

WAC 388-14A-7117 Are there special rules for a conference board on a notice seeking to assess and collect interest on a support order?

(1) When the division of child support serves a notice of support debt and demand for payment or a notice of support debt and registration under WAC 388-14A-7110(2) and the notice becomes the subject of a conference board under WAC 388-14A-6400, this section applies to a determination of interest.

(2) The calculation of the amount of interest which has been certified by a IV-D agency or a CPA must be accepted as evidence at a conference board on a notice of support debt and demand for payment or on a notice of support debt and registration.

(a) Such certified calculation is prima facie evidence of the amount of interest owed by the NCP.

(b) Any party challenging the certified calculation has the burden of proving that the amount of interest claimed is incorrect.

(3) A party challenging the certified calculation may challenge the calculation for one or more of the following reasons:

(a) The amount of principal is incorrect because credit was not given for payment made;

(b) The amount of principal is incorrect because credit was given for payments which were not actually made; or

(c) The interest calculation was not properly done.

(4) If the conference board determines that the amount of principal is incorrect, the conference board may request that the IV-D agency or a certified public accountant that performed the initial calculation provide a new calculation based on the new principal amount.

(5) DCS may collect undisputed amounts of principal while the final conference board decision is pending.

(6) A claim that the interest calculation was not properly done must be supported by an interest calculation which is certified by a IV-D agency or a certified public accountant. The conference board then determines which calculation is best supported by the evidence.

(7) The division of child support does not perform certified interest calculations for use in a conference board under this section.

(8) The conference board issues a decision, based on the evidence, determining the debt amount, including interest, for the period claimed in the notice.

[Statutory Authority: RCW 26.21.016. WSR 05-07-059, § 388-14A-7117, filed 3/11/05, effective 4/11/05.]