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HOUSE BILL 1879

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State of Washington

54th Legislature

1995 Regular Session

By Representative Boldt

Read first time 02/13/95. Referred to Committee on Corrections.

1 AN ACT Relating to costs of juvenile offenders; and amending RCW  
2 13.40.220.

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

4 **Sec. 1.** RCW 13.40.220 and 1994 sp.s. c 7 s 529 are each amended to  
5 read as follows:

6 (1) Whenever legal custody of a child is vested in someone other  
7 than his or her parents, under this chapter, and not vested in the  
8 department of social and health services, after due notice to the  
9 parents or other persons legally obligated to care for and support the  
10 child, and after a hearing, the court may order and decree that the  
11 parent or other legally obligated person shall pay in such a manner as  
12 the court may direct a reasonable sum representing in whole or in part  
13 the costs of support, treatment, and confinement of the child after the  
14 decree is entered.

15 (2) If the parent or other legally obligated person willfully fails  
16 or refuses to pay such sum, the court may proceed against such person  
17 for contempt.

18 (3) Whenever legal custody of a child is vested in the department  
19 under this chapter, the parents or other persons legally obligated to

1 care for and support the child shall be liable for the costs of  
2 support, treatment, and confinement of the child, in accordance with  
3 the department's reimbursement of cost schedule. The department shall  
4 adopt a reimbursement of cost schedule based on the costs of providing  
5 such services, and shall determine an obligation based on the  
6 responsible parents' or other legally obligated person's ability to  
7 pay. The department is authorized to adopt additional rules as  
8 appropriate to enforce this section.

9 (4) To enforce subsection (3) of this section, the department shall  
10 serve on the parents or other person legally obligated to care for and  
11 support the child a notice and finding of financial responsibility  
12 requiring the parents or other legally obligated person to appear and  
13 show cause in an adjudicative proceeding why the finding of  
14 responsibility and/or the amount thereof is incorrect and should not be  
15 ordered. This notice and finding shall relate to the costs of support,  
16 treatment, and confinement of the child in accordance with the  
17 department's reimbursement of cost schedule adopted under this section,  
18 including periodic payments to be made in the future. The hearing  
19 shall be held pursuant to chapter 34.05 RCW, the Administrative  
20 Procedure Act, and the rules of the department.

21 (5) The notice and finding of financial responsibility shall be  
22 served in the same manner prescribed for the service of a summons in a  
23 civil action or may be served on the parent or legally obligated person  
24 by certified mail, return receipt requested. The receipt shall be  
25 prima facie evidence of service.

26 (6) If the parents or other legally obligated person objects to the  
27 notice and finding of financial responsibility, then an application for  
28 an adjudicative hearing may be filed within twenty days of the date of  
29 service of the notice. If an application for an adjudicative  
30 proceeding is filed, the presiding or reviewing officer shall determine  
31 the past liability and responsibility, if any, of the parents or other  
32 legally obligated person and shall also determine the amount of  
33 periodic payments to be made in the future. If the parents or other  
34 legally responsible person fails to file an application within twenty  
35 days, the notice and finding of financial responsibility shall become  
36 a final administrative order.

37 (7) Debts determined pursuant to this section are subject to  
38 collection action without further necessity of action by a presiding or  
39 reviewing officer. The department may collect the debt in accordance

1 with RCW 43.20B.635, 43.20B.640, 74.20A.060, and 74.20A.070. The  
2 department shall exempt from payment parents receiving adoption support  
3 under RCW 74.13.100 through 74.13.145, and parents eligible to receive  
4 adoption support under RCW 74.13.150.

5 (8) An administrative order entered pursuant to this section shall  
6 supersede any court order entered prior to June 13, 1994.

7 (9) The department shall be subrogated to the right of the child  
8 and his or her parents or other legally responsible person to receive  
9 support payments for the benefit of the child from any parent or  
10 legally obligated person pursuant to a support order established by a  
11 superior court or pursuant to RCW 74.20A.055. The department's right  
12 of subrogation under this section is limited to the liability  
13 established in accordance with its cost schedule for support,  
14 treatment, and confinement, except as addressed in subsection (10) of  
15 this section.

16 (10) Except as provided in subsection (11) of this section, nothing  
17 in this section precludes the department from recouping such additional  
18 support payments from the child's parents or other legally obligated  
19 person as required to qualify for receipt of federal funds. The  
20 department may adopt such rules dealing with liability for recoupment  
21 of support, treatment, or confinement costs as may become necessary to  
22 entitle the state to participate in federal funds unless such rules  
23 would be expressly prohibited by law. If any law dealing with  
24 liability for recoupment of support, treatment, or confinement costs is  
25 ruled to be in conflict with federal requirements which are a  
26 prescribed condition of the allocation of federal funds, such  
27 conflicting law is declared to be inoperative solely to the extent of  
28 the conflict.

29 (11) The perpetrator's parents or other legally obligated person  
30 shall not be required to pay any costs under this section if the  
31 perpetrator and any victim are from the same family unit. For purposes  
32 of this subsection, "family unit" means the child, the child's parents  
33 and siblings, whether by birth or by marriage, and any legal guardians,  
34 irrespective of residential placement.

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