

2 EHB 3901 - S AMD - 272  
3 By Senator Deccio

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5 Strike everything after the enacting clause and insert the  
6 following:

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22 NEW SECTION. **Sec. 1.** LEGISLATIVE INTENT AND FINDINGS. The  
 23 legislature finds that the federal personal responsibility and work  
 24 opportunity reconciliation act of 1996 presents both opportunities and  
 25 challenges for the states as they develop methods of moving families in  
 26 poverty from welfare to work. The legislature further finds that,  
 27 although many of the goals of the federal act coincide with Washington

1 state's vision for enabling families to achieve eventual economic self-  
2 sufficiency through private, unsubsidized employment, the treatment of  
3 legal immigrants under the federal act does not reflect Washington's  
4 commitment to those legal immigrants within Washington's borders who  
5 have played by the rules, and who live in our communities and  
6 participate in the American way of life, providing economic and  
7 cultural enrichment to Washington state's population.

8 The legislature finds that at least one-third of public assistance  
9 recipients have experience in the work force and sufficient training to  
10 enable them to obtain unsubsidized employment. The legislature intends  
11 to put a priority on finding jobs, which may include on-the-job  
12 training, for this group of public assistance recipients. The  
13 legislature intends that state agencies involved in welfare reform  
14 shall reorganize to accomplish this priority. The legislature intends  
15 that state agencies solicit from businesses information about job  
16 opportunities and make the information available to public assistance  
17 recipients.

18 The legislature intends that legal immigrants who obey the laws of  
19 Washington, and who were granted permission to immigrate by the federal  
20 government, should be treated as equitably as possible under the  
21 state's enactment and implementation of public assistance programs.

22 The legislature finds that Washington state's goals in implementing  
23 the federal act include promoting the American values of work,  
24 education, and responsibility, including responsible childbearing and  
25 dedication by both parents to protecting, supporting, and bringing up  
26 children to become responsible, productive Americans. This has been  
27 the goal and the dream of generations of Americans, whether native born  
28 or naturalized citizens.

29 The legislature finds that it is necessary, to enable people to  
30 leave welfare, to encourage a new alliance of state and local  
31 government, business, churches, nonprofit organizations, and  
32 individuals to dedicate themselves, within the letter and the spirit of  
33 the law, to helping families in poverty overcome barriers, obtain  
34 support, direction, and encouragement, and become contributors to the  
35 American way of life.

36 The legislature finds that, in pursuance of these goals, it is also  
37 necessary to establish policy that recognizes our moral imperative to  
38 protect children when their parents or other adults in a child's life

1 are unable or unwilling to do so, and to continue our commitment to the  
2 elderly, frail, and vulnerable for whom work is not an option.

3 The legislature reaffirms its commitment to provide medical  
4 services to eligible legal immigrants under the children's health  
5 program established under RCW 74.09.405. The legislature affirms its  
6 commitment to provide the benefits of the maternity care access program  
7 under RCW 74.09.800 to documented and undocumented immigrants who  
8 qualify.

9 The legislature finds that family structure and relationships are  
10 critical to the long-term success and economic self-sufficiency of  
11 recipients of temporary assistance for needy families and their  
12 children. The department and its employees shall communicate clearly  
13 to recipients of temporary assistance for needy families the importance  
14 of healthy and safe marriages and family relationships.

15 NEW SECTION. **Sec. 2.** SHORT TITLE. This act may be known and  
16 cited as the Washington WorkFirst temporary assistance for needy  
17 families act.

18 **I. GENERAL PROVISIONS**

19 **Sec. 101.** RCW 74.08.025 and 1981 1st ex.s. c 6 s 9 are each  
20 amended to read as follows:

21 (1) Public assistance (~~(shall)~~) may be awarded to any applicant:  
22 ~~((1))~~ (a) Who is in need and otherwise meets the eligibility  
23 requirements of department assistance programs; and  
24 ~~((2))~~ (b) Who has not made a voluntary assignment of property or  
25 cash for the purpose of qualifying for an assistance grant; and  
26 ~~((3))~~ (c) Who is not an inmate of a public institution except as  
27 a patient in a medical institution or except as an inmate in a public  
28 institution who could qualify for federal aid assistance: PROVIDED,  
29 That the assistance paid by the department to recipients in nursing  
30 homes, or receiving nursing home care, may cover the cost of clothing  
31 and incidentals and general maintenance exclusive of medical care and  
32 health services. The department may pay a grant to cover the cost of  
33 clothing and personal incidentals in public or private medical  
34 institutions and institutions for tuberculosis. The department shall  
35 allow recipients in nursing homes to retain, in addition to the grant  
36 to cover the cost of clothing and incidentals, wages received for work

1 as a part of a training or rehabilitative program designed to prepare  
2 the recipient for less restrictive placement to the extent permitted  
3 under Title XIX of the federal social security act.

4 (2) Any person otherwise qualified for temporary assistance for  
5 needy families under this title who has resided in the state of  
6 Washington for fewer than twelve consecutive months immediately  
7 preceding application for assistance is limited to the benefit level in  
8 the state in which the person resided immediately before Washington,  
9 using the eligibility rules and other definitions established under  
10 this chapter, that was obtainable on the date of application in  
11 Washington state, if the benefit level of the prior state is lower than  
12 the level provided to similarly situated applicants in Washington  
13 state. The benefit level under this subsection shall be in effect for  
14 the first twelve months a recipient is on temporary assistance for  
15 needy families in Washington state.

16 (3) Any person otherwise qualified for temporary assistance for  
17 needy families who is assessed through the state alcohol and substance  
18 abuse program as drug or alcohol-dependent and requiring treatment to  
19 become employable shall be required by the department to participate in  
20 a drug or alcohol treatment program as a condition of benefit receipt.

21 (4) In order to be eligible for temporary assistance for needy  
22 families and food stamp program benefits, any applicant with a felony  
23 conviction after August 21, 1996, involving drug use or possession,  
24 must: (a) Have been assessed as chemically dependent by a chemical  
25 dependency program approved under chapter 70.96A RCW and be  
26 participating in or have completed a coordinated rehabilitation plan  
27 consisting of chemical dependency treatment and vocational services;  
28 and (b) have not been convicted of a felony involving drug use or  
29 possession in the three years prior to the most current conviction.

30 **Sec. 102.** RCW 74.08.340 and 1959 c 26 s 74.08.340 are each amended  
31 to read as follows:

32 All assistance granted under this title shall be deemed to be  
33 granted and to be held subject to the provisions of any amending or  
34 repealing act that may hereafter be enacted, and no recipient shall  
35 have any claim for compensation, or otherwise, by reason of his  
36 assistance being affected in any way by such amending or repealing act.  
37 There is no legal entitlement to public assistance.

1        NEW SECTION.    **Sec. 103.**    TIME LIMITS. (1) A family that includes an  
2 adult who has received temporary assistance for needy families for  
3 sixty months after the effective date of this section shall be  
4 ineligible for further temporary assistance for needy families  
5 assistance.

6        (2) For the purposes of applying the rules of this section, the  
7 department shall count any month in which an adult family member  
8 received a temporary assistance for needy families cash assistance  
9 grant unless the assistance was provided when the family member was a  
10 minor child and not the head of the household or married to the head of  
11 the household.

12        (3) The department shall refer recipients who require specialized  
13 assistance to appropriate department programs, crime victims' programs  
14 through the department of community, trade, and economic development,  
15 or the crime victims' compensation program of the department of labor  
16 and industries.

17        (4) The department may exempt a recipient and the recipient's  
18 family from the application of subsection (1) of this section by reason  
19 of hardship or if the recipient meets the family violence options of  
20 section 402(A)(7) of Title IVA of the federal social security act as  
21 amended by P.L. 104-193. The number of recipients and their families  
22 exempted from subsection (1) of this section for a fiscal year shall  
23 not exceed twenty percent of the average monthly number of recipients  
24 and their families to which assistance is provided under the temporary  
25 assistance for needy families program.

26        (5) The department shall not exempt a recipient and his or her  
27 family from the application of subsection (1) of this section until  
28 after the recipient has received fifty-two months of assistance under  
29 this chapter.

30        NEW SECTION.    **Sec. 104.**    ELECTRONIC BENEFIT TRANSFER. By October  
31 2002, the department shall develop and implement an electronic benefit  
32 transfer system to be used for the delivery of public assistance  
33 benefits, including without limitation, food assistance.

34        The department shall comply with P.L. 104-193, and shall cooperate  
35 with relevant federal agencies in the design and implementation of the  
36 electronic benefit transfer system.

1        NEW SECTION.    **Sec. 105.**    The following acts or parts of acts are  
2 each repealed:

3        (1) RCW 74.12.420 and 1994 c 299 s 9;

4        (2) RCW 74.12.425 and 1994 c 299 s 10; and

5        (3) RCW 74.04.660 and 1994 c 296 s 1, 1993 c 63 s 1, 1989 c 11 s  
6 26, 1985 c 335 s 3, & 1981 1st ex.s. c 6 s 6.

7        NEW SECTION.    **Sec. 106.**    (1) The department shall allow religiously  
8 affiliated organizations to provide services to families receiving  
9 temporary assistance for needy families on the same basis as any other  
10 nongovernmental provider, without impairing the religious character of  
11 such organizations, and without diminishing the religious freedom of  
12 beneficiaries of assistance funded under chapter 74.12 RCW.

13        (2) The department shall adopt rules implementing this section, and  
14 the applicable sections of P.L. 104-193 related to services provided by  
15 charitable, religious, or private organizations.

16        NEW SECTION.    **Sec. 107.**    A new section is added to chapter 74.12  
17 RCW to read as follows:

18        The department shall (1) provide eligible Indian tribes ongoing,  
19 meaningful opportunities to participate in the development, oversight,  
20 and operation of the state temporary assistance for needy families  
21 program; (2) certify annually that it is providing equitable access to  
22 the state temporary assistance for needy families program to Indian  
23 people whose tribe is not administering a tribal temporary assistance  
24 for needy families program; (3) coordinate and cooperate with eligible  
25 Indian tribes that elect to operate a tribal temporary assistance for  
26 needy families program as provided for in P.L. 104-193; (4) upon  
27 approval by the secretary of the federal department of health and human  
28 services of a tribal temporary assistance for needy families program,  
29 transfer a fair and equitable amount of the state maintenance of effort  
30 funds to the eligible Indian tribe; and (5) establish rules related to  
31 the operation of this section and section 108 of this act, covering, at  
32 a minimum, appropriate uses of state maintenance of effort funds and  
33 annual reports on program operations. The legislature shall specify  
34 the amount of state maintenance of effort funds to be transferred in  
35 the biennial appropriations act.



1 eligible for (~~aid to families with dependent children~~) temporary  
2 assistance for needy families, but do not qualify as dependent children  
3 and who are in (a) foster care, (b) subsidized adoption, (c) a nursing  
4 facility or an intermediate care facility for the mentally retarded, or  
5 (d) inpatient psychiatric facilities; (3) the aged, blind, and disabled  
6 who: (a) Receive only a state supplement, or (b) would not be eligible  
7 for cash assistance if they were not institutionalized; (4)  
8 categorically eligible individuals who (~~would be eligible for but~~  
9 ~~choose not to receive cash assistance~~) meet the income and resource  
10 requirements of the cash assistance programs; (5) individuals who are  
11 enrolled in managed health care systems, who have otherwise lost  
12 eligibility for medical assistance, but who have not completed a  
13 current six-month enrollment in a managed health care system, and who  
14 are eligible for federal financial participation under Title XIX of the  
15 social security act; (6) children and pregnant women allowed by federal  
16 statute for whom funding is appropriated; (~~and~~) (7) other individuals  
17 eligible for medical services under RCW 74.09.035 and 74.09.700 for  
18 whom federal financial participation is available under Title XIX of  
19 the social security act; and (8) persons allowed by section 1931 of the  
20 social security act for whom funding is appropriated.

21 NEW SECTION. Sec. 202. IMMIGRANTS--ELIGIBILITY. It is the intent  
22 of the legislature that all legal immigrants who resided in the United  
23 States before August 22, 1996, retain eligibility for assistance  
24 programs the same as or similar to those from which they lost benefits  
25 as a result of P.L. 104-193. The legislature also intends that  
26 sponsors' incomes continue to be deemed for these individuals in the  
27 same manner it was addressed prior to August 22, 1996.

28 Accordingly, the state shall exercise its option under P.L. 104-193  
29 to continue services to legal immigrants under temporary assistance for  
30 needy families, medicaid, and social services block grant programs.  
31 Legal immigrants who lose benefits under the supplemental security  
32 income program as a result of P.L. 104-193 are immediately eligible to  
33 apply for benefits under the state's general assistance-unemployable  
34 program. The department shall redetermine income and resource  
35 eligibility at least annually, in accordance with existing state  
36 policy. It is the policy of the legislature to distinguish between  
37 legal immigrants living in the United States prior to August 22, 1996,  
38 and those who immigrated on or after the enactment of P.L. 104-193.



1 The postenactment legal immigrants are subject to a five-year benefit  
2 exclusion for means-tested public assistance programs and are subject  
3 to the sponsor-deeming provisions of section 206 of this act, which  
4 shall be strictly construed in favor of benefit denial.

5 NEW SECTION. **Sec. 203.** INCOME AVERAGING--BENEFIT DETERMINATION.

6 In the case of applicants for temporary assistance for needy families  
7 whose principal source of earned income is seasonal employment, the  
8 department shall determine eligibility and benefit levels by  
9 retrospectively considering the applicant's earned income for the  
10 twelve-month period immediately preceding the application for  
11 assistance. The earned income shall be prorated on an annual basis,  
12 and the prorated amount used for eligibility and benefit determination  
13 in the prospective month. Assistance shall be denied until the  
14 applicant's prorated prior twelve months of income equals a monthly  
15 amount at or below the eligibility level. The intent of the  
16 legislature is to ensure that persons with seasonal earned income that,  
17 if prorated on an annual basis, would have exceeded the level  
18 qualifying them for assistance will be denied assistance until such  
19 time as they qualify on a prorated basis.

20 NEW SECTION. **Sec. 204.** NATURALIZATION FACILITATION. The

21 department shall make an affirmative effort to identify and proactively  
22 contact legal immigrants receiving public assistance to facilitate  
23 their applications for naturalization. The department shall obtain a  
24 complete list of legal immigrants in Washington who are receiving  
25 correspondence regarding their eligibility from the social security  
26 administration. The department shall inform immigrants regarding how  
27 citizenship may be attained. In order to facilitate the citizenship  
28 process, the department shall coordinate and contract, to the extent  
29 necessary, with existing public and private resources and shall, within  
30 available funds, ensure that those immigrants who qualify to apply for  
31 naturalization are referred to or otherwise offered classes. The  
32 department shall assist eligible immigrants in obtaining appropriate  
33 test exemptions, and other exemptions in the naturalization process, to  
34 the extent permitted under federal law. The department shall report  
35 annually by December 15th to the legislature regarding the progress and  
36 barriers of the immigrant naturalization facilitation effort. It is  
37 the intent of the legislature that persons receiving naturalization

1 assistance be facilitated in obtaining citizenship within two years of  
2 their eligibility to apply.

3 NEW SECTION. **Sec. 205.** SPONSOR DEEMING. (1) Except as provided  
4 in subsection (5) of this section, qualified aliens and aliens  
5 permanently residing under color of law who are recipients of public  
6 assistance under this title as of August 22, 1996, shall have their  
7 eligibility for assistance redetermined.

8 (2) Qualified aliens who enter the United States of America after  
9 August 22, 1996, are ineligible to receive public assistance under this  
10 title for a period of five years, except as provided in subsection (6)  
11 of this section. Following their period of ineligibility, their  
12 eligibility for public assistance shall be determined as provided for  
13 in this section.

14 (3) In determining the eligibility and the amount of benefits of a  
15 qualified alien or an alien permanently residing under color of law for  
16 public assistance under this title, the income and resources of the  
17 alien shall be deemed to include the income and resources of any person  
18 and his or her spouse who executed an affidavit of support pursuant to  
19 section 213A of the federal immigration and naturalization act on  
20 behalf of the alien. The deeming provisions of this subsection shall  
21 be waived if the sponsor dies or is permanently incapacitated during  
22 the period the affidavit of support is valid.

23 (4) As used in this section, "qualified alien" has the meaning  
24 provided it in P.L. 104-193.

25 (5)(a) Qualified aliens specified under sections 403, 412, and 552  
26 (e) and (f), subtitle B, Title IV, of P.L. 104-193 and in P.L. 104-208,  
27 are exempt from this section.

28 (b) Qualified aliens who served in the armed forces of an allied  
29 country, or were employed by an agency of the federal government,  
30 during a military conflict between the United States of America and a  
31 military adversary are exempt from the provisions of this section.

32 (c) Qualified aliens who are victims of domestic violence and  
33 petition for legal status under the federal violence against women act  
34 are exempt from the provisions of this section.

35 (d) Until January 1, 1999, a qualified alien whose sponsor dies or  
36 is permanently incapacitated is exempt from this section.

37 (6) Subsection (2) of this section does not apply to the following  
38 state benefits:

- 1 (a) Assistance described in P.L. 104-193 sections 403(c)(H) through  
2 (K), 411(b)(1), 421(b), and P.L. 104-208;
- 3 (b) Short-term, noncash, in-kind emergency disaster relief;
- 4 (c) Programs comparable to assistance or benefits under the federal  
5 national school lunch act;
- 6 (d) Programs comparable to assistance or benefits under the federal  
7 child nutrition act of 1966;
- 8 (e) Public health assistance for immunizations with respect to  
9 immunizable diseases and for testing and treatment of symptoms of  
10 communicable diseases whether or not the symptoms are caused by a  
11 communicable disease;
- 12 (f) Payments for foster care and adoption assistance;
- 13 (g) Programs, services, or assistance where eligibility is not  
14 determined by employees of the department of social and health  
15 services;
- 16 (h) Programs, services, or assistance such as meals from a soup  
17 kitchen, crisis counseling and intervention, and short-term shelter,  
18 specified by the attorney general, after consultation with appropriate  
19 agencies and departments, that:
- 20 (i) Deliver in-kind services at the community level, including  
21 through public or private nonprofit agencies;
- 22 (ii) Do not condition the provision of assistance, the amount of  
23 assistance provided, or the cost of assistance provided on the  
24 individual recipient's income or resources; and
- 25 (iii) Are necessary for the protection of life or safety.

26 NEW SECTION. **Sec. 206.** A new section is added to chapter 74.04  
27 RCW to read as follows:

28 FOOD ASSISTANCE. (1) The department may establish a food  
29 assistance program for persons whose immigrant status meets the  
30 eligibility requirements of the federal food stamp program as of August  
31 21, 1996, but who are no longer eligible solely due to their immigrant  
32 status under P.L. 104-193.

33 (2) The rules for the state food assistance program shall follow  
34 exactly the rules of the federal food stamp program except for the  
35 provisions pertaining to immigrant status under P.L. 104-193.

36 (3) The benefit under the state food assistance program shall be  
37 established by the legislature in the biennial operating budget.

1 (4) The department may enter into a contract with the United States  
2 department of agriculture to use the existing federal food stamp  
3 program coupon system for the purposes of administering the state food  
4 assistance program.

5 (5) In the event the department is unable to enter into a contract  
6 with the United States department of agriculture, the department may  
7 issue vouchers to eligible households for the purchase of eligible  
8 foods at participating retailers.

9 **Sec. 207.** RCW 74.09.800 and 1993 c 407 s 10 are each amended to  
10 read as follows:

11 The department shall, consistent with the state budget act, develop  
12 a maternity care access program designed to ensure healthy birth  
13 outcomes as follows:

14 (1) Provide maternity care services to low-income pregnant women  
15 and health care services to children in poverty to the maximum extent  
16 allowable under the medical assistance program, Title XIX of the  
17 federal social security act;

18 (2) Provide maternity care services to low-income women who are not  
19 eligible to receive such services under the medical assistance program,  
20 Title XIX of the federal social security act;

21 (3) By January 1, 1990, have the following procedures in place to  
22 improve access to maternity care services and eligibility  
23 determinations for pregnant women applying for maternity care services  
24 under the medical assistance program, Title XIX of the federal social  
25 security act:

26 (a) Use of a shortened and simplified application form;

27 (b) Outstationing department staff to make eligibility  
28 determinations;

29 (c) Establishing local plans at the county and regional level,  
30 coordinated by the department; and

31 (d) Conducting an interview for the purpose of determining medical  
32 assistance eligibility within five working days of the date of an  
33 application by a pregnant woman and making an eligibility determination  
34 within fifteen working days of the date of application by a pregnant  
35 woman;

36 (4) Establish a maternity care case management system that shall  
37 assist at-risk eligible persons with obtaining medical assistance

1 benefits and receiving maternity care services, including  
2 transportation and child care services;

3 (5) Within available resources, establish appropriate reimbursement  
4 levels for maternity care providers;

5 (6) Implement a broad-based public education program that stresses  
6 the importance of obtaining maternity care early during pregnancy;

7 (7) Refer persons eligible for maternity care services under the  
8 program established by this section to persons, agencies, or  
9 organizations with maternity care service practices that primarily  
10 emphasize healthy birth outcomes;

11 (8) Provide family planning services including information about  
12 the synthetic progestin capsule implant form of contraception, for  
13 twelve months immediately following a pregnancy to women who were  
14 eligible for medical assistance under the maternity care access program  
15 during that pregnancy or who were eligible only for emergency labor and  
16 delivery services during that pregnancy; and

17 (9) Within available resources, provide family planning services to  
18 women who meet the financial eligibility requirements for services  
19 under subsections (1) and (2) of this section.

20 The legislature reaffirms its commitment to provide health care  
21 services under this section to eligible immigrants, regardless of  
22 documented or undocumented status.

### 23 III. WASHINGTON WORKFIRST PROGRAM

24 NEW SECTION. **Sec. 301.** It is the intent of the legislature that  
25 all applicants to the Washington WorkFirst program shall be focused on  
26 obtaining paid, unsubsidized employment. The focus of the Washington  
27 WorkFirst program shall be work for all recipients.

28 NEW SECTION. **Sec. 302.** DIVERSION ASSISTANCE. (1) In order to  
29 prevent some families from developing dependency on temporary  
30 assistance for needy families, the department shall make available to  
31 qualifying applicants a diversion program designed to provide brief,  
32 emergency assistance for families in crisis whose income and assets  
33 would otherwise qualify them for temporary assistance for needy  
34 families.

35 (2) Diversion assistance may include cash or vouchers in payment  
36 for the following needs:

- 1 (a) Child care;
- 2 (b) Housing assistance;
- 3 (c) Transportation-related expenses;
- 4 (d) Food;
- 5 (e) Medical costs for the recipient's immediate family;
- 6 (f) Employment-related expenses which are necessary to keep or
- 7 obtain paid unsubsidized employment.

8 (3) Diversion assistance is available once in each twelve-month  
9 period for each adult applicant. Recipients of diversion assistance  
10 are not included in the temporary assistance for needy families  
11 program.

12 (4) Diversion assistance may not exceed one thousand five hundred  
13 dollars for each instance.

14 (5) To be eligible for diversion assistance, a family must  
15 otherwise be eligible for temporary assistance for needy families.

16 (6) Families ineligible for temporary assistance for needy families  
17 or general assistance due to sanction, noncompliance, the lump sum  
18 income rule, or any other reason are not eligible for diversion  
19 assistance.

20 (7) Families must provide evidence showing that a bona fide need  
21 exists according to subsection (2) of this section in order to be  
22 eligible for diversion assistance.

23 An adult applicant may receive diversion assistance of any type no  
24 more than once per twelve-month period. If the recipient of diversion  
25 assistance is placed on the temporary assistance for needy families  
26 program within twelve months of receiving diversion assistance, the  
27 prorated dollar value of the assistance shall be treated as a loan from  
28 the state, and recovered by deduction from the recipient's cash grant.

29 **Sec. 303.** RCW 74.08.331 and 1992 c 7 s 59 are each amended to read  
30 as follows:

31 Any person who by means of a willfully false statement, or  
32 representation, or impersonation, or a willful failure to reveal any  
33 material fact, condition or circumstance affecting eligibility ((~~of~~  
34 ~~for~~)) or need for assistance, including medical care, surplus  
35 commodities and food stamps, as required by law, or a willful failure  
36 to promptly notify the county office in writing as required by law or  
37 any change in status in respect to resources, or income, or need, or  
38 family composition, money contribution and other support, from whatever

1 source derived, including unemployment insurance, or any other change  
2 in circumstances affecting the person's eligibility or need for  
3 assistance, or other fraudulent device, obtains, or attempts to obtain,  
4 or aids or abets any person to obtain any public assistance to which  
5 the person is not entitled or greater public assistance than that to  
6 which he or she is justly entitled shall be guilty of grand larceny and  
7 upon conviction thereof shall be punished by imprisonment in a state  
8 correctional facility for not more than fifteen years.

9 Any person who by means of a willfully false statement or  
10 representation or by impersonation or other fraudulent device aids or  
11 abets in buying, selling, or in any other way disposing of the real  
12 property of a recipient of public assistance without the consent of the  
13 secretary shall be guilty of a gross misdemeanor and upon conviction  
14 thereof shall be punished by imprisonment for not more than one year in  
15 the county jail or a fine of not to exceed one thousand dollars or by  
16 both.

17 NEW SECTION. **Sec. 304.** A new section is added to chapter 28A.630  
18 RCW to read as follows:

19 SCHOOL-TO-WORK TRANSITIONS. (1) The legislature finds that  
20 students who do not prepare for postsecondary education, training, and  
21 employment are more likely to become dependent on state assistance  
22 programs than those who do make such preparation and that long-term  
23 employment and earning outcomes for youth can be significantly improved  
24 through school-to-work transition efforts, particularly through work-  
25 based learning experiences. The legislature intends that every effort  
26 be made to involve all youth in preparation for postsecondary  
27 education, training, and employment, including out-of-school youth.

28 (2) Washington is engaged in developing school-to-work transitions  
29 for all youth, which involves preparation for postsecondary education,  
30 training, and employment and requires outreach to out-of-school youth.  
31 All school-to-work transition projects in the state, therefore, whether  
32 funded by state or federal funds, shall contain an outreach component  
33 directed toward school-age youth not currently enrolled in school and  
34 demonstrate the involvement of all in-school youth in preparation for  
35 postsecondary education or training or employment. At the time a  
36 school-to-work grant is made, the superintendent of public instruction  
37 shall withhold twenty percent of the grant award and release the funds  
38 upon a showing that the project has satisfactorily included outreach to

1 out-of-school youth and progress in involving students not  
2 traditionally engaged in preparation for postsecondary education,  
3 training, or employment.

4 (3) The office of the superintendent of public instruction shall  
5 provide technical assistance to ensure that school districts establish  
6 and operate outreach efforts under this section, and to include out-of-  
7 school youth in school-to-work efforts within available funds.

8 **Sec. 305.** RCW 28A.630.876 and 1993 c 335 s 8 are each amended to  
9 read as follows:

10 (1) The superintendent of public instruction shall report to the  
11 education committees of the legislature and committees of the  
12 legislature handling economic development and social welfare issues on  
13 the progress of the schools for the school-to-work transitions program  
14 by December 15 of each odd-numbered year.

15 (2) Each school district selected to participate in the ((~~academic~~  
16 ~~and vocational integration development~~)) school-to-work transitions  
17 program shall submit an annual report to the superintendent of public  
18 instruction on the progress of the project as a condition of receipt of  
19 continued funding.

20 NEW SECTION. **Sec. 306.** A new section is added to chapter 43.30  
21 RCW to read as follows:

22 JOBS FOR THE ENVIRONMENT PROGRAMS. In any jobs for the environment  
23 program designed to train and employ displaced natural resource workers  
24 and operated by the department of natural resources, recipients of  
25 temporary assistance for needy families from natural resource areas who  
26 are engaged in work search activities are eligible for training and  
27 employment on the same basis as displaced natural resource workers  
28 within available funds.

29 NEW SECTION. **Sec. 307.** INDIVIDUAL DEVELOPMENT ACCOUNTS. The  
30 department shall carry out a program to fund individual development  
31 accounts established by recipients eligible for assistance under the  
32 temporary assistance for needy families program.

33 (1) An individual development account may be established by or on  
34 behalf of a recipient eligible for assistance provided under the  
35 temporary assistance for needy families program operated under this



1 title for the purpose of enabling the recipient to accumulate funds for  
2 a qualified purpose described in subsection (2) of this section.

3 (2) A qualified purpose as described in this subsection is one or  
4 more of the following, as provided by the qualified entity providing  
5 assistance to the individual:

6 (a) Postsecondary expenses paid from an individual development  
7 account directly to an eligible educational institution;

8 (b) Qualified acquisition costs with respect to a qualified  
9 principal residence for a qualified first-time home buyer, if paid from  
10 an individual development account directly to the persons to whom the  
11 amounts are due;

12 (c) Amounts paid from an individual development account directly to  
13 a business capitalization account which is established in a federally  
14 insured financial institution and is restricted to use solely for  
15 qualified business capitalization expenses.

16 (3) A recipient may only contribute to an individual development  
17 account such amounts as are derived from earned income, as defined in  
18 section 911(d)(2) of the internal revenue code of 1986.

19 (4) The department shall establish rules to ensure funds held in an  
20 individual development account are only withdrawn for a qualified  
21 purpose as provided in this section.

22 (5) An individual development account established under this  
23 section shall be a trust created or organized in the United States and  
24 funded through periodic contributions by the establishing recipient and  
25 matched by or through a qualified entity for a qualified purpose as  
26 provided in this section.

27 (6) For the purpose of determining eligibility for any assistance  
28 provided under this title, all funds in an individual development  
29 account under this section shall be disregarded for such purpose with  
30 respect to any period during which such individual maintains or makes  
31 contributions into such an account.

32 (7) The department shall adopt rules authorizing the use of  
33 organizations using microcredit and microenterprise approaches to  
34 assisting low-income families to become financially self-sufficient.

35 (8) The department shall adopt rules implementing the use of  
36 individual development accounts by recipients of temporary assistance  
37 for needy families.

38 (9) For the purposes of this section, "eligible educational  
39 institution," "postsecondary educational expenses," "qualified

1 acquisition costs," "qualified business," "qualified business  
2 capitalization expenses," "qualified expenditures," "qualified  
3 first-time home buyer," "date of acquisition," "qualified plan," and  
4 "qualified principal residence" include the meanings provided for them  
5 in P.L. 104-193.

6 NEW SECTION. **Sec. 308.** EARNINGS DISREGARDS AND EARNED INCOME  
7 CUTOFFS. (1) In addition to their monthly benefit payment, a family  
8 may earn and keep one-half of its earnings during every month it is  
9 eligible to receive assistance under this section.

10 (2) In no event may a family be eligible for temporary assistance  
11 for needy families if its monthly gross earned income exceeds the  
12 maximum earned income level as set by the department. In calculating  
13 a household's gross earnings, the department shall disregard the  
14 earnings of a minor child who is:

15 (a) A full-time student; or

16 (b) A part-time student carrying at least half the normal school  
17 load and working fewer than thirty-five hours per week.

18 **Sec. 309.** RCW 74.04.005 and 1992 c 165 s 1 and 1992 c 136 s 1 are  
19 each reenacted and amended to read as follows:

20 For the purposes of this title, unless the context indicates  
21 otherwise, the following definitions shall apply:

22 (1) "Public assistance" or "assistance"«Public aid to persons in  
23 need thereof for any cause, including services, medical care,  
24 assistance grants, disbursing orders, work relief, general assistance  
25 and federal-aid assistance.

26 (2) "Department"«The department of social and health services.

27 (3) "County or local office"«The administrative office for one or  
28 more counties or designated service areas.

29 (4) "Director" or "secretary" means the secretary of social and  
30 health services.

31 (5) "Federal-aid assistance"«The specific categories of assistance  
32 for which provision is made in any federal law existing or hereafter  
33 passed by which payments are made from the federal government to the  
34 state in aid or in respect to payment by the state for public  
35 assistance rendered to any category of needy persons for which  
36 provision for federal funds or aid may from time to time be made, or a  
37 federally administered needs-based program.

1 (6)(a) "General assistance"«Aid to persons in need who:  
2 (i) Are not eligible to receive federal-aid assistance, other than  
3 food stamps and medical assistance; however, an individual who refuses  
4 or fails to cooperate in obtaining federal-aid assistance, without good  
5 cause, is not eligible for general assistance;  
6 (ii) Meet one of the following conditions:  
7 (A) Pregnant: PROVIDED, That need is based on the current income  
8 and resource requirements of the federal ((aid to families with  
9 dependent children)) temporary assistance for needy families program( (÷  
10 ~~PROVIDED FURTHER, That during any period in which an aid for dependent~~  
11 ~~children employable program is not in operation, only those pregnant~~  
12 ~~women who are categorically eligible for medicaid are eligible for~~  
13 ~~general assistance~~)); or  
14 (B) Subject to chapter 165, Laws of 1992, incapacitated from  
15 gainful employment by reason of bodily or mental infirmity that will  
16 likely continue for a minimum of ninety days as determined by the  
17 department.  
18 (C) Persons who are unemployable due to alcohol or drug addiction  
19 are not eligible for general assistance. Persons receiving general  
20 assistance on July 26, 1987, or becoming eligible for such assistance  
21 thereafter, due to an alcohol or drug-related incapacity, shall be  
22 referred to appropriate assessment, treatment, shelter, or supplemental  
23 security income referral services as authorized under chapter 74.50  
24 RCW. Referrals shall be made at the time of application or at the time  
25 of eligibility review. Alcoholic and drug addicted clients who are  
26 receiving general assistance on July 26, 1987, may remain on general  
27 assistance if they otherwise retain their eligibility until they are  
28 assessed for services under chapter 74.50 RCW. Subsection  
29 (6)(a)(ii)(B) of this section shall not be construed to prohibit the  
30 department from granting general assistance benefits to alcoholics and  
31 drug addicts who are incapacitated due to other physical or mental  
32 conditions that meet the eligibility criteria for the general  
33 assistance program;  
34 (iii) Are citizens or aliens lawfully admitted for permanent  
35 residence or otherwise residing in the United States under color of  
36 law; and  
37 (iv) Have furnished the department their social security account  
38 number. If the social security account number cannot be furnished  
39 because it has not been issued or is not known, an application for a

1 number shall be made prior to authorization of assistance, and the  
2 social security number shall be provided to the department upon  
3 receipt.

4 (b) Notwithstanding the provisions of subsection (6)(a)(i), (ii),  
5 and (c) of this section, general assistance shall be provided to the  
6 following recipients of federal-aid assistance:

7 (i) Recipients of supplemental security income whose need, as  
8 defined in this section, is not met by such supplemental security  
9 income grant because of separation from a spouse; or

10 (ii) To the extent authorized by the legislature in the biennial  
11 appropriations act, to recipients of (~~aid to families with dependent~~  
12 ~~children~~) temporary assistance for needy families whose needs are not  
13 being met because of a temporary reduction in monthly income below the  
14 entitled benefit payment level caused by loss or reduction of wages or  
15 unemployment compensation benefits or some other unforeseen  
16 circumstances. The amount of general assistance authorized shall not  
17 exceed the difference between the entitled benefit payment level and  
18 the amount of income actually received.

19 (c) General assistance shall be provided only to persons who are  
20 not members of assistance units receiving federal aid assistance,  
21 except as provided in subsection (6)(a)(ii)(A) and (b) of this section,  
22 and will accept available services which can reasonably be expected to  
23 enable the person to work or reduce the need for assistance unless  
24 there is good cause to refuse. Failure to accept such services shall  
25 result in termination until the person agrees to cooperate in accepting  
26 such services and subject to the following maximum periods of  
27 ineligibility after reapplication:

28 (i) First failure: One week;

29 (ii) Second failure within six months: One month;

30 (iii) Third and subsequent failure within one year: Two months.

31 (d) Persons found eligible for general assistance based on  
32 incapacity from gainful employment may, if otherwise eligible, receive  
33 general assistance pending application for federal supplemental  
34 security income benefits. Any general assistance that is subsequently  
35 duplicated by the person's receipt of supplemental security income for  
36 the same period shall be considered a debt due the state and shall by  
37 operation of law be subject to recovery through all available legal  
38 remedies.

1 (e) The department shall adopt by rule medical criteria for general  
2 assistance eligibility to ensure that eligibility decisions are  
3 consistent with statutory requirements and are based on clear,  
4 objective medical information.

5 (f) The process implementing the medical criteria shall involve  
6 consideration of opinions of the treating or consulting physicians or  
7 health care professionals regarding incapacity, and any eligibility  
8 decision which rejects uncontroverted medical opinion must set forth  
9 clear and convincing reasons for doing so.

