
HOUSE BILL 1518

State of Washington

55th Legislature

1997 Regular Session

By Representatives DeBolt, Sheahan, Mulliken, Mielke, Cairnes, Sump, Dunn, Chandler, Boldt, Robertson, Benson, McMorris, Costa and Kessler

Read first time 01/29/97. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to imposing a fine on parents for the support,
2 treatment, and confinement of their children; and amending RCW
3 13.40.220.

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

5 **Sec. 1.** RCW 13.40.220 and 1995 c 300 s 1 are each amended to read
6 as follows:

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

16 (b) The court shall order the parent, or other legally obligated
17 person, to pay one dollar for each day the child is in confinement.
18 Funds collected under this subsection must be disbursed to the public
19 safety and education account for the purpose of crime victims'

1 compensation. The court may not order the payment if the parent,
2 legally obligated person, or that person's child, spouse, or spouse's
3 child, was the victim of the offense.

4 (2) If the parent or other legally obligated person willfully fails
5 or refuses to pay such sums under subsection (1) of this section, the
6 court may proceed against such person for contempt.

7 (3)(a) Whenever legal custody of a child is vested in the
8 department under this chapter, the parents or other persons legally
9 obligated to care for and support the child shall be liable for the
10 costs of support, treatment, and confinement of the child, in
11 accordance with the department's reimbursement of cost schedule. The
12 department shall adopt a reimbursement of cost schedule based on the
13 costs of providing such services, and shall determine an obligation
14 based on the responsible parents' or other legally obligated person's
15 ability to pay. The department is authorized to adopt additional rules
16 as appropriate to enforce this section.

17 (b) The court shall order the parent, or other legally obligated
18 person, to pay one dollar for each day the child is committed to the
19 department. The department shall disburse funds collected under this
20 subsection to the public safety and education account for the purpose
21 of crime victims' compensation. The court may not order the payment if
22 the parent, legally obligated person, or that person's child, spouse,
23 or spouse's child, was the victim of the offense.

24 (4) To enforce subsection (3) of this section, the department shall
25 serve on the parents or other person legally obligated to care for and
26 support the child a notice and finding of financial responsibility
27 requiring the parents or other legally obligated person to appear and
28 show cause in an adjudicative proceeding why the finding of
29 responsibility and/or the amount thereof is incorrect and should not be
30 ordered. This notice and finding shall relate to the costs of support,
31 treatment, and confinement of the child in accordance with the
32 department's reimbursement of cost schedule adopted under this section,
33 including periodic payments to be made in the future and the
34 requirement that the parent pay one dollar for each day the child is
35 committed to the department. The hearing shall be held pursuant to
36 chapter 34.05 RCW, the Administrative Procedure Act, and the rules of
37 the department.

38 (5) The notice and finding of financial responsibility shall be
39 served in the same manner prescribed for the service of a summons in a

1 civil action or may be served on the parent or legally obligated person
2 by certified mail, return receipt requested. The receipt shall be
3 prima facie evidence of service.

4 (6) If the parents or other legally obligated person objects to the
5 notice and finding of financial responsibility, then an application for
6 an adjudicative hearing may be filed within twenty days of the date of
7 service of the notice. If an application for an adjudicative
8 proceeding is filed, the presiding or reviewing officer shall determine
9 the past liability and responsibility, if any, of the parents or other
10 legally obligated person and shall also determine the amount of
11 periodic payments to be made in the future. If the parents or other
12 legally responsible person fails to file an application within twenty
13 days, the notice and finding of financial responsibility shall become
14 a final administrative order.

15 (7) Debts determined pursuant to this section are subject to
16 collection action without further necessity of action by a presiding or
17 reviewing officer. The department may collect the debt in accordance
18 with RCW 43.20B.635, 43.20B.640, 74.20A.060, and 74.20A.070. The
19 department shall exempt from payment parents receiving adoption support
20 under RCW 74.13.100 through 74.13.145, parents eligible to receive
21 adoption support under RCW 74.13.150, and a parent or other legally
22 obligated person when the parent or other legally obligated person, or
23 such person's child, spouse, or spouse's child, was the victim of the
24 offense for which the child was committed.

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

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

36 (10) Nothing in this section precludes the department from
37 recouping such additional support payments from the child's parents or
38 other legally obligated person as required to qualify for receipt of
39 federal funds. The department may adopt such rules dealing with

1 liability for recoupment of support, treatment, or confinement costs as
2 may become necessary to entitle the state to participate in federal
3 funds unless such rules would be expressly prohibited by law. If any
4 law dealing with liability for recoupment of support, treatment, or
5 confinement costs is ruled to be in conflict with federal requirements
6 which are a prescribed condition of the allocation of federal funds,
7 such conflicting law is declared to be inoperative solely to the extent
8 of the conflict.

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