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**HOUSE BILL 2302**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Representative Kilduff

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1 AN ACT Relating to child support, but only with respect to  
2 standards for determination of income, abatement of child support for  
3 incarcerated obligors, modification of administrative orders, and  
4 notices of support owed; amending RCW 26.19.011, 26.19.071,  
5 26.23.050, 74.20A.055, 74.20A.056, 74.20A.059, 26.09.170, and  
6 26.23.110; reenacting and amending RCW 74.20A.056; adding new  
7 sections to chapter 26.09 RCW; creating a new section; providing an  
8 effective date; and providing an expiration date.

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

10 **Sec. 1.** RCW 26.19.011 and 2005 c 282 s 35 are each amended to  
11 read as follows:

12 Unless the context clearly requires otherwise, the definitions in  
13 this section apply throughout this chapter.

14 (1) "Basic child support obligation" means the monthly child  
15 support obligation determined from the economic table based on the  
16 parties' combined monthly net income and the number of children for  
17 whom support is owed.

18 (2) "Child support schedule" means the standards, economic table,  
19 worksheets, and instructions, as defined in this chapter.

1 (3) "Court" means a superior court judge, court commissioner, and  
2 presiding and reviewing officers who administratively determine or  
3 enforce child support orders.

4 (4) "Deviation" means a child support amount that differs from  
5 the standard calculation.

6 (5) "Economic table" means the child support table for the basic  
7 support obligation provided in RCW 26.19.020.

8 (6) "Full-time" means the customary number of maximum,  
9 nonovertime hours worked in an individual's historical occupation,  
10 industry, and labor market. "Full-time" does not necessarily mean  
11 forty hours per week.

12 (7) "Instructions" means the instructions developed by the  
13 administrative office of the courts pursuant to RCW 26.19.050 for use  
14 in completing the worksheets.

15 (~~(7)~~) (8) "Standards" means the standards for determination of  
16 child support as provided in this chapter.

17 (~~(8)~~) (9) "Standard calculation" means the presumptive amount  
18 of child support owed as determined from the child support schedule  
19 before the court considers any reasons for deviation.

20 (~~(9)~~) (10) "Support transfer payment" means the amount of money  
21 the court orders one parent to pay to another parent or custodian for  
22 child support after determination of the standard calculation and  
23 deviations. If certain expenses or credits are expected to fluctuate  
24 and the order states a formula or percentage to determine the  
25 additional amount or credit on an ongoing basis, the term "support  
26 transfer payment" does not mean the additional amount or credit.

27 (~~(10)~~) (11) "Worksheets" means the forms developed by the  
28 administrative office of the courts pursuant to RCW 26.19.050 for use  
29 in determining the amount of child support.

30 **Sec. 2.** RCW 26.19.071 and 2011 1st sp.s. c 36 s 14 are each  
31 amended to read as follows:

32 (1) **Consideration of all income.** All income and resources of each  
33 parent's household shall be disclosed and considered by the court  
34 when the court determines the child support obligation of each  
35 parent. Only the income of the parents of the children whose support  
36 is at issue shall be calculated for purposes of calculating the basic  
37 support obligation. Income and resources of any other person shall  
38 not be included in calculating the basic support obligation.

1           (2) **Verification of income.** Tax returns for the preceding two  
2 years and current paystubs shall be provided to verify income and  
3 deductions. Other sufficient verification shall be required for  
4 income and deductions which do not appear on tax returns or paystubs.

5           (3) **Income sources included in gross monthly income.** Except as  
6 specifically excluded in subsection (4) of this section, monthly  
7 gross income shall include income from any source, including:

- 8           (a) Salaries;
- 9           (b) Wages;
- 10          (c) Commissions;
- 11          (d) Deferred compensation;
- 12          (e) Overtime, except as excluded for income in subsection (4)(i)  
13 of this section;
- 14          (f) Contract-related benefits;
- 15          (g) Income from second jobs, except as excluded for income in  
16 subsection (4)(i) of this section;
- 17          (h) Dividends;
- 18          (i) Interest;
- 19          (j) Trust income;
- 20          (k) Severance pay;
- 21          (l) Annuities;
- 22          (m) Capital gains;
- 23          (n) Pension retirement benefits;
- 24          (o) Workers' compensation;
- 25          (p) Unemployment benefits;
- 26          (q) Maintenance actually received;
- 27          (r) Bonuses;
- 28          (s) Social security benefits;
- 29          (t) Disability insurance benefits; and
- 30          (u) Income from self-employment, rent, royalties, contracts,  
31 proprietorship of a business, or joint ownership of a partnership or  
32 closely held corporation.

33           (4) **Income sources excluded from gross monthly income.** The  
34 following income and resources shall be disclosed but shall not be  
35 included in gross income:

- 36          (a) Income of a new spouse or new domestic partner or income of  
37 other adults in the household;
- 38          (b) Child support received from other relationships;
- 39          (c) Gifts and prizes;
- 40          (d) Temporary assistance for needy families;

- 1 (e) Supplemental security income;
- 2 (f) Aged, blind, or disabled assistance benefits;
- 3 (g) Pregnant women assistance benefits;
- 4 (h) Food stamps; and
- 5 (i) Overtime or income from second jobs beyond forty hours per
- 6 week averaged over a twelve-month period worked to provide for a
- 7 current family's needs, to retire past relationship debts, or to
- 8 retire child support debt, when the court finds the income will cease
- 9 when the party has paid off his or her debts.

10 Receipt of income and resources from temporary assistance for  
11 needy families, supplemental security income, aged, blind, or  
12 disabled assistance benefits, and food stamps shall not be a reason  
13 to deviate from the standard calculation.

14 (5) **Determination of net income.** The following expenses shall be  
15 disclosed and deducted from gross monthly income to calculate net  
16 monthly income:

- 17 (a) Federal and state income taxes;
- 18 (b) Federal insurance contributions act deductions;
- 19 (c) Mandatory pension plan payments;
- 20 (d) Mandatory union or professional dues;
- 21 (e) State industrial insurance premiums;
- 22 (f) Court-ordered maintenance to the extent actually paid;
- 23 (g) Up to five thousand dollars per year in voluntary retirement
- 24 contributions actually made if the contributions show a pattern of
- 25 contributions during the one-year period preceding the action
- 26 establishing the child support order unless there is a determination
- 27 that the contributions were made for the purpose of reducing child
- 28 support; and
- 29 (h) Normal business expenses and self-employment taxes for self-
- 30 employed persons. Justification shall be required for any business
- 31 expense deduction about which there is disagreement.

32 Items deducted from gross income under this subsection shall not  
33 be a reason to deviate from the standard calculation.

34 (6) **Imputation of income.** The court shall impute income to a  
35 parent when the parent is voluntarily unemployed or voluntarily  
36 underemployed. The court shall determine whether the parent is  
37 voluntarily underemployed or voluntarily unemployed based upon that  
38 parent's (~~work history, education,~~) assets, residence, employment  
39 and earnings history, job skills, educational attainment, literacy,  
40 health, (~~and~~) age, criminal record, dependency court obligations,

1 and other employment barriers, record of seeking work, the local job  
2 market, the availability of employers willing to hire the parent, the  
3 prevailing earnings level in the local community, or any other  
4 relevant factors. A court shall not impute income to a parent who is  
5 gainfully employed on a full-time basis, unless the court finds that  
6 the parent is voluntarily underemployed and finds that the parent is  
7 purposely underemployed to reduce the parent's child support  
8 obligation. Income shall not be imputed for an unemployable parent.  
9 Income shall not be imputed to a parent to the extent the parent is  
10 unemployed or significantly underemployed due to the parent's efforts  
11 to comply with court-ordered reunification efforts under chapter  
12 13.34 RCW or under a voluntary placement agreement with an agency  
13 supervising the child. ~~((In))~~

14 (a) Except as provided in (b) of this subsection, in the absence  
15 of records of a parent's actual earnings, the court shall impute a  
16 parent's income in the following order of priority:

17 ~~((a))~~ (i) Full-time earnings at the current rate of pay;

18 ~~((b))~~ (ii) Full-time earnings at the historical rate of pay  
19 based on reliable information, such as employment security department  
20 data;

21 ~~((c))~~ (iii) Full-time earnings at a past rate of pay where  
22 information is incomplete or sporadic;

23 ~~((d))~~ (iv) Earnings of thirty-two hours per week at minimum  
24 wage in the jurisdiction where the parent resides if the parent is on  
25 or recently coming off temporary assistance for needy families or  
26 recently coming off aged, blind, or disabled assistance benefits,  
27 pregnant women assistance benefits, essential needs and housing  
28 support, supplemental security income, or disability, has recently  
29 been released from incarceration, or is a recent high school  
30 graduate. Imputation of earnings at thirty-two hours per week under  
31 this subsection is a rebuttable presumption;

32 (v) Full-time earnings at minimum wage in the jurisdiction where  
33 the parent resides if the parent has a recent history of minimum wage  
34 earnings, ~~((is recently coming off public assistance, aged, blind, or~~  
35 ~~disabled assistance benefits, pregnant women assistance benefits,~~  
36 ~~essential needs and housing support, supplemental security income, or~~  
37 ~~disability, has recently been released from incarceration, or is a~~  
38 ~~high school student))~~ has never been employed and has no earnings  
39 history, or has no significant earnings history;

1       (~~(e)~~) (vi) Median net monthly income of year-round full-time  
2 workers as derived from the United States bureau of census, current  
3 population reports, or such replacement report as published by the  
4 bureau of census.