10 (g) Recipients of general assistance based upon a finding of  
11 incapacity from gainful employment who remain otherwise eligible shall  
12 not have their benefits terminated absent a clear showing of material  
13 improvement in their medical or mental condition or specific error in  
14 the prior determination that found the recipient eligible by reason of  
15 incapacitation. Recipients of general assistance based upon pregnancy  
16 who relinquish their child for adoption, remain otherwise eligible, and  
17 are not eligible to receive benefits under the federal (~~aid to~~  
18 ~~families with dependent children~~) temporary assistance for needy  
19 families program shall not have their benefits terminated until the end  
20 of the month in which the period of six weeks following the birth of  
21 the recipient's child falls. Recipients of the federal (~~aid to~~  
22 ~~families with dependent children~~) temporary assistance for needy  
23 families program who lose their eligibility solely because of the birth  
24 and relinquishment of the qualifying child may receive general  
25 assistance through the end of the month in which the period of six  
26 weeks following the birth of the child falls.

27 (7) "Applicant"«Any person who has made a request, or on behalf of  
28 whom a request has been made, to any county or local office for  
29 assistance.

30 (8) "Recipient"«Any person receiving assistance and in addition  
31 those dependents whose needs are included in the recipient's  
32 assistance.

33 (9) "Standards of assistance"«The level of income required by an  
34 applicant or recipient to maintain a level of living specified by the  
35 department.

36 (10) "Resource"«Any asset, tangible or intangible, owned by or  
37 available to the applicant at the time of application, which can be  
38 applied toward meeting the applicant's need, either directly or by  
39 conversion into money or its equivalent: PROVIDED, That an applicant

1 may retain the following described resources and not be ineligible for  
2 public assistance because of such resources.

3 (a) A home, which is defined as real property owned and used by an  
4 applicant or recipient as a place of residence, together with a  
5 reasonable amount of property surrounding and contiguous thereto, which  
6 is used by and useful to the applicant. Whenever a recipient shall  
7 cease to use such property for residential purposes, either for himself  
8 or his dependents, the property shall be considered as a resource which  
9 can be made available to meet need, and if the recipient or his  
10 dependents absent themselves from the home for a period of ninety  
11 consecutive days such absence, unless due to hospitalization or health  
12 reasons or a natural disaster, shall raise a rebuttable presumption of  
13 abandonment: PROVIDED, That if in the opinion of three physicians the  
14 recipient will be unable to return to the home during his lifetime, and  
15 the home is not occupied by a spouse or dependent children or disabled  
16 sons or daughters, such property shall be considered as a resource  
17 which can be made available to meet need.

18 (b) Household furnishings and personal effects and other personal  
19 property having great sentimental value to the applicant or recipient,  
20 as limited by the department consistent with limitations on resources  
21 and exemptions for federal aid assistance.

22 (c) A motor vehicle, other than a motor home, used and useful  
23 having an equity value not to exceed ~~((one))~~ five thousand ~~((five~~  
24 ~~hundred))~~ dollars.

25 (d) A motor vehicle necessary to transport a physically disabled  
26 household member. This exclusion is limited to one vehicle per  
27 physically disabled person.

28 (e) All other resources, including any excess of values exempted,  
29 not to exceed one thousand dollars or other limit as set by the  
30 department, to be consistent with limitations on resources and  
31 exemptions necessary for federal aid assistance. The department shall  
32 also allow recipients of temporary assistance for needy families to  
33 exempt savings accounts with combined balances of up to an additional  
34 three thousand dollars.

35 ~~((e))~~ (f) Applicants for or recipients of general assistance  
36 shall have their eligibility based on resource limitations consistent  
37 with the ~~((aid to families with dependent children))~~ temporary  
38 assistance for needy families program rules adopted by the department.

1       (~~(f)~~) (g) If an applicant for or recipient of public assistance  
2 possesses property and belongings in excess of the ceiling value, such  
3 value shall be used in determining the need of the applicant or  
4 recipient, except that: (i) The department may exempt resources or  
5 income when the income and resources are determined necessary to the  
6 applicant's or recipient's restoration to independence, to decrease the  
7 need for public assistance, or to aid in rehabilitating the applicant  
8 or recipient or a dependent of the applicant or recipient; and (ii) the  
9 department may provide grant assistance for a period not to exceed nine  
10 months from the date the agreement is signed pursuant to this section  
11 to persons who are otherwise ineligible because of excess real property  
12 owned by such persons when they are making a good faith effort to  
13 dispose of that property: PROVIDED, That:

14       (A) The applicant or recipient signs an agreement to repay the  
15 lesser of the amount of aid received or the net proceeds of such sale;

16       (B) If the owner of the excess property ceases to make good faith  
17 efforts to sell the property, the entire amount of assistance may  
18 become an overpayment and a debt due the state and may be recovered  
19 pursuant to RCW 43.20B.630;

20       (C) Applicants and recipients are advised of their right to a fair  
21 hearing and afforded the opportunity to challenge a decision that good  
22 faith efforts to sell have ceased, prior to assessment of an  
23 overpayment under this section; and

24       (D) At the time assistance is authorized, the department files a  
25 lien without a sum certain on the specific property.

26       (11) "Income"«(a) All appreciable gains in real or personal  
27 property (cash or kind) or other assets, which are received by or  
28 become available for use and enjoyment by an applicant or recipient  
29 during the month of application or after applying for or receiving  
30 public assistance. The department may by rule and regulation exempt  
31 income received by an applicant for or recipient of public assistance  
32 which can be used by him to decrease his need for public assistance or  
33 to aid in rehabilitating him or his dependents, but such exemption  
34 shall not, unless otherwise provided in this title, exceed the  
35 exemptions of resources granted under this chapter to an applicant for  
36 public assistance. In determining the amount of assistance to which an  
37 applicant or recipient of (~~aid to families with dependent children~~)  
38 temporary assistance for needy families is entitled, the department is  
39 hereby authorized to disregard as a resource or income the earned

1 income exemptions consistent with federal requirements. The department  
2 may permit the above exemption of earnings of a child to be retained by  
3 such child to cover the cost of special future identifiable needs even  
4 though the total exceeds the exemptions or resources granted to  
5 applicants and recipients of public assistance, but consistent with  
6 federal requirements. In formulating rules and regulations pursuant to  
7 this chapter, the department shall define income and resources and the  
8 availability thereof, consistent with federal requirements. All  
9 resources and income not specifically exempted, and any income or other  
10 economic benefit derived from the use of, or appreciation in value of,  
11 exempt resources, shall be considered in determining the need of an  
12 applicant or recipient of public assistance.

13 (b) If, under applicable federal requirements, the state has the  
14 option of considering property in the form of lump sum compensatory  
15 awards or related settlements received by an applicant or recipient as  
16 income or as a resource, the department shall consider such property to  
17 be a resource.

18 (12) "Need"«The difference between the applicant's or recipient's  
19 standards of assistance for himself and the dependent members of his  
20 family, as measured by the standards of the department, and value of  
21 all nonexempt resources and nonexempt income received by or available  
22 to the applicant or recipient and the dependent members of his family.

23 (13) For purposes of determining eligibility for public assistance  
24 and participation levels in the cost of medical care, the department  
25 shall exempt restitution payments made to people of Japanese and Aleut  
26 ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian  
27 and Pribilof Island Restitution Act passed by congress, P.L. 100-383,  
28 including all income and resources derived therefrom.

29 (14) In the construction of words and phrases used in this title,  
30 the singular number shall include the plural, the masculine gender  
31 shall include both the feminine and neuter genders and the present  
32 tense shall include the past and future tenses, unless the context  
33 thereof shall clearly indicate to the contrary.

34 NEW SECTION. **Sec. 310.** NONCUSTODIAL PARENTS IN WORK PROGRAMS.  
35 The department may provide Washington WorkFirst activities or make  
36 cross-referrals to existing programs to qualifying noncustodial parents  
37 of children receiving temporary assistance for needy families who are



1 unable to meet their child support obligations. Services authorized  
2 under this section shall be provided within available funds.

3 NEW SECTION. **Sec. 311.** DEFINITIONS. Unless the context clearly  
4 requires otherwise, as used in this chapter, "work activity" means:

5 (1) Unsubsidized paid employment in the private or public sector;

6 (2) Subsidized paid employment in the private or public sector;

7 (3) Work experience, including work associated with the  
8 refurbishing of publicly assisted housing, if sufficient paid  
9 employment is not available;

10 (4) On-the-job training;

11 (5) Job search and job readiness assistance;

12 (6) Community service programs;

13 (7) Vocational educational training, not to exceed twelve months  
14 with respect to any individual;

15 (8) Job skills training directly related to employment;

16 (9) Education directly related to employment, in the case of a  
17 recipient who has not received a high school diploma or a GED;

18 (10) Satisfactory attendance at secondary school or in a course of  
19 study leading to a GED, in the case of a recipient who has not  
20 completed secondary school or received such a certificate;

21 (11) The provision of child care services to an individual who is  
22 participating in a community service program; and

23 (12) Services required by the recipient under RCW 74.08.025(3) and  
24 74.--.---(3) (section 103(3) of this act) to become employable.

25 NEW SECTION. **Sec. 312.** JOB SEARCH OR WORK ACTIVITY. (1) There is  
26 established in the department the Washington WorkFirst program. The  
27 department shall administer the program consistent with the temporary  
28 assistance for needy families provisions of P.L. 104-193. In operating  
29 the WorkFirst program the department shall meet the minimum work  
30 participation rates specified in federal law, and shall require  
31 recipients of assistance to engage in job search and work activities as  
32 an ongoing condition of eligibility.

33 (2) Upon application to the temporary assistance for needy families  
34 program, each recipient shall be placed in the job search component.  
35 For recipients who have been approved for assistance before the  
36 effective date of this section, the job search component shall be

1 completed no later than one hundred eighty days after the effective  
2 date of this section.

3 (3) The Washington WorkFirst program shall include a job search  
4 component in which each nonexempt recipient of temporary assistance for  
5 needy families shall participate. The job search component may not  
6 last more than four weeks for each recipient. Each recipient shall be  
7 required to attend job search component activities at least thirty-six  
8 hours per week. Failure to participate in the job search component  
9 shall result in sanctions under section 313 of this act. The job  
10 search component shall serve as the assessment tool to comply with  
11 federal law. If a recipient fails to find paid employment during the  
12 job search component, the department may refer the recipient to those  
13 work activities that are directly related to improving the recipient's  
14 employability.

15 (4) As used in this section, "job search component" means an  
16 activity in which nonexempt recipients engage each weekday upon  
17 entering the Washington WorkFirst program. The component shall provide  
18 at least three hours per weekday of classroom instruction on how to  
19 secure a job and at least three hours per weekday of individual job  
20 search activities.

21 NEW SECTION. **Sec. 313.** PLACEMENT INTO WORK ACTIVITY. Recipients  
22 who have not obtained paid, unsubsidized employment by the end of the  
23 job search component authorized in section 312 of this act shall be  
24 referred to a work activity.

25 (1) Each recipient shall be assessed immediately upon completion of  
26 the job search component. Assessments shall be based upon factors that  
27 are critical to obtaining employment, including but not limited to  
28 education, employment strengths, and employment history. Assessments  
29 may be performed by the department or by a contracted entity. The  
30 assessment shall be based on a uniform, consistent, transferable format  
31 that will be accepted by all agencies and organizations serving the  
32 recipient. Based on the assessment, an individual responsibility plan  
33 shall be prepared that: (a) Sets forth an employment goal and a plan  
34 for moving the recipient immediately into employment; (b) contains the  
35 obligation of the recipient to become and remain employed; (c) moves  
36 the recipient into whatever employment the recipient is capable of  
37 handling as quickly as possible; and (d) describes the services

1 available to the recipient to enable the recipient to obtain and keep  
2 employment.

3 (2) Recipients who are not engaged in work and work activities, and  
4 do not qualify for a good cause exemption under section 314 of this  
5 act, shall engage in self-directed service as provided in section 326  
6 of this act.

7 (3) If a recipient refuses to engage in work and work activities  
8 required by the department, the family's grant shall be reduced by the  
9 recipient's share, and may, if the department determines it  
10 appropriate, be terminated.

11 (4) The department may waive the penalties required under  
12 subsection (3) of this section, subject to a finding that the recipient  
13 refused to engage in work for good cause provided in section 314 of  
14 this act.

15 (5) In implementing this section, the department shall assign the  
16 highest priority to the most employable clients, including adults in  
17 two-parent families and parents in single-parent families that include  
18 older preschool or school age children to be engaged in work  
19 activities.

20 (6) In consultation with the recipient, the department or  
21 contractor shall place the recipient into a work activity that is  
22 available in the local area where the recipient resides.

23 NEW SECTION. **Sec. 314.** GOOD CAUSE. Good cause reasons for  
24 failure to participate in WorkFirst program components include: (1)  
25 Situations where the recipient is a parent or other relative personally  
26 providing care for a child under the age of six years, and formal or  
27 informal child care, or day care for an incapacitated individual living  
28 in the same home as a dependent child, is necessary for an individual  
29 to participate or continue participation in the program or accept  
30 employment, and such care is not available, and the department fails to  
31 provide such care; or (2) until June 30, 1999, if the recipient is a  
32 parent with a child under the age of one year. A parent may only  
33 receive this exemption for a total of twelve months, which may be  
34 consecutive or nonconsecutive; or (3) after June 30, 1999, if the  
35 recipient is a parent with a child under three months of age.

36 NEW SECTION. **Sec. 315.** WORKFIRST--GOALS--CONTRACTS--SERVICE  
37 AREAS--PLANS. (1) The legislature finds that moving those eligible for

1 assistance to self-sustaining employment is a goal of the WorkFirst  
2 program. It is the intent of WorkFirst to aid a participant's progress  
3 to self-sufficiency by allowing flexibility within the state-wide  
4 program to reflect community resources, the local characteristics of  
5 the labor market, and the composition of the caseload. Program success  
6 will be enhanced through effective coordination at regional and local  
7 levels, involving employers, labor representatives, educators,  
8 community leaders, local governments, and social service providers.

9 (2) The department, through its regional offices, shall collaborate  
10 with employers, recipients, frontline workers, educational  
11 institutions, labor, private industry councils, the work force training  
12 and education coordinating board, community rehabilitation employment  
13 programs, employment and training agencies, local governments, the  
14 employment security department, and community action agencies to  
15 develop work programs that are effective and work in their communities.  
16 For planning purposes, the department shall collect and make accessible  
17 to regional offices successful work program models from around the  
18 United States, including the employment partnership program,  
19 apprenticeship programs, microcredit, microenterprise, self-employment,  
20 and W-2 Wisconsin works. Work programs shall incorporate local  
21 volunteer citizens in their planning and implementation phases to  
22 ensure community relevance and success.

23 (3) To reduce administrative costs and to ensure equal state-wide  
24 access to services, the department may develop contracts for state-wide  
25 welfare-to-work services. These state-wide contracts shall support  
26 regional flexibility and ensure that resources follow local labor  
27 market opportunities and recipients' needs.

28 (4) The secretary shall establish WorkFirst service areas for  
29 purposes of planning WorkFirst programs and for distributing WorkFirst  
30 resources. Service areas shall reflect department regions.

31 (5) By July 31st of each odd-numbered year, a plan for the  
32 WorkFirst program shall be developed for each region. The plan shall  
33 be prepared in consultation with local and regional sources, adapting  
34 the state-wide WorkFirst program to achieve maximum effect for the  
35 participants and the communities within which they reside. Local  
36 consultation shall include to the greatest extent possible input from  
37 local and regional planning bodies for social services and work force  
38 development. The regional and local administrator shall consult with  
39 employers of various sizes, labor representatives, training and

1 education providers, program participants, economic development  
2 organizations, community organizations, tribes, and local governments  
3 in the preparation of the service area plan.

4 (6) The secretary has final authority in plan approval or  
5 modification. Regional program implementation may deviate from the  
6 state-wide program if specified in a service area plan, as approved by  
7 the secretary.

8 NEW SECTION. **Sec. 316.** WORK PROGRAM CONTRACTS. (1) It is the  
9 intent of the legislature that the department is authorized to engage  
10 in competitive contracting using performance-based contracts to provide  
11 all work activities authorized in chapter . . . , Laws of 1997 (this  
12 act), including the job search component authorized in section 312 of  
13 this act.

14 (2) The department may use competitive performance-based  
15 contracting to select which vendors will participate in the WorkFirst  
16 program. Performance-based contracts shall be awarded based on factors  
17 that include but are not limited to the criteria listed in section 702  
18 of this act, past performance of the contractor, demonstrated ability  
19 to perform the contract effectively, financial strength of the  
20 contractor, and merits of the proposal for services submitted by the  
21 contractor. Contracts shall be made without regard to whether the  
22 contractor is a public or private entity.

23 (3) The department may contract for an evaluation of the  
24 competitive contracting practices and outcomes to be performed by an  
25 independent entity with expertise in government privatization and  
26 competitive strategies. The evaluation shall include quarterly  
27 progress reports to the fiscal committees of the legislature and to the  
28 governor, starting at the first quarter after the effective date of the  
29 first competitive contract and ending two years after the effective  
30 date of the first competitive contract.

31 (4) The department shall seek independent assistance in developing  
32 contracting strategies to implement this section. Assistance may  
33 include but is not limited to development of contract language, design  
34 of requests for proposal, developing full cost information on  
35 government services, evaluation of bids, and providing for equal  
36 competition between private and public entities.

1        NEW SECTION.    **Sec. 317.**    PLACEMENT BONUSES.    In the case of service  
2 providers that are not public agencies, initial placement bonuses of no  
3 greater than five hundred dollars may be provided by the department for  
4 service entities responsible for placing recipients in an unsubsidized  
5 job for a minimum of twelve weeks, and the following additional bonuses  
6 shall also be provided:

7        (1) A percent of the initial bonus if the job pays double the  
8 minimum wage;

9        (2) A percent of the initial bonus if the job provides health care;

10       (3) A percent of the initial bonus if the job includes employer-  
11 provided child care needed by the recipient; and

12       (4) A percent of the initial bonus if the recipient is continuously  
13 employed for two years.

14       NEW SECTION.    **Sec. 318.**    No collective bargaining agreement may be  
15 entered into, extended, or renewed after the effective date of this  
16 section that prevents or restricts the authority of the department of  
17 social and health services to exercise the powers granted under  
18 sections 312 through 317 of this act and RCW 74.04.050.

19       **Sec. 319.**    RCW 74.04.050 and 1981 1st ex.s. c 6 s 3 are each  
20 amended to read as follows:

21       (1) The department shall serve as the single state agency to  
22 administer public assistance. The department is hereby empowered and  
23 authorized to cooperate in the administration of such federal laws,  
24 consistent with the public assistance laws of this state, as may be  
25 necessary to qualify for federal funds for:

26       ~~((1))~~ (a) Medical assistance;

27       ~~((2) Aid to dependent children))~~ (b) Temporary assistance for  
28 needy families;

29       ~~((3))~~ (c) Child welfare services; and

30       ~~((4))~~ (d) Any other programs of public assistance for which  
31 provision for federal grants or funds may from time to time be made.

32       (2) The state hereby accepts and assents to all the present  
33 provisions of the federal law under which federal grants or funds,  
34 goods, commodities and services are extended to the state for the  
35 support of programs administered by the department, and to such  
36 additional legislation as may subsequently be enacted as is not  
37 inconsistent with the purposes of this title, authorizing public

1 welfare and assistance activities. The provisions of this title shall  
2 be so administered as to conform with federal requirements with respect  
3 to eligibility for the receipt of federal grants or funds.

4 The department shall periodically make application for federal  
5 grants or funds and submit such plans, reports and data, as are  
6 required by any act of congress as a condition precedent to the receipt  
7 of federal funds for such assistance. The department shall make and  
8 enforce such rules and regulations as shall be necessary to insure  
9 compliance with the terms and conditions of such federal grants or  
10 funds.

11 (3) The department may contract with public and private entities  
12 for administrative services for the following programs and functions:  
13 (a) Temporary assistance for needy families; (b) general assistance;  
14 (c) refugee services; (d) facilitation of eligibility for federal  
15 supplemental security income benefits; (e) medical assistance  
16 eligibility; and (f) food stamps.

17 **Sec. 320.** RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended  
18 to read as follows:

19 (1) Nothing contained in this chapter shall prohibit any  
20 department, as defined in RCW 41.06.020, from purchasing services by  
21 contract with individuals or business entities if such services were  
22 regularly purchased by valid contract by such department prior to April  
23 23, 1979: PROVIDED, That no such contract may be executed or renewed  
24 if it would have the effect of terminating classified employees or  
25 classified employee positions existing at the time of the execution or  
26 renewal of the contract.

27 (2) Nothing in this chapter shall be construed to prohibit the  
28 department of social and health services from carrying out the  
29 provisions of sections 312 through 318 of this act and RCW 74.04.050.

30 NEW SECTION. Sec. 321. FUNDING RESTRICTIONS. The department of  
31 social and health services shall operate the Washington WorkFirst  
32 program authorized under sections 301, 302, 307, 308, 310 through 318,  
33 323 through 326, and 401 through 403 of this act, RCW 74.13.0903 and  
34 74.25.040, and chapter 74.12 RCW within the following constraints:

35 (1) The full amount of the temporary assistance for needy families  
36 block grant, plus qualifying state expenditures as appropriated in the  
37 biennial operating budget, shall be appropriated to the department each

1 year in the biennial appropriations act to carry out the provisions of  
2 the program authorized in sections 301, 302, 307, 308, 310 through 318,  
3 323 through 326, and 401 through 403 of this act, RCW 74.13.0903 and  
4 74.25.040, and chapter 74.12 RCW.

5 (2) The department may expend funds defined in subsection (1) of  
6 this section in any manner that will effectively accomplish the outcome  
7 measures defined in section 702 of this act. No more than fifteen  
8 percent of the amount provided in subsection (1) of this section may be  
9 spent for administrative purposes. For the purpose of this subsection,  
10 "administrative purposes" does not include expenditures for information  
11 technology and computerization needed for tracking and monitoring  
12 required by P.L. 104-193. The department shall not increase grant  
13 levels to recipients of the program authorized in sections 301, 302,  
14 307, 308, 310 through 318, and 323 through 326 of this act and chapter  
15 74.12 RCW.

16 (3) The department shall implement strategies that accomplish the  
17 outcome measures identified in section 702 of this act that are within  
18 the funding constraints in this section. Specifically, the department  
19 shall implement strategies that will cause the number of cases in the  
20 program authorized in sections 301, 302, 307, 308, 310 through 318, and  
21 323 through 326 of this act and chapter 74.12 RCW to decrease by at  
22 least fifteen percent during the 1997-99 biennium and by at least five  
23 percent in the subsequent biennium. The department may transfer  
24 appropriation authority between funding categories within the economic  
25 services program in order to carry out the requirements of this  
26 subsection.

27 (4) The department shall monitor expenditures against the  
28 appropriation levels provided for in subsection (1) of this section.  
29 The department shall quarterly make a determination as to whether  
30 expenditure levels will exceed available funding and communicate its  
31 finding to the legislature. If the determination indicates that  
32 expenditures will exceed funding at the end of the fiscal year, the  
33 department shall take all necessary actions to ensure that all services  
34 provided under this chapter shall be made available only to the extent  
35 of the availability and level of appropriation made by the legislature.

36 NEW SECTION. **Sec. 322.** The following acts or parts of acts are  
37 each repealed:

38 (1) RCW 74.25.010 and 1994 c 299 s 6 & 1991 c 126 s 5;



- 1 (2) RCW 74.25.020 and 1993 c 312 s 7, 1992 c 165 s 3, & 1991 c 126  
2 s 6;
- 3 (3) RCW 74.25.030 and 1991 c 126 s 7;
- 4 (4) RCW 74.25.900 and 1991 c 126 s 8; and
- 5 (5) RCW 74.25.901 and 1991 c 126 s 9.

6 NEW SECTION. **Sec. 323.** A new section is added to chapter 43.330  
7 RCW to read as follows:

8 ENTREPRENEURIAL ASSISTANCE--DEPARTMENT OF COMMUNITY, TRADE, AND  
9 ECONOMIC DEVELOPMENT. (1) The department shall ensure that none of its  
10 rules or practices act to exclude recipients of temporary assistance  
11 for needy families from any small business loan opportunities or  
12 entrepreneurial assistance it makes available through its community  
13 development block grant program or otherwise provides using state or  
14 federal resources. The department shall encourage local administrators  
15 of microlending programs using public funds to conduct outreach  
16 activities to encourage recipients of temporary assistance for needy  
17 families to explore self-employment as an option. The department shall  
18 compile information on private and public sources of entrepreneurial  
19 assistance and loans for start-up businesses and provide the department  
20 of social and health services with the information for dissemination to  
21 recipients of temporary assistance for needy families.

22 (2) The department shall, as part of its industrial recruitment  
23 efforts, work with the work force training and education coordinating  
24 board to identify the skill sets needed by companies locating in the  
25 state. The department shall provide the department of social and  
26 health services with the information about the companies' needs in  
27 order that recipients of public assistance and service providers  
28 assisting such recipients through training and placement programs may  
29 be informed and respond accordingly. The department shall work with  
30 the state board for community and technical colleges, the job skills  
31 program, the employment security department, and other employment and  
32 training programs to facilitate the inclusion of recipients of  
33 temporary assistance for needy families in relevant training that would  
34 make them good employees for recruited firms.

35 (3) The department shall perform the duties under this section  
36 within available funds.

1        NEW SECTION.    **Sec. 324.**    JOB ASSISTANCE--DEPARTMENT OF SOCIAL AND  
2 HEALTH SERVICES.    The department shall:

3        (1) Notify recipients of temporary assistance for needy families  
4 that self-employment is one method of leaving state assistance.    The  
5 department shall provide its regional offices, recipients of temporary  
6 assistance for needy families, and any contractors providing job  
7 search, training, or placement services notification of programs  
8 available in the state for entrepreneurial training, technical  
9 assistance, and loans available for start-up businesses;

10       (2) Provide recipients of temporary assistance for needy families  
11 and service providers assisting such recipients through training and  
12 placement programs with information it receives about the skills and  
13 training required by firms locating in the state;

14       (3) Encourage recipients of temporary assistance for needy families  
15 that are in need of basic skills to seek out programs that integrate  
16 basic skills training with occupational training and workplace  
17 experience.

18       NEW SECTION.    **Sec. 325.**    WAGE SUBSIDY PROGRAM.    The department  
19 shall establish a wage subsidy program for recipients of temporary  
20 assistance for needy families.    The department shall give preference in  
21 job placements to private sector employers that have agreed to  
22 participate in the wage subsidy program.    The department shall identify  
23 characteristics of employers who can meet the employment goals stated  
24 in section 702 of this act.    The department shall use these  
25 characteristics in identifying which employers may participate in the  
26 program.    The department shall adopt rules for the participation of  
27 recipients of temporary assistance for needy families in the wage  
28 subsidy program.    Participants in the program established under this  
29 section may not be employed if:    (1) The employer has terminated the  
30 employment of any current employee or otherwise caused an involuntary  
31 reduction of its work force in order to fill the vacancy so created  
32 with the participant; or (2) the participant displaces or partially  
33 displaces current employees.    Employers providing positions created  
34 under this section shall meet the requirements of chapter 49.46 RCW.  
35 This section shall not diminish or result in the infringement of  
36 obligations or rights under chapters 41.06, 41.56, and 49.36 RCW and  
37 the national labor relations act, 29 U.S.C. Ch. 7.    The department  
38 shall establish such local and state-wide advisory boards, including

1 business and labor representatives, as it deems appropriate to assist  
2 in the implementation of the wage subsidy program. Once the recipient  
3 is hired, the wage subsidy shall be authorized for up to nine months.

4 NEW SECTION. **Sec. 326.** COMMUNITY SERVICE PROGRAM. The department  
5 shall establish the community service program to provide the experience  
6 of work for recipients of public assistance. The program is intended  
7 to promote a strong work ethic for participating public assistance  
8 recipients. Under this program, public assistance recipients are  
9 required to volunteer to work for charitable nonprofit organizations  
10 and public agencies, or engage in another activity designed to benefit  
11 the recipient, the recipient's family, or the recipient's community, as  
12 determined by the department on a case-by-case basis. Participants in  
13 a community service or work experience program established by this  
14 chapter are deemed employees for the purpose of chapter 49.17 RCW. The  
15 cost of premiums under Title 51 RCW shall be paid for by the department  
16 for participants in a community service or work experience program.  
17 Participants in a community service or work experience program may not  
18 be placed if: (1) An employer has terminated the employment of any  
19 current employee or otherwise caused an involuntary reduction of its  
20 work force in order to fill the vacancy so created with the  
21 participant; or (2) the participant displaces or partially displaces  
22 current employees.

23 **Sec. 327.** RCW 74.12A.020 and 1993 c 312 s 8 are each amended to  
24 read as follows:

25 The department (~~may~~) shall provide grants to community action  
26 agencies or other local nonprofit organizations to provide job  
27 opportunities and basic skills training program participants with  
28 transitional support services, one-to-one assistance, case management,  
29 and job retention services.

30 NEW SECTION. **Sec. 328.** A new section is added to chapter 74.12  
31 RCW to read as follows:

32 A grant provided under the temporary assistance for needy families  
33 program shall be provided on a pro rata basis to the extent the  
34 recipient complies with mandated work and work activity requirements.



1 earned income in excess of seventy-four percent of the federal poverty  
2 level adjusted for family size. For families with income between one  
3 hundred thirty-one and one hundred seventy-five percent of the federal  
4 poverty level adjusted for family size, the copay shall be fifty  
5 percent of earned income above one hundred percent of the federal  
6 poverty level adjusted for family size.

7 (4) All compensable child care services authorized in this section  
8 shall be paid for through vouchers. Vouchers shall be provided to  
9 recipients and may only be used to purchase child care through the  
10 program created in this section.

11 NEW SECTION. **Sec. 403.** (1) The legislature finds that to comply  
12 with P.L. 104-193 section 407(e)(2), Washington is obligated to provide  
13 appropriate and affordable child care for recipients of temporary  
14 assistance for needy families. To comply with this federal requirement  
15 and to avoid possible fiscal sanctions, the legislature intends to  
16 determine what constitutes affordable, accessible child care in  
17 Washington.

18 (2) The Washington institute for public policy shall conduct a  
19 study of reasonable, affordable child care subsidy rates that are  
20 realistic for low-income working families. The institute for public  
21 policy shall review child care subsidy rates in use in other  
22 jurisdictions and shall model the economic impact of child care subsidy  
23 rates on low-income families. The institute for public policy shall  
24 report its findings and recommendations to the legislature no later  
25 than December 15, 1997.

26 **Sec. 404.** RCW 74.13.0903 and 1993 c 453 s 2 are each amended to  
27 read as follows:

28 The office of child care policy is established to operate under the  
29 authority of the department of social and health services. The duties  
30 and responsibilities of the office include, but are not limited to, the  
31 following, within appropriated funds:

32 (1) Staff and assist the child care coordinating committee in the  
33 implementation of its duties under RCW 74.13.090;

34 (2) Work in conjunction with the state-wide child care resource and  
35 referral network as well as local governments, nonprofit organizations,  
36 businesses, and community child care advocates to create local child  
37 care resource and referral organizations. These organizations may

1 carry out needs assessments, resource development, provider training,  
2 technical assistance, and parent information and training;

3 (3) Actively seek public and private money for distribution as  
4 grants to the state-wide child care resource and referral network and  
5 to existing or potential local child care resource and referral  
6 organizations;

7 (4) Adopt rules regarding the application for and distribution of  
8 grants to local child care resource and referral organizations. The  
9 rules shall, at a minimum, require an applicant to submit a plan for  
10 achieving the following objectives:

11 (a) Provide parents with information about child care resources,  
12 including location of services and subsidies;

13 (b) Carry out child care provider recruitment and training  
14 programs, including training under RCW 74.25.040;

15 (c) Offer support services, such as parent and provider seminars,  
16 toy-lending libraries, and substitute banks;

17 (d) Provide information for businesses regarding child care supply  
18 and demand;

19 (e) Advocate for increased public and private sector resources  
20 devoted to child care; (~~and~~)

21 (f) Provide technical assistance to employers regarding employee  
22 child care services; and

23 (g) Serve recipients of temporary assistance for needy families and  
24 working parents with incomes at or below household incomes of one  
25 hundred seventy-five percent of the federal poverty line;

26 (5) Provide staff support and technical assistance to the state-  
27 wide child care resource and referral network and local child care  
28 resource and referral organizations;

29 (6) Maintain a state-wide child care licensing data bank and work  
30 with department of social and health services licensors to provide  
31 information to local child care resource and referral organizations  
32 about licensed child care providers in the state;

33 (7) Through the state-wide child care resource and referral network  
34 and local resource and referral organizations, compile data about local  
35 child care needs and availability for future planning and development;

36 (8) Coordinate with the state-wide child care resource and referral  
37 network and local child care resource and referral organizations for  
38 the provision of training and technical assistance to child care  
39 providers; and

1 (9) Collect and assemble information regarding the availability of  
2 insurance and of federal and other child care funding to assist state  
3 and local agencies, businesses, and other child care providers in  
4 offering child care services.

5 **Sec. 405.** RCW 74.25.040 and 1994 c 299 s 8 are each amended to  
6 read as follows:

7 (1) Recipients of ((aid to families with dependent children))  
8 temporary assistance for needy families who are ((not)) employed or  
9 participating in ((an education or work training program)) a work  
10 activity under section 312 of this act may volunteer ((to)) or work in  
11 a licensed child care facility((, or other willing volunteer work  
12 site)). Licensed child care facilities participating in this effort  
13 shall provide care for the recipient's children and provide for the  
14 development of positive child care skills.

15 (2) The department shall train two hundred fifty recipients of  
16 temporary assistance for needy families to become family child care  
17 providers or child care center teachers. The department shall offer  
18 the training in rural and urban communities. The department shall  
19 adopt rules to implement the child care training program in this  
20 section.

21 (3) Recipients trained under this section shall provide child care  
22 services to clients of the department for two years following the  
23 completion of their child care training.

## 24 V. TEEN PARENTS

### 25 A. PERMISSIBLE LIVING SITUATIONS

26 **Sec. 501.** RCW 74.12.255 and 1994 c 299 s 33 are each amended to  
27 read as follows:

28 (1) The department shall determine, after consideration of all  
29 relevant factors and in consultation with the applicant, the most  
30 appropriate living situation for applicants under eighteen years of  
31 age, unmarried, and either pregnant or having a dependent child or  
32 children in the applicant's care. An appropriate living situation((s))  
33 shall include a place of residence that is maintained by the  
34 applicant's parents, parent, legal guardian, or other adult relative as  
35 their or his or her own home((, or other)) and that the department  
36 finds would provide an appropriate supportive living arrangement

1 (~~supervised by an adult where feasible and consistent with federal~~  
2 ~~regulations under 45 C.F.R. chapter II, section 233.107~~). It also  
3 includes a living situation maintained by an agency that is licensed  
4 under chapter 74.15 RCW that the department finds would provide an  
5 appropriate supportive living arrangement. Grant assistance shall not  
6 be provided under this chapter if the applicant does not reside in the  
7 most appropriate living situation, as determined by the department.

8 (2) (~~An applicant under eighteen years of age who is either~~  
9 ~~pregnant or has a dependent child and is not living in a situation~~  
10 ~~described in subsection (1) of this section shall be~~) An unmarried  
11 minor parent or pregnant minor applicant residing in the most  
12 appropriate living situation, as provided under subsection (1) of this  
13 section, is presumed to be unable to manage adequately the funds paid  
14 to the minor or on behalf of the dependent child or children and,  
15 unless the (~~teenage custodial parent demonstrates otherwise~~) minor  
16 provides sufficient evidence to rebut the presumption, shall be subject  
17 to the protective payee requirements provided for under RCW 74.12.250  
18 and 74.08.280.

19 (3) The department shall consider any statements or opinions by  
20 either parent of the (~~teen recipient~~) unmarried minor parent or  
21 pregnant minor applicant as to an appropriate living situation for the  
22 (~~teen~~) minor and his or her children, whether in the parental home or  
23 other situation. If the parents or a parent of the (~~teen head of~~  
24 household applicant for assistance) minor request, they or he or she  
25 shall be entitled to a hearing in juvenile court regarding (~~the~~  
26 fitness and suitability of their home as the top priority choice)  
27 designation of the parental home or other relative placement as the  
28 most appropriate living situation for the pregnant or parenting (~~teen~~  
29 applicant for assistance) minor.

30 The department shall provide the parents (~~shall have~~) or parent  
31 with the opportunity to make a showing (~~, based on the preponderance of~~  
32 the evidence,) that the parental home, or home of the other relative  
33 placement, is the most appropriate living situation. It shall be  
34 presumed in any administrative or judicial proceeding conducted under  
35 this subsection that the parental home or other relative placement  
36 requested by the parents or parent is the most appropriate living  
37 situation. This presumption is rebuttable.

