
HOUSE BILL 2361

State of Washington

55th Legislature

1998 Regular Session

By Representative Sheahan

Read first time 01/12/98. Referred to Committee on Law & Justice.

1 AN ACT Relating to notice in proceedings involving support or
2 income-withholding orders; and amending RCW 26.21.520 and 26.23.130.

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

4 **Sec. 1.** RCW 26.21.520 and 1997 c 58 s 925 are each amended to read
5 as follows:

6 (1) When a support order or income-withholding order issued in
7 another state is registered, the registering tribunal or petitioner
8 shall notify the nonregistering party. The notice must be accompanied
9 by a copy of the registered order and the documents and relevant
10 information accompanying the order.

11 (2) The notice must inform the nonregistering party:

12 (a) That a registered order is enforceable as of the date of
13 registration in the same manner as an order issued by a tribunal of
14 this state;

15 (b) That a hearing to contest the validity or enforcement of the
16 registered order must be requested within twenty days after the date of
17 receipt by certified or registered mail or personal service of the
18 notice given to a nonregistering party within the state and within
19 sixty days after the date of receipt by certified or registered mail or

1 personal service of the notice on a nonregistering party outside of the
2 state;

3 (c) That failure to contest the validity or enforcement of the
4 registered order in a timely manner will result in confirmation of the
5 order and enforcement of the order and the alleged arrearages and
6 precludes further contest of that order with respect to any matter that
7 could have been asserted; and

8 (d) Of the amount of any alleged arrearages.

9 (3) Upon registration of an income-withholding order for
10 enforcement, the registering tribunal shall notify the obligor's
11 employer pursuant to the income-withholding law of this state.

12 **Sec. 2.** RCW 26.23.130 and 1991 c 367 s 43 are each amended to read
13 as follows:

14 The department shall be given twenty calendar days prior notice of
15 the entry of any final order and five days prior notice of the entry of
16 any temporary order in any proceeding involving child support or
17 maintenance if the department has a financial interest based on an
18 assignment of support rights under RCW 74.20.330 or the state has a
19 subrogated interest under RCW 74.20A.030. Service of this notice upon
20 the department shall be by personal service on, or mailing by any form
21 of mail requiring a return receipt to, the office of the attorney
22 general; except that notice shall be given to the office of the
23 prosecuting attorney for the county in which the action is filed in
24 lieu of the office of the attorney general in those counties and in the
25 types of cases as designated by the office of the attorney general by
26 letter sent to the presiding superior court judge of that county. The
27 department shall not be entitled to terms for a party's failure to
28 serve the department within the time requirements for this section,
29 unless the department proves that the party knew that the department
30 had an assignment of support rights or a subrogated interest and that
31 the failure to serve the department was intentional.

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