5       (b) When a parent is currently enrolled in high school full-time,  
6 the court shall consider the totality of the circumstances of both  
7 parents when determining whether each parent is voluntarily  
8 unemployed or voluntarily underemployed. If a parent who is currently  
9 enrolled in high school is determined to be voluntarily unemployed or  
10 voluntarily underemployed, the court shall impute income at earnings  
11 of twenty hours per week at minimum wage in the jurisdiction where  
12 that parent resides. Imputation of earnings at twenty hours per week  
13 under this subsection is a rebuttable presumption.

14       NEW SECTION. Sec. 3. (1) The legislature finds that a large  
15 number of justice-involved individuals owe significant child support  
16 debts when they are released from incarceration.

17       (2) The legislature finds that these child support debts are  
18 often uncollectible and unduly burdensome on a recently released  
19 justice-involved individual, and that such debts severely impact the  
20 ability of the person required to pay support to have a successful  
21 reentry and reintegration into society.

22       (3) The legislature finds that there is case law in Washington,  
23 *In re Marriage of Blickenstaff*, 71 Wn. App. 489, 859 P.2d 646 (1993),  
24 providing that incarceration does not equate to voluntary  
25 unemployment or voluntary underemployment.

26       (4) The legislature finds that there is a statewide movement to  
27 assist justice-involved individuals reenter and reintegrate into  
28 society, and to reduce state-caused pressures which tend to lead to  
29 recidivism and a return to jail or prison.

30       (5) The legislature finds that, although there is currently a  
31 statutory process for modification of child support orders, it is in  
32 the best interests of the children of the state of Washington to  
33 create an automatic process of abatement instead of making it the  
34 sole responsibility of the justice-involved person to take action to  
35 deal with his or her child support obligation while incarcerated.

36       (6) The legislature intends, therefore, to create a remedy  
37 whereby court or administrative orders for child support entered in  
38 Washington state may be automatically abated when the person required

1 to pay support is incarcerated for at least six months and has no  
2 income or assets available to pay support.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 26.09  
4 RCW to read as follows:

5 (1) When a child support order contains language providing for  
6 automatic abatement based on incarceration of the person required to  
7 pay child support, there is a rebuttable presumption that an  
8 incarcerated person is unable to pay the child support obligation.  
9 Unless the presumption is rebutted, the provisions of subsection (3)  
10 of this section apply.

11 (2)(a) If the child support order does not contain language  
12 providing for automatic abatement based on incarceration, the  
13 department, the person required to pay support, the payee under the  
14 order, or the person entitled to receive support may commence an  
15 action in the appropriate forum to:

- 16 (i) Modify the support order to contain abatement language; and  
17 (ii) Abate the person's child support obligation due to current  
18 incarceration for at least six months.

19 (b) In a proceeding brought under this subsection, there is a  
20 rebuttable presumption that an incarcerated person is unable to pay  
21 the child support obligation. The department, the payee under the  
22 order, or the person entitled to receive support, may rebut the  
23 presumption by demonstrating that the person required to pay support  
24 has possession of, or access to, income or assets available to  
25 provide support while incarcerated.

26 (c) Unless the presumption is rebutted, the provisions of  
27 subsection (3) of this section apply.

28 (3) If the court or administrative forum determines that  
29 abatement of support is appropriate:

30 (a) The child support obligation under that order will be  
31 automatically abated to ten dollars per month, without regard to the  
32 number of children covered by that order, while the person required  
33 to pay support is confined in a jail, prison, or correctional  
34 facility for at least six months or is serving a sentence greater  
35 than six months in a jail, prison, or correctional facility. Either  
36 the department, the payee under the order, or the person entitled to  
37 receive support may rebut the presumption by demonstrating the person  
38 required to pay support has possession of, or access to, income or  
39 assets available to provide support while incarcerated.

1 (b) If the incarcerated person's support obligation under the  
2 order is abated as provided in (a) of this subsection, the obligation  
3 will remain abated to ten dollars per month through the last day of  
4 the third month after the person is released from confinement.

5 (c) After abatement, the support obligation of the person  
6 required to pay support under the order is automatically reinstated  
7 at fifty percent of the support amount provided in the underlying  
8 order, but may not be less than the presumptive minimum obligation of  
9 fifty dollars per month per child, effective the first day of the  
10 fourth month after the person's release from confinement.

11 (i) Upon a showing of good cause by a party that the  
12 circumstances of the case allow it, the court or administrative forum  
13 may add specific provisions to the order abating the child support  
14 obligation regarding when and how the abatement may terminate.

15 (ii) During the period of abatement, the department, the person  
16 required to pay support, the payee under the order, or the person  
17 entitled to receive support may commence an action to modify the  
18 child support order under RCW 26.09.170 or 74.20A.059, in which case  
19 the provision regarding reinstatement of the support amount at fifty  
20 percent does not apply.

21 NEW SECTION. **Sec. 5.** A new section is added to chapter 26.09  
22 RCW to read as follows:

23 Either the department, the person required to pay support, the  
24 payee under the order, or the person entitled to receive support may  
25 make a request for abatement of child support to ten dollars per  
26 month under an order for child support when the person required to  
27 pay support is currently confined in a jail, prison, or correctional  
28 facility for at least six months, or is serving a sentence greater  
29 than six months in a jail, prison, or correctional facility.

30 (1) A request for the abatement of child support owed under one  
31 child support order does not automatically qualify as a request for  
32 abatement of support owed under every order that may exist requiring  
33 that person to pay support. However, the request applies to any  
34 support order which is being enforced by the department at the time  
35 of the request.

36 (2) If there are multiple orders requiring the incarcerated  
37 person to pay child support, the issue of whether abatement of  
38 support due to incarceration is appropriate must be considered for  
39 each order.

1 (a) The payee or person entitled to receive support under each  
2 support order is entitled to notice and an opportunity to be heard  
3 regarding the potential abatement of support under that order.

4 (b) If the child or children covered by a support order are not  
5 residing with the payee under the order, any other person entitled to  
6 receive support for the child or children must be provided notice and  
7 an opportunity to be heard regarding the potential abatement of  
8 support under that order.

9 NEW SECTION. **Sec. 6.** A new section is added to chapter 26.09  
10 RCW to read as follows:

11 (1) When a child support order contains language regarding  
12 abatement to ten dollars per month per order based on incarceration  
13 of the person required to pay support, and that person is currently  
14 confined in a jail, prison, or correctional facility for at least six  
15 months, or is serving a sentence greater than six months in a jail,  
16 prison, or correctional facility, the department must:

17 (a) Review the support order for abatement once the department  
18 receives notice from the person required to pay support or someone  
19 acting on his or her behalf that the person may qualify for automatic  
20 abatement of support;

21 (b) Review its records and other available information to  
22 determine if the person required to pay support has possession of, or  
23 access to, income or assets available to provide support while  
24 incarcerated; and

25 (c) Decide whether abatement of the person's support obligation  
26 is appropriate.

27 (2) If the department decides that abatement of the person's  
28 support obligation is appropriate, the department must notify the  
29 person required to pay support, and the payee under the order or the  
30 person entitled to receive support, that the incarcerated person's  
31 support obligation has been abated and that the abatement will  
32 continue until the first day of the fourth month after the person is  
33 released from confinement. The notification must include the  
34 following information:

35 (a) The payee under the order or the person entitled to receive  
36 support may object to the abatement of support due to incarceration;

37 (i) An objection must be received within twenty days of the  
38 notification of abatement;

1 (ii) Any objection will be forwarded to the office of  
2 administrative hearings for an adjudicative proceeding under chapter  
3 34.05 RCW;

4 (iii) The department, the person required to pay support, and the  
5 payee under the order or the person entitled to receive support, all  
6 have the right to participate in the administrative hearing as  
7 parties; and

8 (iv) The burden of proof is on the party objecting to the  
9 abatement of support to show that the person required to pay support  
10 has possession of, or access to, income or assets available to  
11 provide support while incarcerated;

12 (b) The effective date of the abatement of support;

13 (c) The estimated date of release;

14 (d) The estimated date that the abatement will end; and

15 (e) That, if the abated obligation was established by a court  
16 order, the department will file a copy of the notification in the  
17 court file.

18 (3) If the department decides that abatement of the incarcerated  
19 person's support obligation is not appropriate, the department must  
20 notify the person required to pay support and the payee under the  
21 order or the person entitled to receive support, that the department  
22 does not believe that abatement of the support obligation should  
23 occur. The notification must include the following information:

24 (a) The reasons why the department decided that abatement of the  
25 support obligation is not appropriate;

26 (b) The person required to pay support and the payee under the  
27 order or the person entitled to receive support may object to the  
28 department's decision not to abate the support obligation;

29 (i) An objection must be received within twenty days of the  
30 notification of abatement;

31 (ii) Any objection will be forwarded to the office of  
32 administrative hearings for an adjudicative proceeding under chapter  
33 34.05 RCW; and

34 (iii) The department, the incarcerated person, and the payee  
35 under the order or the person entitled to receive support all have  
36 the right to participate in the administrative hearing as parties;

37 (c) That, if the administrative law judge enters an order  
38 providing that abatement is appropriate, the department will take  
39 appropriate steps to document the abatement and will advise the  
40 parties of:

1 (i) The effective date of the abatement of support;  
2 (ii) The estimated date of release;  
3 (iii) The estimated date that the abatement will end; and  
4 (iv) That, if the abated obligation was established by a court  
5 order, the department will file a copy of the notification in the  
6 court file.

7 NEW SECTION. **Sec. 7.** A new section is added to chapter 26.09  
8 RCW to read as follows:

9 (1) When a court or administrative order does not contain  
10 language regarding automatic abatement based on incarceration of the  
11 person required to pay support and the department receives notice  
12 that the person is currently confined in a jail, prison, or  
13 correctional facility for at least six months or is serving a  
14 sentence greater than six months in a jail, prison, or correctional  
15 facility, the department must refer the case to the appropriate forum  
16 for a determination of whether the order should be modified to:

17 (a) Contain abatement language as provided in this act; and

18 (b) Abate the person's child support obligation due to current  
19 incarceration.