38 (4) In cases in which the (~~head of household is under eighteen~~  
39 ~~years of age,~~) minor is unmarried(~~,~~) and unemployed, (~~and requests~~



1 ~~information on adoption,~~) the department shall, as part of the  
2 determination of the appropriate living situation, make an affirmative  
3 effort to provide current and positive information about adoption  
4 including referral to community-based organizations for counseling and  
5 provide information about the manner in which adoption works, its  
6 benefits for unmarried, unemployed minor parents and their children,  
7 and the meaning and availability of open adoption.

8 (5) For the purposes of this section, "most appropriate living  
9 situation" shall not include a living situation including an adult male  
10 who fathered the qualifying child and is found to meet the elements of  
11 rape of a child as set forth in RCW 9A.44.079.

12 **Sec. 502.** RCW 74.04.0052 and 1994 c 299 s 34 are each amended to  
13 read as follows:

14 (1) The department shall determine, after consideration of all  
15 relevant factors and in consultation with the applicant, the most  
16 appropriate living situation for applicants under eighteen years of  
17 age, unmarried, and pregnant who are eligible for general assistance as  
18 defined in RCW 74.04.005(6)(a)(ii)(A). An appropriate living  
19 situation(~~(s)~~) shall include a place of residence that is maintained by  
20 the applicant's parents, parent, legal guardian, or other adult  
21 relative as their or his or her own home(~~(, or other)~~) and that the  
22 department finds would provide an appropriate supportive living  
23 arrangement (~~(supervised by an adult where feasible and consistent with~~  
24 federal regulations under 45 C.F.R. chapter II, section 233.107)). It  
25 also includes a living situation maintained by an agency that is  
26 licensed under chapter 74.15 RCW that the department finds would  
27 provide an appropriate supportive living arrangement. Grant assistance  
28 shall not be provided under this chapter if the applicant does not  
29 reside in the most appropriate living situation, as determined by the  
30 department.

31 (2) (~~(An applicant under eighteen years of age who is pregnant and~~  
32 ~~is not living in a situation described in subsection (1) of this~~  
33 ~~section shall be)) A pregnant minor residing in the most appropriate  
34 living situation, as provided under subsection (1) of this section, is  
35 presumed to be unable to manage adequately the funds paid to the minor  
36 or on behalf of the dependent child or children and, unless the  
37 (~~teenage custodial parent demonstrates otherwise~~) minor provides  
38 sufficient evidence to rebut the presumption, shall be subject to the~~

1 protective payee requirements provided for under RCW 74.12.250 and  
2 74.08.280.

3 (3) The department shall consider any statements or opinions by  
4 either parent of the (~~teen recipient~~) unmarried minor parent or  
5 pregnant minor applicant as to an appropriate living situation for the  
6 (~~teen~~) minor, whether in the parental home or other situation. If  
7 the parents or a parent of the (~~teen head of household applicant for~~  
8 ~~assistance~~) minor request, they or he or she shall be entitled to a  
9 hearing in juvenile court regarding (~~the fitness and suitability of~~  
10 ~~their home as the top priority choice~~) designation of the parental  
11 home or other relative placement as the most appropriate living  
12 situation for the pregnant or parenting (~~teen applicant for~~  
13 ~~assistance~~) minor.

14 The department shall provide the parents (~~shall have~~) or parent  
15 with the opportunity to make a showing (~~based on the preponderance of~~  
16 ~~the evidence~~) that the parental home, or home of the other relative  
17 placement, is the most appropriate living situation. It shall be  
18 presumed in any administrative or judicial proceeding conducted under  
19 this subsection that the parental home or other relative placement  
20 requested by the parents or parent is the most appropriate living  
21 situation. This presumption is rebuttable.

22 (4) In cases in which the (~~head of household is under eighteen~~  
23 ~~years of age~~) minor is unmarried (~~and requests~~  
24 ~~information on adoption~~) the department shall, as part of the  
25 determination of the appropriate living situation, provide information  
26 about adoption including referral to community-based organizations  
27 (~~for~~) providing counseling.

28 (5) For the purposes of this section, "most appropriate living  
29 situation" shall not include a living situation including an adult male  
30 who fathered the qualifying child and is found to meet the elements of  
31 rape of a child as set forth in RCW 9A.44.079.

32 NEW SECTION. Sec. 503. TEEN PARENT REQUIREMENTS. All applicants  
33 under the age of eighteen years who are approved for assistance and,  
34 within one hundred eighty days after the date of federal certification  
35 of the Washington temporary assistance for needy families program, all  
36 unmarried minor parents or pregnant minor applicants shall, as a  
37 condition of receiving benefits, actively progress toward the  
38 completion of a high school diploma or a GED.

1 B. GRANDPARENT LIABILITY

2 NEW SECTION. Sec. 504. UNMARRIED MINOR PARENT--ELIGIBILITY. The  
3 unmarried minor parent and the minor's child shall be considered to be  
4 part of the household of the minor's parents or parent for purposes of  
5 determining eligibility for temporary assistance for needy families and  
6 general assistance for pregnant women as defined in RCW  
7 74.04.005(6)(a)(ii)(A); and as such, the income and resources of the  
8 entire household are considered to be available to support the  
9 unmarried minor and his or her child.

10 **Sec. 505.** RCW 13.34.160 and 1993 c 358 s 2 are each amended to  
11 read as follows:

12 (1) In an action brought under this chapter, the court may inquire  
13 into the ability of the parent or parents of the child to pay child  
14 support and may enter an order of child support as set forth in chapter  
15 26.19 RCW. The court may enforce the same by execution, or in any way  
16 in which a court of equity may enforce its decrees. All child support  
17 orders entered pursuant to this chapter shall be in compliance with the  
18 provisions of RCW 26.23.050.

19 (2) For purposes of this section, if a dependent child's parent is  
20 an unmarried minor parent or pregnant minor applicant, then the parent  
21 or parents of the minor shall also be deemed a parent or parents of the  
22 dependent child. However, liability for child support under this  
23 subsection only exists if the parent or parents of the unmarried minor  
24 parent or pregnant minor applicant are provided the opportunity for a  
25 hearing on their ability to provide support. Any child support order  
26 requiring such a parent or parents to provide support for the minor  
27 parent's child may be effective only until the minor parent reaches  
28 eighteen years of age.

29 **Sec. 506.** RCW 74.12.250 and 1963 c 228 s 21 are each amended to  
30 read as follows:

31 If the department, after investigation, finds that any applicant  
32 for assistance under this chapter or any recipient of funds under ((an  
33 aid to families with dependent children grant)) this chapter would not  
34 use, or is not utilizing, the grant adequately for the needs of ((the))  
35 his or her child or children or would dissipate the grant or is  
36 ((otherwise)) dissipating such grant, or would be or is unable to

1 manage adequately the funds paid on behalf of said child and that to  
2 provide or continue (~~said~~) payments to (~~him~~) the applicant or  
3 recipient would be contrary to the welfare of the child, the department  
4 may make such payments to another individual who is interested in or  
5 concerned with the welfare of such child and relative: PROVIDED, That  
6 the department shall provide such counseling and other services as are  
7 available and necessary to develop greater ability on the part of the  
8 relative to manage funds in such manner as to protect the welfare of  
9 the family. Periodic review of each case shall be made by the  
10 department to determine if said relative is able to resume management  
11 of the assistance grant. If after a reasonable period of time the  
12 payments to the relative cannot be resumed, the department may request  
13 the attorney general to file a petition in the superior court for the  
14 appointment of a guardian for the child or children. Such petition  
15 shall set forth the facts warranting such appointment. Notice of the  
16 hearing on such petition shall be served upon the recipient and the  
17 department not less than ten days before the date set for such hearing.  
18 Such petition may be filed with the clerk of superior court and all  
19 process issued and served without payment of costs. If upon the  
20 hearing of such petition the court is satisfied that it is for the best  
21 interest of the child or children, and all parties concerned, that a  
22 guardian be appointed, he shall order the appointment, and may require  
23 the guardian to render to the court a detailed itemized account of  
24 expenditures of such assistance payments at such time as the court may  
25 deem advisable.

26 It is the intention of this section that the guardianship herein  
27 provided for shall be a special and limited guardianship solely for the  
28 purpose of safeguarding the assistance grants made to dependent  
29 children. Such guardianship shall terminate upon the termination of  
30 such assistance grant, or sooner on order of the court, upon good cause  
31 shown.

## 32 VI. ILLEGITIMACY PREVENTION AND ABSTINENCE PROMOTION

33 **Sec. 601.** RCW 74.12.410 and 1994 c 299 s 3 are each amended to  
34 read as follows:

35 (1) At time of application or reassessment under this chapter the  
36 department shall offer or contract for family planning information and  
37 assistance, including alternatives to abortion, and any other available

1 locally based teen pregnancy prevention programs, to prospective and  
2 current recipients of aid to families with dependent children.

3 (2) The department shall work in cooperation with the  
4 superintendent of public instruction to reduce the rate of illegitimate  
5 births and abortions in Washington state.

6 (3) The department of health shall maximize federal funding by  
7 timely application for federal funds available under P.L. 104-193 and  
8 Title V of the federal social security act, 42 U.S.C. 701 et seq., as  
9 amended, for the establishment of qualifying abstinence education and  
10 motivation programs. The department of health shall contract, by  
11 competitive bid, with entities qualified to provide abstinence  
12 education and motivation programs in the state.

13 (4) The department of health shall seek and accept local matching  
14 funds to the maximum extent allowable from qualified abstinence  
15 education and motivation programs.

16 (5)(a) For purposes of this section, "qualifying abstinence  
17 education and motivation programs" are those bidders with experience in  
18 the conduct of the types of abstinence education and motivation  
19 programs set forth in Title V of the federal social security act, 42  
20 U.S.C. Sec. 701 et seq., as amended.

21 (b) The application for federal funds, contracting for abstinence  
22 education and motivation programs and performance of contracts under  
23 this section are subject to review and oversight by a joint committee  
24 of the legislature, composed of four legislative members, appointed by  
25 each of the two caucuses in each house.

26 **VII. DEPARTMENT OF SOCIAL AND HEALTH SERVICES ACCOUNTABILITY**

27 NEW SECTION. Sec. 701. It is the intent of the legislature that  
28 the Washington WorkFirst program focus on work and on personal  
29 responsibility for recipients. The program shall be evaluated among  
30 other evaluations, through a limited number of outcome measures  
31 designed to hold each community service office and economic services  
32 region accountable for program success.

33 NEW SECTION. Sec. 702. OUTCOME MEASURES. (1) The WorkFirst  
34 program shall develop outcome measures for use in evaluating the  
35 WorkFirst program authorized in chapter . . . , Laws of 1997 (this act),  
36 which may include but are not limited to:

1 (a) Caseload reduction;  
2 (b) Recidivism to caseload after two years;  
3 (c) Job retention;  
4 (d) Earnings;  
5 (e) Reduction in average grant through increased recipient  
6 earnings; and

7 (f) Placement of recipients into private sector, unsubsidized jobs.

8 (2) The department shall require that contractors for WorkFirst  
9 services collect outcome measure information and report outcome  
10 measures to the department regularly. The department shall develop  
11 benchmarks that compare outcome measure information from all  
12 contractors to provide a clear indication of the most effective  
13 contractors. Benchmark information shall be published quarterly and  
14 provided to the legislature, the governor, and all contractors for  
15 WorkFirst services.

16 NEW SECTION. **Sec. 703.** EVALUATION. Every WorkFirst office,  
17 region, contract, employee, and contractor shall be evaluated using the  
18 criteria in section 702 of this act. The department shall award  
19 contracts to the highest performing entities according to the criteria  
20 in section 702 of this act. The department may provide for bonuses to  
21 offices, regions, and employees with the best outcomes according to  
22 measures in section 702 of this act.

23 NEW SECTION. **Sec. 704.** OUTCOME MEASURES--REPORT. The department  
24 shall provide a report to the appropriate committees of the legislature  
25 on achievement of the outcome measures by region and contract on an  
26 annual basis, no later than January 15th of each year, beginning in  
27 1999. The report shall include how the department is using the outcome  
28 measure information obtained under section 702 of this act to manage  
29 the WorkFirst program.

30 NEW SECTION. **Sec. 705.** A new section is added to chapter 44.28  
31 RCW to read as follows:

32 WORKFIRST PROGRAM STUDY. (1) The joint legislative audit and  
33 review committee shall conduct an evaluation of the effectiveness of  
34 the WorkFirst program described in chapter . . . , Laws of 1997 (this  
35 act), including the job opportunities and basic skills training program  
36 and any approved private, county, or local government WorkFirst

1 program. The evaluation shall assess the success of the program in  
2 assisting clients to become employed and to reduce their use of  
3 temporary assistance for needy families. The study shall include but  
4 not be limited to the following:

5 (a) An assessment of employment outcomes, including hourly wages,  
6 hours worked, and total earnings, for clients;

7 (b) A comparison of temporary assistance for needy families  
8 outcomes, including grant amounts and program exits, for clients; and

9 (c) An audit of the performance-based contract for each private  
10 nonprofit contractor for job opportunities and basic skills training  
11 program services. The joint legislative audit and review committee may  
12 contract with the Washington institute for public policy for  
13 appropriate portions of the evaluation required by this section.

14 (2) Administrative data shall be provided by the department of  
15 social and health services, the employment security department, the  
16 state board for community and technical colleges, local governments,  
17 and private contractors. The department of social and health services  
18 shall require contractors to provide administrative and outcome data  
19 needed for this study as a condition of contract compliance.

20 NEW SECTION. **Sec. 706.** PATERNITY ESTABLISHMENT. In order to be  
21 eligible for temporary assistance for needy families, applicants shall,  
22 at the time of application for assistance, provide the names of both  
23 parents of their child or children, whether born or unborn.

## 24 **VIII. LICENSE SUSPENSION AND CHILD SUPPORT ENFORCEMENT**

### 25 **A. LICENSE SUSPENSION**

26 NEW SECTION. **Sec. 801.** It is the intent of the legislature to  
27 provide a strong incentive for persons owing child support to make  
28 timely payments, and to cooperate with the department of social and  
29 health services to establish an appropriate schedule for the payment of  
30 any arrears. To further ensure that child support obligations are met,  
31 sections 801 through 890 of this act establish a program by which  
32 certain licenses may be suspended or not renewed if a person is one  
33 hundred eighty days or more in arrears on child support payments.

34 In the implementation and management of this program, it is the  
35 legislature's intent that the objective of the department of social and  
36 health services be to obtain payment in full of arrears, or where that

1 is not possible, to enter into agreements with delinquent obligors to  
2 make timely support payments and make reasonable payments towards the  
3 arrears. The legislature intends that if the obligor refuses to  
4 cooperate in establishing a fair and reasonable payment schedule for  
5 arrears or refuses to make timely support payments, the department  
6 shall proceed with certification to a licensing entity or the  
7 department of licensing that the person is not in compliance with a  
8 child support order.

9 NEW SECTION. **Sec. 802.** A new section is added to chapter 74.20A  
10 RCW to read as follows:

11 (1) The department may serve upon a responsible parent a notice  
12 informing the responsible parent of the department's intent to submit  
13 the parent's name to the department of licensing and any appropriate  
14 licensing entity as a licensee who is not in compliance with a child  
15 support order. The department shall attach a copy of the responsible  
16 parent's child support order to the notice. Service of the notice must  
17 be by certified mail, return receipt requested. If service by  
18 certified mail is not successful, service shall be by personal service.

19 (2) The notice of noncompliance must include the address and  
20 telephone number of the department's division of child support office  
21 that issues the notice and must inform the responsible parent that:

22 (a) The parent may request an adjudicative proceeding to contest  
23 the issue of compliance with the child support order. The only issues  
24 that may be considered at the adjudicative proceeding are whether the  
25 parent is required to pay child support under a child support order and  
26 whether the parent is in compliance with that order;

27 (b) A request for an adjudicative proceeding shall be in writing  
28 and must be received by the department within twenty days of the date  
29 of service of the notice;

30 (c) If the parent requests an adjudicative proceeding within twenty  
31 days of service, the department will stay action to certify the parent  
32 to the department of licensing and any licensing entity for  
33 noncompliance with a child support order pending entry of a written  
34 decision after the adjudicative proceeding;

35 (d) If the parent does not request an adjudicative proceeding  
36 within twenty days of service and remains in noncompliance with a child  
37 support order, the department will certify the parent's name to the



1 department of licensing and any appropriate licensing entity for  
2 noncompliance with a child support order;

3 (e) The department will stay action to certify the parent to the  
4 department of licensing and any licensing entity for noncompliance if  
5 the parent agrees to make timely payments of current support and agrees  
6 to a reasonable payment schedule for payment of the arrears. It is the  
7 parent's responsibility to contact in person or by mail the  
8 department's division of child support office indicated on the notice  
9 within twenty days of service of the notice to arrange for a payment  
10 schedule. The department may stay certification for up to thirty days  
11 after contact from a parent to arrange for a payment schedule;

12 (f) If the department certifies the responsible parent to the  
13 department of licensing and a licensing entity for noncompliance with  
14 a child support order, the licensing entity will suspend or not renew  
15 the parent's license and the department of licensing will suspend or  
16 not renew any driver's license that the parent holds until the parent  
17 provides the department of licensing and the licensing entity with a  
18 release from the department stating that the responsible parent is in  
19 compliance with the child support order;

20 (g) If the department certifies the responsible parent as a person  
21 who is in noncompliance with a child support order, the department of  
22 fish and wildlife will suspend the fishing license, hunting license,  
23 commercial fishing license, or any other license issued under chapters  
24 77.32, 77.28, and 75.25 RCW that the responsible parent may possess.  
25 Notice from the department of licensing that a responsible parent's  
26 driver's license has been suspended shall serve as notice of the  
27 suspension of a license issued under chapters 77.32 and 75.25 RCW;

28 (h) Suspension of a license will affect insurability if the  
29 responsible parent's insurance policy excludes coverage for acts  
30 occurring after the suspension of a license;

31 (i) If after receiving the notice of noncompliance with a child  
32 support order, the responsible parent files a motion to modify support  
33 with the court or requests the department to amend a support obligation  
34 established by an administrative decision, or if a motion for  
35 modification of a court or administrative order for child support is  
36 pending, the department or the court may stay action to certify the  
37 parent to the department of licensing and any licensing entity for  
38 noncompliance with a child support order. A stay shall not exceed six  
39 months unless the department finds good cause. The responsible parent

1 has the obligation to notify the department that a modification  
2 proceeding is pending and provide a copy of the motion or request for  
3 modification; and

4 (j) If the responsible parent subsequently becomes in compliance  
5 with the child support order, the department will promptly provide the  
6 parent with a release stating that the parent is in compliance with the  
7 order, and the parent may request that the licensing entity or the  
8 department of licensing reinstate the suspended license.

9 (3) A responsible parent may request an adjudicative proceeding  
10 upon service of the notice described in subsection (1) of this section.  
11 The request for an adjudicative proceeding must be received by the  
12 department within twenty days of service. The request must be in  
13 writing and indicate the current mailing address and daytime phone  
14 number, if available, of the responsible parent. The proceedings under  
15 this subsection shall be conducted in accordance with the requirements  
16 of chapter 34.05 RCW. The issues that may be considered at the  
17 adjudicative proceeding are limited to whether:

18 (a) The person named as the responsible parent is the responsible  
19 parent;

20 (b) The responsible parent is required to pay child support under  
21 a child support order; and

22 (c) The responsible parent is in compliance with the order.

23 (4) The decision resulting from the adjudicative proceeding must be  
24 in writing and inform the responsible parent of his or her rights to  
25 review. The parent's copy of the decision may be sent by regular mail  
26 to the parent's most recent address of record.

27 (5) If a responsible parent contacts the department's division of  
28 child support office indicated on the notice of noncompliance within  
29 twenty days of service of the notice and requests arrangement of a  
30 payment schedule, the department shall stay the certification of  
31 noncompliance during negotiation of the schedule for payment of  
32 arrears. In no event shall the stay continue for more than thirty days  
33 from the date of contact by the parent. The department shall establish  
34 a schedule for payment of arrears that is fair and reasonable, and that  
35 considers the financial situation of the responsible parent and the  
36 needs of all children who rely on the responsible parent for support.  
37 At the end of the thirty days, if no payment schedule has been agreed  
38 to in writing and the department has acted in good faith, the  
39 department shall proceed with certification of noncompliance.

1 (6) If a responsible parent timely requests an adjudicative  
2 proceeding pursuant to subsection (4) of this section, the department  
3 may not certify the name of the parent to the department of licensing  
4 or a licensing entity for noncompliance with a child support order  
5 unless the adjudicative proceeding results in a finding that the  
6 responsible parent is not in compliance with the order.

7 (7) The department may certify to the department of licensing and  
8 any appropriate licensing entity the name of a responsible parent who  
9 is not in compliance with a child support order or a residential or  
10 visitation order if:

11 (a) The responsible parent does not timely request an adjudicative  
12 proceeding upon service of a notice issued under subsection (1) of this  
13 section and is not in compliance with a child support order twenty-one  
14 days after service of the notice;

15 (b) An adjudicative proceeding results in a decision that the  
16 responsible parent is not in compliance with a child support order;

17 (c) The court enters a judgment on a petition for judicial review  
18 that finds the responsible parent is not in compliance with a child  
19 support order;

20 (d) The department and the responsible parent have been unable to  
21 agree on a fair and reasonable schedule of payment of the arrears;

22 (e) The responsible parent fails to comply with a payment schedule  
23 established pursuant to subsection (5) of this section; or

24 (f) The department is ordered to certify the responsible parent by  
25 a court order under section 887 of this act.

26 The department shall send by regular mail a copy of any  
27 certification of noncompliance filed with the department of licensing  
28 or a licensing entity to the responsible parent at the responsible  
29 parent's most recent address of record.

30 (8) The department of licensing and a licensing entity shall,  
31 without undue delay, notify a responsible parent certified by the  
32 department under subsection (7) of this section that the parent's  
33 driver's license or other license has been suspended because the  
34 parent's name has been certified by the department as a responsible  
35 parent who is not in compliance with a child support order or a  
36 residential or visitation order.

37 (9) When a responsible parent who is served notice under subsection  
38 (1) of this section subsequently complies with the child support order,  
39 or when the department receives a court order under section 886 of this

1 act stating that the parent is in compliance with a residential or  
2 visitation order, the department shall promptly provide the parent with  
3 a release stating that the responsible parent is in compliance with the  
4 order. A copy of the release shall be transmitted by the department to  
5 the appropriate licensing entities.

6 (10) The department may adopt rules to implement and enforce the  
7 requirements of this section. The department shall deliver a copy of  
8 rules adopted to implement and enforce this section to the legislature  
9 by June 30, 1998.

10 (11) Nothing in this section prohibits a responsible parent from  
11 filing a motion to modify support with the court or from requesting the  
12 department to amend a support obligation established by an  
13 administrative decision. If there is a reasonable likelihood that a  
14 pending motion or request will significantly change the amount of the  
15 child support obligation, the department or the court may stay action  
16 to certify the responsible parent to the department of licensing and  
17 any licensing entity for noncompliance with a child support order. A  
18 stay shall not exceed six months unless the department finds good cause  
19 to extend the stay. The responsible parent has the obligation to  
20 notify the department that a modification proceeding is pending and  
21 provide a copy of the motion or request for modification.

22 (12) The department of licensing and a licensing entity may renew,  
23 reinstate, or otherwise extend a license in accordance with the  
24 licensing entity's or the department of licensing's rules after the  
25 licensing entity or the department of licensing receives a copy of the  
26 release specified in subsection (9) of this section. The department of  
27 licensing and a licensing entity may waive any applicable requirement  
28 for reissuance, renewal, or other extension if it determines that the  
29 imposition of that requirement places an undue burden on the person and  
30 that waiver of the requirement is consistent with the public interest.

31 (13) The procedures in chapter . . . , Laws of 1997 (this act),  
32 constitute the exclusive administrative remedy for contesting the  
33 establishment of noncompliance with a child support order and  
34 suspension of a license under this section, and satisfy the  
35 requirements of RCW 34.05.422.

36 NEW SECTION. **Sec. 803.** A new section is added to chapter 74.20A  
37 RCW to read as follows:

1 (1) The department and all of the various licensing entities  
2 subject to section 802 of this act shall enter into such agreements as  
3 are necessary to carry out the requirements of the license suspension  
4 program established in section 802 of this act.

5 (2) The department and all licensing entities subject to section  
6 802 of this act shall compare data to identify responsible parents who  
7 may be subject to the provisions of chapter . . . , Laws of 1997 (this  
8 act). The comparison may be conducted electronically, or by any other  
9 means that is jointly agreeable between the department and the  
10 particular licensing entity. The data shared shall be limited to those  
11 items necessary to implementation of chapter . . . , Laws of 1997 (this  
12 act). The purpose of the comparison shall be to identify current  
13 licensees who are not in compliance with a child support order, and to  
14 provide to the department the following information regarding those  
15 licensees:

- 16 (a) Name;
- 17 (b) Date of birth;
- 18 (c) Address of record;
- 19 (d) Federal employer identification number and social security  
20 number;
- 21 (e) Type of license;
- 22 (f) Effective date of license or renewal;
- 23 (g) Expiration date of license; and
- 24 (h) Active or inactive status.

25 NEW SECTION. **Sec. 804.** A new section is added to chapter 74.20A  
26 RCW to read as follows:

27 (1) In furtherance of the public policy of increasing collection of  
28 child support and to assist in evaluation of the program established in  
29 section 802 of this act, the department shall report the following to  
30 the legislature and the governor on December 1, 1998, and annually  
31 thereafter:

- 32 (a) The number of responsible parents identified as licensees  
33 subject to section 802 of this act;
- 34 (b) The number of responsible parents identified by the department  
35 as not in compliance with a child support order;
- 36 (c) The number of notices of noncompliance served upon responsible  
37 parents by the department;

1 (d) The number of responsible parents served a notice of  
2 noncompliance who request an adjudicative proceeding;

3 (e) The number of adjudicative proceedings held, and the results of  
4 the adjudicative proceedings;

5 (f) The number of responsible parents certified to the department  
6 of licensing or licensing entities for noncompliance with a child  
7 support order, and the number of each type of licenses that were  
8 suspended;

9 (g) The costs incurred in the implementation and enforcement of  
10 section 802 of this act and an estimate of the amount of child support  
11 collected due to the department under section 802 of this act;

12 (h) Any other information regarding this program that the  
13 department feels will assist in evaluation of the program;

14 (i) Recommendations for the addition of specific licenses in the  
15 program or exclusion of specific licenses from the program, and reasons  
16 for such recommendations; and

17 (j) Any recommendations for statutory changes necessary for the  
18 cost-effective management of the program.

19 (2) To assist in evaluation of the program established in section  
20 802 of this act, the office of the administrator for the courts shall  
21 report the following to the legislature and the governor on December 1,  
22 1998, and annually thereafter:

23 (a) The number of motions for contempt for violation of a  
24 visitation or residential order filed under RCW 26.09.160(3);

25 (b) The number of parents found in contempt under RCW 26.09.160(3);  
26 and

27 (c) The number of parents whose licenses were suspended under RCW  
28 26.09.160(3).

29 (3) This section expires December 2, 2002.

30 **Sec. 805.** RCW 74.20A.020 and 1990 1st ex.s. c 2 s 15 are each  
31 amended to read as follows:

32 Unless a different meaning is plainly required by the context, the  
33 following words and phrases as hereinafter used in this chapter and  
34 chapter 74.20 RCW shall have the following meanings:

35 (1) "Department" means the state department of social and health  
36 services.

1 (2) "Secretary" means the secretary of the department of social and  
2 health services, (~~his~~) the secretary's designee or authorized  
3 representative.

4 (3) "Dependent child" means any person:

5 (a) Under the age of eighteen who is not self-supporting, married,  
6 or a member of the armed forces of the United States; or

7 (b) Over the age of eighteen for whom a court order for support  
8 exists.

9 (4) "Support obligation" means the obligation to provide for the  
10 necessary care, support, and maintenance, including medical expenses,  
11 of a dependent child or other person as required by statutes and the  
12 common law of this or another state.

13 (5) "Superior court order" means any judgment, decree, or order of  
14 the superior court of the state of Washington, or a court of comparable  
15 jurisdiction of another state, establishing the existence of a support  
16 obligation and ordering payment of a set or determinable amount of  
17 support moneys to satisfy the support obligation. For purposes of RCW  
18 74.20A.055, orders for support which were entered under the uniform  
19 reciprocal enforcement of support act by a state where the responsible  
20 parent no longer resides shall not preclude the department from  
21 establishing an amount to be paid as current and future support.

22 (6) "Administrative order" means any determination, finding,  
23 decree, or order for support pursuant to RCW 74.20A.055, or by an  
24 agency of another state pursuant to a substantially similar  
25 administrative process, establishing the existence of a support  
26 obligation and ordering the payment of a set or determinable amount of  
27 support moneys to satisfy the support obligation.

28 (7) "Responsible parent" means a natural parent, adoptive parent,  
29 or stepparent of a dependent child or a person who has signed an  
30 affidavit acknowledging paternity which has been filed with the state  
31 office of vital statistics.

32 (8) "Stepparent" means the present spouse of the person who is  
33 either the mother, father, or adoptive parent of a dependent child, and  
34 such status shall exist until terminated as provided for in RCW  
35 26.16.205.

36 (9) "Support moneys" means any moneys or in-kind providings paid to  
37 satisfy a support obligation whether denominated as child support,  
38 spouse support, alimony, maintenance, or any other such moneys intended

1 to satisfy an obligation for support of any person or satisfaction in  
2 whole or in part of arrears or delinquency on such an obligation.

3 (10) "Support debt" means any delinquent amount of support moneys  
4 which is due, owing, and unpaid under a superior court order or an  
5 administrative order, a debt for the payment of expenses for the  
6 reasonable or necessary care, support, and maintenance, including  
7 medical expenses, of a dependent child or other person for whom a  
8 support obligation is owed; or a debt under RCW 74.20A.100 or  
9 74.20A.270. Support debt also includes any accrued interest, fees, or  
10 penalties charged on a support debt, and attorneys fees and other costs  
11 of litigation awarded in an action to establish and enforce a support  
12 obligation or debt.

13 (11) "State" means any state or political subdivision, territory,  
14 or possession of the United States, the District of Columbia, and the  
15 Commonwealth of Puerto Rico.

16 (12) "Account" means a demand deposit account, checking or  
17 negotiable withdrawal order account, savings account, time deposit  
18 account, or money-market mutual fund account.

19 (13) "Child support order" means a superior court order or an  
20 administrative order.

21 (14) "Financial institution" means:

22 (a) A depository institution, as defined in section 3(c) of the  
23 federal deposit insurance act;

24 (b) An institution-affiliated party, as defined in section 3(u) of  
25 the federal deposit insurance act;

26 (c) Any federal or state credit union, as defined in section 101 of  
27 the federal credit union act, including an institution-affiliated party  
28 of such credit union, as defined in section 206(r) of the federal  
29 deposit insurance act; or

30 (d) Any benefit association, insurance company, safe deposit  
31 company, money-market mutual fund, or similar entity.

32 (15) "License" means a license, certificate, registration, permit,  
33 approval, or other similar document issued by a licensing entity to a  
34 licensee evidencing admission to or granting authority to engage in a  
35 profession, occupation, business, industry, recreational pursuit, or  
36 the operation of a motor vehicle. "License" does not mean the tax  
37 registration or certification issued under Title 82 RCW by the  
38 department of revenue.



1       (16) "Licensee" means any individual holding a license,  
2 certificate, registration, permit, approval, or other similar document  
3 issued by a licensing entity evidencing admission to or granting  
4 authority to engage in a profession, occupation, business, industry,  
5 recreational pursuit, or the operation of a motor vehicle.

6       (17) "Licensing entity" includes any department, board, commission,  
7 or other organization authorized to issue, renew, suspend, or revoke a  
8 license authorizing an individual to engage in a business, occupation,  
9 profession, industry, recreational pursuit, or the operation of a motor  
10 vehicle, and includes the Washington state supreme court, to the extent  
11 that a rule has been adopted by the court to implement suspension of  
12 licenses related to the practice of law.

13       (18) "Noncompliance with a child support order" for the purposes of  
14 the license suspension program authorized under section 802 of this act  
15 means a responsible parent has:

16       (a) Accumulated arrears totaling more than six months of child  
17 support payments;

18       (b) Failed to make payments pursuant to a written agreement with  
19 the department towards a support arrearage in an amount that exceeds  
20 six months of payments; or

21       (c) Failed to make payments required by a superior court order or  
22 administrative order towards a support arrearage in an amount that  
23 exceeds six months of payments.

24       (19) "Noncompliance with a residential or visitation order" means  
25 that a court has found the parent in contempt of court under RCW  
26 26.09.160(3) for failure to comply with a residential provision of a  
27 court-ordered parenting plan.

28       **Sec. 806.** RCW 46.20.291 and 1993 c 501 s 4 are each amended to  
29 read as follows:

30       The department is authorized to suspend the license of a driver  
31 upon a showing by its records or other sufficient evidence that the  
32 licensee:

33       (1) Has committed an offense for which mandatory revocation or  
34 suspension of license is provided by law;

35       (2) Has, by reckless or unlawful operation of a motor vehicle,  
36 caused or contributed to an accident resulting in death or injury to  
37 any person or serious property damage;

1 (3) Has been convicted of offenses against traffic regulations  
2 governing the movement of vehicles, or found to have committed traffic  
3 infractions, with such frequency as to indicate a disrespect for  
4 traffic laws or a disregard for the safety of other persons on the  
5 highways;

6 (4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);  
7 ((or))

8 (5) Has failed to respond to a notice of traffic infraction, failed  
9 to appear at a requested hearing, violated a written promise to appear  
10 in court, or has failed to comply with the terms of a notice of traffic  
11 infraction or citation, as provided in RCW 46.20.289; ((or))

12 (6) Has committed one of the prohibited practices relating to  
13 drivers' licenses defined in RCW 46.20.336; or

14 (7) Has been certified by the department of social and health  
15 services as a person who is not in compliance with a child support  
16 order or a residential or visitation order as provided in section 802  
17 of this act.

18 **Sec. 807.** RCW 46.20.311 and 1995 c 332 s 11 are each amended to  
19 read as follows:

20 (1) The department shall not suspend a driver's license or  
21 privilege to drive a motor vehicle on the public highways for a fixed  
22 period of more than one year, except as specifically permitted under  
23 RCW 46.20.342 or other provision of law. Except for a suspension under  
24 RCW 46.20.289 ((and)), 46.20.291(5), or section 802 of this act,  
25 whenever the license or driving privilege of any person is suspended by  
26 reason of a conviction, a finding that a traffic infraction has been  
27 committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291  
28 or 46.20.308, the suspension shall remain in effect until the person  
29 gives and thereafter maintains proof of financial responsibility for  
30 the future as provided in chapter 46.29 RCW. If the suspension is the  
31 result of a violation of RCW 46.61.502 or 46.61.504, the department  
32 shall determine the person's eligibility for licensing based upon the  
33 reports provided by the alcoholism agency or probation department  
34 designated under RCW 46.61.5056 and shall deny reinstatement until  
35 enrollment and participation in an approved program has been  
36 established and the person is otherwise qualified. Whenever the  
37 license or driving privilege of any person is suspended as a result of  
38 certification of noncompliance with a child support order under chapter

1 74.20A RCW or a residential or visitation order, the suspension shall  
2 remain in effect until the person provides a release issued by the  
3 department of social and health services stating that the person is in  
4 compliance with the order. The department shall not issue to the  
5 person a new, duplicate, or renewal license until the person pays a  
6 reissue fee of twenty dollars. If the suspension is the result of a  
7 violation of RCW 46.61.502 or 46.61.504, or is the result of  
8 administrative action under RCW 46.20.308, the reissue fee shall be  
9 fifty dollars.

