval.



1 (3) The employer shall continue to withhold the ordered amounts  
2 from nonexempt earnings or remuneration of the obligor until notified  
3 by:

4 (a) The court that the wage assignment has been modified or  
5 terminated;

6 (b) The Washington state support registry or obligee that the  
7 accrued child support or spousal maintenance debt has been paid,  
8 provided the wage assignment order contains the language set forth  
9 under RCW 26.18.100(~~((2)(b))~~) (3)(b). The employer shall promptly  
10 notify the Washington state support registry when the employee is no  
11 longer employed. If the employer no longer employs the employee, the  
12 wage assignment order shall remain in effect for one year after the  
13 employee has left the employment or the employer has been in possession  
14 of any earnings or remuneration owed to the employee, whichever is  
15 later. The employer shall continue to hold the wage assignment order  
16 during that (~~one-year~~) period. If the employee returns to the  
17 employer's employment during the one-year period the employer shall  
18 immediately begin to withhold the employee's earnings or remuneration  
19 according to the terms of the wage assignment order. If the employee  
20 has not returned within one year, the wage assignment shall cease to  
21 have effect at the expiration of the one-year period, unless the  
22 employer continues to owe remuneration for employment to the obligor;  
23 or

24 (c) The court that has entered an order delaying, modifying, or  
25 terminating the wage assignment order and has approved an alternate  
26 payment plan as provided in RCW 26.23.050(2).

27 (4) The employer may deduct a processing fee from the remainder of  
28 the employee's earnings after withholding under the wage assignment  
29 order, even if the remainder is exempt under RCW 26.18.090. The  
30 processing fee may not exceed (a) ten dollars for the first  
31 disbursement made by the employer to the Washington state support  
32 registry; and (b) one dollar for each subsequent disbursement to the  
33 clerk.

34 (5) An order for wage assignment for support for a dependent child  
35 entered under this chapter shall have priority over any other wage  
36 assignment or garnishment, except for another wage assignment or  
37 garnishment for child support, or order to withhold and deliver under  
38 chapter 74.20A RCW. An order for wage assignment for spousal  
39 maintenance entered under this chapter shall have priority over any

1 other wage assignment or garnishment, except for a wage assignment,  
2 garnishment, or order to withhold and deliver under chapter 74.20A RCW  
3 for support of a dependent child, and except for another wage  
4 assignment or garnishment for spousal maintenance.

5 (6) An employer who fails to withhold earnings as required by a  
6 wage assignment issued under this chapter may be held liable to the  
7 obligee for one hundred percent of the support or spousal maintenance  
8 debt, or the amount of support or spousal maintenance moneys that  
9 should have been withheld from the employee's earnings whichever is the  
10 lesser amount, if the employer:

11 (a) Fails or refuses, after being served with a wage assignment  
12 order, to deduct and promptly remit from the unpaid earnings the  
13 amounts of money required in the order;

14 (b) Fails or refuses to submit an answer to the notice of wage  
15 assignment after being served; or

16 (c) Is unwilling to comply with the other requirements of this  
17 section.

18 Liability may be established in superior court. Awards in superior  
19 court shall include costs, interest under RCW 19.52.020 and 4.56.110,  
20 and reasonable attorneys' fees.

21 (7) No employer who complies with a wage assignment issued under  
22 this chapter may be liable to the employee for wrongful withholding.

23 (8) No employer may discharge, discipline, or refuse to hire an  
24 employee because of the entry or service of a wage assignment issued  
25 and executed under this chapter. If an employer discharges,  
26 disciplines, or refuses to hire an employee in violation of this  
27 section, the employee or person shall have a cause of action against  
28 the employer. The employer shall be liable for double the amount of  
29 damages suffered as a result of the violation and for costs and  
30 reasonable attorneys' fees, and shall be subject to a civil penalty of  
31 not more than two thousand five hundred dollars for each violation.  
32 The employer may also be ordered to hire, rehire, or reinstate the  
33 aggrieved individual.

34 (9) For wage assignments payable to the Washington state support  
35 registry, an employer may combine amounts withheld from various  
36 employees into a single payment to the Washington state support  
37 registry, if the payment includes a listing of the amounts attributable  
38 to each employee and other information as required by the registry.

1 (10) An employer shall deliver a copy of the wage assignment order  
2 to the obligor as soon as is reasonably possible.

3 **Sec. 10.** RCW 26.18.120 and 1984 c 260 s 12 are each amended to  
4 read as follows:

5 The answer of the employer shall be made on forms, served on the  
6 employer with the wage assignment order, substantially as follows:

7 IN THE SUPERIOR COURT OF THE  
8 STATE OF WASHINGTON IN AND FOR THE  
9 COUNTY OF . . . . .

10 . . . . . No. . . . .  
11 Obligee  
12 vs. ANSWER  
13 . . . . . TO WAGE  
14 Obligor ASSIGNMENT ORDER  
15 . . . . .  
16 Employer

17 1. At the time of the service of the wage assignment order on the  
18 employer, was the above-named obligor employed by or receiving earnings  
19 or other remuneration for employment from the employer?