20 (2) In a proceeding brought under this section, there is a  
21 rebuttable presumption that an incarcerated person is unable to pay  
22 the child support obligation. The department, the payee under the  
23 order, or the person entitled to receive support may rebut the  
24 presumption by demonstrating that the incarcerated person has  
25 possession of, or access to, income or assets available to provide  
26 support while incarcerated.

27 (3) Unless the presumption is rebutted, the court or  
28 administrative forum must enter an order providing that the child  
29 support obligation under the order is abated to ten dollars per  
30 month, without regard to the number of children covered by the order,  
31 if the person required to pay support is confined in a jail, prison,  
32 or correctional facility for at least six months, or is serving a  
33 sentence greater than six months in a jail, prison, or correctional  
34 facility.

35 (4) The order must:

36 (a) Include the appropriate language required by this act in  
37 order to provide for a rebuttable presumption of automatic abatement  
38 to ten dollars per month per order; and

1 (b) Provide that the order must be reinstated at fifty percent of  
2 the previously ordered support amount but not less than the  
3 presumptive minimum obligation of fifty dollars per month per child,  
4 effective on the first day of the fourth month after the person's  
5 release from confinement.

6 NEW SECTION. **Sec. 8.** A new section is added to chapter 26.09  
7 RCW to read as follows:

8 The effective date of abatement of a child support obligation  
9 based on incarceration to ten dollars per month per order under this  
10 act is the date on which the person required to pay support is  
11 confined in a jail, prison, or correctional facility for at least six  
12 months or begins serving a sentence greater than six months in a  
13 jail, prison, or correctional facility, regardless of when the  
14 department is notified of the incarceration. However:

15 (1) The person required to pay support is not entitled to a  
16 refund of any support collections or payments that were received by  
17 the department prior to the date on which the department is notified  
18 of the incarceration; and

19 (2) The department, the payee under the order, or the person  
20 entitled to receive support is not required to refund any support  
21 collections or payments that were received by the department prior to  
22 the date on which the department is notified of the incarceration.

23 NEW SECTION. **Sec. 9.** A new section is added to chapter 26.09  
24 RCW to read as follows:

25 (1) At any time during the period of incarceration, the  
26 department, the payee under the order, or the person entitled to  
27 receive support may file a request to reverse or terminate the  
28 abatement of support by demonstrating that the incarcerated person  
29 has possession of, or access to, income or assets available to  
30 provide support while incarcerated.

31 (a) A request for reversal or termination of the abatement may be  
32 filed with the department or with the office of administrative  
33 hearings.

34 (b) The request must include documents or other evidence showing  
35 that the incarcerated person has possession of, or access to, income  
36 or assets available to provide support while incarcerated.

37 (c) If the request for a hearing does not include documents or  
38 evidence showing that the incarcerated person has possession of, or

1 access to, income or assets, the department may file a motion asking  
2 that the request for a hearing be dismissed before a hearing is  
3 scheduled or held.

4 (d) The party seeking to reverse or terminate the abatement may  
5 seek to vacate the dismissal order by filing a motion which includes  
6 the required proof.

7 (e) Depending on the type of evidence provided at the hearing,  
8 the administrative law judge may order that the abatement of the  
9 support obligation be:

10 (i) Reversed, meaning that the determination that support should  
11 be abated is vacated and all amounts owed under the support order are  
12 reinstated; or

13 (ii) Terminated, meaning that the abatement of support ends as of  
14 the date specified in the order.

15 (2) At any time during the period of incarceration, the person  
16 required to pay support may file a request to reverse or terminate  
17 the abatement of support.

18 (a) The request for reversal or termination of the abatement may  
19 be filed with the department or with the office of administrative  
20 hearings.

21 (b) The person required to pay support is not required to provide  
22 any documents or other evidence to support the request.

23 (3) Abatement of a support obligation under this act does not  
24 constitute modification or adjustment of the order.

25 **Sec. 10.** RCW 26.23.050 and 2019 c 46 s 5026 are each amended to  
26 read as follows:

27 (1) If the division of child support is providing support  
28 enforcement services under RCW 26.23.045, or if a party is applying  
29 for support enforcement services by signing the application form on  
30 the bottom of the support order, the superior court shall include in  
31 all court orders that establish or modify a support obligation:

32 (a) A provision that orders and directs the (~~responsible~~  
33 ~~parent~~) person required to pay support to make all support payments  
34 to the Washington state support registry;

35 (b) A statement that withholding action may be taken against  
36 wages, earnings, assets, or benefits, and liens enforced against real  
37 and personal property under the child support statutes of this or any  
38 other state, without further notice to the (~~responsible parent~~)

1 person required to pay support at any time after entry of the court  
2 order, unless:

3 (i) One of the parties demonstrates, and the court finds, that  
4 there is good cause not to require immediate income withholding and  
5 that withholding should be delayed until a payment is past due; or

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

8 (c) A statement that the (~~receiving parent~~) payee under the  
9 order or the person entitled to receive support might be required to  
10 submit an accounting of how the support, including any cash medical  
11 support, is being spent to benefit the child;

12 (d) A statement that any (~~parent~~) person required to provide  
13 health care coverage for the child or children covered by the order  
14 must notify the division of child support and the other (~~parent~~)  
15 party to the support order when the coverage terminates; (~~and~~)

16 (e) A statement that (~~the responsible parent's privileges~~) any  
17 privilege of the person required to pay support to obtain and  
18 maintain a license, as defined in RCW 74.20A.320, may not be renewed,  
19 or may be suspended if the (~~parent~~) person is not in compliance  
20 with a support order as provided in RCW 74.20A.320; and

21 (f) A statement that the support obligation under the order may  
22 be automatically abated as provided in section 4 of this act if the  
23 person required to pay support is confined in a jail, prison, or  
24 correctional facility for at least six months, or is serving a  
25 sentence greater than six months in a jail, prison, or correctional  
26 facility.

27 As used in this subsection and subsection (3) of this section,  
28 "good cause not to require immediate income withholding" means a  
29 written determination of why implementing immediate wage withholding  
30 would not be in the child's best interests and, in modification  
31 cases, proof of timely payment of previously ordered support.

32 (2) In all other cases not under subsection (1) of this section,  
33 the court may order the (~~responsible parent~~) person required to pay  
34 support to make payments directly to the person entitled to receive  
35 the payments, to the Washington state support registry, or may order  
36 that payments be made in accordance with an alternate arrangement  
37 agreed upon by the parties.

38 (a) The superior court shall include in all orders under this  
39 subsection that establish or modify a support obligation:

1 (i) A statement that withholding action may be taken against  
2 wages, earnings, assets, or benefits, and liens enforced against real  
3 and personal property under the child support statutes of this or any  
4 other state, without further notice to the (~~responsible parent~~)  
5 person required to pay support at any time after entry of the court  
6 order, unless:

7 (A) One of the parties demonstrates, and the court finds, that  
8 there is good cause not to require immediate income withholding and  
9 that withholding should be delayed until a payment is past due; or

10 (B) The parties reach a written agreement that is approved by the  
11 court that provides for an alternate arrangement;

12 (ii) A statement that the (~~receiving parent~~) payee under the  
13 order or the person entitled to receive support may be required to  
14 submit an accounting of how the support is being spent to benefit the  
15 child;

16 (iii) A statement that any (~~parent~~) person required to provide  
17 health care coverage for the child or children covered by the order  
18 must notify the division of child support and the other (~~parent~~)  
19 party when the coverage terminates; and

20 (iv) A statement that a (~~parent~~) person seeking to enforce the  
21 obligation to provide health care coverage may:

22 (A) File a motion in the underlying superior court action; or

23 (B) If there is not already an underlying superior court action,  
24 initiate an action in the superior court.

25 As used in this subsection, "good cause not to require immediate  
26 income withholding" is any reason that the court finds appropriate.

27 (b) The superior court may order immediate or delayed income  
28 withholding as follows:

29 (i) Immediate income withholding may be ordered if the  
30 (~~responsible parent~~) person required to pay support has earnings.  
31 If immediate income withholding is ordered under this subsection, all  
32 support payments shall be paid to the Washington state support  
33 registry. The superior court shall issue a mandatory wage assignment  
34 order as set forth in chapter 26.18 RCW when the support order is  
35 signed by the court. The (~~parent~~) payee under the order or the  
36 person entitled to receive the transfer payment is responsible for  
37 serving the employer with the order and for its enforcement as set  
38 forth in chapter 26.18 RCW.

39 (ii) If immediate income withholding is not ordered, the court  
40 shall require that income withholding be delayed until a payment is

1 past due. The support order shall contain a statement that  
2 withholding action may be taken against wages, earnings, assets, or  
3 benefits, and liens enforced against real and personal property under  
4 the child support statutes of this or any other state, without  
5 further notice to the (~~responsible parent~~) person required to pay  
6 support, after a payment is past due.

7 (c) If a mandatory wage withholding order under chapter 26.18 RCW  
8 is issued under this subsection and the division of child support  
9 provides support enforcement services under RCW 26.23.045, the  
10 existing wage withholding assignment is prospectively superseded upon  
11 the division of child support's subsequent service of an income  
12 withholding notice.