10 (2) Any person whose license or privilege to drive a motor vehicle  
11 on the public highways has been revoked, unless the revocation was for  
12 a cause which has been removed, is not entitled to have the license or  
13 privilege renewed or restored until: (a) After the expiration of one  
14 year from the date the license or privilege to drive was revoked; (b)  
15 after the expiration of the applicable revocation period provided by  
16 RCW 46.20.3101 or 46.61.5055; (c) after the expiration of two years for  
17 persons convicted of vehicular homicide; or (d) after the expiration of  
18 the applicable revocation period provided by RCW 46.20.265. After the  
19 expiration of the appropriate period, the person may make application  
20 for a new license as provided by law together with a reissue fee in the  
21 amount of twenty dollars, but if the revocation is the result of a  
22 violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee  
23 shall be fifty dollars. If the revocation is the result of a violation  
24 of RCW 46.61.502 or 46.61.504, the department shall determine the  
25 person's eligibility for licensing based upon the reports provided by  
26 the alcoholism agency or probation department designated under RCW  
27 46.61.5056 and shall deny reissuance of a license, permit, or privilege  
28 to drive until enrollment and participation in an approved program has  
29 been established and the person is otherwise qualified. Except for a  
30 revocation under RCW 46.20.265, the department shall not then issue a  
31 new license unless it is satisfied after investigation of the driving  
32 ability of the person that it will be safe to grant the privilege of  
33 driving a motor vehicle on the public highways, and until the person  
34 gives and thereafter maintains proof of financial responsibility for  
35 the future as provided in chapter 46.29 RCW. For a revocation under  
36 RCW 46.20.265, the department shall not issue a new license unless it  
37 is satisfied after investigation of the driving ability of the person  
38 that it will be safe to grant that person the privilege of driving a  
39 motor vehicle on the public highways.

1 (3) Whenever the driver's license of any person is suspended  
2 pursuant to Article IV of the nonresident violators compact or RCW  
3 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue  
4 to the person any new or renewal license until the person pays a  
5 reissue fee of twenty dollars. If the suspension is the result of a  
6 violation of the laws of this or any other state, province, or other  
7 jurisdiction involving (a) the operation or physical control of a motor  
8 vehicle upon the public highways while under the influence of  
9 intoxicating liquor or drugs, or (b) the refusal to submit to a  
10 chemical test of the driver's blood alcohol content, the reissue fee  
11 shall be fifty dollars.

12 NEW SECTION. **Sec. 808.** A new section is added to chapter 48.22  
13 RCW to read as follows:

14 In the event that the department of licensing suspends a driver's  
15 license solely for the nonpayment of child support as provided in  
16 chapter 74.20A RCW or for noncompliance with a residential or  
17 visitation order as provided in chapter 26.09 RCW, any provision in the  
18 driver's motor vehicle liability insurance policy excluding insurance  
19 coverage for an unlicensed driver shall not apply to the driver for  
20 ninety days from the date of suspension. When a driver's license is  
21 suspended under chapter 74.20A RCW, the driving record for the  
22 suspended driver shall include a notation that explains the reason for  
23 the suspension.

24 NEW SECTION. **Sec. 809.** The legislature intends that the license  
25 suspension program established in chapter 74.20A RCW be implemented  
26 fairly to ensure that child support obligations are met and that  
27 parents comply with residential and visitation orders. However, being  
28 mindful of the separations of powers and responsibilities among the  
29 branches of government, the legislature strongly encourages the state  
30 supreme court to adopt rules providing for suspension and denial of  
31 licenses related to the practice of law to those individuals who are in  
32 noncompliance with a support order or a residential or visitation  
33 order.

34 NEW SECTION. **Sec. 810.** A new section is added to chapter 2.48 RCW  
35 to read as follows:

1 The Washington state supreme court may provide by rule that no  
2 person who has been certified by the department of social and health  
3 services as a person who is in noncompliance with a support order or a  
4 residential or visitation order as provided in section 802 of this act  
5 may be admitted to the practice of law in this state, and that any  
6 member of the Washington state bar association who has been certified  
7 by the department of social and health services as a person who is in  
8 noncompliance with a support order or a residential or visitation order  
9 as provided in section 802 of this act shall be immediately suspended  
10 from membership. The court's rules may provide for review of an  
11 application for admission or reinstatement of membership after the  
12 department of social and health services has issued a release stating  
13 that the person is in compliance with the order.

14 NEW SECTION. **Sec. 811.** A new section is added to chapter 18.04  
15 RCW to read as follows:

16 The board shall immediately suspend the certificate or license of  
17 a person who has been certified pursuant to section 802 of this act by  
18 the department of social and health services as a person who is not in  
19 compliance with a support order or a residential or visitation order.  
20 If the person has continued to meet all other requirements for  
21 reinstatement during the suspension, reissuance of the license or  
22 certificate shall be automatic upon the board's receipt of a release  
23 issued by the department of social and health services stating that the  
24 licensee is in compliance with the order.

25 **Sec. 812.** RCW 18.04.335 and 1992 c 103 s 13 are each amended to  
26 read as follows:

27 (1) Upon application in writing and after hearing pursuant to  
28 notice, the board may:

29 ~~((1))~~ (a) Modify the suspension of, or reissue a certificate or  
30 license to, an individual whose certificate has been revoked or  
31 suspended; or

32 ~~((2))~~ (b) Modify the suspension of, or reissue a license to a  
33 firm whose license has been revoked, suspended, or which the board has  
34 refused to renew.

35 (2) In the case of suspension for failure to comply with a support  
36 order under chapter 74.20A RCW or a residential or visitation order  
37 under chapter 26.09 RCW, if the person has continued to meet all other

1 requirements for reinstatement during the suspension, reissuance of a  
2 certificate or license shall be automatic upon the board's receipt of  
3 a release issued by the department of social and health services  
4 stating that the individual is in compliance with the order.

5 NEW SECTION. **Sec. 813.** A new section is added to chapter 18.08  
6 RCW to read as follows:

7 The board shall immediately suspend the certificate of registration  
8 or certificate of authorization to practice architecture of a person  
9 who has been certified pursuant to section 802 of this act by the  
10 department of social and health services as a person who is not in  
11 compliance with a support order or a residential or visitation order.  
12 If the person has continued to meet other requirements for  
13 reinstatement during the suspension, reissuance of the certificate  
14 shall be automatic upon the board's receipt of a release issued by the  
15 department of social and health services stating that the individual is  
16 in compliance with the order.

17 **Sec. 814.** RCW 18.11.160 and 1986 c 324 s 12 are each amended to  
18 read as follows:

19 (1) No license shall be issued by the department to any person who  
20 has been convicted of forgery, embezzlement, obtaining money under  
21 false pretenses, extortion, criminal conspiracy, fraud, theft,  
22 receiving stolen goods, unlawful issuance of checks or drafts, or other  
23 similar offense, or to any partnership of which the person is a member,  
24 or to any association or corporation of which the person is an officer  
25 or in which as a stockholder the person has or exercises a controlling  
26 interest either directly or indirectly.

27 (2) The following shall be grounds for denial, suspension, or  
28 revocation of a license, or imposition of an administrative fine by the  
29 department:

30 (a) Misrepresentation or concealment of material facts in obtaining  
31 a license;

32 (b) Underreporting to the department of sales figures so that the  
33 auctioneer or auction company surety bond is in a lower amount than  
34 required by law;

35 (c) Revocation of a license by another state;

36 (d) Misleading or false advertising;

1 (e) A pattern of substantial misrepresentations related to  
2 auctioneering or auction company business;

3 (f) Failure to cooperate with the department in any investigation  
4 or disciplinary action;

5 (g) Nonpayment of an administrative fine prior to renewal of a  
6 license;

7 (h) Aiding an unlicensed person to practice as an auctioneer or as  
8 an auction company; and

9 (i) Any other violations of this chapter.

10 (3) The department shall immediately suspend the license of a  
11 person who has been certified pursuant to section 802 of this act by  
12 the department of social and health services as a person who is not in  
13 compliance with a support order or a residential or visitation order.  
14 If the person has continued to meet all other requirements for  
15 reinstatement during the suspension, reissuance of the license shall be  
16 automatic upon the department's receipt of a release issued by the  
17 department of social and health services stating that the licensee is  
18 in compliance with the order.

19 NEW SECTION. Sec. 815. A new section is added to chapter 18.16  
20 RCW to read as follows:

21 The department shall immediately suspend the license of a person  
22 who has been certified pursuant to section 802 of this act by the  
23 department of social and health services as a person who is not in  
24 compliance with a support order or a residential or visitation order.  
25 If the person has continued to meet all other requirements for  
26 reinstatement during the suspension, reissuance of the license shall be  
27 automatic upon the department's receipt of a release issued by the  
28 department of social and health services stating that the licensee is  
29 in compliance with the order.

30 NEW SECTION. Sec. 816. A new section is added to chapter 18.20  
31 RCW to read as follows:

32 The department shall immediately suspend the license of a person  
33 who has been certified pursuant to section 802 of this act by the  
34 department of social and health services as a person who is not in  
35 compliance with a support order or a residential or visitation order.  
36 If the person has continued to meet all other requirements for  
37 reinstatement during the suspension, reissuance of the license shall be

1 automatic upon the department's receipt of a release issued by the  
2 department of social and health services stating that the licensee is  
3 in compliance with the order.

4 **Sec. 817.** RCW 18.27.060 and 1983 1st ex.s. c 2 s 19 are each  
5 amended to read as follows:

6 (1) A certificate of registration shall be valid for one year and  
7 shall be renewed on or before the expiration date. The department  
8 shall issue to the applicant a certificate of registration upon  
9 compliance with the registration requirements of this chapter.

10 (2) If the department approves an application, it shall issue a  
11 certificate of registration to the applicant. The certificate shall be  
12 valid for:

13 (a) One year;

14 (b) Until the bond expires; or

15 (c) Until the insurance expires, whichever comes first. The  
16 department shall place the expiration date on the certificate.

17 (3) A contractor may supply a short-term bond or insurance policy  
18 to bring its registration period to the full one year.

19 (4) If a contractor's surety bond or other security has an  
20 unsatisfied judgment against it or is canceled, or if the contractor's  
21 insurance policy is canceled, the contractor's registration shall be  
22 automatically suspended on the effective date of the impairment or  
23 cancellation. The department shall give notice of the suspension to  
24 the contractor.

25 (5) The department shall immediately suspend the certificate of  
26 registration of a contractor who has been certified by the department  
27 of social and health services as a person who is not in compliance with  
28 a support order or a residential or visitation order as provided in  
29 section 802 of this act. The certificate of registration shall not be  
30 reissued or renewed unless the person provides to the department a  
31 release from the department of social and health services stating that  
32 he or she is in compliance with the order and the person has continued  
33 to meet all other requirements for certification during the suspension.

34 NEW SECTION. **Sec. 818.** A new section is added to chapter 18.28  
35 RCW to read as follows:

36 The department shall immediately suspend the license of a person  
37 who has been certified pursuant to section 802 of this act by the



1 department of social and health services as a person who is not in  
2 compliance with a support order or a residential or visitation order.  
3 If the person has continued to meet all other requirements for  
4 reinstatement during the suspension, reissuance of the license shall be  
5 automatic upon the department's receipt of a release issued by the  
6 department of social and health services stating that the licensee is  
7 in compliance with the order.

8 **Sec. 819.** RCW 18.39.181 and 1996 c 217 s 7 are each amended to  
9 read as follows:

10 The director shall have the following powers and duties:

11 (1) To issue all licenses provided for under this chapter;

12 (2) To renew licenses under this chapter;

13 (3) To collect all fees prescribed and required under this chapter;

14 (~~and~~)

15 (4) To immediately suspend the license of a person who has been  
16 certified pursuant to section 802 of this act by the department of  
17 social and health services as a person who is not in compliance with a  
18 support order or a residential or visitation order; and

19 (5) To keep general books of record of all official acts,  
20 proceedings, and transactions of the department of licensing while  
21 acting under this chapter.

22 NEW SECTION. **Sec. 820.** A new section is added to chapter 18.39  
23 RCW to read as follows:

24 In the case of suspension for failure to comply with a support  
25 order under chapter 74.20A RCW or a residential or visitation order  
26 under chapter 26.09 RCW, if the person has continued to meet all other  
27 requirements for reinstatement during the suspension, reissuance of a  
28 license shall be automatic upon the director's receipt of a release  
29 issued by the department of social and health services stating that the  
30 individual is in compliance with the order.

31 NEW SECTION. **Sec. 821.** A new section is added to chapter 18.43  
32 RCW to read as follows:

33 The board shall immediately suspend the registration of a person  
34 who has been certified pursuant to section 802 of this act by the  
35 department of social and health services as a person who is not in  
36 compliance with a support order or a residential or visitation order.

1 If the person has continued to meet all other requirements for  
2 membership during the suspension, reissuance of the certificate of  
3 registration shall be automatic upon the board's receipt of a release  
4 issued by the department of social and health services stating that the  
5 person is in compliance with the order.

6 NEW SECTION. **Sec. 822.** A new section is added to chapter 18.44  
7 RCW to read as follows:

8 The department shall immediately suspend the certificate of  
9 registration of a person who has been certified pursuant to section 802  
10 of this act by the department of social and health services as a person  
11 who is not in compliance with a support order or a residential or  
12 visitation order. If the person has continued to meet all other  
13 requirements for certification during the suspension, reissuance of the  
14 certificate shall be automatic upon the department's receipt of a  
15 release issued by the department of social and health services stating  
16 that the person is in compliance with the order.

17 **Sec. 823.** RCW 18.46.050 and 1991 c 3 s 101 are each amended to  
18 read as follows:

19 (1) The department may deny, suspend, or revoke a license in any  
20 case in which it finds that there has been failure or refusal to comply  
21 with the requirements established under this chapter or the rules  
22 adopted under it.

23 (2) The department shall immediately suspend the license of a  
24 person who has been certified pursuant to section 802 of this act by  
25 the department of social and health services as a person who is not in  
26 compliance with a support order or a residential or visitation order.  
27 If the person has continued to meet all other requirements for  
28 reinstatement during the suspension, reissuance of the license shall be  
29 automatic upon the department's receipt of a release issued by the  
30 department of social and health services stating that the person is in  
31 compliance with the order.

32 RCW 43.70.115 governs notice of a license denial, revocation,  
33 suspension, or modification and provides the right to an adjudicative  
34 proceeding but shall not apply to actions taken under subsection (2) of  
35 this section.

1        NEW SECTION.    **Sec. 824.**    A new section is added to chapter 18.51  
2    RCW to read as follows:

3        The department shall immediately suspend the license of a person  
4    who has been certified pursuant to section 802 of this act by the  
5    department of social and health services, division of support, as a  
6    person who is not in compliance with a child support order or a  
7    residential or visitation order.    If the person has continued to meet  
8    all other requirements for reinstatement during the suspension,  
9    reissuance of the license shall be automatic upon the department's  
10   receipt of a release issued by the division of child support stating  
11   that the person is in compliance with the order.

12       NEW SECTION.    **Sec. 825.**    A new section is added to chapter 18.76  
13    RCW to read as follows:

14       The department shall immediately suspend the certification of a  
15    poison center medical director or a poison information specialist who  
16    has been certified pursuant to section 802 of this act by the  
17    department of social and health services as a person who is not in  
18    compliance with a support order or a residential or visitation order.  
19    If the person has continued to meet all other requirements for  
20    certification during the suspension, reissuance of the certification  
21    shall be automatic upon the department's receipt of a release issued by  
22    the department of social and health services stating that the person is  
23    in compliance with the order.

24       NEW SECTION.    **Sec. 826.**    A new section is added to chapter 18.85  
25    RCW to read as follows:

26       The director shall immediately suspend the license of a broker or  
27    salesperson who has been certified pursuant to section 802 of this act  
28    by the department of social and health services as a person who is not  
29    in compliance with a support order or a residential or visitation  
30    order.    If the person has continued to meet all other requirements for  
31    reinstatement during the suspension, reissuance of the license shall be  
32    automatic upon the director's receipt of a release issued by the  
33    department of social and health services stating that the person is in  
34    compliance with the order.

35       **Sec. 827.**    RCW 18.96.120 and 1969 ex.s. c 158 s 12 are each amended  
36    to read as follows:

1       (1) The director may refuse to renew, or may suspend or revoke, a  
2 certificate of registration to use the titles landscape architect,  
3 landscape architecture, or landscape architectural in this state upon  
4 the following grounds:

5       ~~((1))~~ (a) The holder of the certificate of registration is  
6 impersonating a practitioner or former practitioner.

7       ~~((2))~~ (b) The holder of the certificate of registration is guilty  
8 of fraud, deceit, gross negligence, gross incompetency or gross  
9 misconduct in the practice of landscape architecture.

10       ~~((3))~~ (c) The holder of the certificate of registration permits  
11 his seal to be affixed to any plans, specifications or drawings that  
12 were not prepared by him or under his personal supervision by employees  
13 subject to his direction and control.

14       ~~((4))~~ (d) The holder of the certificate has committed fraud in  
15 applying for or obtaining a certificate.

16       (2) The director shall immediately suspend the certificate of  
17 registration of a landscape architect who has been certified pursuant  
18 to section 802 of this act by the department of social and health  
19 services as a person who is not in compliance with a support order or  
20 a residential or visitation order. If the person has continued to meet  
21 all other requirements for certification during the suspension,  
22 reissuance of the certificate of registration shall be automatic upon  
23 the director's receipt of a release issued by the department of social  
24 and health services stating that the person is in compliance with the  
25 order.

26       **Sec. 828.** RCW 18.104.110 and 1993 c 387 s 18 are each amended to  
27 read as follows:

28       (1) In cases other than those relating to the failure of a licensee  
29 to renew a license, the director may suspend or revoke a license issued  
30 pursuant to this chapter for any of the following reasons:

31       ~~((1))~~ (a) For fraud or deception in obtaining the license;

32       ~~((2))~~ (b) For fraud or deception in reporting under RCW  
33 18.104.050;

34       ~~((3))~~ (c) For violating the provisions of this chapter, or of any  
35 lawful rule or regulation of the department or the department of  
36 health.

37       (2) The director shall immediately suspend any license issued under  
38 this chapter if the holder of the license has been certified pursuant

1 to section 802 of this act by the department of social and health  
2 services as a person who is not in compliance with a support order or  
3 a residential or visitation order. If the person has continued to meet  
4 all other requirements for reinstatement during the suspension,  
5 reissuance of the license shall be automatic upon the director's  
6 receipt of a release issued by the department of social and health  
7 services stating that the person is in compliance with the order.

8 (3) No license shall be suspended for more than six months, except  
9 that a suspension under section 802 of this act shall continue until  
10 the department receives a release issued by the department of social  
11 and health services stating that the person is in compliance with the  
12 order.

13 (4) No person whose license is revoked shall be eligible to apply  
14 for a license for one year from the effective date of the final order  
15 of revocation.

16 NEW SECTION. Sec. 829. A new section is added to chapter 18.106  
17 RCW to read as follows:

18 The department shall immediately suspend any certificate of  
19 competency issued under this chapter if the holder of the certificate  
20 has been certified pursuant to section 802 of this act by the  
21 department of social and health services as a person who is not in  
22 compliance with a support order or a residential or visitation order.  
23 If the person has continued to meet all other requirements for  
24 certification during the suspension, reissuance of the certificate of  
25 competency shall be automatic upon the department's receipt of a  
26 release issued by the department of social and health services stating  
27 that the person is in compliance with the order.

28 NEW SECTION. Sec. 830. A new section is added to chapter 18.130  
29 RCW to read as follows:

30 The secretary shall immediately suspend the license of any person  
31 subject to this chapter who has been certified by the department of  
32 social and health services as a person who is not in compliance with a  
33 support order or a residential or visitation order as provided in  
34 section 802 of this act.

35 **Sec. 831.** RCW 18.130.150 and 1984 c 279 s 15 are each amended to  
36 read as follows:

1 A person whose license has been suspended or revoked under this  
2 chapter may petition the disciplining authority for reinstatement after  
3 an interval as determined by the disciplining authority in the order.  
4 The disciplining authority shall hold hearings on the petition and may  
5 deny the petition or may order reinstatement and impose terms and  
6 conditions as provided in RCW 18.130.160 and issue an order of  
7 reinstatement. The disciplining authority may require successful  
8 completion of an examination as a condition of reinstatement.

9 A person whose license has been suspended for noncompliance with a  
10 support order or a residential or visitation order under section 802 of  
11 this act may petition for reinstatement at any time by providing the  
12 secretary a release issued by the department of social and health  
13 services stating that the person is in compliance with the order. If  
14 the person has continued to meet all other requirements for  
15 reinstatement during the suspension, the secretary shall automatically  
16 reissue the person's license upon receipt of the release, and payment  
17 of a reinstatement fee, if any.

18 NEW SECTION. Sec. 832. A new section is added to chapter 18.140  
19 RCW to read as follows:

20 The director shall immediately suspend any license or certificate  
21 issued under this chapter if the holder has been certified pursuant to  
22 section 802 of this act by the department of social and health services  
23 as a person who is not in compliance with a support order or a  
24 residential or visitation order. If the person has continued to meet  
25 all other requirements for reinstatement during the suspension,  
26 reissuance of the license or certificate shall be automatic upon the  
27 director's receipt of a release issued by the department of social and  
28 health services stating that the person is in compliance with the  
29 order.

30 NEW SECTION. Sec. 833. A new section is added to chapter 18.145  
31 RCW to read as follows:

32 The director shall immediately suspend any certificate issued under  
33 this chapter if the holder has been certified pursuant to section 802  
34 of this act by the department of social and health services as a person  
35 who is not in compliance with a support order or a residential or  
36 visitation order. If the person has continued to meet all other  
37 requirements for certification during the suspension, reissuance of the

1 certificate shall be automatic upon the director's receipt of a release  
2 issued by the department of social and health services stating that the  
3 person is in compliance with the order.

4 **Sec. 834.** RCW 18.160.080 and 1990 c 177 s 10 are each amended to  
5 read as follows:

6 (1) The state director of fire protection may refuse to issue or  
7 renew or may suspend or revoke the privilege of a licensed fire  
8 protection sprinkler system contractor or the certificate of a  
9 certificate of competency holder to engage in the fire protection  
10 sprinkler system business or in lieu thereof, establish penalties as  
11 prescribed by Washington state law, for any of the following reasons:

12 (a) Gross incompetency or gross negligence in the preparation of  
13 technical drawings, installation, repair, alteration, maintenance,  
14 inspection, service, or addition to fire protection sprinkler systems;

15 (b) Conviction of a felony;

16 (c) Fraudulent or dishonest practices while engaging in the fire  
17 protection sprinkler systems business;

18 (d) Use of false evidence or misrepresentation in an application  
19 for a license or certificate of competency;

20 (e) Permitting his or her license to be used in connection with the  
21 preparation of any technical drawings which have not been prepared by  
22 him or her personally or under his or her immediate supervision, or in  
23 violation of this chapter; or

24 (f) Knowingly violating any provisions of this chapter or the  
25 regulations issued thereunder.

26 (2) The state director of fire protection shall revoke the license  
27 of a licensed fire protection sprinkler system contractor or the  
28 certificate of a certificate of competency holder who engages in the  
29 fire protection sprinkler system business while the license or  
30 certificate of competency is suspended.

31 (3) The state director of fire protection shall immediately suspend  
32 any license or certificate issued under this chapter if the holder has  
33 been certified pursuant to section 802 of this act by the department of  
34 social and health services as a person who is not in compliance with a  
35 support order or a residential or visitation order. If the person has  
36 continued to meet all other requirements for issuance or reinstatement  
37 during the suspension, issuance or reissuance of the license or  
38 certificate shall be automatic upon the director's receipt of a release

1 issued by the department of social and health services stating that the  
2 person is in compliance with the order.

3 (4) Any licensee or certificate of competency holder who is  
4 aggrieved by an order of the state director of fire protection  
5 suspending or revoking a license may, within thirty days after notice  
6 of such suspension or revocation, appeal under chapter 34.05 RCW. This  
7 subsection does not apply to actions taken under subsection (3) of this  
8 section.

9 **Sec. 835.** RCW 18.165.160 and 1995 c 277 s 34 are each amended to  
10 read as follows:

11 The following acts are prohibited and constitute grounds for  
12 disciplinary action, assessing administrative penalties, or denial,  
13 suspension, or revocation of any license under this chapter, as deemed  
14 appropriate by the director:

15 (1) Knowingly violating any of the provisions of this chapter or  
16 the rules adopted under this chapter;

17 (2) Knowingly making a material misstatement or omission in the  
18 application for or renewal of a license or firearms certificate,  
19 including falsifying requested identification information;

20 (3) Not meeting the qualifications set forth in RCW 18.165.030,  
21 18.165.040, or 18.165.050;

22 (4) Failing to return immediately on demand a firearm issued by an  
23 employer;

24 (5) Carrying a firearm in the performance of his or her duties if  
25 not the holder of a valid armed private investigator license, or  
26 carrying a firearm not meeting the provisions of this chapter while in  
27 the performance of his or her duties;

28 (6) Failing to return immediately on demand company identification,  
29 badges, or other items issued to the private investigator by an  
30 employer;

31 (7) Making any statement that would reasonably cause another person  
32 to believe that the private investigator is a sworn peace officer;

33 (8) Divulging confidential information obtained in the course of  
34 any investigation to which he or she was assigned;

35 (9) Acceptance of employment that is adverse to a client or former  
36 client and relates to a matter about which a licensee has obtained  
37 confidential information by reason of or in the course of the  
38 licensee's employment by the client;



1 (10) Conviction of a gross misdemeanor or felony or the commission  
2 of any act involving moral turpitude, dishonesty, or corruption whether  
3 the act constitutes a crime or not. If the act constitutes a crime,  
4 conviction in a criminal proceeding is not a condition precedent to  
5 disciplinary action. Upon such a conviction, however, the judgment and  
6 sentence is conclusive evidence at the ensuing disciplinary hearing of  
7 the guilt of the license holder or applicant of the crime described in  
8 the indictment or information, and of the person's violation of the  
9 statute on which it is based. For the purposes of this section,  
10 conviction includes all instances in which a plea of guilty or nolo  
11 contendere is the basis for the conviction and all proceedings in which  
12 the sentence has been deferred or suspended;

13 (11) Advertising that is false, fraudulent, or misleading;

14 (12) Incompetence or negligence that results in injury to a person  
15 or that creates an unreasonable risk that a person may be harmed;

16 (13) Suspension, revocation, or restriction of the individual's  
17 license to practice the profession by competent authority in any state,  
18 federal, or foreign jurisdiction, a certified copy of the order,  
19 stipulation, or agreement being conclusive evidence of the revocation,  
20 suspension, or restriction;

21 (14) Failure to cooperate with the director by:

22 (a) Not furnishing any necessary papers or documents requested by  
23 the director for purposes of conducting an investigation for  
24 disciplinary action, denial, suspension, or revocation of a license  
25 under this chapter;

26 (b) Not furnishing in writing a full and complete explanation  
27 covering the matter contained in a complaint filed with the department;  
28 or

29 (c) Not responding to subpoenas issued by the director, whether or  
30 not the recipient of the subpoena is the accused in the proceeding;

31 (15) Failure to comply with an order issued by the director or an  
32 assurance of discontinuance entered into with the director;

33 (16) Aiding or abetting an unlicensed person to practice if a  
34 license is required;

35 (17) Misrepresentation or fraud in any aspect of the conduct of the  
36 business or profession;

37 (18) Failure to adequately supervise employees to the extent that  
38 the public health or safety is at risk;

1 (19) Interference with an investigation or disciplinary proceeding  
2 by willful misrepresentation of facts before the director or the  
3 director's authorized representative, or by the use of threats or  
4 harassment against any client or witness to prevent them from providing  
5 evidence in a disciplinary proceeding or any other legal action;

6 (20) Assigning or transferring any license issued pursuant to the  
7 provisions of this chapter, except as provided in RCW 18.165.050;

8 (21) Assisting a client to locate, trace, or contact a person when  
9 the investigator knows that the client is prohibited by any court order  
10 from harassing or contacting the person whom the investigator is being  
11 asked to locate, trace, or contact, as it pertains to domestic  
12 violence, stalking, or minor children;

13 (22) Failure to maintain bond or insurance; (~~(or)~~)

14 (23) Failure to have a qualifying principal in place; or

15 (24) Being certified as not in compliance with a support order or  
16 a residential or visitation order as provided in section 802 of this  
17 act.

18 NEW SECTION. Sec. 836. A new section is added to chapter 18.165  
19 RCW to read as follows:

20 The director shall immediately suspend a license issued under this  
21 chapter if the holder has been certified pursuant to section 802 of  
22 this act by the department of social and health services as a person  
23 who is not in compliance with a support order or a residential or  
24 visitation order. If the person has continued to meet all other  
25 requirements for reinstatement during the suspension, reissuance of the  
26 license shall be automatic upon the director's receipt of a release  
27 issued by the department of social and health services stating that the  
28 person is in compliance with the order.

29 **Sec. 837.** RCW 18.170.170 and 1995 c 277 s 12 are each amended to  
30 read as follows:

31 In addition to the provisions of section 838 of this act, the  
32 following acts are prohibited and constitute grounds for disciplinary  
33 action, assessing administrative penalties, or denial, suspension, or  
34 revocation of any license under this chapter, as deemed appropriate by  
35 the director:

36 (1) Knowingly violating any of the provisions of this chapter or  
37 the rules adopted under this chapter;

- 1 (2) Practicing fraud, deceit, or misrepresentation in any of the  
2 private security activities covered by this chapter;
- 3 (3) Knowingly making a material misstatement or omission in the  
4 application for a license or firearms certificate;
- 5 (4) Not meeting the qualifications set forth in RCW 18.170.030,  
6 18.170.040, or 18.170.060;
- 7 (5) Failing to return immediately on demand a firearm issued by an  
8 employer;
- 9 (6) Carrying a firearm in the performance of his or her duties if  
10 not the holder of a valid armed private security guard license, or  
11 carrying a firearm not meeting the provisions of this chapter while in  
12 the performance of his or her duties;
- 13 (7) Failing to return immediately on demand any uniform, badge, or  
14 other item of equipment issued to the private security guard by an  
15 employer;
- 16 (8) Making any statement that would reasonably cause another person  
17 to believe that the private security guard is a sworn peace officer;
- 18 (9) Divulging confidential information that may compromise the  
19 security of any premises, or valuables shipment, or any activity of a  
20 client to which he or she was assigned;
- 21 (10) Conviction of a gross misdemeanor or felony or the commission  
22 of any act involving moral turpitude, dishonesty, or corruption whether  
23 the act constitutes a crime or not. If the act constitutes a crime,  
24 conviction in a criminal proceeding is not a condition precedent to  
25 disciplinary action. Upon such a conviction, however, the judgment and  
26 sentence is conclusive evidence at the ensuing disciplinary hearing of  
27 the guilt of the license holder or applicant of the crime described in  
28 the indictment or information, and of the person's violation of the  
29 statute on which it is based. For the purposes of this section,  
30 conviction includes all instances in which a plea of guilty or nolo  
31 contendere is the basis for the conviction and all proceedings in which  
32 the sentence has been deferred or suspended;
- 33 (11) Misrepresentation or concealment of a material fact in  
34 obtaining a license or in reinstatement thereof;
- 35 (12) Advertising that is false, fraudulent, or misleading;
- 36 (13) Incompetence or negligence that results in injury to a person  
37 or that creates an unreasonable risk that a person may be harmed;
- 38 (14) Suspension, revocation, or restriction of the individual's  
39 license to practice the profession by competent authority in any state,

1 federal, or foreign jurisdiction, a certified copy of the order,  
2 stipulation, or agreement being conclusive evidence of the revocation,  
3 suspension, or restriction;

4 (15) Failure to cooperate with the director by:

5 (a) Not furnishing any necessary papers or documents requested by  
6 the director for purposes of conducting an investigation for  
7 disciplinary action, denial, suspension, or revocation of a license  
8 under this chapter;

9 (b) Not furnishing in writing a full and complete explanation  
10 covering the matter contained in a complaint filed with the department;  
11 or

12 (c) Not responding to subpoenas issued by the director, whether or  
13 not the recipient of the subpoena is the accused in the proceeding;

14 (16) Failure to comply with an order issued by the director or an  
15 assurance of discontinuance entered into with the disciplining  
16 authority;

17 (17) Aiding or abetting an unlicensed person to practice if a  
18 license is required;

19 (18) Misrepresentation or fraud in any aspect of the conduct of the  
20 business or profession;

21 (19) Failure to adequately supervise employees to the extent that  
22 the public health or safety is at risk;

23 (20) Interference with an investigation or disciplinary proceeding  
24 by willful misrepresentation of facts before the director or the  
25 director's authorized representative, or by the use of threats or  
26 harassment against a client or witness to prevent them from providing  
27 evidence in a disciplinary proceeding or any other legal action;

28 (21) Assigning or transferring any license issued pursuant to the  
29 provisions of this chapter, except as provided in RCW 18.170.060;

30 (22) Failure to maintain insurance; and

31 (23) Failure to have a qualifying principal in place.

32 NEW SECTION. **Sec. 838.** A new section is added to chapter 18.170  
33 RCW to read as follows:

34 The director shall immediately suspend any license issued under  
35 this chapter if the holder has been certified pursuant to section 802  
36 of this act by the department of social and health services as a person  
37 who is not in compliance with a support order or a residential or  
38 visitation order. If the person has continued to meet all other

1 requirements for reinstatement during the suspension, reissuance of the  
2 license shall be automatic upon the director's receipt of a release  
3 issued by the department of social and health services stating that the  
4 person is in compliance with the order.

5 NEW SECTION. **Sec. 839.** A new section is added to chapter 18.175  
6 RCW to read as follows:

7 The director shall immediately suspend a certificate of  
8 registration issued under this chapter if the holder has been certified  
9 pursuant to section 802 of this act by the department of social and  
10 health services as a person who is not in compliance with a support  
11 order or a residential or visitation order. If the person has  
12 continued to meet all other requirements for certification during the  
13 suspension, reissuance of the certificate shall be automatic upon the  
14 director's receipt of a release issued by the department of social and  
15 health services stating that the person is in compliance with the  
16 order.

17 NEW SECTION. **Sec. 840.** A new section is added to chapter 18.185  
18 RCW to read as follows:

19 The director shall immediately suspend any license issued under  
20 this chapter if the holder has been certified pursuant to section 802  
21 of this act by the department of social and health services as a person  
22 who is not in compliance with a support order or a residential or  
23 visitation order. If the person has continued to meet all other  
24 requirements for reinstatement during the suspension, reissuance of the  
25 license shall be automatic upon the director's receipt of a release  
26 issued by the department of social and health services stating that the  
27 person is in compliance with the order.

28 **Sec. 841.** RCW 43.20A.205 and 1989 c 175 s 95 are each amended to  
29 read as follows:

30 This section governs the denial of an application for a license or  
31 the suspension, revocation, or modification of a license by the  
32 department.

33 (1) The department shall give written notice of the denial of an  
34 application for a license to the applicant or his or her agent. The  
35 department shall give written notice of revocation, suspension, or  
36 modification of a license to the licensee or his or her agent. The

1 notice shall state the reasons for the action. The notice shall be  
2 personally served in the manner of service of a summons in a civil  
3 action or shall be given in ((an other)) another manner that shows  
4 proof of receipt.

5 (2) Except as otherwise provided in this subsection and in  
6 subsection (4) of this section, revocation, suspension, or modification  
7 is effective twenty-eight days after the licensee or the agent receives  
8 the notice.

9 (a) The department may make the date the action is effective later  
10 than twenty-eight days after receipt. If the department does so, it  
11 shall state the effective date in the written notice given the licensee  
12 or agent.

13 (b) The department may make the date the action is effective sooner  
14 than twenty-eight days after receipt when necessary to protect the  
15 public health, safety, or welfare. When the department does so, it  
16 shall state the effective date and the reasons supporting the effective  
17 date in the written notice given to the licensee or agent.

18 (c) When the department has received certification pursuant to  
19 chapter 74.20A RCW from the division of child support that the licensee  
20 is a person who is not in compliance with a support order or an order  
21 from court stating that the licensee is in noncompliance with a  
22 residential or visitation order under chapter 26.09 RCW, the department  
23 shall provide that the suspension is effective immediately upon receipt  
24 of the suspension notice by the licensee.

25 (3) Except for licensees suspended for noncompliance with a support  
26 order under chapter 74.20A RCW or a residential or visitation order  
27 under chapter 26.09 RCW, a license applicant or licensee who is  
28 aggrieved by a department denial, revocation, suspension, or  
29 modification has the right to an adjudicative proceeding. The  
30 proceeding is governed by the Administrative Procedure Act, chapter  
31 34.05 RCW. The application must be in writing, state the basis for  
32 contesting the adverse action, include a copy of the adverse notice, be  
33 served on and received by the department within twenty-eight days of  
34 the license applicant's or licensee's receiving the adverse notice, and  
35 be served in a manner that shows proof of receipt.

36 (4)(a) If the department gives a licensee twenty-eight or more days  
37 notice of revocation, suspension, or modification and the licensee  
38 files an appeal before its effective date, the department shall not  
39 implement the adverse action until the final order has been entered.

1 The presiding or reviewing officer may permit the department to  
2 implement part or all of the adverse action while the proceedings are  
3 pending if the appellant causes an unreasonable delay in the  
4 proceeding, if the circumstances change so that implementation is in  
5 the public interest, or for other good cause.

