
SENATE BILL 5791

State of Washington 53rd Legislature 1993 Regular Session

By Senators A. Smith and Rinehart; by request of Attorney General

Read first time 02/15/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to mandatory provisions in child support orders;
2 and amending RCW 26.23.050.

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

4 **Sec. 1.** RCW 26.23.050 and 1991 c 367 s 39 are each amended to read
5 as follows:

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

9 (a) A provision which orders and directs that the responsible
10 parent make all support payments to the Washington state support
11 registry;

12 (b) A statement that a notice of payroll deduction may be issued or
13 other income withholding action under chapter 26.18 RCW or chapter
14 74.20A RCW may be taken, without further notice to the responsible
15 parent at any time after entry of the court order, unless:

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

18 (ii) The parties reach a written agreement that is approved by the
19 court that provides for an alternate arrangement; and

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

3 (2) The court may order the responsible parent to make payments
4 directly to the person entitled to receive the payments or, for orders
5 entered on or after July 1, 1990, direct that the issuance of a notice
6 of payroll deduction or other income withholding actions be delayed
7 until a support payment is past due if the court approves an alternate
8 payment plan. The parties to the order must agree to such a plan and
9 the plan must contain reasonable assurances that payments will be made
10 in a regular and timely manner. The court may approve such a plan and
11 modify or terminate the payroll deduction or other income withholding
12 action at the time of entry of the order or at a later date upon motion
13 and agreement of the parties. If the order directs payment to the
14 person entitled to receive the payments instead of to the Washington
15 state support registry, the order shall include a statement that the
16 order may be submitted to the registry if a support payment is past
17 due. If the order directs delayed issuance of the notice of payroll
18 deduction or other income withholding action, the order shall include
19 a statement that such action may be taken, without further notice, at
20 any time after a support payment is past due. The provisions of this
21 subsection do not apply if the department is providing public
22 assistance under Title 74 RCW.

23 (3) The office of administrative hearings and the department of
24 social and health services shall require that all support obligations
25 established as administrative orders include a provision which orders
26 and directs that the responsible parent shall make all support payments
27 to the Washington state support registry. All administrative orders
28 shall also state that a notice of payroll deduction may be issued, or
29 other income withholding action taken without further notice to the
30 responsible parent at any time after entry of the order, unless:

31 (a) One of the parties demonstrates, and the presiding officer
32 finds, that there is good cause not to require immediate income
33 withholding; or

34 (b) The parties reach a written agreement that is approved by the
35 presiding officer that provides for an alternate agreement.

36 (4) If the support order does not include the provision ordering
37 and directing that all payments be made to the Washington state support
38 registry and a statement that a notice of payroll deduction may be
39 issued if a support payment is past due or at any time after the entry

1 of the order, the office of support enforcement may serve a notice on
2 the responsible parent stating such requirements and authorizations.
3 Service may be by personal service or any form of mail requiring a
4 return receipt.

5 (5) Every support order shall state:

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

9 (b) That a notice of payroll deduction may be issued or other
10 income withholding action under chapter 26.18 RCW or chapter 74.20A RCW
11 may be taken, without further notice to the responsible parent at any
12 time after entry of an order by the court, unless:

13 (i) The court approves an alternate payment plan under subsection
14 (2) of this section;

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

17 (iii) The parties reach an alternate agreement that is approved by
18 the court that provides for an alternate arrangement;

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

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

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

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

25 (g) The social security number and residence address of the
26 physical custodian except as provided in subsection (6) of this
27 section;

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

30 (i) In cases requiring payment to the Washington state support
31 registry, that the parties are to notify the Washington state support
32 registry of any change in residence address. The responsible parent
33 shall notify the registry of the name and address of his or her current
34 employer, whether he or she has access to health insurance coverage at
35 reasonable cost and, if so, the health insurance policy information;

36 (j) That any parent owing a duty of child support shall be
37 obligated to provide health insurance coverage for his or her child if
38 coverage that can be extended to cover the child is or becomes

1 available to that parent through employment or is union-related as
2 provided under RCW 26.09.105;

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

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

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

15 (7) The superior court clerk, the office of administrative
16 hearings, and the department of social and health services shall,
17 within five days of entry, forward to the Washington state support
18 registry, a true and correct copy of all superior court orders or
19 administrative orders establishing or modifying a support obligation
20 which provide that support payments shall be made to the support
21 registry. If a superior court order entered prior to January 1, 1988,
22 directs the responsible parent to make support payments to the clerk,
23 the clerk shall send a true and correct copy of the support order and
24 the payment record to the registry for enforcement action when the
25 clerk identifies that a payment is more than fifteen days past due.
26 The office of support enforcement shall reimburse the clerk for the
27 reasonable costs of copying and sending copies of court orders to the
28 registry at the reimbursement rate provided in Title IV-D of the social
29 security act.

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

35 (9) After the responsible parent has been ordered or notified to
36 make payments to the Washington state support registry in accordance
37 with subsection (1), (3), or (4) of this section, the responsible
38 parent shall be fully responsible for making all payments to the
39 Washington state support registry and shall be subject to payroll

1 deduction or other income withholding action. The responsible parent
2 shall not be entitled to credit against a support obligation for any
3 payments made to a person or agency other than to the Washington state
4 support registry. A civil action may be brought by the payor to
5 recover payments made to persons or agencies who have received and
6 retained support moneys paid contrary to the provisions of this
7 section.

8 (10) As used in this section, "good cause not to require immediate
9 income withholding" means a written determination of why implementing
10 immediate income withholding would not be in the child's best interests
11 and, in modification cases, proof of timely payment of previously
12 ordered support.

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