13 (3) The office of administrative hearings and the department of  
14 social and health services shall require that all support obligations  
15 established as administrative orders include a provision which orders  
16 and directs that the (~~responsible parent~~) person required to pay  
17 support shall make all support payments to the Washington state  
18 support registry. All administrative orders shall also state that  
19 (~~the responsible parent's privileges~~) any privilege of the person  
20 required to pay support to obtain and maintain a license, as defined  
21 in RCW 74.20A.320, may not be renewed, or may be suspended if the  
22 (~~parent~~) person is not in compliance with a support order as  
23 provided in RCW 74.20A.320. All administrative orders shall also  
24 state that withholding action may be taken against wages, earnings,  
25 assets, or benefits, and liens enforced against real and personal  
26 property under the child support statutes of this or any other state  
27 without further notice to the (~~responsible parent~~) person required  
28 to pay support at any time after entry of the order, unless:

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

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

34 (4) If the support order does not include the provision ordering  
35 and directing that all payments be made to the Washington state  
36 support registry and a statement that withholding action may be taken  
37 against wages, earnings, assets, or benefits if a support payment is  
38 past due or at any time after the entry of the order, or that (~~a~~  
39 ~~parent's~~) licensing privileges of the person required to pay support  
40 may not be renewed, or may be suspended, the division of child

1 support may serve a notice on the (~~responsible parent~~) person  
2 stating such requirements and authorizations. Service may be by  
3 personal service or any form of mail requiring a return receipt.

4 (5) Every support order shall state:

5 (a) The address where the support payment is to be sent;

6 (b) That withholding action may be taken against wages, earnings,  
7 assets, or benefits, and liens enforced against real and personal  
8 property under the child support statutes of this or any other state,  
9 without further notice to the (~~responsible parent~~) person required  
10 to pay support at any time after entry of a support order, unless:

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

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

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

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

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

19 (f) The names and ages of the dependent children;

20 (g) A provision requiring both the (~~responsible parent~~) person  
21 required to pay support and the (~~eustodial parent~~) payee under the  
22 order or the person entitled to receive support to keep the  
23 Washington state support registry informed of whether he or she has  
24 access to health care coverage at reasonable cost and, if so, the  
25 health care coverage information;

26 (h) That either or both the (~~responsible parent~~) person  
27 required to pay support and the (~~eustodial parent~~) payee under the  
28 order or the person entitled to receive support shall be obligated to  
29 provide medical support for (~~his or her~~) a child or children  
30 covered by the order through health care coverage if:

31 (i) The obligated (~~parent~~) person provides accessible coverage  
32 for the child or children through private or public health care  
33 coverage; or

34 (ii) Coverage that can be extended to cover the child or children  
35 is or becomes available to the (~~parent~~) person through employment  
36 or is union-related; or

37 (iii) In the absence of such coverage, through an additional sum  
38 certain amount, as that (~~parent's~~) obligated person's monthly  
39 payment toward the premium as provided under RCW 26.09.105;

1 (i) That a (~~parent~~) person providing health care coverage must  
2 notify both the division of child support and the other (~~parent~~)  
3 party to the order when coverage terminates;

4 (j) That if proof of health care coverage or proof that the  
5 coverage is unavailable is not provided within twenty days, the  
6 (~~parent~~) person seeking enforcement or the department may seek  
7 direct enforcement of the coverage through the employer or union of  
8 the (~~parent~~) person required to provide medical support without  
9 further notice to the (~~parent~~) person as provided under chapter  
10 26.18 RCW;

11 (k) The reasons for not ordering health care coverage if the  
12 order fails to require such coverage;

13 (l) That (~~the responsible parent's privileges~~) any privilege of  
14 the person required to pay support to obtain and maintain a license,  
15 as defined in RCW 74.20A.320, may not be renewed, or may be suspended  
16 if the (~~parent~~) person is not in compliance with a support order as  
17 provided in RCW 74.20A.320;

18 (m) That each (~~parent~~) party to the support order must:

19 (i) Promptly file with the court and update as necessary the  
20 confidential information form required by subsection (7) of this  
21 section; and

22 (ii) Provide the state case registry and update as necessary the  
23 information required by subsection (7) of this section; and

24 (n) That parties to administrative support orders shall provide  
25 to the state case registry and update as necessary their residential  
26 addresses and the address of the (~~responsible parent's~~) employer of  
27 the person required to pay support. The division of child support may  
28 adopt rules that govern the collection of parties' current residence  
29 and mailing addresses, telephone numbers, dates of birth, social  
30 security numbers, the names of the children, social security numbers  
31 of the children, dates of birth of the children, driver's license  
32 numbers, and the names, addresses, and telephone numbers of the  
33 parties' employers to enforce an administrative support order. The  
34 division of child support shall not release this information if the  
35 division of child support determines that there is reason to believe  
36 that release of the information may result in physical or emotional  
37 harm to the party or to the child, or a restraining order or  
38 protective order is in effect to protect one party from the other  
39 party.

1           (6) After the (~~responsible parent~~) person required to pay  
2 support has been ordered or notified to make payments to the  
3 Washington state support registry under this section, (~~the~~  
4 ~~responsible parent~~) that person shall be fully responsible for  
5 making all payments to the Washington state support registry and  
6 shall be subject to payroll deduction or other income-withholding  
7 action. The (~~responsible parent~~) person required to pay support  
8 shall not be entitled to credit against a support obligation for any  
9 payments made to a person or agency other than to the Washington  
10 state support registry except as provided under RCW 74.20.101. A  
11 civil action may be brought by the (~~payer~~) person required to pay  
12 support to recover payments made to persons or agencies who have  
13 received and retained support moneys paid contrary to the provisions  
14 of this section.

15           (7) All petitioners and parties to all court actions under  
16 chapters 26.09, 26.10, 26.12, 26.18, 26.21A, 26.23, 26.26A, 26.26B,  
17 and 26.27 RCW shall complete to the best of their knowledge a  
18 verified and signed confidential information form or equivalent that  
19 provides the parties' current residence and mailing addresses,  
20 telephone numbers, dates of birth, social security numbers, driver's  
21 license numbers, and the names, addresses, and telephone numbers of  
22 the parties' employers. The clerk of the court shall not accept  
23 petitions, except in parentage actions initiated by the state, orders  
24 of child support, decrees of dissolution, or parentage orders for  
25 filing in such actions unless accompanied by the confidential  
26 information form or equivalent, or unless the confidential  
27 information form or equivalent is already on file with the court  
28 clerk. In lieu of or in addition to requiring the parties to complete  
29 a separate confidential information form, the clerk may collect the  
30 information in electronic form. The clerk of the court shall transmit  
31 the confidential information form or its data to the division of  
32 child support with a copy of the order of child support or parentage  
33 order, and may provide copies of the confidential information form or  
34 its data and any related findings, decrees, parenting plans, orders,  
35 or other documents to the state administrative agency that  
36 administers Title IV-A, IV-D, IV-E, or XIX of the federal social  
37 security act. In state initiated parentage actions, the parties  
38 adjudicated the parents of the child or children shall complete the  
39 confidential information form or equivalent or the state's attorney

1 of record may complete that form to the best of the attorney's  
2 knowledge.

3 (8) The department has rule-making authority to enact rules  
4 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19)  
5 as amended by section 7307 of the deficit reduction act of 2005.  
6 Additionally, the department has rule-making authority to implement  
7 regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and  
8 308.

9 **Sec. 11.** RCW 74.20A.055 and 2019 c 46 s 5052 are each amended to  
10 read as follows:

11 (1) The secretary may, if there is no order that establishes  
12 (~~the responsible parent's~~) a person's support obligation or  
13 specifically relieves the (~~responsible parent~~) person required to  
14 pay support of a support obligation or pursuant to an establishment  
15 of parentage under chapter 26.26A or 26.26B RCW, serve on the  
16 (~~responsible parent or parents~~) person or persons required to pay  
17 support and (~~eustodial parent~~) the person entitled to receive  
18 support a notice and finding of financial responsibility requiring  
19 (~~the parents~~) those persons to appear and show cause in an  
20 adjudicative proceeding why the finding of responsibility and/or the  
21 amount thereof is incorrect, should not be finally ordered, but  
22 should be rescinded or modified. This notice and finding shall relate  
23 to the support debt accrued and/or accruing under this chapter and/or  
24 RCW 26.16.205, including periodic payments to be made in the future.  
25 The hearing shall be held pursuant to this section, chapter 34.05  
26 RCW, the Administrative Procedure Act, and the rules of the  
27 department. A (~~eustodian~~) person who has physical custody of a  
28 child has the same rights (~~that a custodial parent has~~) under this  
29 section as a parent with whom the child resides.

30 (2) The notice and finding of financial responsibility shall be  
31 served in the same manner prescribed for the service of a summons in  
32 a civil action or may be served on the (~~responsible parent~~) person  
33 required to pay support by certified mail, return receipt requested.  
34 The receipt shall be prima facie evidence of service. The notice  
35 shall be served upon the (~~debtor~~) person required to pay support  
36 within sixty days from the date the state assumes responsibility for  
37 the support of the dependent child or children on whose behalf  
38 support is sought. If the notice is not served within sixty days from  
39 such date, the department shall lose the right to reimbursement of

1 payments made after the sixty-day period and before the date of  
2 notification: PROVIDED, That if the department exercises reasonable  
3 efforts to locate the (~~debtor~~) person required to pay support and  
4 is unable to do so the entire sixty-day period is tolled until such  
5 time as the (~~debtor~~) person can be located. The notice may be  
6 served upon the (~~eustodial-parent~~) person entitled to receive  
7 support who is the nonassistance applicant or public assistance  
8 recipient by first-class mail to the last known address. If the  
9 (~~eustodial-parent~~) person entitled to receive support is not the  
10 nonassistance applicant or public assistance recipient, service shall  
11 be in the same manner as for the (~~responsible-parent~~) person  
12 required to pay support.