6 (b) If the department gives a licensee less than twenty-eight days  
7 notice of revocation, suspension, or modification and the licensee  
8 timely files a sufficient appeal, the department may implement the  
9 adverse action on the effective date stated in the notice. The  
10 presiding or reviewing officer may order the department to stay  
11 implementation of part or all of the adverse action while the  
12 proceedings are pending if staying implementation is in the public  
13 interest or for other good cause.

14 NEW SECTION. **Sec. 842.** A new section is added to chapter 28A.410  
15 RCW to read as follows:

16 Any certificate or permit authorized under this chapter or chapter  
17 28A.405 RCW shall be suspended by the authority authorized to grant the  
18 certificate or permit if the department of social and health services  
19 certifies that the person is not in compliance with a support order or  
20 a residential or visitation order as provided in section 802 of this  
21 act. If the person continues to meet other requirements for  
22 reinstatement during the suspension, reissuance of the certificate or  
23 permit shall be automatic after the person provides the authority a  
24 release issued by the department of social and health services stating  
25 that the person is in compliance with the order.

26 **Sec. 843.** RCW 43.70.115 and 1991 c 3 s 377 are each amended to  
27 read as follows:

28 This section governs the denial of an application for a license or  
29 the suspension, revocation, or modification of a license by the  
30 department. This section does not govern actions taken under chapter  
31 18.130 RCW.

32 (1) The department shall give written notice of the denial of an  
33 application for a license to the applicant or his or her agent. The  
34 department shall give written notice of revocation, suspension, or  
35 modification of a license to the licensee or his or her agent. The  
36 notice shall state the reasons for the action. The notice shall be  
37 personally served in the manner of service of a summons in a civil

1 action or shall be given in (~~(an other [another])~~) another manner that  
2 shows proof of receipt.

3 (2) Except as otherwise provided in this subsection and in  
4 subsection (4) of this section, revocation, suspension, or modification  
5 is effective twenty-eight days after the licensee or the agent receives  
6 the notice.

7 (a) The department may make the date the action is effective later  
8 than twenty-eight days after receipt. If the department does so, it  
9 shall state the effective date in the written notice given the licensee  
10 or agent.

11 (b) The department may make the date the action is effective sooner  
12 than twenty-eight days after receipt when necessary to protect the  
13 public health, safety, or welfare. When the department does so, it  
14 shall state the effective date and the reasons supporting the effective  
15 date in the written notice given to the licensee or agent.

16 (c) When the department has received certification pursuant to  
17 chapter 74.20A RCW from the department of social and health services  
18 that the licensee is a person who is not in compliance with a child  
19 support order or an order from a court stating that the licensee is in  
20 noncompliance with a residential or visitation order under chapter  
21 26.09 RCW, the department shall provide that the suspension is  
22 effective immediately upon receipt of the suspension notice by the  
23 licensee.

24 (3) Except for licensees suspended for noncompliance with a child  
25 support order under chapter 74.20A RCW or noncompliance with a  
26 residential or visitation order under chapter 26.09 RCW, a license  
27 applicant or licensee who is aggrieved by a department denial,  
28 revocation, suspension, or modification has the right to an  
29 adjudicative proceeding. The proceeding is governed by the  
30 Administrative Procedure Act, chapter 34.05 RCW. The application must  
31 be in writing, state the basis for contesting the adverse action,  
32 include a copy of the adverse notice, be served on and received by the  
33 department within twenty-eight days of the license applicant's or  
34 licensee's receiving the adverse notice, and be served in a manner that  
35 shows proof of receipt.

36 (4)(a) If the department gives a licensee twenty-eight or more days  
37 notice of revocation, suspension, or modification and the licensee  
38 files an appeal before its effective date, the department shall not  
39 implement the adverse action until the final order has been entered.



1 The presiding or reviewing officer may permit the department to  
2 implement part or all of the adverse action while the proceedings are  
3 pending if the appellant causes an unreasonable delay in the  
4 proceeding, if the circumstances change so that implementation is in  
5 the public interest, or for other good cause.

6 (b) If the department gives a licensee less than twenty-eight days  
7 notice of revocation, suspension, or modification and the licensee  
8 timely files a sufficient appeal, the department may implement the  
9 adverse action on the effective date stated in the notice. The  
10 presiding or reviewing officer may order the department to stay  
11 implementation of part or all of the adverse action while the  
12 proceedings are pending if staying implementation is in the public  
13 interest or for other good cause.

14 **Sec. 844.** RCW 19.28.310 and 1996 c 241 s 5 are each amended to  
15 read as follows:

16 (1) The department has the power, in case of serious noncompliance  
17 with the provisions of this chapter, to revoke or suspend for such a  
18 period as it determines, any electrical contractor license or  
19 electrical contractor administrator certificate issued under this  
20 chapter. The department shall notify the holder of the license or  
21 certificate of the revocation or suspension by certified mail. A  
22 revocation or suspension is effective twenty days after the holder  
23 receives the notice. Any revocation or suspension is subject to review  
24 by an appeal to the board. The filing of an appeal stays the effect of  
25 a revocation or suspension until the board makes its decision. The  
26 appeal shall be filed within twenty days after notice of the revocation  
27 or suspension is given by certified mail sent to the address of the  
28 holder of the license or certificate as shown on the application for  
29 the license or certificate, and shall be effected by filing a written  
30 notice of appeal with the department, accompanied by a certified check  
31 for two hundred dollars, which shall be returned to the holder of the  
32 license or certificate if the decision of the department is not  
33 sustained by the board. The hearing shall be conducted in accordance  
34 with chapter 34.05 RCW. If the board sustains the decision of the  
35 department, the two hundred dollars shall be applied by the department  
36 to the payment of the per diem and expenses of the members of the board  
37 incurred in the matter, and any balance remaining after payment of per  
38 diem and expenses shall be paid into the electrical license fund.

1       (2) The department shall immediately suspend the license or  
2 certificate of a person who has been certified pursuant to section 802  
3 of this act by the department of social and health services as a person  
4 who is not in compliance with a support order or a residential or  
5 visitation order. If the person has continued to meet all other  
6 requirements for reinstatement during the suspension, reissuance of the  
7 license or certificate shall be automatic upon the department's receipt  
8 of a release issued by the department of social and health services  
9 stating that the licensee is in compliance with the order.

10       **Sec. 845.** RCW 19.28.580 and 1988 c 81 s 15 are each amended to  
11 read as follows:

12       (1) The department may revoke any certificate of competency upon  
13 the following grounds:

14       (a) The certificate was obtained through error or fraud;

15       (b) The holder thereof is judged to be incompetent to work in the  
16 electrical construction trade as a journeyman electrician or specialty  
17 electrician;

18       (c) The holder thereof has violated any of the provisions of RCW  
19 19.28.510 through 19.28.620 or any rule adopted under this chapter.

20       (2) Before any certificate of competency shall be revoked, the  
21 holder shall be given written notice of the department's intention to  
22 do so, mailed by registered mail, return receipt requested, to the  
23 holder's last known address. The notice shall enumerate the  
24 allegations against the holder, and shall give the holder the  
25 opportunity to request a hearing before the board. At the hearing, the  
26 department and the holder may produce witnesses and give testimony.  
27 The hearing shall be conducted in accordance with chapter 34.05 RCW.  
28 The board shall render its decision based upon the testimony and  
29 evidence presented, and shall notify the parties immediately upon  
30 reaching its decision. A majority of the board shall be necessary to  
31 render a decision.

32       (3) The department shall immediately suspend the license or  
33 certificate of a person who has been certified pursuant to section 802  
34 of this act by the department of social and health services as a person  
35 who is not in compliance with a support order or a residential or  
36 visitation order. If the person has continued to meet all other  
37 requirements for reinstatement during the suspension, reissuance of the  
38 license or certificate shall be automatic upon the department's receipt

1 of a release issued by the department of social and health services  
2 stating that the licensee is in compliance with the order.

3 **Sec. 846.** RCW 19.30.060 and 1985 c 280 s 6 are each amended to  
4 read as follows:

5 Any person may protest the grant or renewal of a license under this  
6 section. The director may revoke, suspend, or refuse to issue or renew  
7 any license when it is shown that:

8 (1) The farm labor contractor or any agent of the contractor has  
9 violated or failed to comply with any of the provisions of this  
10 chapter;

11 (2) The farm labor contractor has made any misrepresentations or  
12 false statements in his or her application for a license;

13 (3) The conditions under which the license was issued have changed  
14 or no longer exist;

15 (4) The farm labor contractor, or any agent of the contractor, has  
16 violated or wilfully aided or abetted any person in the violation of,  
17 or failed to comply with, any law of the state of Washington regulating  
18 employment in agriculture, the payment of wages to farm employees, or  
19 the conditions, terms, or places of employment affecting the health and  
20 safety of farm employees, which is applicable to the business  
21 activities, or operations of the contractor in his or her capacity as  
22 a farm labor contractor;

23 (5) The farm labor contractor or any agent of the contractor has in  
24 recruiting farm labor solicited or induced the violation of any then  
25 existing contract of employment of such laborers; or

26 (6) The farm labor contractor or any agent of the contractor has an  
27 unsatisfied judgment against him or her in any state or federal court,  
28 arising out of his or her farm labor contracting activities.

29 The director shall immediately suspend the license or certificate  
30 of a person who has been certified pursuant to section 802 of this act  
31 by the department of social and health services as a person who is not  
32 in compliance with a support order or a residential or visitation  
33 order. If the person has continued to meet all other requirements for  
34 reinstatement during the suspension, reissuance of the license or  
35 certificate shall be automatic upon the director's receipt of a release  
36 issued by the department of social and health services stating that the  
37 licensee is in compliance with the order.

1       **Sec. 847.** RCW 19.16.120 and 1994 c 195 s 3 are each amended to  
2 read as follows:

3       In addition to other provisions of this chapter, any license issued  
4 pursuant to this chapter or any application therefor may be denied, not  
5 renewed, revoked, or suspended, or in lieu of or in addition to  
6 suspension a licensee may be assessed a civil, monetary penalty in an  
7 amount not to exceed one thousand dollars:

8       (1) If an individual applicant or licensee is less than eighteen  
9 years of age or is not a resident of this state.

10       (2) If an applicant or licensee is not authorized to do business in  
11 this state.

12       (3) If the application or renewal forms required by this chapter  
13 are incomplete, fees required under RCW 19.16.140 and 19.16.150, if  
14 applicable, have not been paid, and the surety bond or cash deposit or  
15 other negotiable security acceptable to the director required by RCW  
16 19.16.190, if applicable, has not been filed or renewed or is canceled.

17       (4) If any individual applicant, owner, officer, director, or  
18 managing employee of a nonindividual applicant or licensee:

19       (a) Shall have knowingly made a false statement of a material fact  
20 in any application for a collection agency license or an out-of-state  
21 collection agency license or renewal thereof, or in any data attached  
22 thereto and two years have not elapsed since the date of such  
23 statement;

24       (b) Shall have had a license to engage in the business of a  
25 collection agency or out-of-state collection agency denied, not  
26 renewed, suspended, or revoked by this state, any other state, or  
27 foreign country, for any reason other than the nonpayment of licensing  
28 fees or failure to meet bonding requirements: PROVIDED, That the terms  
29 of this subsection shall not apply if:

30       (i) Two years have elapsed since the time of any such denial,  
31 nonrenewal, or revocation; or

32       (ii) The terms of any such suspension have been fulfilled;

33       (c) Has been convicted in any court of any felony involving  
34 forgery, embezzlement, obtaining money under false pretenses, larceny,  
35 extortion, or conspiracy to defraud and is incarcerated for that  
36 offense or five years have not elapsed since the date of such  
37 conviction;

38       (d) Has had any judgment entered against him in any civil action  
39 involving forgery, embezzlement, obtaining money under false pretenses,

1 larceny, extortion, or conspiracy to defraud and five years have not  
2 elapsed since the date of the entry of the final judgment in said  
3 action: PROVIDED, That in no event shall a license be issued unless  
4 the judgment debt has been discharged;

5 (e) Has had his license to practice law suspended or revoked and  
6 two years have not elapsed since the date of such suspension or  
7 revocation, unless he has been relicensed to practice law in this  
8 state;

9 (f) Has had any judgment entered against him or it under the  
10 provisions of RCW 19.86.080 or 19.86.090 involving a violation or  
11 violations of RCW 19.86.020 and two years have not elapsed since the  
12 entry of the final judgment: PROVIDED, That in no event shall a  
13 license be issued unless the terms of such judgment, if any, have been  
14 fully complied with: PROVIDED FURTHER, That said judgment shall not be  
15 grounds for denial, suspension, nonrenewal, or revocation of a license  
16 unless the judgment arises out of and is based on acts of the  
17 applicant, owner, officer, director, managing employee, or licensee  
18 while acting for or as a collection agency or an out-of-state  
19 collection agency;

20 (g) Has petitioned for bankruptcy, and two years have not elapsed  
21 since the filing of said petition;

22 (h) Shall be insolvent in the sense that his or its liabilities  
23 exceed his or its assets or in the sense that he or it cannot meet his  
24 or its obligations as they mature;

25 (i) Has failed to pay any civil, monetary penalty assessed in  
26 accordance with RCW 19.16.351 or 19.16.360 within ten days after the  
27 assessment becomes final;

28 (j) Has knowingly failed to comply with, or violated any provisions  
29 of this chapter or any rule or regulation issued pursuant to this  
30 chapter, and two years have not elapsed since the occurrence of said  
31 noncompliance or violation; or

32 (k) Has been found by a court of competent jurisdiction to have  
33 violated the federal fair debt collection practices act, 15 U.S.C. Sec.  
34 1692 et seq., or the Washington state consumer protection act, chapter  
35 19.86 RCW, and two years have not elapsed since that finding.

36 Except as otherwise provided in this section, any person who is  
37 engaged in the collection agency business as of January 1, 1972 shall,  
38 upon filing the application, paying the fees, and filing the surety  
39 bond or cash deposit or other negotiable security in lieu of bond

1 required by this chapter, be issued a license (~~hereunder~~) under this  
2 chapter.

3 The director shall immediately suspend the license or certificate  
4 of a person who has been certified pursuant to section 802 of this act  
5 by the department of social and health services as a person who is not  
6 in compliance with a support order or a residential or visitation  
7 order. If the person has continued to meet all other requirements for  
8 reinstatement during the suspension, reissuance of the license or  
9 certificate shall be automatic upon the director's receipt of a release  
10 issued by the department of social and health services stating that the  
11 licensee is in compliance with the order.

12 **Sec. 848.** RCW 19.31.130 and 1969 ex.s. c 228 s 13 are each amended  
13 to read as follows:

14 (1) In accordance with the provisions of chapter 34.05 RCW as now  
15 or as hereafter amended, the director may by order deny, suspend or  
16 revoke the license of any employment agency if he finds that the  
17 applicant or licensee:

18 ~~((1))~~ (a) Was previously the holder of a license issued under  
19 this chapter, which was revoked for cause and never reissued by the  
20 director, or which license was suspended for cause and the terms of the  
21 suspension have not been fulfilled;

22 ~~((2))~~ (b) Has been found guilty of any felony within the past  
23 five years involving moral turpitude, or for any misdemeanor concerning  
24 fraud or conversion, or suffering any judgment in any civil action  
25 involving wilful fraud, misrepresentation or conversion;

26 ~~((3))~~ (c) Has made a false statement of a material fact in his  
27 application or in any data attached thereto;

28 ~~((4))~~ (d) Has violated any provisions of this chapter, or failed  
29 to comply with any rule or regulation issued by the director pursuant  
30 to this chapter.

31 (2) The director shall immediately suspend the license or  
32 certificate of a person who has been certified pursuant to section 802  
33 of this act by the department of social and health services as a person  
34 who is not in compliance with a support order or a residential or  
35 visitation order. If the person has continued to meet all other  
36 requirements for reinstatement during the suspension, reissuance of the  
37 license or certificate shall be automatic upon the director's receipt

1 of a release issued by the department of social and health services  
2 stating that the licensee is in compliance with the order.

3       **Sec. 849.** RCW 19.32.060 and 1943 c 117 s 5 are each amended to  
4 read as follows:

5       (1) The director of agriculture may cancel or suspend any such  
6 license if he finds after proper investigation that (a) the licensee  
7 has violated any provision of this chapter or of any other law of this  
8 state relating to the operation of refrigerated lockers or of the sale  
9 of any human food in connection therewith, or any regulation effective  
10 under any act the administration of which is in the charge of the  
11 department of agriculture, or (b) the licensed refrigerated locker  
12 premises or any equipment used therein or in connection therewith is in  
13 an unsanitary condition and the licensee has failed or refused to  
14 remedy the same within ten days after receipt from the director of  
15 agriculture of written notice to do so.

16       (2) No license shall be revoked or suspended by the director  
17 without delivery to the licensee of a written statement of the charge  
18 involved and an opportunity to answer such charge within ten days from  
19 the date of such notice.

20       (3) Any order made by the director suspending or revoking any  
21 license may be reviewed by certiorari in the superior court of the  
22 county in which the licensed premises are located, within ten days from  
23 the date notice in writing of the director's order revoking or  
24 suspending such license has been served upon him.

25       (4) The director shall immediately suspend the license or  
26 certificate of a person who has been certified pursuant to section 802  
27 of this act by the department of social and health services as a person  
28 who is not in compliance with a support order or a residential or  
29 visitation order. If the person has continued to meet all other  
30 requirements for reinstatement during the suspension, reissuance of the  
31 license or certificate shall be automatic upon the director's receipt  
32 of a release issued by the department of social and health services  
33 stating that the licensee is in compliance with the order.

34       **Sec. 850.** RCW 19.105.380 and 1988 c 159 s 14 are each amended to  
35 read as follows:

1 (1) A registration or an application for registration of camping  
2 resort contracts or renewals thereof may by order be denied, suspended,  
3 or revoked if the director finds that:

4 (a) The advertising, sales techniques, or trade practices of the  
5 applicant, registrant, or its affiliate or agent have been or are  
6 deceptive, false, or misleading;

7 (b) The applicant or registrant has failed to file copies of the  
8 camping resort contract form under RCW 19.105.360;

9 (c) The applicant, registrant, or affiliate has failed to comply  
10 with any provision of this chapter, the rules adopted or the conditions  
11 of a permit granted under this chapter, or a stipulation or final order  
12 previously entered into by the operator or issued by the department  
13 under this chapter;

14 (d) The applicant's, registrant's, or affiliate's offering of  
15 camping resort contracts has worked or would work a fraud upon  
16 purchasers or owners of camping resort contracts;

17 (e) The camping resort operator or any officer, director, or  
18 affiliate of the camping resort operator has been within the last five  
19 years convicted of or pleaded nolo contendere to any misdemeanor or  
20 felony involving conversion, embezzlement, theft, fraud, or dishonesty,  
21 has been enjoined from or had any civil penalty assessed for a finding  
22 of dishonest dealing or fraud in a civil suit, or been found to have  
23 engaged in any violation of any act designed to protect consumers, or  
24 has been engaged in dishonest practices in any industry involving sales  
25 to consumers;

26 (f) The applicant or registrant has represented or is representing  
27 to purchasers in connection with the offer or sale of a camping resort  
28 contract that a camping resort property, facility, amenity camp site,  
29 or other development is planned, promised, or required, and the  
30 applicant or registrant has not provided the director with a security  
31 or assurance of performance as required by this chapter;

32 (g) The applicant or registrant has not provided or is no longer  
33 providing the director with the necessary security arrangements to  
34 assure future availability of titles or properties as required by this  
35 chapter or agreed to in the permit to market;

36 (h) The applicant or registrant is or has been employing  
37 unregistered salespersons or offering or proposing a membership  
38 referral program not in compliance with this chapter;



1 (i) The applicant or registrant has breached any escrow, impound,  
2 reserve account, or trust arrangement or the conditions of an order or  
3 permit to market required by this chapter;

4 (j) The applicant or registrant has breached any stipulation or  
5 order entered into in settlement of the department's filing of a  
6 previous administrative action;

7 (k) The applicant or registrant has filed or caused to be filed  
8 with the director any document or affidavit, or made any statement  
9 during the course of a registration or exemption procedure with the  
10 director, that is materially untrue or misleading;

11 (l) The applicant or registrant has engaged in a practice of  
12 failing to provide the written disclosures to purchasers or prospective  
13 purchasers as required under this chapter;

14 (m) The applicant, registrant, or any of its officers, directors,  
15 or employees, if the operator is other than a natural person, have  
16 wilfully done, or permitted any of their salespersons or agents to do,  
17 any of the following:

18 (i) Engage in a pattern or practice of making untrue or misleading  
19 statements of a material fact, or omitting to state a material fact;

20 (ii) Employ any device, scheme, or artifice to defraud purchasers  
21 or members;

22 (iii) Engage in a pattern or practice of failing to provide the  
23 written disclosures to purchasers or prospective purchasers as required  
24 under this chapter;

25 (n) The applicant or registrant has failed to provide a bond,  
26 letter of credit, or other arrangement to assure delivery of promised  
27 gifts, prizes, awards, or other items of consideration, as required  
28 under this chapter, breached such a security arrangement, or failed to  
29 maintain such a security arrangement in effect because of a resignation  
30 or loss of a trustee, impound, or escrow agent;

31 (o) The applicant or registrant has engaged in a practice of  
32 selling contracts using material amendments or codicils that have not  
33 been filed or are the consequences of breaches or alterations in  
34 previously filed contracts;

35 (p) The applicant or registrant has engaged in a practice of  
36 selling or proposing to sell contracts in a ratio of contracts to sites  
37 available in excess of that filed in the affidavit required by this  
38 chapter;

1 (q) The camping resort operator has withdrawn, has the right to  
2 withdraw, or is proposing to withdraw from use all or any portion of  
3 any camping resort property devoted to the camping resort program,  
4 unless:

5 (i) Adequate provision has been made to provide within a reasonable  
6 time thereafter a substitute property in the same general area that is  
7 at least as desirable for the purpose of camping and outdoor  
8 recreation;

9 (ii) The property is withdrawn because, despite good faith efforts  
10 by the camping resort operator, a nonaffiliate of the camping resort  
11 has exercised a right of withdrawal from use by the camping resort  
12 (such as withdrawal following expiration of a lease of the property to  
13 the camping resort) and the terms of the withdrawal right have been  
14 disclosed in writing to all purchasers at or prior to the time of any  
15 sales of camping resort contracts after the camping resort has  
16 represented to purchasers that the property is or will be available for  
17 camping or recreation purposes;

18 (iii) The specific date upon which the withdrawal becomes effective  
19 has been disclosed in writing to all purchasers and members prior to  
20 the time of any sales of camping resort contracts after the camping  
21 resort has represented to purchasers that the property is or will be  
22 available for camping or recreation purposes;

23 (iv) The rights of members and owners of the camping resort  
24 contracts under the express terms of the camping resort contract have  
25 expired, or have been specifically limited, upon the lapse of a stated  
26 or determinable period of time, and the director by order has found  
27 that the withdrawal is not otherwise inconsistent with the protection  
28 of purchasers or the desire of the majority of the owners of camping  
29 resort contracts, as expressed in their previously obtained vote of  
30 approval;

31 (r) The format, form, or content of the written disclosures  
32 provided therein is not complete, full, or materially accurate, or  
33 statements made therein are materially false, misleading, or deceptive;

34 (s) The applicant or registrant has failed or declined to respond  
35 to any subpoena lawfully issued and served by the department under this  
36 chapter;

37 (t) The applicant or registrant has failed to file an amendment for  
38 a material change in the manner or at the time required under this  
39 chapter or its implementing rules;

1 (u) The applicant or registrant has filed voluntarily or been  
2 placed involuntarily into a federal bankruptcy or is proposing to do  
3 so; or

4 (v) A camping resort operator's rights or interest in a campground  
5 has been terminated by foreclosure or the operations in a camping  
6 resort have been terminated in a manner contrary to contract  
7 provisions.

8 (2) Any applicant or registrant who has violated subsection (1)(a),  
9 (b), (c), (f), (h), (i), (j), (l), (m), or (n) of this section may be  
10 fined by the director in an amount not to exceed one thousand dollars  
11 for each such violation. Proceedings seeking such fines shall be held  
12 in accordance with chapter 34.05 RCW and may be filed either separately  
13 or in conjunction with other administrative proceedings to deny,  
14 suspend, or revoke registrations authorized under this chapter. Fines  
15 collected from such proceedings shall be deposited in the state general  
16 fund.

17 (3) An operator, registrant, or applicant against whom  
18 administrative or legal proceedings have been filed shall be  
19 responsible for and shall reimburse the state, by payment into the  
20 general fund, for all administrative and legal costs actually incurred  
21 by the department in issuing, processing, and conducting any such  
22 administrative or legal proceeding authorized under this chapter that  
23 results in a final legal or administrative determination of any type or  
24 degree in favor of the department.

25 (4) No order may be entered under this section without appropriate  
26 prior notice to the applicant or registrant of opportunity for a  
27 hearing and written findings of fact and conclusions of law, except  
28 that the director may by order summarily deny an application for  
29 registration or renewal under any of the above subsections and may  
30 summarily suspend or revoke a registration under subsection (1)(d),  
31 (f), (g), (h), (i), (k), (l), (m), and (n) of this section. No fine  
32 may be imposed by summary order.

33 (5) The proceedings to deny an application or renewal, suspend or  
34 revoke a registration or permit, whether summarily or otherwise, or  
35 impose a fine shall be held in accordance with chapter 34.05 RCW.

36 (6) The director may enter into assurances of discontinuance in  
37 lieu of issuing a statement of charges or a cease and desist order or  
38 conducting a hearing under this chapter. The assurances shall consist  
39 of a statement of the law in question and an agreement not to violate

1 the stated provision. The applicant or registrant shall not be  
2 required to admit to any violation of the law, nor shall the assurance  
3 be construed as such an admission. Violating or breaching an assurance  
4 under this subsection is grounds for suspension or revocation of  
5 registration or imposition of a fine.

6 (7) The director shall immediately suspend the license or  
7 certificate of a person who has been certified pursuant to section 802  
8 of this act by the department of social and health services as a person  
9 who is not in compliance with a support order or a residential or  
10 visitation order. If the person has continued to meet all other  
11 requirements for reinstatement during the suspension, reissuance of the  
12 license or certificate shall be automatic upon the director's receipt  
13 of a release issued by the department of social and health services  
14 stating that the licensee is in compliance with the order.

15 **Sec. 851.** RCW 19.105.440 and 1988 c 159 s 21 are each amended to  
16 read as follows:

17 (1) A salesperson may apply for registration by filing in a  
18 complete and readable form with the director an application form  
19 provided by the director which includes the following:

20 (a) A statement whether or not the applicant within the past five  
21 years has been convicted of, pleaded nolo contendere to, or been ordered  
22 to serve probation for a period of a year or more for any misdemeanor  
23 or felony involving conversion, embezzlement, theft, fraud, or  
24 dishonesty or the applicant has been enjoined from, had any civil  
25 penalty assessed for, or been found to have engaged in any violation of  
26 any act designed to protect consumers;

27 (b) A statement fully describing the applicant's employment history  
28 for the past five years and whether or not any termination of  
29 employment during the last five years was the result of any theft,  
30 fraud, or act of dishonesty;

31 (c) A consent to service comparable to that required of operators  
32 under this chapter; and

33 (d) Required filing fees.

34 (2) The director may by order deny, suspend, or revoke a camping  
35 resort salesperson's registration or application for registration under  
36 this chapter or the person's license or application under chapter 18.85  
37 RCW, or impose a fine on such persons not exceeding two hundred dollars  
38 per violation, if the director finds that the order is necessary for

1 the protection of purchasers or owners of camping resort contracts and  
2 the applicant or registrant is guilty of:

3 (a) Obtaining registration by means of fraud, misrepresentation, or  
4 concealment, or through the mistake or inadvertence of the director;

5 (b) Violating any of the provisions of this chapter or any lawful  
6 rules adopted by the director pursuant thereto;

7 (c) Being convicted in a court of competent jurisdiction of this or  
8 any other state, or federal court, of forgery, embezzlement, obtaining  
9 money under false pretenses, bribery, larceny, extortion, conspiracy to  
10 defraud, or any similar offense or offenses. For the purposes of this  
11 section, "being convicted" includes all instances in which a plea of  
12 guilty or nolo contendere is the basis for the conviction, and all  
13 proceedings in which the sentence has been deferred or suspended;

14 (d) Making, printing, publishing, distributing, or causing,  
15 authorizing, or knowingly permitting the making, printing, publication,  
16 or distribution of false statements, descriptions, or promises of such  
17 character as to reasonably induce any person to act thereon, if the  
18 statements, descriptions, or promises purport to be made or to be  
19 performed by either the applicant or registrant and the applicant or  
20 registrant then knew or, by the exercise of reasonable care and  
21 inquiry, could have known, of the falsity of the statements,  
22 descriptions, or promises;

23 (e) Knowingly committing, or being a party to, any material fraud,  
24 misrepresentation, concealment, conspiracy, collusion, trick, scheme,  
25 or device whereby any other person lawfully relies upon the work,  
26 representation, or conduct of the applicant or registrant;

27 (f) Failing, upon demand, to disclose to the director or the  
28 director's authorized representatives acting by authority of law any  
29 information within his or her knowledge or to produce for inspection  
30 any document, book or record in his or her possession, which is  
31 material to the salesperson's registration or application for  
32 registration;

33 (g) Continuing to sell camping resort contracts in a manner whereby  
34 the interests of the public are endangered, if the director has, by  
35 order in writing, stated objections thereto;

36 (h) Committing any act of fraudulent or dishonest dealing or a  
37 crime involving moral turpitude, and a certified copy of the final  
38 holding of any court of competent jurisdiction in such matter shall be  
39 conclusive evidence in any hearing under this chapter;

1 (i) Misrepresentation of membership in any state or national  
2 association; or

3 (j) Discrimination against any person in hiring or in sales  
4 activity on the basis of race, color, creed, or national origin, or  
5 violating any state or federal antidiscrimination law.

6 (3) No order may be entered under this section without appropriate  
7 prior notice to the applicant or registrant of opportunity for a  
8 hearing and written findings of fact and conclusions of law, except  
9 that the director may by order summarily deny an application for  
10 registration under this section.

11 (4) The proceedings to deny an application or renewal, suspend or  
12 revoke a registration or permit, whether summarily or otherwise, or  
13 impose a fine shall be held in accordance with chapter 34.05 RCW.

14 (5) The director, subsequent to any complaint filed against a  
15 salesperson or pursuant to an investigation to determine violations,  
16 may enter into stipulated assurances of discontinuances in lieu of  
17 issuing a statement of charges or a cease and desist order or  
18 conducting a hearing. The assurance shall consist of a statement of  
19 the law in question and an agreement not to violate the stated  
20 provision. The salesperson shall not be required to admit to any  
21 violation of the law, nor shall the assurance be construed as such an  
22 admission. Violation of an assurance under this subsection is grounds  
23 for a disciplinary action, a suspension of registration, or a fine not  
24 to exceed one thousand dollars.

25 (6) The director may by rule require such further information or  
26 conditions for registration as a camping resort salesperson, including  
27 qualifying examinations and fingerprint cards prepared by authorized  
28 law enforcement agencies, as the director deems necessary to protect  
29 the interests of purchasers.

30 (7) Registration as a camping resort salesperson shall be effective  
31 for a period of one year unless the director specifies otherwise or the  
32 salesperson transfers employment to a different registrant.  
33 Registration as a camping resort salesperson shall be renewed annually,  
34 or at the time of transferring employment, whichever occurs first, by  
35 the filing of a form prescribed by the director for that purpose.

36 (8) It is unlawful for a registrant of camping resort contracts to  
37 employ or a person to act as a camping resort salesperson covered under  
38 this section unless the salesperson has in effect with the department  
39 and displays a valid registration in a conspicuous location at each of

1 the sales offices at which the salesperson is employed. It is the  
2 responsibility of both the operator and the salesperson to notify the  
3 department when and where a salesperson is employed, his or her  
4 responsibilities and duties, and when the salesperson's employment or  
5 reported duties are changed or terminated.

6 (9) The director shall immediately suspend the license or  
7 certificate of a person who has been certified pursuant to section 802  
8 of this act by the department of social and health services as a person  
9 who is not in compliance with a support order or a residential or  
10 visitation order. If the person has continued to meet all other  
11 requirements for reinstatement during the suspension, reissuance of the  
12 license or certificate shall be automatic upon the director's receipt  
13 of a release issued by the department of social and health services  
14 stating that the licensee is in compliance with the order.

15 **Sec. 852.** RCW 19.138.130 and 1996 c 180 s 6 are each amended to  
16 read as follows:

17 (1) The director may deny, suspend, or revoke the registration of  
18 a seller of travel if the director finds that the applicant:

19 (a) Was previously the holder of a registration issued under this  
20 chapter, and the registration was revoked for cause and never reissued  
21 by the director, or the registration was suspended for cause and the  
22 terms of the suspension have not been fulfilled;

23 (b) Has been found guilty of a felony within the past five years  
24 involving moral turpitude, or of a misdemeanor concerning fraud or  
25 conversion, or suffers a judgment in a civil action involving willful  
26 fraud, misrepresentation, or conversion;

27 (c) Has made a false statement of a material fact in an application  
28 under this chapter or in data attached to it;

29 (d) Has violated this chapter or failed to comply with a rule  
30 adopted by the director under this chapter;

31 (e) Has failed to display the registration as provided in this  
32 chapter;

33 (f) Has published or circulated a statement with the intent to  
34 deceive, misrepresent, or mislead the public; or

35 (g) Has committed a fraud or fraudulent practice in the operation  
36 and conduct of a travel agency business, including, but not limited to,  
37 intentionally misleading advertising.

1 (2) If the seller of travel is found in violation of this chapter  
2 or in violation of the consumer protection act, chapter 19.86 RCW, by  
3 the entry of a judgment or by settlement of a claim, the director may  
4 revoke the registration of the seller of travel, and the director may  
5 reinstate the registration at the director's discretion.

6 (3) The director shall immediately suspend the license or  
7 certificate of a person who has been certified pursuant to section 802  
8 of this act by the department of social and health services as a person  
9 who is not in compliance with a support order or a residential or  
10 visitation order. If the person has continued to meet all other  
11 requirements for reinstatement during the suspension, reissuance of the  
12 license or certificate shall be automatic upon the director's receipt  
13 of a release issued by the department of social and health services  
14 stating that the licensee is in compliance with the order.

15 **Sec. 853.** RCW 19.158.050 and 1989 c 20 s 5 are each amended to  
16 read as follows:

17 (1) In order to maintain or defend a lawsuit or do any business in  
18 this state, a commercial telephone solicitor must be registered with  
19 the department of licensing. Prior to doing business in this state, a  
20 commercial telephone solicitor shall register with the department of  
21 licensing. Doing business in this state includes both commercial  
22 telephone solicitation from a location in Washington and solicitation  
23 of purchasers located in Washington.

24 (2) The department of licensing, in registering commercial  
25 telephone solicitors, shall have the authority to require the  
26 submission of information necessary to assist in identifying and  
27 locating a commercial telephone solicitor, including past business  
28 history, prior judgments, and such other information as may be useful  
29 to purchasers.

30 (3) The department of licensing shall issue a registration number  
31 to the commercial telephone solicitor.

32 (4) It is a violation of this chapter for a commercial telephone  
33 solicitor to:

34 (a) Fail to maintain a valid registration;

35 (b) Advertise that one is registered as a commercial telephone  
36 solicitor or to represent that such registration constitutes approval  
37 or endorsement by any government or governmental office or agency;



1 (c) Provide inaccurate or incomplete information to the department  
2 of licensing when making a registration application; or

3 (d) Represent that a person is registered or that such person has  
4 a valid registration number when such person does not.

5 (5) An annual registration fee shall be assessed by the department  
6 of licensing, the amount of which shall be determined at the discretion  
7 of the director of the department of licensing, and which shall be  
8 reasonably related to the cost of administering the provisions of this  
9 chapter.

10 (6) The department shall immediately suspend the license or  
11 certificate of a person who has been certified pursuant to section 802  
12 of this act by the department of social and health services as a person  
13 who is not in compliance with a support order or a residential or  
14 visitation order. If the person has continued to meet all other  
15 requirements for reinstatement during the suspension, reissuance of the  
16 license or certificate shall be automatic upon the department's receipt  
17 of a release issued by the department of social and health services  
18 stating that the licensee is in compliance with the order.