20 Yes . . . . . No . . . . . (check one).

21 2. Are there any other attachments for child support or spousal  
22 maintenance currently in effect against the obligor?

23 Yes . . . . . No . . . . . (check one).

24 3. If the answer to question one is yes and the employer cannot  
25 comply with the wage assignment order, provide an explanation:

26 I declare under penalty of perjury under the laws of the state of  
27 Washington that the foregoing is true and correct.

28 . . . . .  
29 Signature of employer Date and place

1 . . . . .

2 . . . . .

3 Signature of person Address for future notice

4 answering for employer to employer

5 . . . . .

6 Connection with employer

7 **Sec. 11.** RCW 26.18.140 and 1991 c 367 s 22 are each amended to  
 8 read as follows:

9 (1) Except as provided in subsection (2) of this section, in a  
 10 hearing to quash, modify, or terminate the wage assignment order, the  
 11 court may grant relief only upon a showing that the wage assignment  
 12 order causes extreme hardship or substantial injustice. Satisfaction  
 13 by the obligor of all past due payments subsequent to the issuance of  
 14 the wage assignment order is not grounds to quash, modify, or terminate  
 15 the wage assignment order. If a wage assignment order has been in  
 16 operation for twelve consecutive months and the obligor's support or  
 17 spousal maintenance obligation is current, the court may terminate the  
 18 order upon motion of the obligor unless the obligee can show good cause  
 19 as to why the wage assignment order should remain in effect.

20 (2) The court may enter an order delaying, modifying, or  
 21 terminating the wage assignment order and order the obligor to make  
 22 payments directly to the obligee if the court approves an alternate  
 23 payment plan as provided in RCW 26.23.050(2).

24 **Sec. 12.** RCW 26.18.150 and 1984 c 260 s 15 are each amended to  
 25 read as follows:

26 (1) In any action to enforce a support or spousal maintenance order  
 27 under Title 26 RCW, the court may, in its discretion, order a parent  
 28 obligated to pay support for a minor child or person owing a duty of  
 29 spousal maintenance to post a bond or other security with the court.  
 30 The bond or other security shall be in the amount of support or spousal  
 31 maintenance due for a two-year period. The bond or other security is  
 32 subject to approval by the court. The bond shall include the name and  
 33 address of the issuer. If the bond is canceled, any person issuing a  
 34 bond under this section shall notify the court and the person entitled  
 35 to receive payment under the order.

1 (2) If the (~~parent obligated to pay support~~) obligor fails to  
2 make payments as required under the court order, the person entitled to  
3 receive payment may recover on the bond or other security in the  
4 existing proceeding. The court may, after notice and hearing, increase  
5 the amount of the bond or other security. Failure to comply with the  
6 court's order to obtain and maintain a bond or other security may be  
7 treated as contempt of court.

8 **Sec. 13.** RCW 26.18.160 and 1984 c 260 s 25 are each amended to  
9 read as follows:

10 In any action to enforce a support or maintenance order under this  
11 chapter, the prevailing party is entitled to a recovery of costs,  
12 including an award for reasonable attorney fees. An obligor may not be  
13 considered a prevailing party under this section unless the obligee has  
14 acted in bad faith in connection with the proceeding in question.

15 **Sec. 14.** RCW 26.18.170 and 1989 c 416 s 5 are each amended to read  
16 as follows:

17 (1) Whenever an obligor parent who has been ordered to provide  
18 health insurance coverage for a dependent child fails to provide such  
19 coverage or lets it lapse, the department or the obligee may seek  
20 enforcement of the coverage order as provided under this section.

21 (2)(a) If the obligor parent's order to provide health insurance  
22 coverage contains language notifying the obligor that failure to  
23 provide such coverage may result in direct enforcement of the order and  
24 orders payments through, or has been submitted to, the Washington state  
25 support registry for enforcement, then the department may, without  
26 further notice to the obligor, send a notice of enrollment to the  
27 obligor's employer or union by certified mail, return receipt  
28 requested.

29 The notice shall require the employer or union to enroll the child  
30 in the health insurance plan as provided in subsection (3) of this  
31 section.

32 (b) If the obligor parent's order to provide health insurance  
33 coverage does not order payments through, and has not been submitted  
34 to, the Washington state support registry for enforcement:

35 (i) The obligee may, without further notice to the obligor send a  
36 certified copy of the order requiring health insurance coverage to the

1 obligor's employer or union by certified mail, return receipt  
2 requested; and

3 (ii) The obligee shall attach a notarized statement to the order  
4 declaring that the order is the latest order addressing coverage  
5 entered by the court and require the employer or union to enroll the  
6 child in the health insurance plan as provided in subsection (3) of  
7 this section.