13 (3) The notice and finding of financial responsibility shall set  
14 forth the amount the department has determined the (~~responsible~~  
15 ~~parent~~) person required to pay support owes, the support debt  
16 accrued and/or accruing, and periodic payments to be made in the  
17 future. The notice and finding shall also include:

18 (a) A statement of the name of the (~~eustodial-parent~~) person  
19 entitled to receive support and the name of the child or children for  
20 whom support is sought;

21 (b) A statement of the amount of periodic future support payments  
22 as to which financial responsibility is alleged;

23 (c) A statement that the (~~responsible-parent~~) person required  
24 to pay support or (~~eustodial-parent~~) the person entitled to receive  
25 support may object to all or any part of the notice and finding, and  
26 file an application for an adjudicative proceeding to show cause why  
27 the terms set forth in the notice should not be ordered;

28 (d) A statement that, if neither the (~~responsible-parent~~)  
29 person required to pay support nor the (~~eustodial-parent~~) person  
30 entitled to receive support files in a timely fashion an application  
31 for an adjudicative proceeding, the support debt and payments stated  
32 in the notice and finding, including periodic support payments in the  
33 future, shall be assessed and determined and ordered by the  
34 department and that this debt and amounts due under the notice shall  
35 be subject to collection action;

36 (e) A statement that the property of the (~~debtor~~) person  
37 required to pay support, without further advance notice or hearing,  
38 will be subject to lien and foreclosure, distraint, seizure and sale,  
39 order to withhold and deliver, notice of payroll deduction or other

1 collection action to satisfy the debt and enforce the support  
2 obligation established under the notice;

3 (f) A statement that one or both (~~(parents)~~) parties to the  
4 support order are responsible for either:

5 (i) Providing health care coverage for the child if accessible  
6 coverage that can cover the child:

7 (A) Is available through health insurance or public health care  
8 coverage; or

9 (B) Is or becomes available to the (~~(parent)~~) person through that  
10 (~~(parent's)~~) person's employment or union; or

11 (ii) Paying a monthly payment toward the premium if no such  
12 coverage is available, as provided under RCW 26.09.105; and

13 (g) A statement that the support obligation under the order may  
14 be automatically abated to ten dollars per month per order as  
15 provided in section 4 of this act if the person required to pay  
16 support is confined in a jail, prison, or correctional facility for  
17 at least six months, or is serving a sentence greater than six months  
18 in a jail, prison, or correctional facility.

19 (4) A (~~(responsible parent)~~) person required to pay support or  
20 (~~(custodial parent)~~) a person entitled to receive support who objects  
21 to the notice and finding of financial responsibility may file an  
22 application for an adjudicative proceeding within twenty days of the  
23 date of service of the notice or thereafter as provided under this  
24 subsection.

25 (a) If the (~~(responsible parent)~~) person required to pay support  
26 or (~~(custodial parent)~~) the person entitled to receive support files  
27 the application within twenty days, the office of administrative  
28 hearings shall schedule an adjudicative proceeding to hear the  
29 (~~(parent's)~~) party's or (~~(parents')~~) parties' objection and determine  
30 the support obligation for the entire period covered by the notice  
31 and finding of financial responsibility. The filing of the  
32 application stays collection action pending the entry of a final  
33 administrative order;

34 (b) If both the (~~(responsible parent)~~) person required to pay  
35 support and the (~~(custodial parent)~~) person entitled to receive  
36 support fail to file an application within twenty days, the notice  
37 and finding shall become a final administrative order. The amounts  
38 for current and future support and the support debt stated in the  
39 notice are final and subject to collection, except as provided under  
40 (c) and (d) of this subsection;

1 (c) If the (~~responsible parent~~) person required to pay support  
2 or (~~eustodial parent~~) the person entitled to receive support files  
3 the application more than twenty days after, but within one year of  
4 the date of service, the office of administrative hearings shall  
5 schedule an adjudicative proceeding to hear the (~~parent's~~) party's  
6 or (~~parents'~~) parties' objection and determine the support  
7 obligation for the entire period covered by the notice and finding of  
8 financial responsibility. The filing of the application does not stay  
9 further collection action, pending the entry of a final  
10 administrative order, and does not affect any prior collection  
11 action;

12 (d) If the (~~responsible parent~~) person required to pay support  
13 or (~~eustodial parent~~) the person entitled to receive support files  
14 the application more than one year after the date of service, the  
15 office of administrative hearings shall schedule an adjudicative  
16 proceeding at which the (~~parent~~) party who requested the late  
17 hearing must show good cause for failure to file a timely  
18 application. The filing of the application does not stay future  
19 collection action and does not affect prior collection action:

20 (i) If the presiding officer finds that good cause exists, the  
21 presiding officer shall proceed to hear the (~~parent's~~) party's  
22 objection to the notice and determine the support obligation;

23 (ii) If the presiding officer finds that good cause does not  
24 exist, the presiding officer shall treat the application as a  
25 petition for prospective modification of the amount for current and  
26 future support established under the notice and finding. In the  
27 modification proceeding, the presiding officer shall set current and  
28 future support under chapter 26.19 RCW. The petitioning (~~parent~~)  
29 party need show neither good cause nor a substantial change of  
30 circumstances to justify modification of current and future support;

31 (e) If the (~~responsible parent's~~) support obligation was based  
32 upon imputed median net income, the grant standard, or the family  
33 need standard, the division of child support may file an application  
34 for adjudicative proceeding more than twenty days after the date of  
35 service of the notice. The office of administrative hearings shall  
36 schedule an adjudicative proceeding and provide notice of the hearing  
37 to the (~~responsible parent~~) person required to pay support and the  
38 (~~eustodial parent~~) person entitled to receive support. The  
39 presiding officer shall determine the support obligation for the  
40 entire period covered by the notice, based upon credible evidence

1 presented by the division of child support, the ((~~responsible~~  
2 ~~parent~~)) person required to pay support, or the ((~~eustodial parent~~))  
3 person entitled to receive support, or may determine that the support  
4 obligation set forth in the notice is correct. The division of child  
5 support demonstrates good cause by showing that the ((~~responsible~~  
6 ~~parent's~~)) support obligation was based upon imputed median net  
7 income, the grant standard, or the family need standard. The filing  
8 of the application by the division of child support does not stay  
9 further collection action, pending the entry of a final  
10 administrative order, and does not affect any prior collection  
11 action.

12 (f) The department shall retain and/or shall not refund support  
13 money collected more than twenty days after the date of service of  
14 the notice. Money withheld as the result of collection action shall  
15 be delivered to the department. The department shall distribute such  
16 money, as provided in published rules.

17 (5) If an application for an adjudicative proceeding is filed,  
18 the presiding or reviewing officer shall determine the past liability  
19 and responsibility, if any, of the ((~~alleged responsible parent~~))  
20 person required to pay support and shall also determine the amount of  
21 periodic payments to be made in the future, which amount is not  
22 limited by the amount of any public assistance payment made to or for  
23 the benefit of the child. If deviating from the child support  
24 schedule in making these determinations, the presiding or reviewing  
25 officer shall apply the standards contained in the child support  
26 schedule and enter written findings of fact supporting the deviation.

27 (6) If either the ((~~responsible parent~~)) person required to pay  
28 support or the ((~~eustodial parent~~)) person entitled to receive  
29 support fails to attend or participate in the hearing or other stage  
30 of an adjudicative proceeding, upon a showing of valid service, the  
31 presiding officer shall enter an order of default against each party  
32 who did not appear and may enter an administrative order declaring  
33 the support debt and payment provisions stated in the notice and  
34 finding of financial responsibility to be assessed and determined and  
35 subject to collection action. The parties who appear may enter an  
36 agreed settlement or consent order, which may be different than the  
37 terms of the department's notice. Any party who appears may choose to  
38 proceed to the hearing, after the conclusion of which the presiding  
39 officer or reviewing officer may enter an order that is different

1 than the terms stated in the notice, if the obligation is supported  
2 by credible evidence presented by any party at the hearing.

3 (7) The final administrative order establishing liability and/or  
4 future periodic support payments shall be superseded upon entry of a  
5 superior court order for support to the extent the superior court  
6 order is inconsistent with the administrative order.

7 (8) Debts determined pursuant to this section, accrued and not  
8 paid, are subject to collection action under this chapter without  
9 further necessity of action by a presiding or reviewing officer.

10 (9) The department has rule-making authority to enact rules  
11 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19)  
12 as amended by section 7307 of the deficit reduction act of 2005.  
13 Additionally, the department has rule-making authority to implement  
14 regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and  
15 308.

16 **Sec. 12.** RCW 74.20A.056 and 2019 c 46 s 5053 are each amended to  
17 read as follows:

18 (1)(a) If an acknowledged parent has signed an acknowledgment of  
19 parentage that has been filed with the state registrar of vital  
20 statistics:

21 (i) The division of child support may serve a notice and finding  
22 of financial responsibility under RCW 74.20A.055 based on the  
23 acknowledgment. The division of child support shall attach a copy of  
24 the acknowledgment or certification of the birth record information  
25 advising of the existence of a filed acknowledgment of parentage to  
26 the notice;

27 (ii) The notice shall include a statement that the acknowledged  
28 parent or any other signatory may commence a proceeding in court to  
29 rescind or challenge the acknowledgment or denial of parentage under  
30 RCW 26.26A.235 and 26.26A.240;

31 (iii) A statement that either (~~or both parents~~) the person  
32 required to pay support or the person entitled to receive support are  
33 responsible for providing health care coverage for the child if  
34 accessible coverage that can be extended to cover the child is or  
35 becomes available to the (~~parent~~) person through employment or is  
36 union-related as provided under RCW 26.09.105; (~~and~~)

37 (iv) The party commencing the action to rescind or challenge the  
38 acknowledgment or denial must serve notice on the division of child  
39 support and the office of the prosecuting attorney in the county in

1 which the proceeding is commenced. Commencement of a proceeding to  
2 rescind or challenge the acknowledgment or denial stays the  
3 establishment of the notice and finding of financial responsibility,  
4 if the notice has not yet become a final order; and

5 (v) A statement that the support obligation under the order may  
6 be automatically abated to ten dollars per month per order as  
7 provided in section 4 of this act if the person required to pay  
8 support is confined in a jail, prison, or correctional facility for  
9 at least six months, or is serving a sentence greater than six months  
10 in a jail, prison, or correctional facility.