19 **Sec. 854.** RCW 19.166.040 and 1995 c 60 s 2 are each amended to  
20 read as follows:

21 (1) An application for registration as an international student  
22 exchange visitor placement organization shall be submitted in the form  
23 prescribed by the secretary of state. The application shall include:

24 (a) Evidence that the organization meets the standards established  
25 by the secretary of state under RCW 19.166.050;

26 (b) The name, address, and telephone number of the organization,  
27 its chief executive officer, and the person within the organization who  
28 has primary responsibility for supervising placements within the state;

29 (c) The organization's unified business identification number, if  
30 any;

31 (d) The organization's United States Information Agency number, if  
32 any;

33 (e) Evidence of council on standards for international educational  
34 travel listing, if any;

35 (f) Whether the organization is exempt from federal income tax; and

36 (g) A list of the organization's placements in Washington for the  
37 previous academic year including the number of students placed, their

1 home countries, the school districts in which they were placed, and the  
2 length of their placements.

3 (2) The application shall be signed by the chief executive officer  
4 of the organization and the person within the organization who has  
5 primary responsibility for supervising placements within Washington.  
6 If the secretary of state determines that the application is complete,  
7 the secretary of state shall file the application and the applicant is  
8 registered.

9 (3) International student exchange visitor placement organizations  
10 that have registered shall inform the secretary of state of any changes  
11 in the information required under subsection (1) of this section within  
12 thirty days of the change.

13 (4) Registration shall be renewed annually as established by rule  
14 by the office of the secretary of state.

15 (5) The office of the secretary of state shall immediately suspend  
16 the license or certificate of a person who has been certified pursuant  
17 to section 802 of this act by the department of social and health  
18 services as a person who is not in compliance with a support order or  
19 a residential or visitation order. If the person has continued to meet  
20 all other requirements for reinstatement during the suspension,  
21 reissuance of the license or certificate shall be automatic upon the  
22 office of the secretary of state's receipt of a release issued by the  
23 department of social and health services stating that the licensee is  
24 in compliance with the order.

25 NEW SECTION. Sec. 855. A new section is added to chapter 20.01  
26 RCW to read as follows:

27 The director shall immediately suspend the license or certificate  
28 of a person who has been certified pursuant to section 802 of this act  
29 by the department of social and health services as a person who is not  
30 in compliance with a support order or a residential or visitation  
31 order. If the person has continued to meet all other requirements for  
32 reinstatement during the suspension, reissuance of the license or  
33 certificate shall be automatic upon the director's receipt of a release  
34 issued by the department of social and health services stating that the  
35 licensee is in compliance with the order.

36 **Sec. 856.** RCW 21.20.110 and 1994 c 256 s 10 are each amended to  
37 read as follows:

1 The director may by order deny, suspend, or revoke registration of  
2 any broker-dealer, salesperson, investment adviser representative, or  
3 investment adviser; censure or fine the registrant or an officer,  
4 director, partner, or person occupying similar functions for a  
5 registrant; or restrict or limit a registrant's function or activity of  
6 business for which registration is required in this state; if the  
7 director finds that the order is in the public interest and that the  
8 applicant or registrant or, in the case of a broker-dealer or  
9 investment adviser, any partner, officer, or director:

10 (1) Has filed an application for registration under this section  
11 which, as of its effective date, or as of any date after filing in the  
12 case of an order denying effectiveness, was incomplete in any material  
13 respect or contained any statement which was, in the light of the  
14 circumstances under which it was made, false, or misleading with  
15 respect to any material fact;

16 (2) Has willfully violated or willfully failed to comply with any  
17 provision of this chapter or a predecessor act or any rule or order  
18 under this chapter or a predecessor act, or any provision of chapter  
19 21.30 RCW or any rule or order thereunder;

20 (3) Has been convicted, within the past five years, of any  
21 misdemeanor involving a security, or a commodity contract or commodity  
22 option as defined in RCW 21.30.010, or any aspect of the securities or  
23 investment commodities business, or any felony involving moral  
24 turpitude;

25 (4) Is permanently or temporarily enjoined by any court of  
26 competent jurisdiction from engaging in or continuing any conduct or  
27 practice involving any aspect of the securities or investment  
28 commodities business;

29 (5) Is the subject of an order of the director denying, suspending,  
30 or revoking registration as a broker-dealer, salesperson, investment  
31 adviser, or investment adviser representative;

32 (6) Is the subject of an order entered within the past five years  
33 by the securities administrator of any other state or by the federal  
34 securities and exchange commission denying or revoking registration as  
35 a broker-dealer or salesperson, or a commodity broker-dealer or sales  
36 representative, or the substantial equivalent of those terms as defined  
37 in this chapter or by the commodity futures trading commission denying  
38 or revoking registration as a commodity merchant as defined in RCW  
39 21.30.010, or is the subject of an order of suspension or expulsion

1 from membership in or association with a self-regulatory organization  
2 registered under the securities exchange act of 1934 or the federal  
3 commodity exchange act, or is the subject of a United States post  
4 office fraud order; but (a) the director may not institute a revocation  
5 or suspension proceeding under this clause more than one year from the  
6 date of the order relied on, and (b) the director may not enter any  
7 order under this clause on the basis of an order unless that order was  
8 based on facts which would currently constitute a ground for an order  
9 under this section;

10 (7) Has engaged in dishonest or unethical practices in the  
11 securities or investment commodities business;

12 (8) Is insolvent, either in the sense that his or her liabilities  
13 exceed his or her assets or in the sense that he or she cannot meet his  
14 or her obligations as they mature; but the director may not enter an  
15 order against a broker-dealer or investment adviser under this clause  
16 without a finding of insolvency as to the broker-dealer or investment  
17 adviser;

18 (9) Has not complied with a condition imposed by the director under  
19 RCW 21.20.100, or is not qualified on the basis of such factors as  
20 training, experience, or knowledge of the securities business; or

21 (10)(a) Has failed to supervise reasonably a salesperson or an  
22 investment adviser representative. For the purposes of this  
23 subsection, no person fails to supervise reasonably another person, if:

24 (i) There are established procedures, and a system for applying  
25 those procedures, that would reasonably be expected to prevent and  
26 detect, insofar as practicable, any violation by another person of this  
27 chapter, or a rule or order under this chapter; and

28 (ii) The supervising person has reasonably discharged the duties  
29 and obligations required by these procedures and system without  
30 reasonable cause to believe that another person was violating this  
31 chapter or rules or orders under this chapter.

32 (b) The director may issue a summary order pending final  
33 determination of a proceeding under this section upon a finding that it  
34 is in the public interest and necessary or appropriate for the  
35 protection of investors. The director may not impose a fine under this  
36 section except after notice and opportunity for hearing. The fine  
37 imposed under this section may not exceed five thousand dollars for  
38 each act or omission that constitutes the basis for issuing the order.

1        The director shall immediately suspend the license or certificate  
2 of a person who has been certified pursuant to section 802 of this act  
3 by the department of social and health services as a person who is not  
4 in compliance with a support order or a residential or visitation  
5 order. If the person has continued to meet all other requirements for  
6 reinstatement during the suspension, reissuance of the license or  
7 certificate shall be automatic upon the director's receipt of a release  
8 issued by the department of social and health services stating that the  
9 licensee is in compliance with the order.

10        NEW SECTION. Sec. 857. A new section is added to chapter 48.17  
11 RCW to read as follows:

12        The commissioner shall immediately suspend the license or  
13 certificate of a person who has been certified pursuant to section 802  
14 of this act by the department of social and health services as a person  
15 who is not in compliance with a support order or a residential or  
16 visitation order. If the person has continued to meet all other  
17 requirements for reinstatement during the suspension, reissuance of the  
18 license or certificate shall be automatic upon the commissioner's  
19 receipt of a release issued by the department of social and health  
20 services stating that the licensee is in compliance with the order.

21        NEW SECTION. Sec. 858. A new section is added to chapter 74.15  
22 RCW to read as follows:

23        The secretary shall immediately suspend the license or certificate  
24 of a person who has been certified pursuant to section 802 of this act  
25 by the department of social and health services as a person who is not  
26 in compliance with a support order or a residential or visitation  
27 order. If the person has continued to meet all other requirements for  
28 reinstatement during the suspension, reissuance of the license or  
29 certificate shall be automatic upon the secretary's receipt of a  
30 release issued by the department of social and health services stating  
31 that the licensee is in compliance with the order.

32        NEW SECTION. Sec. 859. A new section is added to chapter 47.68  
33 RCW to read as follows:

34        The department shall immediately suspend the license or certificate  
35 of a person who has been certified pursuant to section 802 of this act  
36 by the department of social and health services as a person who is not

1 in compliance with a support order or a residential or visitation  
2 order. If the person has continued to meet all other requirements for  
3 reinstatement during the suspension, reissuance of the license or  
4 certificate shall be automatic upon the department's receipt of a  
5 release issued by the department of social and health services stating  
6 that the licensee is in compliance with the order.

7 NEW SECTION. **Sec. 860.** A new section is added to chapter 71.12  
8 RCW to read as follows:

9 The department of health shall immediately suspend the license or  
10 certificate of a person who has been certified pursuant to section 802  
11 of this act by the department of social and health services as a person  
12 who is not in compliance with a support order or a residential or  
13 visitation order. If the person has continued to meet all other  
14 requirements for reinstatement during the suspension, reissuance of the  
15 license or certificate shall be automatic upon the department of  
16 health's receipt of a release issued by the department of social and  
17 health services stating that the licensee is in compliance with the  
18 order.

19 NEW SECTION. **Sec. 861.** A new section is added to chapter 66.20  
20 RCW to read as follows:

21 The board shall immediately suspend the license of a person who has  
22 been certified pursuant to section 802 of this act by the department of  
23 social and health services as a person who is not in compliance with a  
24 support order or a residential or visitation order. If the person has  
25 continued to meet all other requirements for reinstatement during the  
26 suspension, reissuance of the license shall be automatic upon the  
27 board's receipt of a release issued by the department of social and  
28 health services stating that the licensee is in compliance with the  
29 order.

30 NEW SECTION. **Sec. 862.** A new section is added to chapter 66.24  
31 RCW to read as follows:

32 The board shall immediately suspend the license of a person who has  
33 been certified pursuant to section 802 of this act by the department of  
34 social and health services as a person who is not in compliance with a  
35 support order or a residential or visitation order. If the person has  
36 continued to meet all other requirements for reinstatement during the

1 suspension, reissuance of the license shall be automatic upon the  
2 board's receipt of a release issued by the department of social and  
3 health services stating that the licensee is in compliance with the  
4 order.

5 NEW SECTION. **Sec. 863.** A new section is added to chapter 88.02  
6 RCW to read as follows:

7 The department shall immediately suspend the vessel registration or  
8 vessel dealer's registration of a person who has been certified  
9 pursuant to section 802 of this act by the department of social and  
10 health services as a person who is not in compliance with a support  
11 order or a residential or visitation order. If the person has  
12 continued to meet all other requirements for reinstatement during the  
13 suspension, reissuance of the registration shall be automatic upon the  
14 department's receipt of a release issued by the department of social  
15 and health services stating that the licensee is in compliance with the  
16 order.

17 **Sec. 864.** RCW 67.08.100 and 1993 c 278 s 20 are each amended to  
18 read as follows:

19 (1) The department may grant annual licenses upon application in  
20 compliance with the rules and regulations prescribed by the director,  
21 and the payment of the fees, the amount of which is to be set by the  
22 director in accordance with RCW 43.24.086, prescribed to promoters,  
23 managers, referees, boxers, wrestlers, and seconds: PROVIDED, That the  
24 provisions of this section shall not apply to contestants or  
25 participants in strictly amateur contests and/or fraternal  
26 organizations and/or veterans' organizations chartered by congress or  
27 the defense department or any bona fide athletic club which is a member  
28 of the Pacific northwest association of the amateur athletic union of  
29 the United States, holding and promoting athletic contests and where  
30 all funds are used primarily for the benefit of their members.

31 (2) Any such license may be revoked by the department for any cause  
32 which it shall deem sufficient.

33 (3) No person shall participate or serve in any of the above  
34 capacities unless licensed as provided in this chapter.

35 (4) The referee for any boxing contest shall be designated by the  
36 department from among such licensed referees.

1 (5) The referee for any wrestling exhibition or show shall be  
2 provided by the promoter and licensed by the department.

3 (6) The department shall immediately suspend the license or  
4 certificate of a person who has been certified pursuant to section 802  
5 of this act by the department of social and health services as a person  
6 who is not in compliance with a support order or a residential or  
7 visitation order. If the person has continued to meet all other  
8 requirements for reinstatement during the suspension, reissuance of the  
9 license or certificate shall be automatic upon the department's receipt  
10 of a release issued by the department of social and health services  
11 stating that the licensee is in compliance with the order.

12 **Sec. 865.** RCW 19.02.100 and 1991 c 72 s 8 are each amended to read  
13 as follows:

14 (1) The department shall not issue or renew a master license to any  
15 person if:

16 (a) The person does not have a valid tax registration, if required;

17 (b) The person is a corporation delinquent in fees or penalties  
18 owing to the secretary of state or is not validly registered under  
19 Title 23B RCW, chapter 18.100 RCW, Title 24 RCW, and any other statute  
20 now or hereafter adopted which gives corporate or business licensing  
21 responsibilities to the secretary of state; or

22 (c) The person has not submitted the sum of all fees and deposits  
23 required for the requested individual license endorsements, any  
24 outstanding master license delinquency fee, or other fees and penalties  
25 to be collected through the system.

26 (2) Nothing in this section shall prevent registration by the state  
27 of an employer for the purpose of paying an employee of that employer  
28 industrial insurance or unemployment insurance benefits.

29 (3) The department shall immediately suspend the license or  
30 certificate of a person who has been certified pursuant to section 802  
31 of this act by the department of social and health services as a person  
32 who is not in compliance with a support order or a residential or  
33 visitation order. If the person has continued to meet all other  
34 requirements for reinstatement during the suspension, reissuance of the  
35 license or certificate shall be automatic upon the department's receipt  
36 of a release issued by the department of social and health services  
37 stating that the licensee is in compliance with the order.



1       **Sec. 866.** RCW 43.24.080 and 1979 c 158 s 99 are each amended to  
2 read as follows:

3       Except as provided in section 869 of this act, at the close of each  
4 examination the department of licensing shall prepare the proper  
5 licenses, where no further fee is required to be paid, and issue  
6 licenses to the successful applicants signed by the director and notify  
7 all successful applicants, where a further fee is required, of the fact  
8 that they are entitled to receive such license upon the payment of such  
9 further fee to the department of licensing and notify all applicants  
10 who have failed to pass the examination of that fact.

11       **Sec. 867.** RCW 43.24.110 and 1986 c 259 s 149 are each amended to  
12 read as follows:

13       Except as provided in section 869 of this act, whenever there is  
14 filed in a matter under the jurisdiction of the director of licensing  
15 any complaint charging that the holder of a license has been guilty of  
16 any act or omission which by the provisions of the law under which the  
17 license was issued would warrant the revocation thereof, verified in  
18 the manner provided by law, the director of licensing shall request the  
19 governor to appoint, and the governor shall appoint within thirty days  
20 of the request, two qualified practitioners of the profession or  
21 calling of the person charged, who, with the director or his duly  
22 appointed representative, shall constitute a committee to hear and  
23 determine the charges and, in case the charges are sustained, impose  
24 the penalty provided by law. In addition, the governor shall appoint  
25 a consumer member of the committee.

26       The decision of any three members of such committee shall be the  
27 decision of the committee.

28       The appointed members of the committee shall be compensated in  
29 accordance with RCW 43.03.240 and shall be reimbursed for their travel  
30 expenses, in accordance with RCW 43.03.050 and 43.03.060.

31       **Sec. 868.** RCW 43.24.120 and 1987 c 202 s 212 are each amended to  
32 read as follows:

33       Except as provided in section 869 of this act, any person feeling  
34 aggrieved by the refusal of the director to issue a license, or to  
35 renew one, or by the revocation or suspension of a license shall have  
36 a right of appeal to superior court from the decision of the director

1 of licensing, which shall be taken, prosecuted, heard, and determined  
2 in the manner provided in chapter 34.05 RCW.

3 The decision of the superior court may be reviewed by the supreme  
4 court or the court of appeals in the same manner as other civil cases.

5 NEW SECTION. **Sec. 869.** A new section is added to chapter 43.24  
6 RCW to read as follows:

7 The department shall immediately suspend any license issued by the  
8 department of licensing of a person who has been certified pursuant to  
9 section 802 of this act by the department of social and health services  
10 as a person who is not in compliance with a support order or a  
11 residential or visitation order. If the person has continued to meet  
12 all other requirements for reinstatement during the suspension,  
13 reissuance of the license shall be automatic upon the department's  
14 receipt of a release issued by the department of social and health  
15 services stating that the licensee is in compliance with the order.

16 **Sec. 870.** RCW 70.74.110 and 1988 c 198 s 5 are each amended to  
17 read as follows:

18 All persons engaged in the manufacture of explosives, or any  
19 process involving explosives, or where explosives are used as a  
20 component part in the manufacture of any article or device, on (~~the~~  
21 ~~date when this 1969 amendatory act takes effect~~) August 11, 1969,  
22 shall within sixty days thereafter, and all persons engaging in the  
23 manufacture of explosives, or any process involving explosives, or  
24 where explosives are used as a component part in the manufacture of any  
25 article or device after (~~this act takes effect~~) August 11, 1969,  
26 shall, before so engaging, make an application in writing, subscribed  
27 to by such person or his agent, to the department of labor and  
28 industries, the application stating:

- 29 (1) Location of place of manufacture or processing;  
30 (2) Kind of explosives manufactured, processed or used;  
31 (3) The distance that such explosives manufacturing building is  
32 located or intended to be located from the other factory buildings,  
33 magazines, inhabited buildings, railroads and highways and public  
34 utility transmission systems;  
35 (4) The name and address of the applicant;  
36 (5) The reason for desiring to manufacture explosives;  
37 (6) The applicant's citizenship, if the applicant is an individual;

1 (7) If the applicant is a partnership, the names and addresses of  
2 the partners, and their citizenship;

3 (8) If the applicant is an association or corporation, the names  
4 and addresses of the officers and directors thereof, and their  
5 citizenship; and

6 (9) Such other pertinent information as the director of labor and  
7 industries shall require to effectuate the purpose of this chapter.

8 There shall be kept in the main office on the premises of each  
9 explosives manufacturing plant a plan of said plant showing the  
10 location of all explosives manufacturing buildings and the distance  
11 they are located from other factory buildings where persons are  
12 employed and from magazines, and these plans shall at all times be open  
13 to inspection by duly authorized inspectors of the department of labor  
14 and industries. The superintendent of each plant shall upon demand of  
15 said inspector furnish the following information:

16 (a) The maximum amount and kind of explosive material which is or  
17 will be present in each building at one time.

18 (b) The nature and kind of work carried on in each building and  
19 whether or not said buildings are surrounded by natural or artificial  
20 barricades.

21 Except as provided in RCW 70.74.370, the department of labor and  
22 industries shall as soon as possible after receiving such application  
23 cause an inspection to be made of the explosives manufacturing plant,  
24 and if found to be in accordance with RCW 70.74.030 and 70.74.050 and  
25 70.74.061, such department shall issue a license to the person applying  
26 therefor showing compliance with the provisions of this chapter if the  
27 applicant demonstrates that either the applicant or the officers,  
28 agents or employees of the applicant are sufficiently experienced in  
29 the manufacture of explosives and the applicant meets the  
30 qualifications for a license under RCW 70.74.360. Such license shall  
31 continue in full force and effect until expired, suspended, or revoked  
32 by the department pursuant to this chapter.

33 **Sec. 871.** RCW 70.74.130 and 1988 c 198 s 7 are each amended to  
34 read as follows:

35 Every person desiring to engage in the business of dealing in  
36 explosives shall apply to the department of labor and industries for a  
37 license therefor. Said application shall state, among other things:

38 (1) The name and address of applicant;

1 (2) The reason for desiring to engage in the business of dealing in  
2 explosives;

3 (3) Citizenship, if an individual applicant;

4 (4) If a partnership, the names and addresses of the partners and  
5 their citizenship;

6 (5) If an association or corporation, the names and addresses of  
7 the officers and directors thereof and their citizenship; and

8 (6) Such other pertinent information as the director of labor and  
9 industries shall require to effectuate the purpose of this chapter.

10 Except as provided in RCW 70.74.370, the department of labor and  
11 industries shall issue the license if the applicant demonstrates that  
12 either the applicant or the principal officers, agents, or employees of  
13 the applicant are experienced in the business of dealing in explosives,  
14 possess suitable facilities therefor, have not been convicted of any  
15 crime that would warrant revocation or nonrenewal of a license under  
16 this chapter, and have never had an explosives-related license revoked  
17 under this chapter or under similar provisions of any other state.

18 **Sec. 872.** RCW 70.74.370 and 1988 c 198 s 4 are each amended to  
19 read as follows:

20 (1) The department of labor and industries shall revoke and not  
21 renew the license of any person holding a manufacturer, dealer,  
22 purchaser, user, or storage license upon conviction of any of the  
23 following offenses, which conviction has become final:

24 (a) A violent offense as defined in RCW 9.94A.030;

25 (b) A crime involving perjury or false swearing, including the  
26 making of a false affidavit or statement under oath to the department  
27 of labor and industries in an application or report made pursuant to  
28 this title;

29 (c) A crime involving bomb threats;

30 (d) A crime involving a schedule I or II controlled substance, or  
31 any other drug or alcohol related offense, unless such other drug or  
32 alcohol related offense does not reflect a drug or alcohol dependency.  
33 However, the department of labor and industries may condition renewal  
34 of the license to any convicted person suffering a drug or alcohol  
35 dependency who is participating in an alcoholism or drug recovery  
36 program acceptable to the department of labor and industries and has  
37 established control of their alcohol or drug dependency. The

1 department of labor and industries shall require the licensee to  
2 provide proof of such participation and control;

3 (e) A crime relating to possession, use, transfer, or sale of  
4 explosives under this chapter or any other chapter of the Revised Code  
5 of Washington.

6 (2) The department of labor and industries shall revoke the license  
7 of any person adjudged to be mentally ill or insane, or to be  
8 incompetent due to any mental disability or disease. The director  
9 shall not renew the license until the person has been restored to  
10 competency.

11 (3) The department of labor and industries is authorized to  
12 suspend, for a period of time not to exceed six months, the license of  
13 any person who has violated this chapter or the rules promulgated  
14 pursuant to this chapter.

15 (4) The department of labor and industries may revoke the license  
16 of any person who has repeatedly violated this chapter or the rules  
17 promulgated pursuant to this chapter, or who has twice had his or her  
18 license suspended under this chapter.

19 (5) The department of labor and industries shall immediately  
20 suspend the license or certificate of a person who has been certified  
21 pursuant to section 802 of this act by the department of social and  
22 health services as a person who is not in compliance with a support  
23 order or a residential or visitation order. If the person has  
24 continued to meet all other requirements for reinstatement during the  
25 suspension, reissuance of the license or certificate shall be automatic  
26 upon the department of labor and industries' receipt of a release  
27 issued by the department of social and health services stating that the  
28 licensee is in compliance with the order.

29 (6) Upon receipt of notification by the department of labor and  
30 industries of revocation or suspension, a licensee must surrender  
31 immediately to the department any or all such licenses revoked or  
32 suspended.

33 **Sec. 873.** RCW 66.24.010 and 1995 c 232 s 1 are each amended to  
34 read as follows:

35 (1) Every license shall be issued in the name of the applicant, and  
36 the holder thereof shall not allow any other person to use the license.

37 (2) For the purpose of considering any application for a license,  
38 the board may cause an inspection of the premises to be made, and may

1 inquire into all matters in connection with the construction and  
2 operation of the premises. For the purpose of reviewing any  
3 application for a license and for considering the denial, suspension or  
4 revocation of any license, the liquor control board may consider any  
5 prior criminal conduct of the applicant and the provisions of RCW  
6 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The  
7 board may, in its discretion, grant or refuse the license applied for.  
8 Authority to approve an uncontested or unopposed license may be granted  
9 by the board to any staff member the board designates in writing.  
10 Conditions for granting such authority shall be adopted by rule. No  
11 retail license of any kind may be issued to:

12 (a) A person who has not resided in the state for at least one  
13 month prior to making application, except in cases of licenses issued  
14 to dining places on railroads, boats, or aircraft;

15 (b) A copartnership, unless all of the members thereof are  
16 qualified to obtain a license, as provided in this section;

17 (c) A person whose place of business is conducted by a manager or  
18 agent, unless such manager or agent possesses the same qualifications  
19 required of the licensee; or

20 (d) A corporation, unless it was created under the laws of the  
21 state of Washington or holds a certificate of authority to transact  
22 business in the state of Washington.

23 (3)(a) The board may, in its discretion, subject to the provisions  
24 of RCW 66.08.150, suspend or cancel any license; and all rights of the  
25 licensee to keep or sell liquor thereunder shall be suspended or  
26 terminated, as the case may be.

27 (b) The board shall immediately suspend the license or certificate  
28 of a person who has been certified pursuant to section 802 of this act  
29 by the department of social and health services as a person who is not  
30 in compliance with a support order or a residential or visitation  
31 order. If the person has continued to meet all other requirements for  
32 reinstatement during the suspension, reissuance of the license or  
33 certificate shall be automatic upon the board's receipt of a release  
34 issued by the department of social and health services stating that the  
35 licensee is in compliance with the order.

36 (c) The board may request the appointment of administrative law  
37 judges under chapter 34.12 RCW who shall have power to administer  
38 oaths, issue subpoenas for the attendance of witnesses and the  
39 production of papers, books, accounts, documents, and testimony,

1 examine witnesses, and to receive testimony in any inquiry,  
2 investigation, hearing, or proceeding in any part of the state, under  
3 such rules and regulations as the board may adopt.

4 (d) Witnesses shall be allowed fees and mileage each way to and  
5 from any such inquiry, investigation, hearing, or proceeding at the  
6 rate authorized by RCW 34.05.446, as now or hereafter amended. Fees  
7 need not be paid in advance of appearance of witnesses to testify or to  
8 produce books, records, or other legal evidence.

9 (e) In case of disobedience of any person to comply with the order  
10 of the board or a subpoena issued by the board, or any of its members,  
11 or administrative law judges, or on the refusal of a witness to testify  
12 to any matter regarding which he or she may be lawfully interrogated,  
13 the judge of the superior court of the county in which the person  
14 resides, on application of any member of the board or administrative  
15 law judge, shall compel obedience by contempt proceedings, as in the  
16 case of disobedience of the requirements of a subpoena issued from said  
17 court or a refusal to testify therein.

18 (4) Upon receipt of notice of the suspension or cancellation of a  
19 license, the licensee shall forthwith deliver up the license to the  
20 board. Where the license has been suspended only, the board shall  
21 return the license to the licensee at the expiration or termination of  
22 the period of suspension. The board shall notify all vendors in the  
23 city or place where the licensee has its premises of the suspension or  
24 cancellation of the license; and no employee may allow or cause any  
25 liquor to be delivered to or for any person at the premises of that  
26 licensee.

27 (5)(a) At the time of the original issuance of a class H license,  
28 the board shall prorate the license fee charged to the new licensee  
29 according to the number of calendar quarters, or portion thereof,  
30 remaining until the first renewal of that license is required.

31 (b) Unless sooner canceled, every license issued by the board shall  
32 expire at midnight of the thirtieth day of June of the fiscal year for  
33 which it was issued. However, if the board deems it feasible and  
34 desirable to do so, it may establish, by rule pursuant to chapter 34.05  
35 RCW, a system for staggering the annual renewal dates for any and all  
36 licenses authorized by this chapter. If such a system of staggered  
37 annual renewal dates is established by the board, the license fees  
38 provided by this chapter shall be appropriately prorated during the  
39 first year that the system is in effect.

1 (6) Every license issued under this section shall be subject to all  
2 conditions and restrictions imposed by this title or by the regulations  
3 in force from time to time. All conditions and restrictions imposed by  
4 the board in the issuance of an individual license shall be listed on  
5 the face of the individual license along with the trade name, address,  
6 and expiration date.

7 (7) Every licensee shall post and keep posted its license, or  
8 licenses, in a conspicuous place on the premises.

9 (8) Before the board shall issue a license to an applicant it shall  
10 give notice of such application to the chief executive officer of the  
11 incorporated city or town, if the application be for a license within  
12 an incorporated city or town, or to the county legislative authority,  
13 if the application be for a license outside the boundaries of  
14 incorporated cities or towns; and such incorporated city or town,  
15 through the official or employee selected by it, or the county  
16 legislative authority or the official or employee selected by it, shall  
17 have the right to file with the board within twenty days after date of  
18 transmittal of such notice, written objections against the applicant or  
19 against the premises for which the license is asked, and shall include  
20 with such objections a statement of all facts upon which such  
21 objections are based, and in case written objections are filed, may  
22 request and the liquor control board may in its discretion hold a  
23 formal hearing subject to the applicable provisions of Title 34 RCW.  
24 Upon the granting of a license under this title the board shall send a  
25 duplicate of the license or written notification to the chief executive  
26 officer of the incorporated city or town in which the license is  
27 granted, or to the county legislative authority if the license is  
28 granted outside the boundaries of incorporated cities or towns.

29 (9) Before the board issues any license to any applicant, it shall  
30 give (a) due consideration to the location of the business to be  
31 conducted under such license with respect to the proximity of churches,  
32 schools, and public institutions and (b) written notice by certified  
33 mail of the application to churches, schools, and public institutions  
34 within five hundred feet of the premises to be licensed. The board  
35 shall issue no beer retailer license class A, B, D, or E or wine  
36 retailer license class C or F or class H license covering any premises  
37 not now licensed, if such premises are within five hundred feet of the  
38 premises of any tax-supported public elementary or secondary school  
39 measured along the most direct route over or across established public



1 walks, streets, or other public passageway from the outer property line  
2 of the school grounds to the nearest public entrance of the premises  
3 proposed for license, and if, after receipt by the school or public  
4 institution of the notice as provided in this subsection, the board  
5 receives written notice, within twenty days after posting such notice,  
6 from an official representative or representatives of the school within  
7 five hundred feet of said proposed licensed premises, indicating to the  
8 board that there is an objection to the issuance of such license  
9 because of proximity to a school. For the purpose of this section,  
10 church shall mean a building erected for and used exclusively for  
11 religious worship and schooling or other activity in connection  
12 therewith. No liquor license may be issued or reissued by the board to  
13 any motor sports facility or licensee operating within the motor sports  
14 facility unless the motor sports facility enforces a program reasonably  
15 calculated to prevent alcohol or alcoholic beverages not purchased  
16 within the facility from entering the facility and such program is  
17 approved by local law enforcement agencies. It is the intent under  
18 this subsection that a retail license shall not be issued by the board  
19 where doing so would, in the judgment of the board, adversely affect a  
20 private school meeting the requirements for private schools under Title  
21 28A RCW, which school is within five hundred feet of the proposed  
22 licensee. The board shall fully consider and give substantial weight  
23 to objections filed by private schools. If a license is issued despite  
24 the proximity of a private school, the board shall state in a letter  
25 addressed to the private school the board's reasons for issuing the  
26 license.

27 (10) The restrictions set forth in subsection (9) of this section  
28 shall not prohibit the board from authorizing the assumption of  
29 existing licenses now located within the restricted area by other  
30 persons or licenses or relocations of existing licensed premises within  
31 the restricted area. In no case may the licensed premises be moved  
32 closer to a church or school than it was before the assumption or  
33 relocation.

34 (11) Nothing in this section prohibits the board, in its  
35 discretion, from issuing a temporary retail or wholesaler license to an  
36 applicant assuming an existing retail or wholesaler license to continue  
37 the operation of the retail or wholesaler premises during the period  
38 the application for the license is pending and when the following  
39 conditions exist:

1 (a) The licensed premises has been operated under a retail or  
2 wholesaler license within ninety days of the date of filing the  
3 application for a temporary license;

4 (b) The retail or wholesaler license for the premises has been  
5 surrendered pursuant to issuance of a temporary operating license;

6 (c) The applicant for the temporary license has filed with the  
7 board an application to assume the retail or wholesaler license at such  
8 premises to himself or herself; and

9 (d) The application for a temporary license is accompanied by a  
10 temporary license fee established by the board by rule.

11 A temporary license issued by the board under this section shall be  
12 for a period not to exceed sixty days. A temporary license may be  
13 extended at the discretion of the board for an additional sixty-day  
14 period upon payment of an additional fee and upon compliance with all  
15 conditions required in this section.

16 Refusal by the board to issue or extend a temporary license shall  
17 not entitle the applicant to request a hearing. A temporary license  
18 may be canceled or suspended summarily at any time if the board  
19 determines that good cause for cancellation or suspension exists. RCW  
20 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

21 Application for a temporary license shall be on such form as the  
22 board shall prescribe. If an application for a temporary license is  
23 withdrawn before issuance or is refused by the board, the fee which  
24 accompanied such application shall be refunded in full.

25 **Sec. 874.** RCW 43.63B.040 and 1994 c 284 s 19 are each amended to  
26 read as follows:

27 (1) The department shall issue a certificate of manufactured home  
28 installation to an applicant who has taken the training course, passed  
29 the examination, paid the fees, and in all other respects (~~meet[s]~~)  
30 meets the qualifications. The certificate shall bear the date of  
31 issuance, a certification identification number, and is renewable every  
32 three years upon application and completion of a continuing education  
33 program as determined by the department. A renewal fee shall be  
34 assessed for each certificate. If a person fails to renew a  
35 certificate by the renewal date, the person must retake the examination  
36 and pay the examination fee.

37 (2) The certificate of manufactured home installation provided for  
38 in this chapter grants the holder the right to engage in manufactured

1 home installation throughout the state, without any other installer  
2 certification.

3 (3) The department shall immediately suspend the license or  
4 certificate of a person who has been certified pursuant to section 802  
5 of this act by the department of social and health services as a person  
6 who is not in compliance with a support order or a residential or  
7 visitation order. If the person has continued to meet all other  
8 requirements for reinstatement during the suspension, reissuance of the  
9 license or certificate shall be automatic upon the department's receipt  
10 of a release issued by the department of social and health services  
11 stating that the licensee is in compliance with the order.

12 **Sec. 875.** RCW 70.95D.040 and 1989 c 431 s 68 are each amended to  
13 read as follows:

14 (1) The department shall establish a process to certify incinerator  
15 and landfill operators. To the greatest extent possible, the  
16 department shall rely on the certification standards and procedures  
17 developed by national organizations and the federal government.

18 (2) Operators shall be certified if they:

19 (a) Attend the required training sessions;

20 (b) Successfully complete required examinations; and

21 (c) Pay the prescribed fee.

22 (3) By January 1, 1991, the department shall adopt rules to require  
23 incinerator and appropriate landfill operators to:

24 (a) Attend a training session concerning the operation of the  
25 relevant type of landfill or incinerator;

26 (b) Demonstrate sufficient skill and competency for proper  
27 operation of the incinerator or landfill by successfully completing an  
28 examination prepared by the department; and

29 (c) Renew the certificate of competency at reasonable intervals  
30 established by the department.

31 (4) The department shall provide for the collection of fees for the  
32 issuance and renewal of certificates. These fees shall be sufficient  
33 to recover the costs of the certification program.

34 (5) The department shall establish an appeals process for the  
35 denial or revocation of a certificate.

36 (6) The department shall establish a process to automatically  
37 certify operators who have received comparable certification from

1 another state, the federal government, a local government, or a  
2 professional association.

3 (7) Upon July 23, 1989, and prior to January 1, 1992, the owner or  
4 operator of an incinerator or landfill may apply to the department for  
5 interim certification. Operators shall receive interim certification  
6 if they:

7 (a) Have received training provided by a recognized national  
8 organization, educational institution, or the federal government that  
9 is acceptable to the department; or

10 (b) Have received individualized training in a manner approved by  
11 the department; and

12 (c) Have successfully completed any required examinations.

13 (8) No interim certification shall be valid after January 1, 1992,  
14 and interim certification shall not automatically qualify operators for  
15 certification pursuant to subsections (2) through (4) of this section.

16 (9) The department shall immediately suspend the license or  
17 certificate of a person who has been certified pursuant to section 802  
18 of this act by the department of social and health services as a person  
19 who is not in compliance with a support order or a residential or  
20 visitation order. If the person has continued to meet all other  
21 requirements for reinstatement during the suspension, reissuance of the  
22 license or certificate shall be automatic upon the department's receipt  
23 of a release issued by the department of social and health services  
24 stating that the licensee is in compliance with the order.

25 NEW SECTION. Sec. 876. A new section is added to chapter 70.95B  
26 RCW to read as follows:

27 The director shall immediately suspend the license or certificate  
28 of a person who has been certified pursuant to section 802 of this act  
29 by the department of social and health services as a person who is not  
30 in compliance with a support order or a residential or visitation  
31 order. If the person has continued to meet all other requirements for  
32 reinstatement during the suspension, reissuance of the license or  
33 certificate shall be automatic upon the director's receipt of a release  
34 issued by the department of social and health services stating that the  
35 licensee is in compliance with the order.

