

Chapter 388-720 WAC

COLLECTION OF COSTS OF SUPPORT, TREATMENT, AND CONFINEMENT OF JUVENILES UNDER RCW 13.40.220

(Formerly chapter 275-47 WAC)

WAC

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WAC 388-720-0010 Definitions. "Department" means the department of social and health services, state of Washington.

"Dependent" means the juvenile's parent or parents, a registered domestic partner, a stepparent living in the home who has no income, any child, stepchild or adult family member on whom the parent may claim a federal income tax deduction, not including the juvenile confined to the department.

"Federal poverty guidelines" means the poverty guidelines updated periodically in the federal register by the U.S. Department of Health and Human Services (HHS) under the authority of 42 U.S.C. 9902(2).

"Gross income" means the total income, as determined by the department, from all sources, received by the legally obligated person, the legally obligated person's spouse or registered domestic partner, the juvenile, or other children or step-children of the legally obligated person remaining in the household. Child support received for the juvenile will be included as gross income; child support received for other children will not be counted as part of the legally obligated person's gross income.

Gross Income as Percentage of Federal Poverty Guideline

| | Dependents in Home | | | | | |
|------------|--------------------|-----|-----|-----|-----|-----|
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 150 - 174% | 12% | 12% | 10% | 10% | 8% | 8% |
| 175 - 199% | 13% | 13% | 11% | 11% | 9% | 9% |
| 200 - 224% | 14% | 14% | 12% | 12% | 10% | 10% |
| 225 - 249% | 15% | 15% | 13% | 13% | 11% | 11% |
| 250 - 274% | 16% | 16% | 14% | 14% | 12% | 12% |
| 275 - 299% | 17% | 17% | 15% | 15% | 13% | 13% |
| 300 - 399% | 18% | 18% | 16% | 16% | 14% | 14% |
| 400%+ | 20% | 20% | 18% | 18% | 16% | 16% |

Reimbursement Obligation: Assessed Percentage of Gross Income

(4) Within fifteen days of receipt of the financial information statement, the legally obligated person shall complete, sign and mail the statement to the department.

(5) Based on the statement, if returned, and on other information available to it, the department shall determine the legally obligated person's gross income, the number of par-

(12/1/09)

"Juvenile" means a juvenile offender sentenced to confinement in the department, other than an offender for whom a parent is approved to receive adoption support under chapter 74.13 RCW.

"Legally obligated person," "financially obligated person" and "responsible person" mean the parent or parents of the juvenile or other person or persons, including registered domestic partners, legally obligated to care for and support the juvenile, including a stepparent.

[Statutory Authority: RCW 13.40.220. WSR 09-24-093, § 388-720-0010, filed 12/1/09, effective 1/1/10; WSR 00-22-019, recodified as § 388-720-0010, filed 10/20/00, effective 11/20/00; WSR 94-15-009 (Order 3752), § 275-47-010, filed 7/8/94, effective 8/8/94.]

WAC 388-720-0020 Cost reimbursement schedule and ability to pay. (1) A parent or other legally obligated person shall pay a percentage of gross income to reimburse the department for the cost of support, treatment and confinement of the juvenile.

(2) Gross income, adjusted annually according to the published Federal Poverty Guidelines, shall form the basis to determine obligation to pay.

(3) Ability to pay and obligation to reimburse are determined by application of the information provided by a parent or other legally obligated person in the financial information statement and/or by other information available to the department to the reimbursement schedule below:

ents or registered domestic partners and dependents remaining in the household, and the reimbursement obligation, and shall serve on the legally obligated person a notice and finding of financial responsibility.

(6) If a legally obligated person fails to timely provide a financial statement and insufficient information is available

to the department to determine ability to pay, the reimbursement obligation shall be the current monthly average (marginal) institutional cost of care as determined by the department.

(7) Assessed obligation for reimbursement may not exceed the institutional average daily rate (full cost of care) as determined by the department.

(8) The reimbursement obligation commences the day the juvenile enters the custody of the department, regardless of when the notice and finding of financial responsibility is received by the parent. The monthly reimbursement obligation shall be reduced on a pro rata basis for any days in which the juvenile was not in the custody of the department.

(9) If the juvenile's parents or other legally obligated persons reside in separate households, each shall be liable for reimbursement.

(10) The gross income of a legally obligated person shall be reduced by the amount the person pays in spousal maintenance to the juvenile's parent, which is gross income to the receiving parent.

(11) The gross income of a legally obligated person shall be reduced by the amount of current child support paid for any child, including the juvenile offender. This credit shall be available when the support is paid to any section of the department or to any other person legally entitled to receive those support payments, pursuant to court order or administrative order for a child the legally obligated person did not claim as a dependent under the reimbursement schedule.