11 (b) If neither (~~the acknowledged parent nor the other~~) party to  
12 the notice files an application for an adjudicative proceeding or the  
13 signatories to the acknowledgment or denial do not commence a  
14 proceeding to rescind or challenge the acknowledgment of parentage,  
15 the amount of support stated in the notice and finding of financial  
16 responsibility becomes final, subject only to a subsequent  
17 determination under RCW 26.26A.400 through 26.26A.515 that the  
18 parent-child relationship does not exist. The division of child  
19 support does not refund nor return any amounts collected under a  
20 notice that becomes final under this section or RCW 74.20A.055, even  
21 if a court later determines that the acknowledgment is void.

22 (c) An acknowledged parent or other party to the notice who  
23 objects to the amount of support requested in the notice may file an  
24 application for an adjudicative proceeding up to twenty days after  
25 the date the notice was served. An application for an adjudicative  
26 proceeding may be filed within one year of service of the notice and  
27 finding of parental responsibility without the necessity for a  
28 showing of good cause or upon a showing of good cause thereafter. An  
29 adjudicative proceeding under this section shall be pursuant to RCW  
30 74.20A.055. The only issues shall be the amount of the accrued debt  
31 and the amount of the current and future support obligation.

32 (i) If the application for an adjudicative proceeding is filed  
33 within twenty days of service of the notice, collection action shall  
34 be stayed pending a final decision by the department.

35 (ii) If the application for an adjudicative proceeding is not  
36 filed within twenty days of the service of the notice, any amounts  
37 collected under the notice shall be neither refunded nor returned if  
38 the (~~alleged genetic parent~~) person required to pay support under  
39 the notice is later found not to be (~~a responsible parent~~) required  
40 to pay support.

1 (d) If neither (~~the acknowledged parent nor the custodial~~  
2 ~~parent~~) party to the notice requests an adjudicative proceeding, or  
3 if no timely action is brought to rescind or challenge the  
4 acknowledgment or denial after service of the notice, the notice of  
5 financial responsibility becomes final for all intents and purposes  
6 and may be overturned only by a subsequent superior court order  
7 entered under RCW 26.26A.400 through 26.26A.515.

8 (2) Acknowledgments of parentage are subject to requirements of  
9 chapters 26.26A, 26.26B, and 70.58 RCW.

10 (3) The department and the department of health may adopt rules  
11 to implement the requirements under this section.

12 (4) The department has rule-making authority to enact rules  
13 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19)  
14 as amended by section 7307 of the deficit reduction act of 2005.  
15 Additionally, the department has rule-making authority to implement  
16 regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and  
17 308.

18 **Sec. 13.** RCW 74.20A.056 and 2019 c 148 s 38 and 2019 c 46 s 5053  
19 are each reenacted and amended to read as follows:

20 (1)(a) If an acknowledged parent has signed an acknowledgment of  
21 parentage that has been filed with the state registrar of vital  
22 statistics:

23 (i) The division of child support may serve a notice and finding  
24 of financial responsibility under RCW 74.20A.055 based on the  
25 acknowledgment. The division of child support shall attach a copy of  
26 the acknowledgment or certification of the birth record information  
27 advising of the existence of a filed acknowledgment of parentage to  
28 the notice;

29 (ii) The notice shall include a statement that the acknowledged  
30 parent or any other signatory may commence a proceeding in court to  
31 rescind or challenge the acknowledgment or denial of parentage under  
32 RCW 26.26A.235 and 26.26A.240;

33 (iii) A statement that either or both (~~parents~~) the person  
34 required to pay support or the person entitled to receive support are  
35 responsible for providing health care coverage for the child if  
36 accessible coverage that can be extended to cover the child is or  
37 becomes available to the (~~parent~~) person through employment or is  
38 union-related as provided under RCW 26.09.105; (~~and~~)

1 (iv) The party commencing the action to rescind or challenge the  
2 acknowledgment or denial must serve notice on the division of child  
3 support and the office of the prosecuting attorney in the county in  
4 which the proceeding is commenced. Commencement of a proceeding to  
5 rescind or challenge the acknowledgment or denial stays the  
6 establishment of the notice and finding of financial responsibility,  
7 if the notice has not yet become a final order; and

8 (v) A statement that the support obligation under the order may  
9 be automatically abated to ten dollars per month per order as  
10 provided in section 4 of this act if the person required to pay  
11 support is confined in a jail, prison, or correctional facility for  
12 at least six months, or is serving a sentence greater than six months  
13 in a jail, prison, or correctional facility.

14 (b) If neither (~~the acknowledged parent nor the other~~) party to  
15 the notice files an application for an adjudicative proceeding or the  
16 signatories to the acknowledgment or denial do not commence a  
17 proceeding to rescind or challenge the acknowledgment of parentage,  
18 the amount of support stated in the notice and finding of financial  
19 responsibility becomes final, subject only to a subsequent  
20 determination under RCW 26.26A.400 through 26.26A.515 that the  
21 parent-child relationship does not exist. The division of child  
22 support does not refund nor return any amounts collected under a  
23 notice that becomes final under this section or RCW 74.20A.055, even  
24 if a court later determines that the acknowledgment is void.

25 (c) An acknowledged parent or other party to the notice who  
26 objects to the amount of support requested in the notice may file an  
27 application for an adjudicative proceeding up to twenty days after  
28 the date the notice was served. An application for an adjudicative  
29 proceeding may be filed within one year of service of the notice and  
30 finding of parental responsibility without the necessity for a  
31 showing of good cause or upon a showing of good cause thereafter. An  
32 adjudicative proceeding under this section shall be pursuant to RCW  
33 74.20A.055. The only issues shall be the amount of the accrued debt  
34 and the amount of the current and future support obligation.

35 (i) If the application for an adjudicative proceeding is filed  
36 within twenty days of service of the notice, collection action shall  
37 be stayed pending a final decision by the department.

38 (ii) If the application for an adjudicative proceeding is not  
39 filed within twenty days of the service of the notice, any amounts  
40 collected under the notice shall be neither refunded nor returned if

1 the (~~alleged genetic parent~~) person required to pay support under  
2 the notice is later found not to be (~~a responsible parent~~) required  
3 to pay support.

4 (d) If neither the acknowledged parent nor the (~~eustodial~~  
5 ~~parent~~) person entitled to receive support requests an adjudicative  
6 proceeding, or if no timely action is brought to rescind or challenge  
7 the acknowledgment or denial after service of the notice, the notice  
8 of financial responsibility becomes final for all intents and  
9 purposes and may be overturned only by a subsequent superior court  
10 order entered under RCW 26.26A.400 through 26.26A.515.

11 (2) Acknowledgments of parentage are subject to requirements of  
12 chapters 26.26A, 26.26B, and 70.58A RCW.

13 (3) The department and the department of health may adopt rules  
14 to implement the requirements under this section.

15 (4) The department has rule-making authority to enact rules  
16 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19)  
17 as amended by section 7307 of the deficit reduction act of 2005.  
18 Additionally, the department has rule-making authority to implement  
19 regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and  
20 308.

21 **Sec. 14.** RCW 74.20A.059 and 2019 c 275 s 3 are each amended to  
22 read as follows:

23 (1) The department, the (~~physical custodian~~) payee under the  
24 order or the person entitled to receive support, or the (~~responsible~~  
25 ~~parent~~) person required to pay support may petition for a  
26 prospective modification of a final administrative order if:

27 (a) The administrative order has not been superseded by a  
28 superior court order; and

29 (b) There has been a substantial change of circumstances, except  
30 as provided under RCW 74.20A.055(4)(d) or subsection (2) of this  
31 section.

32 (2) The department, the person entitled to receive support, the  
33 payee under the order, or the person required to pay support may  
34 petition for a prospective modification of a final administrative  
35 order if the person required to pay support is currently confined in  
36 a jail, prison, or correctional facility for at least six months or  
37 is serving a sentence greater than six months in a jail, prison, or  
38 correctional facility, and the support order does not contain  
39 language regarding automatic abatement due to incarceration.

1       (a) The petition may be filed at any time after the  
2 administrative support order became a final order, as long as the  
3 person required to pay support is currently incarcerated.

4       (b) As part of the petition for modification, the petitioner may  
5 also request that the support obligation be abated to ten dollars per  
6 month per order due to incarceration, as provided in section 4 of  
7 this act.

8       (3) An order of child support may be modified at any time without  
9 a showing of substantially changed circumstances if incarceration of  
10 the (~~(parent who is obligated)~~) person required to pay support is the  
11 basis for the inconsistency between the existing child support order  
12 amount and the amount of support determined as a result of a review.

13       (~~(3)~~) (4) An order of child support may be modified one year or  
14 more after it has been entered without showing a substantial change  
15 of circumstances:

16       (a) If the order in practice works a severe economic hardship on  
17 either party or the child; or

18       (b) If a child is a full-time student and reasonably expected to  
19 complete secondary school or the equivalent level of vocational or  
20 technical training before the child becomes nineteen years of age  
21 upon a finding that there is a need to extend support beyond the  
22 eighteenth birthday.