36 **Sec. 877.** RCW 17.21.130 and 1994 c 283 s 15 are each amended to  
37 read as follows:

1 Any license, permit, or certification provided for in this chapter  
2 may be revoked or suspended, and any license, permit, or certification  
3 application may be denied by the director for cause. If the director  
4 suspends a license under this chapter with respect to activity of a  
5 continuing nature under chapter 34.05 RCW, the director may elect to  
6 suspend the license for a subsequent license year during a period that  
7 coincides with the period commencing thirty days before and ending  
8 thirty days after the date of the incident or incidents giving rise to  
9 the violation.

10 The director shall immediately suspend the license or certificate  
11 of a person who has been certified pursuant to section 802 of this act  
12 by the department of social and health services as a person who is not  
13 in compliance with a support order or a residential or visitation  
14 order. If the person has continued to meet all other requirements for  
15 reinstatement during the suspension, reissuance of the license or  
16 certificate shall be automatic upon the director's receipt of a release  
17 issued by the department of social and health services stating that the  
18 licensee is in compliance with the order.

19 **Sec. 878.** RCW 64.44.060 and 1990 c 213 s 7 are each amended to  
20 read as follows:

21 (1) After January 1, 1991, a contractor may not perform  
22 decontamination, demolition, or disposal work unless issued a  
23 certificate by the state department of health. The department shall  
24 establish performance standards for contractors by rule in accordance  
25 with chapter 34.05 RCW, the administrative procedure act. The  
26 department shall train and test, or may approve courses to train and  
27 test, contractors and their employees on the essential elements in  
28 assessing property used as an illegal drug manufacturing or storage  
29 site to determine hazard reduction measures needed, techniques for  
30 adequately reducing contaminants, use of personal protective equipment,  
31 methods for proper demolition, removal, and disposal of contaminated  
32 property, and relevant federal and state regulations. Upon successful  
33 completion of the training, the contractor or employee shall be  
34 certified.

35 (2) The department may require the successful completion of annual  
36 refresher courses provided or approved by the department for the  
37 continued certification of the contractor or employee.

1 (3) The department shall provide for reciprocal certification of  
2 any individual trained to engage in decontamination, demolition, or  
3 disposal work in another state when the prior training is shown to be  
4 substantially similar to the training required by the department. The  
5 department may require such individuals to take an examination or  
6 refresher course before certification.

7 (4) The department may deny, suspend, or revoke a certificate for  
8 failure to comply with the requirements of this chapter or any rule  
9 adopted pursuant to this chapter. A certificate may be denied,  
10 suspended, or revoked on any of the following grounds:

11 (a) Failing to perform decontamination, demolition, or disposal  
12 work under the supervision of trained personnel;

13 (b) Failing to file a work plan;

14 (c) Failing to perform work pursuant to the work plan;

15 (d) Failing to perform work that meets the requirements of the  
16 department; ~~((or))~~

17 (e) The certificate was obtained by error, misrepresentation, or  
18 fraud; or

19 (f) If the person has been certified pursuant to section 802 of  
20 this act by the department of social and health services as a person  
21 who is not in compliance with a support order or a residential or  
22 visitation order. If the person has continued to meet all other  
23 requirements for reinstatement during the suspension, reissuance of the  
24 license or certificate shall be automatic upon the department's receipt  
25 of a release issued by the department of social and health services  
26 stating that the person is in compliance with the order.

27 (5) A contractor who violates any provision of this chapter may be  
28 assessed a fine not to exceed five hundred dollars for each violation.

29 (6) The department of health shall prescribe fees as provided for  
30 in RCW 43.70.250 for the issuance and renewal of certificates, the  
31 administration of examinations, and for the review of training courses.

32 (7) The decontamination account is hereby established in the state  
33 treasury. All fees collected under this chapter shall be deposited in  
34 this account. Moneys in the account may only be spent after  
35 appropriation for costs incurred by the department in the  
36 administration and enforcement of this chapter.

37 **Sec. 879.** RCW 19.146.220 and 1996 c 103 s 1 are each amended to  
38 read as follows:

1 (1) The director shall enforce all laws and rules relating to the  
2 licensing of mortgage brokers, grant or deny licenses to mortgage  
3 brokers, and hold hearings.

4 (2) The director may impose the following sanctions:

5 (a) Deny applications for licenses for: (i) Violations of orders,  
6 including cease and desist orders issued under this chapter; or (ii)  
7 any violation of RCW 19.146.050 or 19.146.0201 (1) through (9);

8 (b) Suspend or revoke licenses for:

9 (i) False statements or omission of material information on the  
10 application that, if known, would have allowed the director to deny the  
11 application for the original license;

12 (ii) Failure to pay a fee required by the director or maintain the  
13 required bond;

14 (iii) Failure to comply with any directive or order of the  
15 director; or

16 (iv) Any violation of RCW 19.146.050, 19.146.0201 (1) through (9)  
17 or (13), 19.146.205(3), or 19.146.265;

18 (c) Impose fines on the licensee, employee or loan originator of  
19 the licensee, or other person subject to this chapter for:

20 (i) Any violations of RCW 19.146.0201 (1) through (9) or (13),  
21 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or  
22 19.146.265; or

23 (ii) Failure to comply with any directive or order of the director;

24 (d) Issue orders directing a licensee, its employee or loan  
25 originator, or other person subject to this chapter to:

26 (i) Cease and desist from conducting business in a manner that is  
27 injurious to the public or violates any provision of this chapter; or

28 (ii) Pay restitution to an injured borrower; or

29 (e) Issue orders removing from office or prohibiting from  
30 participation in the conduct of the affairs of a licensed mortgage  
31 broker, or both, any officer, principal, employee, or loan originator  
32 of any licensed mortgage broker or any person subject to licensing  
33 under this chapter for:

34 (i) Any violation of 19.146.0201 (1) through (9) or (13),  
35 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or  
36 19.146.265; or

37 (ii) False statements or omission of material information on the  
38 application that, if known, would have allowed the director to deny the  
39 application for the original license;

1 (iii) Conviction of a gross misdemeanor involving dishonesty or  
2 financial misconduct or a felony after obtaining a license; or

3 (iv) Failure to comply with any directive or order of the director.

4 (3) Each day's continuance of a violation or failure to comply with  
5 any directive or order of the director is a separate and distinct  
6 violation or failure.

7 (4) The director shall establish by rule standards for licensure of  
8 applicants licensed in other jurisdictions. Every licensed mortgage  
9 broker that does not maintain a physical office within the state must  
10 maintain a registered agent within the state to receive service of any  
11 lawful process in any judicial or administrative noncriminal suit,  
12 action, or proceeding, against the licensed mortgage broker which  
13 arises under this chapter or any rule or order under this chapter, with  
14 the same force and validity as if served personally on the licensed  
15 mortgage broker. Service upon the registered agent shall be effective  
16 if the plaintiff, who may be the director in a suit, action, or  
17 proceeding instituted by him or her, sends notice of the service and a  
18 copy of the process by registered mail to the defendant or respondent  
19 at the last address of the respondent or defendant on file with the  
20 director. In any judicial action, suit, or proceeding arising under  
21 this chapter or any rule or order adopted under this chapter between  
22 the department or director and a licensed mortgage broker who does not  
23 maintain a physical office in this state, venue shall be exclusively in  
24 the superior court of Thurston county.

25 (5) The director shall immediately suspend the license or  
26 certificate of a person who has been certified pursuant to section 802  
27 of this act by the department of social and health services as a person  
28 who is not in compliance with a support order or a residential or  
29 visitation order. If the person has continued to meet all other  
30 requirements for reinstatement during the suspension, reissuance of the  
31 license or certificate shall be automatic upon the director's receipt  
32 of a release issued by the department of social and health services  
33 stating that the licensee is in compliance with the order.

34 NEW SECTION. Sec. 880. A new section is added to chapter 75.25  
35 RCW to read as follows:

36 (1) Licenses issued pursuant to this chapter shall be invalid for  
37 any period in which a person is certified by the department of social  
38 and health services or a court of competent jurisdiction as a person in



1 noncompliance with a support order or residential or visitation order.  
2 Fisheries patrol officers, ex officio fisheries patrol officers, and  
3 authorized fisheries employees shall enforce this section through  
4 checks of the department of licensing's computer data base. A listing  
5 on the department of licensing's data base that an individual's license  
6 is currently suspended pursuant to RCW 46.20.291(7) shall be prima  
7 facie evidence that the individual is in noncompliance with a support  
8 order or residential or visitation order. Presentation of a written  
9 release issued by the department of social and health services or a  
10 court stating that the person is in compliance with an order shall  
11 serve as prima facie proof of compliance with a support order,  
12 residential order, or visitation order.

13 (2) It is unlawful to purchase, obtain, or possess a license  
14 required by this chapter during any period in which a license is  
15 suspended.

16 NEW SECTION. **Sec. 881.** A new section is added to chapter 77.32  
17 RCW to read as follows:

18 (1) Licenses, tags, and stamps issued pursuant to this chapter  
19 shall be invalid for any period in which a person is certified by the  
20 department of social and health services or a court of competent  
21 jurisdiction as a person in noncompliance with a support order or  
22 residential or visitation order. Wildlife agents and ex officio  
23 wildlife agents shall enforce this section through checks of the  
24 department of licensing's computer data base. A listing on the  
25 department of licensing's data base that an individual's license is  
26 currently suspended pursuant to RCW 46.20.291(7) shall be prima facie  
27 evidence that the individual is in noncompliance with a support order  
28 or residential or visitation order. Presentation of a written release  
29 issued by the department of social and health services stating that the  
30 person is in compliance with an order shall serve as prima facie proof  
31 of compliance with a support order, residential order, or visitation  
32 order.

33 (2) It is unlawful to purchase, obtain, or possess a license  
34 required by this chapter during any period in which a license is  
35 suspended.

36 NEW SECTION. **Sec. 882.** A new section is added to chapter 75.28  
37 RCW to read as follows:

1 (1) The department shall immediately suspend the license of a  
2 person who has been certified pursuant to section 402 of this act by  
3 the department of social and health services as a person who is not in  
4 compliance with a support order or a residential or visitation order.

5 (2) A listing on the department of licensing's data base that an  
6 individual's license is currently suspended pursuant to RCW  
7 46.20.291(7) shall be prima facie evidence that the individual is in  
8 noncompliance with a support order or residential or visitation order.  
9 Presentation of a written release issued by the department of social  
10 and health services or a court stating that the person is in compliance  
11 with an order shall serve as proof of compliance.

12 **Sec. 883.** RCW 75.28.010 and 1993 c 340 s 2 are each amended to  
13 read as follows:

14 (1) Except as otherwise provided by this title, it is unlawful to  
15 engage in any of the following activities without a license or permit  
16 issued by the director:

- 17 (a) Commercially fish for or take food fish or shellfish;
- 18 (b) Deliver food fish or shellfish taken in offshore waters;
- 19 (c) Operate a charter boat or commercial fishing vessel engaged in  
20 a fishery;
- 21 (d) Engage in processing or wholesaling food fish or shellfish; or
- 22 (e) Act as a guide for salmon for personal use in freshwater rivers  
23 and streams, other than that part of the Columbia river below the  
24 bridge at Longview.

25 (2) No person may engage in the activities described in subsection  
26 (1) of this section unless the licenses or permits required by this  
27 title are in the person's possession, and the person is the named  
28 license holder or an alternate operator designated on the license and  
29 the person's license is not suspended.

30 (3) A valid Oregon license that is equivalent to a license under  
31 this title is valid in the concurrent waters of the Columbia river if  
32 the state of Oregon recognizes as valid the equivalent Washington  
33 license. The director may identify by rule what Oregon licenses are  
34 equivalent.

35 (4) No license or permit is required for the production or  
36 harvesting of private sector cultured aquatic products as defined in  
37 RCW 15.85.020 or for the delivery, processing, or wholesaling of such  
38 aquatic products. However, if a means of identifying such products is

1 required by rules adopted under RCW 15.85.060, the exemption from  
2 licensing or permit requirements established by this subsection applies  
3 only if the aquatic products are identified in conformance with those  
4 rules.

5 NEW SECTION. **Sec. 884.** A new section is added to chapter 75.30  
6 RCW to read as follows:

7 (1) A license renewed under the provisions of this chapter that has  
8 been suspended under section 882 of this act shall be subject to the  
9 following provisions:

10 (a) A license renewal fee shall be paid as a condition of  
11 maintaining a current license; and

12 (b) The department shall waive any other license requirements,  
13 unless the department determines that the license holder has had  
14 sufficient opportunity to meet these requirements.

15 (2) The provisions of subsection (1) of this section shall apply  
16 only to a license that has been suspended under section 882 of this act  
17 for a period of twelve months or less. A license holder shall forfeit  
18 a license subject to this chapter and may not recover any license  
19 renewal fees previously paid if the license holder does not meet the  
20 requirements of section 802(9) of this act within twelve months of  
21 license suspension.

22 NEW SECTION. **Sec. 885.** (1) The director of the department of fish  
23 and wildlife and the director of the department of information services  
24 shall jointly develop a comprehensive, state-wide implementation plan  
25 for the automated issuance, revocation, and general administration of  
26 hunting, fishing, and recreational licenses administered under the  
27 authority of the department of fish and wildlife to ensure compliance  
28 with the license suspension requirements in section 802 of this act.

29 (2) The plan shall detail the implementation steps necessary to  
30 effectuate the automated administration of hunting, fishing, and  
31 recreational licenses and shall include recommendations regarding all  
32 costs and equipment associated with the plan.

33 (3) The plan shall be submitted to the legislature for review by  
34 September 1, 1997.

35 NEW SECTION. **Sec. 886.** A new section is added to chapter 26.09  
36 RCW to read as follows:

1 (1) Unless the context clearly requires otherwise, the definitions  
2 in this section apply in this section.

3 (a) "License" means a license, certificate, registration, permit,  
4 approval, or other similar document issued by a licensing entity  
5 evidencing admission to or granting authority to engage in a  
6 profession, occupation, business, or industry. "License" does not mean  
7 the tax registration or certification issued under Title 82 RCW by the  
8 department of revenue.

9 (b) "Licensee" means any individual holding a license, certificate,  
10 registration, permit, approval, or other similar document issued by a  
11 licensing entity evidencing admission to or granting authority to  
12 engage in a profession, occupation, business, or industry.

13 (c) "Licensing entity" includes any department, board, commission,  
14 or other organization of the state authorized to issue, renew, suspend,  
15 or revoke a license authorizing an individual to engage in a business,  
16 occupation, profession, or industry, and the Washington state bar  
17 association.

18 (d) "Noncompliance with a residential or visitation order" means  
19 that a court has found the parent in contempt of court, under RCW  
20 26.09.160 for failure to comply with a residential provision of a  
21 court-ordered parenting plan on two occasions within three years.

22 (e) "Residential or visitation order" means the residential  
23 schedule or visitation schedule contained in a court-ordered parenting  
24 plan.

25 (2) If a court determines under RCW 26.09.160 that a parent is not  
26 in compliance with a provision of a residential or visitation order  
27 under RCW 26.09.160, the court shall enter an order directed to the  
28 department of social and health services to certify the parent as in  
29 noncompliance with a residential or visitation order. The order shall  
30 contain the noncomplying parent's name, address, and social security  
31 number, and shall indicate whether the obligor is believed to be a  
32 licensee of any licensing entity. The court clerk shall forward the  
33 order to the department of social and health services.

34 (3) Once the parent whose license is suspended has complied with  
35 the requirements of the court's order under RCW 26.09.160, or at an  
36 earlier date if the court deems it appropriate, the parent whose  
37 license is suspended may petition the court to set a review hearing to  
38 determine whether the noncomplying parent is in compliance with the  
39 residential or visitation order. If the court determines that the

1 parent is in compliance with the residential or visitation order, the  
2 court shall enter an order directing the department of social and  
3 health services to issue a release to the parent and to the appropriate  
4 license entities.

5 **Sec. 887.** RCW 26.09.160 and 1991 c 367 s 4 are each amended to  
6 read as follows:

7 (1) The performance of parental functions and the duty to provide  
8 child support are distinct responsibilities in the care of a child. If  
9 a party fails to comply with a provision of a decree or temporary order  
10 of injunction, the obligation of the other party to make payments for  
11 support or maintenance or to permit contact with children is not  
12 suspended. An attempt by a parent, in either the negotiation or the  
13 performance of a parenting plan, to condition one aspect of the  
14 parenting plan upon another, to condition payment of child support upon  
15 an aspect of the parenting plan, to refuse to pay ordered child  
16 support, to refuse to perform the duties provided in the parenting  
17 plan, or to hinder the performance by the other parent of duties  
18 provided in the parenting plan, shall be deemed bad faith and shall be  
19 punished by the court by holding the party in contempt of court and by  
20 awarding to the aggrieved party reasonable attorneys' fees and costs  
21 incidental in bringing a motion for contempt of court.

22 (2)(a) A motion may be filed to initiate a contempt action to  
23 coerce a parent to comply with an order establishing residential  
24 provisions for a child. If the court finds there is reasonable cause  
25 to believe the parent has not complied with the order, the court may  
26 issue an order to show cause why the relief requested should not be  
27 granted.

28 (b) If, based on all the facts and circumstances, the court finds  
29 after hearing that the parent, in bad faith, has not complied with the  
30 order establishing residential provisions for the child, the court  
31 shall find the parent in contempt of court. Upon a finding of  
32 contempt, the court shall order:

33 (i) The noncomplying parent to provide the moving party additional  
34 time with the child. The additional time shall be equal to the time  
35 missed with the child, due to the parent's noncompliance;

36 (ii) The parent to pay, to the moving party, all court costs and  
37 reasonable attorneys' fees incurred as a result of the noncompliance,

1 and any reasonable expenses incurred in locating or returning a child;  
2 and

3 (iii) The parent to pay, to the moving party, a civil penalty, not  
4 less than the sum of one hundred dollars.

5 The court may also order the parent to be imprisoned in the county  
6 jail, if the parent is presently able to comply with the provisions of  
7 the court-ordered parenting plan and is presently unwilling to comply.  
8 The parent may be imprisoned until he or she agrees to comply with the  
9 order, but in no event for more than one hundred eighty days.

10 (3) On a second failure within three years to comply with a  
11 residential provision of a court-ordered parenting plan, a motion may  
12 be filed to initiate contempt of court proceedings according to the  
13 procedure set forth in subsection (2) (a) and (b) of this section. On  
14 a finding of contempt under this subsection, the court shall ~~((order))~~  
15 enter any combination of the following orders:

16 (a) Order the noncomplying parent to provide the other parent or  
17 party additional time with the child. The additional time shall be  
18 twice the amount of the time missed with the child, due to the parent's  
19 noncompliance;

20 (b) Order the noncomplying parent to pay, to the other parent or  
21 party, all court costs and reasonable attorneys' fees incurred as a  
22 result of the noncompliance, and any reasonable expenses incurred in  
23 locating or returning a child; ~~((and))~~

24 (c) Order the noncomplying parent to pay, to the moving party, a  
25 civil penalty of not less than two hundred fifty dollars; or

26 (d) Enter an order under section 886 of this act directed to the  
27 department of social and health services to certify the parent as in  
28 noncompliance for the purposes of section 802 of this act.

29 The court may also order the parent to be imprisoned in the county  
30 jail, if the parent is presently able to comply with the provisions of  
31 the court-ordered parenting plan and is presently unwilling to comply.  
32 The parent may be imprisoned until he or she agrees to comply with the  
33 order but in no event for more than one hundred eighty days.

34 (4) For purposes of subsections (1), (2), and (3) of this section,  
35 the parent shall be deemed to have the present ability to comply with  
36 the order establishing residential provisions unless he or she  
37 establishes otherwise by a preponderance of the evidence. The parent  
38 shall establish a reasonable excuse for failure to comply with the

1 residential provision of a court-ordered parenting plan by a  
2 preponderance of the evidence.

3 (5) Any monetary award ordered under subsections (1), (2), and (3)  
4 of this section may be enforced, by the party to whom it is awarded, in  
5 the same manner as a civil judgment.

6 (6) Subsections (1), (2), and (3) of this section authorize the  
7 exercise of the court's power to impose remedial sanctions for contempt  
8 of court and is in addition to any other contempt power the court may  
9 possess.

10 (7) Upon motion for contempt of court under subsections (1) through  
11 (3) of this section, if the court finds the motion was brought without  
12 reasonable basis, the court shall order the moving party to pay to the  
13 nonmoving party, all costs, reasonable attorneys' fees, and a civil  
14 penalty of not less than one hundred dollars.

15 **Sec. 888.** RCW 26.23.050 and 1994 c 230 s 9 are each amended to  
16 read as follows:

17 (1) If the (~~office of support enforcement~~) division of child  
18 support is providing support enforcement services under RCW 26.23.045,  
19 or if a party is applying for support enforcement services by signing  
20 the application form on the bottom of the support order, the superior  
21 court shall include in all court orders that establish or modify a  
22 support obligation:

23 (a) A provision that orders and directs the responsible parent to  
24 make all support payments to the Washington state support registry;

25 (b) A statement that (~~a notice of payroll deduction may be issued,~~  
26 ~~or other income withholding action under chapter 26.18 or 74.20A RCW~~  
27 ~~may be taken~~) withholding action may be taken against wages, earnings,  
28 assets, or benefits, and liens enforced against real and personal  
29 property under the child support statutes of this or any other state,  
30 without further notice to the responsible parent at any time after  
31 entry of the court order, unless:

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

35 (ii) The parties reach a written agreement that is approved by the  
36 court that provides for an alternate arrangement; (~~and~~)

1 (c) A statement that the receiving parent might be required to  
2 submit an accounting of how the support is being spent to benefit the  
3 child; and

4 (d) A statement that the responsible parent's privileges to obtain  
5 and maintain a license, as defined in section 802 of this act, may not  
6 be renewed, or may be suspended if the parent is not in compliance with  
7 a support order as provided in section 802 of this act.

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

13 (2) In all other cases not under subsection (1) of this section,  
14 the court may order the responsible parent to make payments directly to  
15 the person entitled to receive the payments, to the Washington state  
16 support registry, or may order that payments be made in accordance with  
17 an alternate arrangement agreed upon by the parties.

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

20 (i) A statement that ~~((a notice of payroll deduction may be issued~~  
21 ~~or other income))~~ withholding action ~~((under chapter 26.18 or 74.20A~~  
22 ~~RCW))~~ may be taken against wages, earnings, assets, or benefits, and  
23 liens enforced against real and personal property under the child  
24 support statutes of this or any other state, without further notice to  
25 the responsible parent at any time after entry of the court order,  
26 unless:

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

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

32 (ii) A statement that the receiving parent may be required to  
33 submit an accounting of how the support is being spent to benefit the  
34 child.

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

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



1 (i) Immediate income withholding may be ordered if the responsible  
2 parent has earnings. If immediate income withholding is ordered under  
3 this subsection, all support payments shall be paid to the Washington  
4 state support registry. The superior court shall issue a mandatory  
5 wage assignment order as set forth in chapter 26.18 RCW when the  
6 support order is signed by the court. The parent entitled to receive  
7 the transfer payment is responsible for serving the employer with the  
8 order and for its enforcement as set forth in chapter 26.18 RCW.

9 (ii) If immediate income withholding is not ordered, the court  
10 shall require that income withholding be delayed until a payment is  
11 past due. The support order shall contain a statement that (~~a notice~~  
12 ~~of payroll deduction may be issued, or other income withholding action~~  
13 ~~under chapter 26.18 or 74.20A RCW may be taken~~) withholding action may  
14 be taken against wages, earnings, assets, or benefits, and liens  
15 enforced against real and personal property under the child support  
16 statutes of this or any other state, without further notice to the  
17 responsible parent, after a payment is past due.

18 (c) If a mandatory wage withholding order under chapter 26.18 RCW  
19 is issued under this subsection and the (~~office of support~~  
20 ~~enforcement~~) division of child support provides support enforcement  
21 services under RCW 26.23.045, the existing wage withholding assignment  
22 is prospectively superseded upon the (~~office of support~~  
23 ~~enforcement's~~) division of child support's subsequent service of an  
24 income withholding notice.

25 (3) The office of administrative hearings and the department of  
26 social and health services shall require that all support obligations  
27 established as administrative orders include a provision which orders  
28 and directs that the responsible parent shall make all support payments  
29 to the Washington state support registry. All administrative orders  
30 shall also state that the responsible parent's privileges to obtain and  
31 maintain a license, as defined in section 802 of this act, may not be  
32 renewed, or may be suspended if the parent is not in compliance with a  
33 support order as provided in section 802 of this act. All  
34 administrative orders shall also state that (~~a notice of payroll~~  
35 deduction may be issued, or other income withholding action taken)  
36 withholding action may be taken against wages, earnings, assets, or  
37 benefits, and liens enforced against real and personal property under  
38 the child support statutes of this or any other state without further

1 notice to the responsible parent at any time after entry of the order,  
2 unless:

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

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

8 (4) If the support order does not include the provision ordering  
9 and directing that all payments be made to the Washington state support  
10 registry and a statement that (~~a notice of payroll deduction may be~~  
11 ~~issued~~) withholding action may be taken against wages, earnings,  
12 assets, or benefits if a support payment is past due or at any time  
13 after the entry of the order, or that a parent's licensing privileges  
14 may not be renewed, or may be suspended, the (~~office of support~~  
15 ~~enforcement~~) division of child support may serve a notice on the  
16 responsible parent stating such requirements and authorizations.  
17 Service may be by personal service or any form of mail requiring a  
18 return receipt.

19 (5) Every support order shall state:

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

21 (b) That (~~a notice of payroll deduction may be issued or other~~  
22 ~~income withholding action under chapter 26.18 or 74.20A RCW may be~~  
23 ~~taken~~) withholding action may be taken against wages, earnings,  
24 assets, or benefits, and liens enforced against real and personal  
25 property under the child support statutes of this or any other state,  
26 without further notice to the responsible parent at any time after  
27 entry of (~~an order by the court~~) a support order, unless:

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

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

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

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

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

36 (f) The social security number, residence address, date of birth,  
37 telephone number, driver's license number, and name and address of the  
38 employer of the responsible parent;

1 (g) The social security number and residence address of the  
2 physical custodian except as provided in subsection (6) of this  
3 section;

4 (h) The names, dates of birth, and social security numbers, if any,  
5 of the dependent children;

6 (i) ~~((In cases requiring payment to the Washington state support  
7 registry, that the parties are to notify the Washington state support  
8 registry of any change in residence address. The responsible parent  
9 shall notify the registry of the name and address of his or her current  
10 employer,))~~ A provision requiring the responsible parent to keep the  
11 Washington state support registry informed of whether he or she has  
12 access to health insurance coverage at reasonable cost and, if so, the  
13 health insurance policy information;

14 (j) That any parent owing a duty of child support shall be  
15 obligated to provide health insurance coverage for his or her child if  
16 coverage that can be extended to cover the child is or becomes  
17 available to that parent through employment or is union-related as  
18 provided under RCW 26.09.105;

19 (k) That if proof of health insurance coverage or proof that the  
20 coverage is unavailable is not provided within twenty days, the obligee  
21 or the department may seek direct enforcement of the coverage through  
22 the obligor's employer or union without further notice to the obligor  
23 as provided under chapter 26.18 RCW; ~~((and))~~

24 (l) The reasons for not ordering health insurance coverage if the  
25 order fails to require such coverage; and

26 (m) That the responsible parent's privileges to obtain and maintain  
27 a license, as defined in section 802 of this act, may not be renewed,  
28 or may be suspended if the parent is not in compliance with a support  
29 order as provided in section 802 of this act.

30 (6) The physical custodian's address:

31 (a) Shall be omitted from an order entered under the administrative  
32 procedure act. When the physical custodian's address is omitted from  
33 an order, the order shall state that the custodian's address is known  
34 to the ~~((office of support enforcement))~~ division of child support.

35 (b) A responsible parent may request the physical custodian's  
36 residence address by submission of a request for disclosure under RCW  
37 26.23.120 to the ~~((office of support enforcement))~~ division of child  
38 support.

1       (7) (~~The superior court clerk, the office of administrative~~  
2 ~~hearings, and the department of social and health services shall,~~  
3 ~~within five days of entry, forward to the Washington state support~~  
4 ~~registry, a true and correct copy of all superior court orders or~~  
5 ~~administrative orders establishing or modifying a support obligation~~  
6 ~~which provide that support payments shall be made to the support~~  
7 ~~registry. If a superior court order entered prior to January 1, 1988,~~  
8 ~~directs the responsible parent to make support payments to the clerk,~~  
9 ~~the clerk shall send a true and correct copy of the support order and~~  
10 ~~the payment record to the registry for enforcement action when the~~  
11 ~~clerk identifies that a payment is more than fifteen days past due.~~  
12 ~~The office of support enforcement shall reimburse the clerk for the~~  
13 ~~reasonable costs of copying and sending copies of court orders to the~~  
14 ~~registry at the reimbursement rate provided in Title IV D of the social~~  
15 ~~security act.~~

16       (8) ~~Receipt of a support order by the registry or other action~~  
17 ~~under this section on behalf of a person or persons who have not made~~  
18 ~~a written application for support enforcement services to the office of~~  
19 ~~support enforcement and who are not recipients of public assistance is~~  
20 ~~deemed to be a request for payment services only.~~

21       (9)) After the responsible parent has been ordered or notified to  
22 make payments to the Washington state support registry under this  
23 section, the responsible parent shall be fully responsible for making  
24 all payments to the Washington state support registry and shall be  
25 subject to payroll deduction or other income\_withholding action. The  
26 responsible parent shall not be entitled to credit against a support  
27 obligation for any payments made to a person or agency other than to  
28 the Washington state support registry except as provided under RCW  
29 74.20.101. A civil action may be brought by the payor to recover  
30 payments made to persons or agencies who have received and retained  
31 support moneys paid contrary to the provisions of this section.

32       **Sec. 889.** RCW 26.18.100 and 1994 c 230 s 4 are each amended to  
33 read as follows:

34       The wage assignment order shall be substantially in the following  
35 form:

36                   IN THE SUPERIOR COURT OF THE  
37                   STATE OF WASHINGTON IN AND FOR THE  
38                   COUNTY OF . . . . .

1 . . . . . ,  
2 Obligee No. . . . .  
3 vs.  
4 . . . . . , WAGE ASSIGNMENT  
5 Obligor ORDER  
6 . . . . . ,  
7 Employer

8 THE STATE OF WASHINGTON TO: . . . . .  
9 Employer

10 AND TO: . . . . .  
11 Obligor

12 The above-named obligee claims that the above-named obligor is  
13 subject to a support order requiring immediate income withholding or is  
14 more than fifteen days past due in either child support or spousal  
15 maintenance payments, or both, in an amount equal to or greater than  
16 the child support or spousal maintenance payable for one month. The  
17 amount of the accrued child support or spousal maintenance debt as of  
18 this date is . . . . . dollars, the amount of arrearage payments  
19 specified in the support or spousal maintenance order (if applicable)  
20 is . . . . . dollars per . . . . . , and the amount of the current  
21 and continuing support or spousal maintenance obligation under the  
22 order is . . . . . dollars per . . . . .

23 You are hereby commanded to answer this order by filling in the  
24 attached form according to the instructions, and you must mail or  
25 deliver the original of the answer to the court, one copy to the  
26 Washington state support registry, one copy to the obligee or obligee's  
27 attorney, and one copy to the obligor within twenty days after service  
28 of this wage assignment order upon you.

29 If you possess any earnings or other remuneration for employment  
30 due and owing to the obligor, then you shall do as follows:

31 (1) Withhold from the obligor's earnings or remuneration each  
32 month, or from each regular earnings disbursement, the lesser of:

33 (a) The sum of the accrued support or spousal maintenance debt and  
34 the current support or spousal maintenance obligation;

35 (b) The sum of the specified arrearage payment amount and the  
36 current support or spousal maintenance obligation; or

37 (c) Fifty percent of the disposable earnings or remuneration of the  
38 obligor.

1 (2) The total amount withheld above is subject to the wage  
2 assignment order, and all other sums may be disbursed to the obligor.

3 (3) Upon receipt of this wage assignment order you shall make  
4 immediate deductions from the obligor's earnings or remuneration and  
5 remit to the Washington state support registry or other address  
6 specified below the proper amounts at each regular pay interval.

7 You shall continue to withhold the ordered amounts from nonexempt  
8 earnings or remuneration of the obligor until notified by:

9 (a) The court that the wage assignment has been modified or  
10 terminated; or

11 (b) The addressee specified in the wage assignment order under this  
12 section that the accrued child support or spousal maintenance debt has  
13 been paid.

14 You shall promptly notify the court and the addressee specified in  
15 the wage assignment order under this section if and when the employee  
16 is no longer employed by you, or if the obligor no longer receives  
17 earnings or remuneration from you. If you no longer employ the  
18 employee, the wage assignment order shall remain in effect for one year  
19 after the employee has left your employment or you are no longer in  
20 possession of any earnings or remuneration owed to the employee,  
21 whichever is later. You shall continue to hold the wage assignment  
22 order during that period. If the employee returns to your employment  
23 during the one-year period you shall immediately begin to withhold the  
24 employee's earnings according to the terms of the wage assignment  
25 order. If the employee has not returned to your employment within one  
26 year, the wage assignment will cease to have effect at the expiration  
27 of the one-year period, unless you still owe the employee earnings or  
28 other remuneration.

29 You shall deliver the withheld earnings or remuneration to the  
30 Washington state support registry or other address stated below at each  
31 regular pay interval.

32 You shall deliver a copy of this order to the obligor as soon as is  
33 reasonably possible. This wage assignment order has priority over any  
34 other wage assignment or garnishment, except for another wage  
35 assignment or garnishment for child support or spousal maintenance, or  
36 order to withhold or deliver under chapter 74.20A RCW.

37 WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO  
38 ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR OBLIGOR'S CLAIMED



1       (a) In the manner prescribed for the service of a summons in a  
2 civil action;

3       (b) By certified mail, return receipt requested; or

4       (c) By electronic means if there is an agreement between the  
5 secretary and the person, firm, corporation, association, political  
6 subdivision, department of the state, or agency, subdivision, or  
7 instrumentality of the United States to accept service by electronic  
8 means.

9       (3) Service of a notice of payroll deduction upon an employer or  
10 employment security department requires the employer or employment  
11 security department to immediately make a mandatory payroll deduction  
12 from the responsible parent's unpaid disposable earnings or  
13 unemployment compensation benefits. The employer or employment  
14 security department shall thereafter deduct each pay period the amount  
15 stated in the notice divided by the number of pay periods per month.  
16 The payroll deduction each pay period shall not exceed fifty percent of  
17 the responsible parent's disposable earnings.

18       (4) A notice of payroll deduction for support shall have priority  
19 over any wage assignment, garnishment, attachment, or other legal  
20 process.

21       (5) The notice of payroll deduction shall be in writing and  
22 include:

23       (a) The name and social security number of the responsible parent;

24       (b) The amount to be deducted from the responsible parent's  
25 disposable earnings each month, or alternate amounts and frequencies as  
26 may be necessary to facilitate processing of the payroll deduction;

27       (c) A statement that the total amount withheld shall not exceed  
28 fifty percent of the responsible parent's disposable earnings; ((and))

29       (d) The address to which the payments are to be mailed or  
30 delivered; and

31       (e) A notice to the responsible parent warning the responsible  
32 parent that, despite the payroll deduction, the responsible parent's  
33 privileges to obtain and maintain a license, as defined in section 802  
34 of this act, may not be renewed, or may be suspended if the parent is  
35 not in compliance with a support order as defined in section 802 of  
36 this act.

37       (6) An informational copy of the notice of payroll deduction shall  
38 be mailed to the last known address of the responsible parent by  
39 regular mail.



1 (7) An employer or employment security department that receives a  
2 notice of payroll deduction shall make immediate deductions from the  
3 responsible parent's unpaid disposable earnings and remit proper  
4 amounts to the Washington state support registry on each date the  
5 responsible parent is due to be paid.

6 (8) An employer, or the employment security department, upon whom  
7 a notice of payroll deduction is served, shall make an answer to the  
8 (~~office of support enforcement~~) division of child support within  
9 twenty days after the date of service. The answer shall confirm  
10 compliance and institution of the payroll deduction or explain the  
11 circumstances if no payroll deduction is in effect. The answer shall  
12 also state whether the responsible parent is employed by or receives  
13 earnings from the employer or receives unemployment compensation  
14 benefits from the employment security department, whether the employer  
15 or employment security department anticipates paying earnings or  
16 unemployment compensation benefits and the amount of earnings. If the  
17 responsible parent is no longer employed, or receiving earnings from  
18 the employer, the answer shall state the present employer's name and  
19 address, if known. If the responsible parent is no longer receiving  
20 unemployment compensation benefits from the employment security  
21 department, the answer shall state the present employer's name and  
22 address, if known.