8 (3) Upon receipt of an order that provides for health insurance  
9 coverage, or a notice of enrollment:

10 (a) The obligor's employer or union shall answer the party who sent  
11 the order or notice within thirty-five days and confirm that the child:

12 (i) Has been enrolled in the health insurance plan;

13 (ii) Will be enrolled in the next open enrollment period; or

14 (iii) Cannot be covered, stating the reasons why such coverage  
15 cannot be provided;

16 (b) The employer or union shall withhold any required premium from  
17 the obligor's income or wages;

18 (c) If more than one plan is offered by the employer or union, and  
19 each plan may be extended to cover the child, then the child shall be  
20 enrolled in the obligor's plan. If the obligor's plan does not provide  
21 coverage which is accessible to the child, the child shall be enrolled  
22 in the least expensive plan otherwise available to the obligor parent;

23 (d) The employer or union shall provide information about the name  
24 of the health insurance coverage provider or insurer and the extent of  
25 coverage available to the obligee or the department and shall make  
26 available any necessary claim forms or enrollment membership cards.

27 (4) If the order for coverage contains no language notifying the  
28 obligor that failure to provide health insurance coverage may result in  
29 direct enforcement of the order, the department or the obligee may  
30 serve a written notice of intent to enforce the order on the obligor by  
31 certified mail, return receipt requested, or by personal service. If  
32 the obligor fails to provide written proof that such coverage has been  
33 obtained or applied for within twenty days of service of the notice, or  
34 within twenty days of coverage becoming available the department or the  
35 obligee may proceed to enforce the order directly as provided in  
36 subsection (2) of this section.

37 (5) If the obligor ordered to provide health insurance coverage  
38 elects to provide coverage that will not be accessible to the child  
39 because of geographic or other limitations when accessible coverage is

1 otherwise available, the department or the obligee may serve a written  
2 notice of intent to purchase health insurance coverage on the obligor  
3 by certified mail, return receipt requested. The notice shall also  
4 specify the type and cost of coverage.

5 (6) If the department serves a notice under subsection (5) of this  
6 section the obligor shall, within twenty days of the date of service:

7 (a) File an application for an adjudicative proceeding; or

8 (b) Provide written proof to the department that the obligor has  
9 either applied for, or obtained, coverage accessible to the child.

10 (7) If the obligee serves a notice under subsection (5) of this  
11 section, within twenty days of the date of service the obligor shall  
12 provide written proof to the obligee that the obligor has either  
13 applied for, or obtained, coverage accessible to the child.

14 (8) If the obligor fails to respond to a notice served under  
15 subsection (5) of this section to the party who served the notice, the  
16 party who served the notice may purchase the health insurance coverage  
17 specified in the notice directly. The amount of the monthly premium  
18 shall be added to the support debt and be collectible without further  
19 notice. The amount of the monthly premium may be collected or accrued  
20 until the obligor provides proof of the required coverage.

21 (9) The signature of the obligee or of a department employee shall  
22 be a valid authorization to the coverage provider or insurer for  
23 purposes of processing a payment to the child's health services  
24 provider. An order for health insurance coverage shall operate as an  
25 assignment of all benefit rights to the obligee or to the child's  
26 health services provider, and in any claim against the coverage  
27 provider or insurer, the obligee or the obligee's assignee shall be  
28 subrogated to the rights of the obligor. Notwithstanding the  
29 provisions of this section regarding assignment of benefits, this  
30 section shall not require a health care service contractor authorized  
31 under chapter 48.44 RCW or a health maintenance organization authorized  
32 under chapter 48.46 RCW to deviate from their contractual provisions  
33 and restrictions regarding reimbursement for covered services. If the  
34 coverage is terminated, the employer shall mail a notice of termination  
35 to the department or the obligee at the obligee's last known address  
36 within thirty days of the termination date.

37 (10) This section shall not be construed to limit the right of the  
38 obligor or the obligee to bring an action in superior court at any time  
39 to enforce, modify, or clarify the original support order.

1 (11) Nothing in this section shall be construed to require a health  
2 maintenance organization, or health care service contractor, to extend  
3 coverage to a child who resides outside its service area.

4 (12) If an obligor fails to pay his or her portion of any  
5 deductible required under the health insurance coverage or fails to pay  
6 his or her portion of medical expenses incurred in excess of the  
7 coverage provided under the plan, the department or the obligee may  
8 enforce collection of the obligor's portion of the deductible or the  
9 additional medical expenses through a wage assignment order. The  
10 amount of the deductible or additional medical expenses shall be added  
11 to the support debt and be collectible without further notice if the  
12 obligor's share of the amount of the deductible or additional expenses  
13 is reduced to a sum certain in a court order.

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