23       (~~(4)~~) (5) An order may be modified without showing a  
24 substantial change of circumstances if the requested modification is  
25 to:

26       (a) Require medical support under RCW 26.09.105 for a child  
27 covered by the order; or

28       (b) Modify an existing order for health care coverage.

29       (~~(5)~~) (6) Support orders may be adjusted once every twenty-four  
30 months based upon changes in the income of the (~~(parents)~~) parties to  
31 the order without a showing of substantially changed circumstances.

32       (~~(6)~~) (7)(a) All administrative orders entered on, before, or  
33 after September 1, 1991, may be modified based upon changes in the  
34 child support schedule established in chapter 26.19 RCW without a  
35 substantial change of circumstances. The petition may be filed based  
36 on changes in the child support schedule after twelve months has  
37 expired from the entry of the administrative order or the most recent  
38 modification order setting child support, whichever is later.  
39 However, if a party is granted relief under this provision, twenty-

1 four months must pass before another petition for modification may be  
2 filed pursuant to subsection ~~((5))~~ (6) of this section.

3 (b) If, pursuant to subsection ~~((5))~~ (6) of this section or (a)  
4 of this subsection, the order modifies a child support obligation by  
5 more than thirty percent and the change would cause significant  
6 hardship, the change may be implemented in two equal increments, one  
7 at the time of the entry of the order and the second six months from  
8 the entry of the order. Twenty-four months must pass following the  
9 second change before a petition for modification under subsection  
10 ~~((5))~~ (6) of this section may be filed.

11 ~~((7))~~ (8) An increase in the wage or salary of the ~~((parent or~~  
12 ~~custodian who is receiving))~~ person entitled to receive the support  
13 transfer payments is not a substantial change in circumstances for  
14 purposes of modification under subsection (1)(b) of this section.  
15 ~~((An obligor's))~~ The voluntary unemployment or voluntary  
16 underemployment of the person required to pay support, by itself, is  
17 not a substantial change of circumstances.

18 ~~((8))~~ (9) The department shall file the petition and a  
19 supporting affidavit with the ~~((secretary or the secretary's~~  
20 ~~designee))~~ office of administrative hearings when the department  
21 petitions for modification.

22 ~~((9))~~ (10) The ~~((responsible parent))~~ person required to pay  
23 support or the ~~((physical custodian))~~ payee under the order or the  
24 person entitled to receive support shall follow the procedures in  
25 this chapter for filing an application for an adjudicative proceeding  
26 to petition for modification.

27 ~~((10))~~ (11) Upon the filing of a proper petition or  
28 application, the ~~((secretary or the secretary's designee))~~ office of  
29 administrative hearings shall issue an order directing each party to  
30 appear and show cause why the order should not be modified.

31 ~~((11))~~ (12) If the presiding or reviewing officer finds a  
32 modification is appropriate, the officer shall modify the order and  
33 set current and future support under chapter 26.19 RCW.

34 **Sec. 15.** RCW 26.09.170 and 2019 c 275 s 2 are each amended to  
35 read as follows:

36 (1) Except as otherwise provided in RCW 26.09.070(7), the  
37 provisions of any decree respecting maintenance or support may be  
38 modified: (a) Only as to installments accruing subsequent to the  
39 petition for modification or motion for adjustment except motions to

1 compel court-ordered adjustments, which shall be effective as of the  
2 first date specified in the decree for implementing the adjustment;  
3 and, (b) except as otherwise provided in this section, only upon a  
4 showing of a substantial change of circumstances. The provisions as  
5 to property disposition may not be revoked or modified, unless the  
6 court finds the existence of conditions that justify the reopening of  
7 a judgment under the laws of this state.

8 (2) Unless otherwise agreed in writing or expressly provided in  
9 the decree the obligation to pay future maintenance is terminated  
10 upon the death of either party or the remarriage of the party  
11 receiving maintenance or registration of a new domestic partnership  
12 of the party receiving maintenance.

13 (3) Unless otherwise agreed in writing or expressly provided in  
14 the decree, provisions for the support of a child are terminated by  
15 emancipation of the child or by the death of the (~~parent obligated~~  
16 ~~to~~) person required to pay support for the child.

17 (4) Unless expressly provided by an order of the superior court  
18 or a court of comparable jurisdiction, provisions for the support of  
19 a child are terminated upon the marriage or registration of a  
20 domestic partnership to each other of parties to a paternity or  
21 parentage order, or upon the remarriage or registration of a domestic  
22 partnership to each other of parties to a decree of dissolution. The  
23 remaining provisions of the order, including provisions establishing  
24 (~~paternity~~) parentage, remain in effect.

25 (5) (a) A party to an order of child support may petition for a  
26 modification based upon a showing of substantially changed  
27 circumstances at any time.

28 (b) (~~An obligor's~~) The voluntary unemployment or voluntary  
29 underemployment of the person required to pay support, by itself, is  
30 not a substantial change of circumstances.

31 (6) An order of child support may be modified at any time to add  
32 language regarding automatic abatement to ten dollars per month per  
33 order due to the incarceration of the person required to pay support,  
34 as provided in section 4 of this act.

35 (a) The department of social and health services, the person  
36 entitled to receive support or the payee under the order, or the  
37 person required to pay support may petition for a prospective  
38 modification of a child support order if the person required to pay  
39 support is currently confined in a jail, prison, or correctional  
40 facility for at least six months or is serving a sentence greater

1 than six months in a jail, prison, or correctional facility, and the  
2 support order does not contain language regarding automatic abatement  
3 due to incarceration.

4 (b) The petition may only be filed if the person required to pay  
5 support is currently incarcerated.

6 (c) As part of the petition for modification, the petitioner may  
7 also request that the support obligation be abated to ten dollars per  
8 month per order due to incarceration, as provided in section 4 of  
9 this act.

10 (7) An order of child support may be modified one year or more  
11 after it has been entered without a showing of substantially changed  
12 circumstances:

13 (a) If the order in practice works a severe economic hardship on  
14 either party or the child;

15 (b) If a child is still in high school, upon a finding that there  
16 is a need to extend support beyond the eighteenth birthday to  
17 complete high school; or

18 (c) To add an automatic adjustment of support provision  
19 consistent with RCW 26.09.100.

20 ~~((7))~~ (8)(a) If twenty-four months have passed from the date of  
21 the entry of the order or the last adjustment or modification,  
22 whichever is later, the order may be adjusted without a showing of  
23 substantially changed circumstances based upon:

24 (i) Changes in the income of the ~~((parents))~~ parties to the  
25 order; or

26 (ii) Changes in the economic table or standards in chapter 26.19  
27 RCW.

28 (b) Either party may initiate the adjustment by filing a motion  
29 and child support worksheets.

30 (c) If the court adjusts or modifies a child support obligation  
31 pursuant to this subsection by more than thirty percent and the  
32 change would cause significant hardship, the court may implement the  
33 change in two equal increments, one at the time of the entry of the  
34 order and the second six months from the entry of the order. Twenty-  
35 four months must pass following the second change before a motion for  
36 another adjustment under this subsection may be filed.

37 ~~((8))~~ (9)(a) The department of social and health services may  
38 file an action to modify or adjust an order of child support if  
39 public assistance money is being paid to or for the benefit of the  
40 child and the department has determined that the child support order

1 is at least fifteen percent above or below the appropriate child  
2 support amount set forth in the standard calculation as defined in  
3 RCW 26.19.011.

4 (b) The department of social and health services may file an  
5 action to modify or adjust an order of child support in a  
6 nonassistance case if:

7 (i) The department has determined that the child support order is  
8 at least fifteen percent above or below the appropriate child support  
9 amount set forth in the standard calculation as defined in RCW  
10 26.19.011;

11 (ii) The department has determined the case meets the  
12 department's review criteria; and

13 (iii) A party to the order or another state or jurisdiction has  
14 requested a review.

15 (c) If incarceration of the (~~parent who is obligated~~) person  
16 required to pay support is the basis for the difference between the  
17 existing child support order amount and the proposed amount of  
18 support determined as a result of a review, the department may file  
19 an action to modify or adjust an order of child support even if:

20 (i) There is no other change of circumstances; and

21 (ii) The change in support does not meet the fifteen percent  
22 threshold.

23 (d) The determination of whether the child support order is at  
24 least fifteen percent above or below the appropriate child support  
25 amount must be based on the current income of the parties.

26 (~~(9)~~) (10) The department of social and health services may  
27 file an action to modify or adjust an order of child support under  
28 subsections (5) through (~~(7)~~) (8) of this section if:

29 (a) Public assistance money is being paid to or for the benefit  
30 of the child;

31 (b) A party to the order in a nonassistance case has requested a  
32 review; or

33 (c) Another state or jurisdiction has requested a modification of  
34 the order.

35 (~~(10)~~) (11) If testimony other than affidavit is required in  
36 any proceeding under this section, a court of this state shall permit  
37 a party or witness to be deposed or to testify under penalty of  
38 perjury by telephone, audiovisual means, or other electronic means,  
39 unless good cause is shown.

1        NEW SECTION.    **Sec. 16.**    A new section is added to chapter 26.09  
2    RCW to read as follows:

3        The department is granted rule-making authority to adopt rules  
4    necessary for the implementation of this act.