(12) The legally obligated person of the juvenile shall be exempt from the payment of the cost of the juvenile's care in the state facility if:

(a) The legally obligated person receives adoption support or is eligible to receive adoption support for the juvenile offender; or

(b) The legally obligated person, or such person's child, spouse, registered domestic partner, or spouse's child or a dependent person in the household was the victim of the offense for which the juvenile was committed to the department.

(13) As provided for in RCW 13.40.220, the office of financial recovery, on behalf of the department, may negotiate with legally obligated persons the payment schedules and methods used to satisfy costs of support, treatment and confinement.

[Statutory Authority: RCW 13.40.220, WSR 09-24-093, § 388-720-0020, filed 12/1/09, effective 1/1/10; WSR 04-05-080, § 388-720-0020, filed 2/17/04, effective 3/19/04; WSR 00-22-019, recodified as § 388-720-0020, filed 10/20/00, effective 11/20/00; WSR 96-24-075, § 275-47-020, filed 12/2/96, effective 1/2/97; WSR 94-15-009 (Order 3752), § 275-47-020, filed 7/8/94, effective 8/8/94.]

WAC 388-720-0030 Modifications. (1) A legally obligated person may submit a modified financial statement upon a change in gross income or in the number of persons residing in the household only if the change decreases the reimbursement obligation by one hundred dollars per month or more. A decrease may be granted only from the date on which the request for modification is made, and may not be applied retroactively.

(2) A legally obligated person shall file a financial statement modification if a change in gross income or the number

of persons residing in the household increases the reimbursement obligation by one hundred dollars per month or more. An increase may be applied retroactively from the date of the change in income.

(3) The department will issue a new notice and finding of financial responsibility upon receipt of a modified financial statement as defined in subsections (1) or (2) of this section. The department may also issue a new notice based upon its own review of information available to it if the conditions of subsection (1) or (2) of this section are met.

[Statutory Authority: RCW 13.40.220, WSR 09-24-093, § 388-720-0030, filed 12/1/09, effective 1/1/10; WSR 00-22-019, amended and recodified as § 388-720-0030, filed 10/20/00, effective 11/20/00; WSR 94-15-009 (Order 3752), § 275-47-030, filed 7/8/94, effective 8/8/94.]

WAC 388-720-0040 Hearing. (1) A legally obligated person may request a hearing pursuant to RCW 13.40.220(6) and chapter 34.05 RCW to contest a notice and finding of financial responsibility issued by the department.

(2) The sole issues which may be considered at the hearing are whether the:

(a) Person receiving the notice and finding of financial responsibility is a person financially obligated for the care and support of the juvenile; and

(b) Department, as described under WAC 388-720-0020 correctly:

(i) Determined the legally obligated person's gross income and determined the number of parents in the household, including registered domestic partners, and dependents;

(ii) Determined exemptions; and

(iii) Calculated the reimbursement obligation in accordance with the reimbursement schedule as described under WAC 388-720-0020.

[Statutory Authority: RCW 13.40.220, WSR 09-24-093, § 388-720-0040, filed 12/1/09, effective 1/1/10; WSR 00-22-019, recodified as § 388-720-0040, filed 10/20/00, effective 11/20/00; WSR 94-15-009 (Order 3752), § 275-47-040, filed 7/8/94, effective 8/8/94.]

WAC 388-720-0050 Powers of the administrative law judge. The administrative law judge after the hearing conducted in accordance with WAC 388-720-0040, in the final order rendered shall:

(1) Include the name and age of the juvenile.

(2) Include the legally obligated person's monthly obligation amount for the period of the juvenile's confinement beginning with the date the child enters the custody of the department.

(3) Not establish any amount constituting a repayment figure of any accrued obligation of the legally obligated person.

(4) State that any accrued obligation shall be paid by the legally obligated person to the department's office of financial recovery (OFR) and that OFR will be responsible for determining the method of repayment of the parent's accrued obligation.

(5) Include a statement that the responsible person's financial obligation is collectible by OFR and that should the legally obligated person fail to comply with any payment plan entered into by OFR and the legally obligated person, or the legally obligated person fails to pay the amount set out in the final order, OFR shall be authorized to take legal collec-

tion action to recover the amounts due from the legally obligated person. Legal collection action can include, but is not limited to:

(a) The filing of liens against the real and personal property of the responsible person; or

(b) The issuance of a garnishment order against the wages, bank accounts, or other property of the responsible persons.

[Statutory Authority: RCW 13.40.220. WSR 09-24-093, § 388-720-0050, filed 12/1/09, effective 1/1/10. Statutory Authority: RCW 34.05.020, 13.40.220. WSR 03-01-044, § 388-720-0050, filed 12/10/02, effective 1/10/03. Statutory Authority: RCW 13.40.220. WSR 00-22-019, amended and recodified as § 388-720-0050, filed 10/20/00, effective 11/20/00; WSR 96-24-075, § 275-47-050, filed 12/2/96, effective 1/2/97.]