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SENATE BILL 6114

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State of Washington

52nd Legislature

1992 Regular Session

By Senators Craswell, Stratton, Rasmussen, Roach, Cantu, Sellar and McDonald

Read first time 01/15/92. Referred to Committee on Law & Justice.

1 AN ACT Relating to child support enforcement of medical care costs;  
2 and amending RCW 26.18.020 and 74.20.040.

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

4 **Sec. 1.** RCW 26.18.020 and 1989 c 416 s 2 are each amended to read  
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in  
7 this section apply throughout this chapter.

8 (1) "Dependent child" means any child for whom a support order has  
9 been established or for whom a duty of support is owed.

10 (2) "Duty of support" means the duty to provide for the needs of a  
11 dependent child, which may include necessary food, clothing, shelter,  
12 education, and health care. Necessary health care includes prenatal,  
13 delivery, and postnatal medical care relating to the birth of the  
14 child. The duty includes any obligation to make monetary payments, to

1 pay expenses, including spousal maintenance, or to reimburse another  
2 person or an agency for the cost of necessary support furnished a  
3 dependent child. The duty may be imposed by court order, by operation  
4 of law, or otherwise.

5 (3) "Obligee" means the custodian of a dependent child, or person  
6 or agency, to whom a duty of support is owed, or the person or agency  
7 to whom the right to receive or collect support has been assigned.

8 (4) "Obligor" means the person owing a duty of support.

9 (5) "Support order" means any judgment, decree, or order of support  
10 issued by the superior court or authorized agency of the state of  
11 Washington; or a judgment, decree, or other order of support issued by  
12 a court or agency of competent jurisdiction in another state or  
13 country, which has been registered or otherwise made enforceable in  
14 this state.

15 (6) "Employer" includes the United States government, a state or  
16 local unit of government, and any person or entity who pays or owes  
17 earnings to the obligor.

18 (7) "Earnings" means compensation paid or payable for personal  
19 services, whether denominated as wages, salary, commission, bonus, or  
20 otherwise, and, notwithstanding any other provision of law making the  
21 payments exempt from garnishment, attachment, or other process to  
22 satisfy support obligations, specifically includes periodic payments  
23 pursuant to pension or retirement programs, or insurance policies of  
24 any type, but does not include payments made under Title 50 RCW, except  
25 as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

26 (8) "Disposable earnings" means that part of the earnings of an  
27 individual remaining after the deduction from those earnings of any  
28 amount required by law to be withheld.

29 (9) "Department" means the department of social and health  
30 services.

1 (10) "Health insurance coverage" includes any coverage under which  
2 medical services are provided by an employer or a union whether that  
3 coverage is provided through a self-insurance program, under the  
4 employee retirement income security act of 1974, a commercial insurer  
5 pursuant to chapters 48.20 and 48.21 RCW, a health care service  
6 contractor pursuant to chapter 48.44 RCW, or a health maintenance  
7 organization pursuant to chapter 48.46 RCW, and the state through  
8 chapter 41.05 RCW.

9 (11) "Insurer" means a commercial insurance company providing  
10 disability insurance under chapter 48.20 or 48.21 RCW, a health care  
11 service contractor providing health care coverage under chapter 48.44  
12 RCW, a health maintenance organization providing comprehensive health  
13 care services under chapter 48.46 RCW, and shall also include any  
14 employer or union which is providing health insurance coverage on a  
15 self-insured basis.

16 **Sec. 2.** RCW 74.20.040 and 1989 c 360 s 12 are each amended to read  
17 as follows:

18 (1) Whenever the department of social and health services receives  
19 an application for public assistance on behalf of a child, the  
20 department shall take appropriate action under the provisions of this  
21 chapter, chapter 74.20A RCW, or other appropriate statutes of this  
22 state to establish or enforce support obligations against the parent or  
23 other persons owing a duty to pay support moneys. The department shall  
24 make every effort to enforce the obligation to reimburse the state for  
25 public assistance expenditures for the prenatal, delivery, and  
26 postnatal costs relating to the birth of the child, including  
27 expenditures under RCW 74.09.800, the maternity care access program.  
28 The state's efforts may include support enforcement actions under this  
29 chapter, chapter 74.20A RCW, or other applicable statutes.

1       (2) The secretary may accept a request for support enforcement  
2 services on behalf of persons who are not recipients of public  
3 assistance and may take appropriate action to establish or enforce  
4 support obligations against the parent or other persons owing a duty to  
5 pay moneys. Requests accepted under this subsection may be conditioned  
6 upon the payment of a fee as required through regulation issued by the  
7 secretary. Action may be taken under the provisions of chapter 74.20  
8 RCW, the abandonment or nonsupport statutes, or other appropriate  
9 statutes of this state, including but not limited to remedies  
10 established in chapter 74.20A RCW, to establish and enforce said  
11 support obligations. The secretary may establish by regulation,  
12 reasonable standards and qualifications for support enforcement  
13 services under this subsection.

14       (3) The secretary may accept requests for support enforcement  
15 services from child support enforcement agencies in other states  
16 operating child support programs under Title IV-D of the social  
17 security act or from foreign countries, and may take appropriate action  
18 to establish and enforce support obligations against the parent or  
19 other person owing a duty to pay support moneys. The request shall  
20 contain and be accompanied by such information and documentation as the  
21 secretary may by rule require, and be signed by an authorized  
22 representative of the agency.

23       (4) The department may take action to establish, enforce, and  
24 collect a support obligation, including performing related services,  
25 under this chapter and chapter 74.20A RCW, or through the attorney  
26 general or prosecuting attorney for action under chapter 26.09, 26.18,  
27 26.20, 26.21, or 26.26 RCW or other appropriate statutes or the common  
28 law of this state.

29       (5) Whenever a support order is filed with the Washington state  
30 support registry under chapter 26.23 RCW, the department may take

1 appropriate action under the provisions of this chapter, chapter 26.23  
2 or 74.20A RCW, or other appropriate law of this state to establish or  
3 enforce the support obligations contained in that order against the  
4 responsible parent or other persons owing a duty to pay support moneys.

5 (6) The secretary may charge and collect a fee from the person  
6 obligated to pay support to compensate the department for services  
7 rendered in establishment of or enforcement of support obligations.  
8 This fee shall be limited to not more than ten percent of any support  
9 money collected as a result of action taken by the secretary. The fee  
10 charged shall be in addition to the support obligation. In no event  
11 may any moneys collected by the department of social and health  
12 services from the person obligated to pay support be retained as  
13 satisfaction of fees charged until all current support obligations have  
14 been satisfied. The secretary shall by regulation establish reasonable  
15 fees for support enforcement services and said schedule of fees shall  
16 be made available to any person obligated to pay support. The  
17 secretary may, on showing of necessity, waive or defer any such fee.

18 (7) Fees, due and owing, may be collected as delinquent support  
19 moneys utilizing any of the remedies in chapter 74.20 RCW, chapter  
20 74.20A RCW, chapter 26.21 RCW, or any other remedy at law or equity  
21 available to the department or any agencies with whom it has a  
22 cooperative or contractual arrangement to establish, enforce, or  
23 collect support moneys or support obligations.

24 (8) The secretary may waive the fee, or any portion thereof, as a  
25 part of a compromise of disputed claims or may grant partial or total  
26 charge off of said fee if the secretary finds there are no available,  
27 practical, or lawful means by which said fee may be collected or to  
28 facilitate payment of the amount of delinquent support moneys owed.