5        NEW SECTION.    **Sec. 17.**    Section 12 of this act expires January 1,  
6    2021.

7        NEW SECTION.    **Sec. 18.**    Section 13 of this act takes effect  
8    January 1, 2021.

9        **Sec. 19.**    RCW 26.23.110 and 2009 c 476 s 5 are each amended to  
10   read as follows:

11        (1) The department may serve a notice of support owed (~~(on a~~  
12   ~~responsible parent~~)) when a child support order:

13        (a) Does not state the current and future support obligation as a  
14   fixed dollar amount;

15        (b) Contains an escalation clause or adjustment provision for  
16   which additional information not contained in the support order is  
17   needed to determine the fixed dollar amount of the support debt or  
18   the fixed dollar amount of the current and future support obligation,  
19   or both; (~~or~~)

20        (c) Provides that the person required by the order to make the  
21   transfer payment must pay a portion of child care or day care  
22   expenses for a child or children covered by the order; or

23        (d) Provides that (~~the responsible parent is responsible for~~  
24   paying)) either the person required to pay support or the person  
25   entitled to receive support, or both, are obligated to pay for a  
26   portion of uninsured medical costs, copayments, and/or deductibles  
27   incurred on behalf of the child or children covered by the order, but  
28   does not reduce the costs to a fixed dollar amount.

29        (2) The department may serve a notice of support owed for day  
30   care or child care on the person required by the order to make the  
31   transfer payment when:

32        (a) The underlying support order requires that person to pay his  
33   or her proportionate share of day care or child care costs directly  
34   to the person entitled to receive support; or

35        (b) The person entitled to receive support is seeking  
36   reimbursement because he or she has paid the share of day care or

1 child care costs owed by the person required by the order to make the  
2 transfer payment.

3 (3) The department may serve a notice of support owed for medical  
4 support on ((a parent who has been designated to pay per a)) any  
5 person obligated by a child support order to provide medical support  
6 for the child or children covered by the order. There are two  
7 different types of medical support obligations:

8 (a) Health care coverage: The department may serve a notice of  
9 support owed to determine an obligated person's monthly payment  
10 toward the premium as defined in RCW 26.09.105, if the support order  
11 does not set a fixed dollar amount for the monthly payment toward the  
12 premium.

13 (b) Uninsured medical expenses: The department may serve a notice  
14 of support owed on any person who is obligated to pay a portion of  
15 uninsured medical costs, copayments, or deductibles incurred on  
16 behalf of the child or children covered by the order, ((but only))  
17 when the support order does not reduce the costs to a fixed dollar  
18 amount.

19 ((3) The department may serve a notice of support owed to  
20 determine a parent's monthly payment toward the premium as defined in  
21 RCW 26.09.105, if the support order does not set a fixed dollar  
22 amount for the monthly payment toward the premium.)) (i) The notice  
23 of support owed may be served for purposes of reimbursing a person  
24 who has paid the share of uninsured medical expenses owed by any  
25 person obligated to contribute to those costs;

26 (ii) The notice of support owed may be served to establish a  
27 monthly amount to be paid by a person obligated to contribute to  
28 uninsured medical expenses when the underlying support order requires  
29 that person to pay his or her proportionate share of uninsured  
30 medical expenses directly to another party to the order; or

31 (iii) The notice of support owed may be served for both purposes  
32 listed in this subsection.

33 (4) The notice of support owed ((shall)) is intended to  
34 facilitate enforcement of the support order and implement and  
35 effectuate the terms of the support order, rather than modify those  
36 terms. When the ((office of support enforcement)) department issues a  
37 notice of support owed, the ((office shall)) department must inform  
38 the payee under the support order.

39 (5) Service of the notice of support owed ((shall)) must be as  
40 follows:

1 (a) An initial notice of support owed must be served on ((a  
2 responsible parent)) the person required by the order to pay support  
3 or contribute to costs by personal service or any form of mailing  
4 requiring a return receipt. ((The notice shall be served on the  
5 applicant or recipient of services by first-class mail to the last  
6 known address.)) The initial notice may be served on the person who  
7 is entitled to receive the support covered by the notice, as well as  
8 the payee under the order if appropriate, by regular mail.

9 (b) A notice of support owed created for purposes of reviewing an  
10 ongoing support obligation established by a prior notice of support  
11 owed may be served on the person required by the order to pay support  
12 or contribute to costs by regular mail to that person's last known  
13 address.

14 (c) An initial notice of support owed, as well as any notice  
15 created for purposes of reviewing an ongoing support obligation  
16 established by a prior notice of support owed may be served on the  
17 person entitled to receive the support by regular mail to that  
18 person's last known address.

19 (6) The notice of support owed ((shall)) must contain:

20 (a) An initial finding of the fixed dollar amount of current and  
21 future support obligation that should be paid or the fixed dollar  
22 amount of the support debt owed under the support order, or both; and

23 (b) A statement that any subsequent notice of support owed  
24 created for purposes of reviewing the amounts established by the  
25 current notice may be served on any party to the order by regular  
26 mail to that person's last known address.

27 ((+6)) (7) A ((parent)) person who objects to the fixed dollar  
28 amounts stated in the notice of support owed has twenty days from the  
29 date of the service of the notice of support owed to file an  
30 application for an adjudicative proceeding or initiate an action in  
31 superior court.

32 ((+7)) (8) The notice of support owed ((shall)) must state that  
33 the ((parent)) person may:

34 (a) File an application for an adjudicative proceeding governed  
35 by chapter 34.05 RCW, the administrative procedure act, in which the  
36 ((parent)) person will be required to appear and show cause why the  
37 fixed dollar amount of support debt or current and future support  
38 obligation, or both, stated in the notice of support owed is  
39 incorrect and should not be ordered; or

40 (b) Initiate an action in superior court.

1       ~~((8))~~ (9) If ~~((either parent does not file))~~ no person included  
2 in the notice files an application for an adjudicative proceeding or  
3 ~~((initiate))~~ initiates an action in superior court, the fixed dollar  
4 amount of current and future support obligation or support debt, or  
5 both, stated in the notice of support owed ~~((shall become))~~ becomes  
6 final and subject to collection action.

7       ~~((9))~~ (10) If an adjudicative proceeding is requested, the  
8 ~~((department shall mail a copy of the notice of adjudicative~~  
9 ~~proceeding to the parties))~~ office of administrative hearings must  
10 schedule a hearing. All persons included in the notice are entitled  
11 to participate in the hearing with full party rights.

12       ~~((10))~~ (11) If ~~((either parent does not initiate))~~ no person  
13 included in the notice initiates an action in superior court, and  
14 ~~((serve))~~ serves notice of the action on the department and the other  
15 party to the support order within the twenty-day period, ~~((the parent~~  
16 ~~shall))~~ all persons included in the notice must be deemed to have  
17 made an election of remedies and ~~((shall be required to))~~ must  
18 exhaust administrative remedies under this chapter with judicial  
19 review available as provided for in RCW 34.05.510 through 34.05.598.

20       ~~((11))~~ (12) An ~~((adjudicative))~~ administrative order entered in  
21 accordance with this section ~~((shall))~~ must state:

22       (a) The basis, rationale, or formula upon which the fixed dollar  
23 amounts established in the ((adjudicative)) order were based((-));

24       (b) The fixed dollar amount of current and future support  
25 obligation or the amount of the support debt, or both, determined  
26 under this section ((shall be)) is subject to collection under this  
27 chapter and other applicable state statutes; and

28       (c) That any subsequent notice of support owed created for  
29 purposes of reviewing the amounts established by the current notice  
30 may be served on any party to the order by regular mail to that  
31 person's last known address.

32       ~~((12))~~ (13) The department ~~((shall))~~ must also provide for:

33       (a) An annual review of the support order if ~~((either))~~ the  
34 ~~((office of support enforcement))~~ department, the person required to  
35 pay support, the payee under the order, or the ((parent)) person  
36 entitled to receive support requests such a review; and

37       (b) A late ~~((adjudicative proceeding))~~ hearing if ~~((the parent))~~  
38 a person included in the notice fails to file an application for an  
39 adjudicative proceeding in a timely manner under this section.

1       ~~((13))~~ (14) If an annual review ~~((or late adjudicative~~  
2 ~~proceeding))~~ is requested under subsection ~~((12))~~ (13) of this  
3 section, the department ~~((shall mail))~~ may serve the notice of annual  
4 review of the administrative order based on the prior notice of  
5 support owed by mailing a copy of the notice ~~((of adjudicative~~  
6 ~~proceeding))~~ by regular mail to the ~~((parties))~~ last known address  
7 of all parties to the order.

8       ~~((14))~~ (15) If one of the parties requests a late hearing under  
9 subsection (13) of this section, the office of administrative  
10 hearings must schedule an adjudicative proceeding.

11       (16) An annual review under subsection (13) of this section is  
12 used to determine whether the expense remained the same, increased or  
13 decreased, and whether there is a discrepancy between the actual  
14 expense and the amount determined under the prior notice of support  
15 owed.

16       (a) If a change in the actual expense which was the basis for the  
17 most recent notice of support owed occurs before twelve months pass,  
18 any party to the order may request that the department accelerate the  
19 annual review described in subsection (13) of this section.

20       (b) The department may review any evidence presented by the  
21 person claiming that the expense has occurred and determine whether  
22 the change is likely to create a significant overpayment or  
23 underpayment if the department does not serve a new notice of support  
24 owed.

25       (c) Under appropriate circumstances, the department may  
26 accelerate the time for the review and serve a notice of support owed  
27 even if twelve months have not passed.

28       (17) The department has rule-making authority to:

29       (a) Enact rules consistent with 42 U.S.C. Sec. 652(f) and 42  
30 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit  
31 reduction act of 2005 ~~((. Additionally, the department has rule-making~~  
32 ~~authority to))~~;

33       (b) Implement regulations required under 45 C.F.R. Parts 302,  
34 303, 304, 305, and 308; and

35       (c) Implement the provisions of this act.

--- END ---