23 (9) The employer or employment security department may deduct a  
24 processing fee from the remainder of the responsible parent's earnings  
25 after withholding under the notice of payroll deduction, even if the  
26 remainder is exempt under RCW 26.18.090. The processing fee may not  
27 exceed: (a) Ten dollars for the first disbursement made to the  
28 Washington state support registry; and (b) one dollar for each  
29 subsequent disbursement to the registry.

30 (10) The notice of payroll deduction shall remain in effect until  
31 released by the (~~office of support enforcement~~) division of child  
32 support, the court enters an order terminating the notice and approving  
33 an alternate arrangement under RCW 26.23.050(~~(+2)~~), or one year has  
34 expired since the employer has employed the responsible parent or has  
35 been in possession of or owing any earnings to the responsible parent  
36 or the employment security department has been in possession of or  
37 owing any unemployment compensation benefits to the responsible parent.

38 (11) The division of child support may use uniform interstate  
39 withholding forms adopted by the United States department of health and

1 human services to take withholding actions under this section when the  
2 responsible parent is receiving earnings or unemployment compensation  
3 in another state.

4 **B. CHILD SUPPORT ENFORCEMENT**

5 **Sec. 891.** RCW 74.20.040 and 1989 c 360 s 12 are each amended to  
6 read as follows:

7 (1) Whenever the department (~~(of social and health services)~~)  
8 receives an application for public assistance on behalf of a child, the  
9 department shall take appropriate action under the provisions of this  
10 chapter, chapter 74.20A RCW, or other appropriate statutes of this  
11 state to establish or enforce support obligations against the parent or  
12 other persons owing a duty to pay support moneys.

13 (2) The secretary may accept a request for support enforcement  
14 services on behalf of persons who are not recipients of public  
15 assistance and may take appropriate action to establish or enforce  
16 support obligations against the parent or other persons owing a duty to  
17 pay moneys. Requests accepted under this subsection may be conditioned  
18 upon the payment of a fee as required through regulation issued by the  
19 secretary. (~~Action may be taken under the provisions of chapter 74.20~~  
20 ~~RCW, the abandonment or nonsupport statutes, or other appropriate~~  
21 ~~statutes of this state, including but not limited to remedies~~  
22 ~~established in chapter 74.20A RCW, to establish and enforce said~~  
23 ~~support obligations.)) The secretary may establish by regulation,  
24 reasonable standards and qualifications for support enforcement  
25 services under this subsection.~~

26 (3) The secretary may accept requests for support enforcement  
27 services from child support enforcement agencies in other states  
28 operating child support programs under Title IV-D of the social  
29 security act or from foreign countries, and may take appropriate action  
30 to establish and enforce support obligations, or to enforce subpoenas,  
31 information requests, orders for genetic testing, and collection  
32 actions issued by the other agency against the parent or other person  
33 owing a duty to pay support moneys, the parent or other person's  
34 employer, or any other person or entity properly subject to child  
35 support collection or information-gathering processes. The request  
36 shall contain and be accompanied by such information and documentation  
37 as the secretary may by rule require, and be signed by an authorized

1 representative of the agency. The secretary may adopt rules setting  
2 forth the duration and nature of services provided under this  
3 subsection.

4 (4) The department may take action to establish, enforce, and  
5 collect a support obligation, including performing related services,  
6 under this chapter and chapter 74.20A RCW, or through the attorney  
7 general or prosecuting attorney for action under chapter 26.09, 26.18,  
8 26.20, 26.21, or 26.26 RCW or other appropriate statutes or the common  
9 law of this state.

10 (5) Whenever a support order is filed with the Washington state  
11 support registry under chapter 26.23 RCW, the department may take  
12 appropriate action under the provisions of this chapter, chapter 26.23  
13 or 74.20A RCW, or other appropriate law of this state to establish or  
14 enforce the support obligations contained in that order against the  
15 responsible parent or other persons owing a duty to pay support moneys.

16 (6) The secretary may charge and collect a fee from the person  
17 obligated to pay support to compensate the department for services  
18 rendered in establishment of or enforcement of support obligations.  
19 This fee shall be limited to not more than ten percent of any support  
20 money collected as a result of action taken by the secretary. The fee  
21 charged shall be in addition to the support obligation. In no event  
22 may any moneys collected by the department (~~of social and health~~  
23 ~~services~~) from the person obligated to pay support be retained as  
24 satisfaction of fees charged until all current support obligations have  
25 been satisfied. The secretary shall by regulation establish reasonable  
26 fees for support enforcement services and said schedule of fees shall  
27 be made available to any person obligated to pay support. The  
28 secretary may, on showing of necessity, waive or defer any such fee.

29 (7) Fees, due and owing, may be collected as delinquent support  
30 moneys utilizing any of the remedies in chapter 74.20 RCW, chapter  
31 74.20A RCW, chapter 26.21 RCW, or any other remedy at law or equity  
32 available to the department or any agencies with whom it has a  
33 cooperative or contractual arrangement to establish, enforce, or  
34 collect support moneys or support obligations.

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

1       (9) The secretary shall adopt rules conforming to federal laws,  
2 rules, and regulations required to be observed in maintaining the state  
3 child support enforcement program required under Title IV-D of the  
4 federal social security act. The adoption of these rules shall be  
5 calculated to promote the cost-effective use of the agency's resources  
6 and not otherwise cause the agency to divert its resources from its  
7 essential functions.

8       NEW SECTION. Sec. 892. A new section is added to chapter 74.20A  
9 RCW to read as follows:

10       CHILD SUPPORT PAYMENTS IN THE POSSESSION OF THIRD PARTIES--  
11 COLLECTION AS CHILD SUPPORT. (1) If a person or entity not entitled to  
12 child support payments wrongfully or negligently retains child support  
13 payments owed to another or to the Washington state support registry,  
14 those payments retain their character as child support payments and may  
15 be collected by the division of child support using any remedy  
16 available to the division of child support under Washington law for the  
17 collection of child support.

18       (2) Child support moneys subject to collection under this section  
19 may be collected for the duration of the statute of limitations as it  
20 applies to the support order governing the support obligations, and any  
21 legislative or judicial extensions thereto.

22       (3) This section applies to the following:

23       (a) Cases in which an employer or other entity obligated to  
24 withhold child support payments from the parent's pay, bank, or escrow  
25 account, or from any other asset or distribution of money to the  
26 parent, has withheld those payments and failed to remit them to the  
27 payee;

28       (b) Cases in which child support moneys have been paid to the wrong  
29 person or entity in error;

30       (c) Cases in which child support recipients have retained child  
31 support payments in violation of a child support assignment executed or  
32 arising by operation of law in exchange for the receipt of public  
33 assistance; and

34       (d) Any other case in which child support payments are retained by  
35 a party not entitled to them.

36       (4) This section does not apply to fines levied under section  
37 893(3)(b) of this act.

1        NEW SECTION.    **Sec. 893.**    A new section is added to chapter 74.20A  
2    RCW to read as follows:

3        NONCOMPLIANCE WITH CHILD SUPPORT PROCESSES--NOTICE--HEARINGS--  
4    LIABILITY.    (1) The division of child support may issue a notice of  
5    noncompliance to any person, firm, entity, or agency of state or  
6    federal government that the division believes is not complying with:

7        (a) A notice of payroll deduction issued under chapter 26.23 RCW;

8        (b) A lien, order to withhold and deliver, or assignment of  
9    earnings issued under this chapter;

10       (c) Any other wage assignment, garnishment, attachment, or  
11    withholding instrument properly served by the agency or firm providing  
12    child support enforcement services for another state, under Title IV-D  
13    of the federal social security act;

14       (d) A subpoena issued by the division of child support, or the  
15    agency or firm providing child support enforcement for another state,  
16    under Title IV-D of the federal social security act;

17       (e) An information request issued by the division of child support,  
18    or the agency or firm providing child support enforcement for another  
19    state under Title IV-D of the federal social security act, to an  
20    employer or entity required to respond to such requests under section  
21    897 of this act; or

22       (f) The duty to report newly hired employees imposed by RCW  
23    26.23.040.

24       (2) Liability for noncompliance with a wage withholding,  
25    garnishment, order to withhold and deliver, or any other lien or  
26    attachment issued to secure payment of child support is governed by RCW  
27    26.23.090 and 74.20A.100, except that liability for noncompliance with  
28    remittance time frames is governed by subsection (3) of this section.

29       (3) The division of child support may impose fines of up to one  
30    hundred dollars per occurrence for:

31       (a) Noncompliance with a subpoena or an information request issued  
32    by the division of child support, or the agency or firm providing child  
33    support enforcement services for another state under Title IV-D of the  
34    federal social security act;

35       (b) Noncompliance with the required time frames for remitting  
36    withheld support moneys to the Washington state support registry, or  
37    the agency or firm providing child support enforcement services for  
38    another state, except that no liability shall be established for  
39    failure to make timely remittance unless the division of child support

1 has provided the person, firm, entity, or agency of state or federal  
2 government with written warning:

- 3 (i) Explaining the duty to remit withheld payments promptly;
- 4 (ii) Explaining the potential for fines for delayed submission; and
- 5 (iii) Providing a contact person within the division of child  
6 support with whom the person, firm, entity, or agency of state or  
7 federal government may seek assistance with child support withholding  
8 issues.

9 (4) The division of child support may assess fines according to RCW  
10 26.23.040 for failure to comply with employer reporting requirements.

11 (5) The division of child support may suspend licenses for failure  
12 to comply with a subpoena issued under section 898 of this act.

13 (6) The division of child support may serve a notice of  
14 noncompliance by personal service or by any method of mailing requiring  
15 a return receipt.

16 (7) The liability asserted by the division of child support in the  
17 notice of noncompliance becomes final and collectible on the twenty-  
18 first day after the date of service, unless within that time the  
19 person, firm, entity, or agency of state or federal government:

20 (a) Initiates an action in superior court to contest the notice of  
21 noncompliance;

22 (b) Requests a hearing by delivering a hearing request to the  
23 division of child support in accordance with rules adopted by the  
24 secretary under this section; or

25 (c) Contacts the division of child support and negotiates an  
26 alternate resolution to the asserted noncompliance or demonstrates that  
27 the person, firm, entity, or agency of state or federal government has  
28 complied with the child support processes.

29 (8) The notice of noncompliance shall contain:

30 (a) A full and fair disclosure of the rights and obligations  
31 created by this section; and

32 (b) Identification of the:

33 (i) Child support process with respect to which the division of  
34 child support is alleging noncompliance; and

35 (ii) State child support enforcement agency issuing the original  
36 child support process.

37 (9) In an administrative hearing convened under subsection (7)(b)  
38 of this section, the presiding officer shall determine whether or not,  
39 and to what extent, liability for noncompliance exists under this

1 section, and shall enter an order containing these findings. If  
2 liability does exist, the presiding officer shall include language in  
3 the order advising the parties to the proceeding that the liability may  
4 be collected by any means available to the division of child support  
5 under subsection (12) of this section without further notice to the  
6 liable party.

7 (10) Hearings under this section are governed by the administrative  
8 procedure act, chapter 34.05 RCW.

9 (11) After the twenty days following service of the notice, the  
10 person, firm, entity, or agency of state or federal government may  
11 petition for a late hearing. A petition for a late hearing does not  
12 stay any collection action to recover the debt. A late hearing is  
13 available upon a showing of any of the grounds stated in civil rule 60  
14 for the vacation of orders.

15 (12) The division of child support may collect any obligation  
16 established under this section using any of the remedies available  
17 under chapter 26.09, 26.18, 26.21, 26.23, 74.20, or 74.20A RCW for the  
18 collection of child support.

19 (13) The division of child support may enter agreements for the  
20 repayment of obligations under this section. Agreements may:

21 (a) Suspend the obligation imposed by this section conditioned on  
22 future compliance with child support processes. Such suspension shall  
23 end automatically upon any failure to comply with a child support  
24 process. Amounts suspended become fully collectible without further  
25 notice automatically upon failure to comply with a child support  
26 process;

27 (b) Resolve amounts due under this section and provide for  
28 repayment.

29 (14) The secretary may adopt rules to implement this section.

30 **Sec. 894.** RCW 26.23.090 and 1990 c 165 s 2 are each amended to  
31 read as follows:

32 (1) The employer shall be liable to the Washington state support  
33 registry, or to the agency or firm providing child support enforcement  
34 for another state, under Title IV-D of the federal social security act  
35 and issuing a notice, garnishment, or wage assignment attaching wages  
36 or earnings in satisfaction of a support obligation, for one hundred  
37 percent of the amount of the support debt, or the amount of support

1 moneys which should have been withheld from the employee's earnings,  
2 whichever is the lesser amount, if the employer:

3 (a) Fails or refuses, after being served with a notice of payroll  
4 deduction, or substantially similar action issued by the agency or firm  
5 providing child support enforcement for another state, under Title IV-D  
6 of the federal social security act, to deduct and promptly remit from  
7 unpaid earnings the amounts of money required in the notice;

8 (b) Fails or refuses to submit an answer to the notice of payroll  
9 deduction, or substantially similar action issued by the agency or firm  
10 providing child support enforcement for another state, under Title IV-D  
11 of the federal social security act, after being served; or

12 (c) Is unwilling to comply with the other requirements of RCW  
13 26.23.060.

14 (2) Liability may be established in superior court or may be  
15 established pursuant to (~~RCW 74.20A.270~~) section 893 of this act.  
16 Awards in superior court and in actions pursuant to (~~RCW 74.20A.270~~)  
17 section 893 of this act shall include costs, interest under RCW  
18 19.52.020 and 4.56.110, and reasonable attorneys' fees and staff costs  
19 as a part of the award. Debts established pursuant to this section may  
20 be collected (~~pursuant to chapter 74.20A RCW utilizing any of the~~  
21 ~~remedies contained in that chapter~~) by the division of child support  
22 using any of the remedies available under chapter 26.09, 26.18, 26.21,  
23 26.23, 74.20, or 74.20A RCW for the collection of child support.

24 **Sec. 895.** RCW 74.20A.100 and 1989 c 360 s 5 are each amended to  
25 read as follows:

26 (1) Any person, firm, corporation, association, political  
27 subdivision or department of the state shall be liable to the  
28 department, or to the agency or firm providing child support  
29 enforcement for another state, under Title IV-D of the federal social  
30 security act and issuing a notice, garnishment, or wage assignment  
31 attaching wages or earnings in satisfaction of a support obligation, in  
32 an amount equal to one hundred percent of the value of the debt which  
33 is the basis of the lien, order to withhold and deliver, distraint, or  
34 assignment of earnings, or the amount that should have been withheld,  
35 whichever amount is less, together with costs, interest, and reasonable  
36 attorney fees if that person or entity:

37 (a) Fails to answer an order to withhold and deliver, or  
38 substantially similar action issued by the agency or firm providing



1 child support enforcement for another state, under Title IV-D of the  
2 federal social security act, within the time prescribed herein;

3 (b) Fails or refuses to deliver property pursuant to said order;

4 (c) After actual notice of filing of a support lien, pays over,  
5 releases, sells, transfers, or conveys real or personal property  
6 subject to a support lien to or for the benefit of the debtor or any  
7 other person;

8 (d) Fails or refuses to surrender property distrained under RCW  
9 74.20A.130 upon demand; or

10 (e) Fails or refuses to honor an assignment of earnings presented  
11 by the secretary.

12 (2) The secretary is authorized to issue a notice of ((debt  
13 pursuant to RCW 74.20A.040 and to take appropriate action to collect  
14 the debt under this chapter if:

15 (a) A judgment has been entered as the result of an action in  
16 superior court against a person, firm, corporation, association,  
17 political subdivision, or department of the state based on a violation  
18 of this section; or

19 (b) Liability has been established under RCW 74.20A.270))  
20 noncompliance under section 893 of this act or to proceed in superior  
21 court to obtain a judgment for noncompliance under this section.

22 **Sec. 896.** RCW 74.20A.270 and 1989 c 360 s 35 and 1989 c 175 s 156  
23 are each reenacted and amended to read as follows:

24 (1) The secretary may issue a notice of ((noncompliance)) retained  
25 support or notice to recover a support payment to any person((, firm,  
26 corporation, association, or political subdivision of the state of  
27 Washington or any officer or agent thereof who has violated chapter  
28 26.18 RCW, RCW 74.20A.100, or 26.23.040,))):

29 (a) Who is in possession of support moneys, or who has had support  
30 moneys in his or her possession at some time in the past, which support  
31 moneys were or are claimed by the department as the property of the  
32 department by assignment, subrogation, or by operation of law or legal  
33 process under chapter 74.20A RCW((, if the support moneys have not been  
34 remitted to the department as required by law))):

35 (b) Who has received a support payment erroneously directed to the  
36 wrong payee, or issued by the department in error; or

37 (c) Who is in possession of a support payment obtained through the  
38 internal revenue service tax refund offset process, which payment was

1 later reclaimed from the department by the internal revenue service as  
2 a result of an amended tax return filed by the obligor or the obligor's  
3 spouse.

4 (2) ~~The notice shall ((describe the claim of the department,~~  
5 ~~stating))~~ state the legal basis for the claim and shall provide  
6 sufficient detail to enable the person(~~(, firm, corporation,~~  
7 ~~association, or political subdivision or officer or agent thereof upon~~  
8 ~~whom service is made))~~ to identify the support moneys in issue (~~(or the~~  
9 ~~specific violation of RCW 74.20A.100 that has occurred. The notice may~~  
10 ~~also make inquiry as to relevant facts necessary to the resolution of~~  
11 ~~the issue)).~~

12 (3) The department shall serve the notice ((may be served)) by  
13 certified mail, return receipt requested, or in the manner of a summons  
14 in a civil action. (~~(Upon service of the notice all moneys not yet~~  
15 ~~disbursed or spent or like moneys to be received in the future are~~  
16 ~~deemed to be impounded and shall be held in trust pending answer to the~~  
17 ~~notice and any adjudicative proceeding.))~~

18 (4) The amounts claimed in the notice ((shall be answered under  
19 oath and in writing within twenty days of the date of service, which  
20 answer shall include true answers to the matters inquired of in the  
21 notice. The answer shall also either acknowledge)) shall become  
22 assessed, determined, and subject to collection twenty days from the  
23 date of service of the notice unless within those twenty days the  
24 person in possession of the support moneys:

25 (a) Acknowledges the department's right to the moneys (~~(or~~  
26 ~~application for))~~ and executes an agreed settlement providing for  
27 repayment of the moneys; or

28 (b) Requests an adjudicative proceeding to (~~(contest the allegation~~  
29 ~~that chapter 26.18 RCW, RCW 74.20A.100, or 26.23.040, has been~~  
30 ~~violated, or))~~ determine the rights to ownership of the support moneys  
31 in issue. The hearing shall be held pursuant to this section, chapter  
32 34.05 RCW, the Administrative Procedure Act, and the rules of the  
33 department. The burden of proof to establish ownership of the support  
34 moneys claimed(~~(, including but not limited to moneys not yet disbursed~~  
35 ~~or spent,))~~ is on the department.

36 ((If no answer is made within the twenty days, the department's  
37 claim shall be assessed and determined and subject to collection action  
38 as a support debt pursuant to chapter 26.18 or 74.20A RCW, or RCW  
39 26.23.040. Any such debtor))

1       (5) After the twenty-day period, a person served with a notice  
2 under this section may, at any time within one year from the date of  
3 service of the notice of support debt, petition the secretary or the  
4 secretary's designee for an adjudicative proceeding upon a showing of  
5 any of the grounds enumerated in RCW 4.72.010 or superior court civil  
6 rule 60. A copy of the petition shall also be served on the  
7 department. The filing of the petition shall not stay any collection  
8 action being taken, but the debtor may petition the secretary or the  
9 secretary's designee for an order staying collection action pending the  
10 final administrative order. Any such moneys held and/or taken by  
11 collection action ~~((prior to))~~ after the date of any such stay ~~((and~~  
12 ~~any support moneys claimed by the department, including moneys to be~~  
13 ~~received in the future to which the department may have a claim,))~~  
14 shall be held ~~((in trust))~~ by the department pending the final order,  
15 to be disbursed in accordance with the final order. ~~((The secretary or~~  
16 ~~the secretary's designee shall condition the stay to provide for the~~  
17 ~~trust.~~

18       ~~If the petition is granted the issue in the proceeding is limited~~  
19 ~~to the determination of the ownership of the moneys claimed in the~~  
20 ~~notice of debt. The right to an adjudicative proceeding is conditioned~~  
21 ~~upon holding of any funds not yet disbursed or expended or to be~~  
22 ~~received in the future in trust pending the final order in these~~  
23 ~~proceedings. The presiding or reviewing officer shall enter an~~  
24 ~~appropriate order providing for the terms of the trust.))~~

25       (6) If the debtor fails to attend or participate in the hearing or  
26 other stage of an adjudicative proceeding, the presiding officer shall,  
27 upon showing of valid service, enter an order declaring the amount of  
28 support moneys, as claimed in the notice, to be assessed and determined  
29 and subject to collection action.

30       (7) The department may take action to collect an obligation  
31 established under this section using any remedy available under this  
32 chapter or chapter 26.09, 26.18, 26.23, or 74.20 RCW for the collection  
33 of child support.

34       (8) If, at any time, the superior court enters judgment for an  
35 amount of debt at variance with the amount determined by the final  
36 order in an adjudicative proceeding, the judgment shall supersede the  
37 final administrative order. ((Any debt determined by the superior  
38 court in excess of the amount determined by the final administrative  
39 order shall be the property of the department as assigned under 42

1 U.S.C.—602(A)(26)(a),—RCW—74.20.040,—74.20A.250,—74.20.320,—or  
2 74.20.330.) The department may(~~(, despite any final administrative~~  
3 ~~order,)~~) take action pursuant to chapter 74.20 or 74.20A RCW to obtain  
4 such a judgment or to collect moneys determined by such a judgment to  
5 be due and owing.

6 ~~((If public assistance moneys have been paid to a parent for the~~  
7 ~~benefit of that parent's minor dependent children, debt under this~~  
8 ~~chapter shall not be incurred by nor at any time be collected from that~~  
9 ~~parent because of that payment of assistance. Nothing in this section~~  
10 ~~prohibits or limits the department from acting pursuant to RCW~~  
11 ~~74.20.320 and this section to assess a debt against a recipient or ex-~~  
12 ~~recipient for receipt of support moneys paid in satisfaction of the~~  
13 ~~debt assigned under RCW 74.20.330 which have been assigned to the~~  
14 ~~department but were received by a recipient or ex-recipient from~~  
15 ~~another responsible parent and not remitted to the department. To~~  
16 ~~collect these wrongfully retained funds from the recipient, the~~  
17 ~~department may not take collection action in excess of ten percent of~~  
18 ~~the grant payment standard during any month the public assistance~~  
19 ~~recipient remains in that status unless required by federal law.)) (9)~~  
20 If a person owing a debt established under this section is receiving  
21 public assistance, the department may collect the debt by offsetting up  
22 to ten percent of the grant payment received by the person. No  
23 collection action may be taken against the earnings of a person  
24 receiving cash public assistance to collect a debt assessed under this  
25 section.

26 (10) Payments not credited against the department's debt pursuant  
27 to RCW 74.20.101 may not be assessed or collected under this section.

28 NEW SECTION. Sec. 897. A new section is added to chapter 74.20A  
29 RCW to read as follows:

30 ACCESS TO INFORMATION--CONFIDENTIALITY--NONLIABILITY. (1)  
31 Notwithstanding any other provision of Washington law, the division of  
32 child support, the Washington state support registry, or the agency or  
33 firm providing child support enforcement services for another state  
34 under Title IV-D of the federal social security act may access records  
35 of the following nature, in the possession of any agency or entity  
36 listed in this section:

37 (a) Records of state and local agencies, including but not limited  
38 to:

1 (i) The state registrar, including but not limited to records of  
2 birth, marriage, and death;

3 (ii) Tax and revenue records, including, but not limited to,  
4 information on residence addresses, employers, and assets;

5 (iii) Records concerning real and titled personal property;

6 (iv) Records of occupational, professional, and recreational  
7 licenses and records concerning the ownership and control of  
8 corporations, partnerships, and other business entities;

9 (v) Employment security records;

10 (vi) Records of agencies administering public assistance programs;  
11 and

12 (vii) Records of the department of corrections, and of county and  
13 municipal correction or confinement facilities;

14 (b) Records of public utilities and cable television companies  
15 relating to persons who owe or are owed support, or against whom a  
16 support obligation is sought, including names and addresses of the  
17 individuals, and employers' names and addresses pursuant to section 898  
18 of this act and RCW 74.20A.120; and

19 (c) Records held by financial institutions, pursuant to section 899  
20 of this act.

21 (2) Upon the request of the division of child support, the  
22 Washington state support registry, or the agency or firm providing  
23 child support enforcement services for another state under Title IV-D  
24 of the social security act, any employer shall provide information as  
25 to the employment, earnings, benefits, and residential address and  
26 phone number of any employee.

27 (3) Entities in possession of records described in subsection  
28 (1)(a) and (c) of this section must provide information and records  
29 upon the request of the division of child support, the Washington state  
30 support registry, or the agency or firm providing child support  
31 enforcement services for another state under Title IV-D of the federal  
32 social security act. The division of child support may enter into  
33 agreements providing for electronic access to these records.

34 (4) Public utilities and cable television companies must provide  
35 the information in response to a judicial or administrative subpoena  
36 issued by the division of child support, the Washington state support  
37 registry, or the agency or firm providing child support enforcement  
38 services for another state under Title IV-D of the federal social  
39 security act.

1 (5) Entities responding to information requests and subpoenas under  
2 this section are not liable for disclosing information pursuant to the  
3 request or subpoena.

4 (6) The division of child support shall maintain all information  
5 gathered under this section confidential and shall only disclose this  
6 information as provided under RCW 26.23.120.

7 (7) The division of child support may impose fines for  
8 noncompliance with this section using the notice of noncompliance under  
9 section 893 of this act.

10 NEW SECTION. **Sec. 898.** A new section is added to chapter 74.20  
11 RCW to read as follows:

12 SUBPOENA AUTHORITY--ENFORCEMENT. In carrying out the provisions of  
13 this chapter or chapters 26.18, 26.23, 26.26, and 74.20A RCW, the  
14 secretary and other duly authorized officers of the department may  
15 subpoena witnesses, take testimony, and compel the production of such  
16 papers, books, records, and documents as they may deem relevant to the  
17 performance of their duties. The division of child support may enforce  
18 subpoenas issued under this power according to section 893 of this act.

19 NEW SECTION. **Sec. 899.** A new section is added to chapter 74.20A  
20 RCW to read as follows:

21 FINANCIAL INSTITUTION DATA MATCHES. (1) Each calendar quarter  
22 financial institutions doing business in the state of Washington shall  
23 report to the department the name, record address, social security  
24 number or other taxpayer identification number, and other information  
25 determined necessary by the department for each individual who  
26 maintains an account at such institution and is identified by the  
27 department as owing a support debt.

28 (2) The department and financial institutions shall enter into  
29 agreements to develop and operate a data match system, using automated  
30 data exchanges to the extent feasible, to minimize the cost of  
31 providing information required under subsection (1) of this section.

32 (3) The department may pay a reasonable fee to a financial  
33 institution for conducting the data match not to exceed the actual  
34 costs incurred.

35 (4) A financial institution is not liable for any disclosure of  
36 information to the department under this section.

1 (5) The division of child support shall maintain all information  
2 gathered under this section confidential and shall only disclose this  
3 information as provided under RCW 26.23.120.

4 **Sec. 900.** RCW 42.17.310 and 1996 c 305 s 2, 1996 c 253 s 302, 1996  
5 c 191 s 88, and 1996 c 80 s 1 are each reenacted and amended to read as  
6 follows:

7 (1) The following are exempt from public inspection and copying:

8 (a) Personal information in any files maintained for students in  
9 public schools, patients or clients of public institutions or public  
10 health agencies, or welfare recipients.

11 (b) Personal information in files maintained for employees,  
12 appointees, or elected officials of any public agency to the extent  
13 that disclosure would violate their right to privacy.

14 (c) Information required of any taxpayer in connection with the  
15 assessment or collection of any tax if the disclosure of the  
16 information to other persons would (i) be prohibited to such persons by  
17 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result  
18 in unfair competitive disadvantage to the taxpayer.

19 (d) Specific intelligence information and specific investigative  
20 records compiled by investigative, law enforcement, and penology  
21 agencies, and state agencies vested with the responsibility to  
22 discipline members of any profession, the nondisclosure of which is  
23 essential to effective law enforcement or for the protection of any  
24 person's right to privacy.

25 (e) Information revealing the identity of persons who are witnesses  
26 to or victims of crime or who file complaints with investigative, law  
27 enforcement, or penology agencies, other than the public disclosure  
28 commission, if disclosure would endanger any person's life, physical  
29 safety, or property. If at the time a complaint is filed the  
30 complainant, victim or witness indicates a desire for disclosure or  
31 nondisclosure, such desire shall govern. However, all complaints filed  
32 with the public disclosure commission about any elected official or  
33 candidate for public office must be made in writing and signed by the  
34 complainant under oath.

35 (f) Test questions, scoring keys, and other examination data used  
36 to administer a license, employment, or academic examination.

37 (g) Except as provided by chapter 8.26 RCW, the contents of real  
38 estate appraisals, made for or by any agency relative to the

1 acquisition or sale of property, until the project or prospective sale  
2 is abandoned or until such time as all of the property has been  
3 acquired or the property to which the sale appraisal relates is sold,  
4 but in no event shall disclosure be denied for more than three years  
5 after the appraisal.

6 (h) Valuable formulae, designs, drawings, and research data  
7 obtained by any agency within five years of the request for disclosure  
8 when disclosure would produce private gain and public loss.

9 (i) Preliminary drafts, notes, recommendations, and intra-agency  
10 memorandums in which opinions are expressed or policies formulated or  
11 recommended except that a specific record shall not be exempt when  
12 publicly cited by an agency in connection with any agency action.

13 (j) Records which are relevant to a controversy to which an agency  
14 is a party but which records would not be available to another party  
15 under the rules of pretrial discovery for causes pending in the  
16 superior courts.

17 (k) Records, maps, or other information identifying the location of  
18 archaeological sites in order to avoid the looting or depredation of  
19 such sites.

20 (l) Any library record, the primary purpose of which is to maintain  
21 control of library materials, or to gain access to information, which  
22 discloses or could be used to disclose the identity of a library user.

23 (m) Financial information supplied by or on behalf of a person,  
24 firm, or corporation for the purpose of qualifying to submit a bid or  
25 proposal for (i) a ferry system construction or repair contract as  
26 required by RCW 47.60.680 through 47.60.750 or (ii) highway  
27 construction or improvement as required by RCW 47.28.070.

28 (n) Railroad company contracts filed prior to July 28, 1991, with  
29 the utilities and transportation commission under RCW 81.34.070, except  
30 that the summaries of the contracts are open to public inspection and  
31 copying as otherwise provided by this chapter.

32 (o) Financial and commercial information and records supplied by  
33 private persons pertaining to export services provided pursuant to  
34 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to  
35 export projects pursuant to RCW 43.23.035.

36 (p) Financial disclosures filed by private vocational schools under  
37 chapters 28B.85 and 28C.10 RCW.



1 (q) Records filed with the utilities and transportation commission  
2 or attorney general under RCW 80.04.095 that a court has determined are  
3 confidential under RCW 80.04.095.

4 (r) Financial and commercial information and records supplied by  
5 businesses or individuals during application for loans or program  
6 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,  
7 or during application for economic development loans or program  
8 services provided by any local agency.

9 (s) Membership lists or lists of members or owners of interests of  
10 units in timeshare projects, subdivisions, camping resorts,  
11 condominiums, land developments, or common-interest communities  
12 affiliated with such projects, regulated by the department of  
13 licensing, in the files or possession of the department.

14 (t) All applications for public employment, including the names of  
15 applicants, resumes, and other related materials submitted with respect  
16 to an applicant.

17 (u) The residential addresses and residential telephone numbers of  
18 employees or volunteers of a public agency which are held by the agency  
19 in personnel records, employment or volunteer rosters, or mailing lists  
20 of employees or volunteers.

21 (v) The residential addresses and residential telephone numbers of  
22 the customers of a public utility contained in the records or lists  
23 held by the public utility of which they are customers, except that  
24 this information may be released to the division of child support or  
25 the agency or firm providing child support enforcement for another  
26 state under Title IV-D of the federal social security act, for the  
27 establishment, enforcement, or modification of a support order.

28 (w)(i) The federal social security number of individuals governed  
29 under chapter 18.130 RCW maintained in the files of the department of  
30 health, except this exemption does not apply to requests made directly  
31 to the department from federal, state, and local agencies of  
32 government, and national and state licensing, credentialing,  
33 investigatory, disciplinary, and examination organizations; (ii) the  
34 current residential address and current residential telephone number of  
35 a health care provider governed under chapter 18.130 RCW maintained in  
36 the files of the department, if the provider requests that this  
37 information be withheld from public inspection and copying, and  
38 provides to the department an accurate alternate or business address  
39 and business telephone number. On or after January 1, 1995, the

1 current residential address and residential telephone number of a  
2 health care provider governed under RCW 18.130.140 maintained in the  
3 files of the department shall automatically be withheld from public  
4 inspection and copying unless the provider specifically requests the  
5 information be released, and except as provided for under RCW  
6 42.17.260(9).

7 (x) Information obtained by the board of pharmacy as provided in  
8 RCW 69.45.090.

9 (y) Information obtained by the board of pharmacy or the department  
10 of health and its representatives as provided in RCW 69.41.044,  
11 69.41.280, and 18.64.420.

12 (z) Financial information, business plans, examination reports, and  
13 any information produced or obtained in evaluating or examining a  
14 business and industrial development corporation organized or seeking  
15 certification under chapter 31.24 RCW.

16 (aa) Financial and commercial information supplied to the state  
17 investment board by any person when the information relates to the  
18 investment of public trust or retirement funds and when disclosure  
19 would result in loss to such funds or in private loss to the providers  
20 of this information.

21 (bb) Financial and valuable trade information under RCW 51.36.120.

22 (cc) Client records maintained by an agency that is a domestic  
23 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape  
24 crisis center as defined in RCW 70.125.030.

25 (dd) Information that identifies a person who, while an agency  
26 employee: (i) Seeks advice, under an informal process established by  
27 the employing agency, in order to ascertain his or her rights in  
28 connection with a possible unfair practice under chapter 49.60 RCW  
29 against the person; and (ii) requests his or her identity or any  
30 identifying information not be disclosed.

31 (ee) Investigative records compiled by an employing agency  
32 conducting a current investigation of a possible unfair practice under  
33 chapter 49.60 RCW or of a possible violation of other federal, state,  
34 or local laws prohibiting discrimination in employment.

35 (ff) Business related information protected from public inspection  
36 and copying under RCW 15.86.110.

37 (gg) Financial, commercial, operations, and technical and research  
38 information and data submitted to or obtained by the clean Washington

1 center in applications for, or delivery of, program services under  
2 chapter 70.95H RCW.

3 (hh) Information and documents created specifically for, and  
4 collected and maintained by a quality improvement committee pursuant to  
5 RCW 43.70.510, regardless of which agency is in possession of the  
6 information and documents.

7 (ii) Personal information in files maintained in a data base  
8 created under RCW 43.07.360.

9 (2) Except for information described in subsection (1)(c)(i) of  
10 this section and confidential income data exempted from public  
11 inspection pursuant to RCW 84.40.020, the exemptions of this section  
12 are inapplicable to the extent that information, the disclosure of  
13 which would violate personal privacy or vital governmental interests,  
14 can be deleted from the specific records sought. No exemption may be  
15 construed to permit the nondisclosure of statistical information not  
16 descriptive of any readily identifiable person or persons.

17 (3) Inspection or copying of any specific records exempt under the  
18 provisions of this section may be permitted if the superior court in  
19 the county in which the record is maintained finds, after a hearing  
20 with notice thereof to every person in interest and the agency, that  
21 the exemption of such records is clearly unnecessary to protect any  
22 individual's right of privacy or any vital governmental function.

23 (4) Agency responses refusing, in whole or in part, inspection of  
24 any public record shall include a statement of the specific exemption  
25 authorizing the withholding of the record (or part) and a brief  
26 explanation of how the exemption applies to the record withheld.

27 NEW SECTION. **Sec. 901.** A new section is added to chapter 74.20  
28 RCW to read as follows:

29 **ORDERS FOR GENETIC TESTING.** (1) The division of child support may  
30 issue an order for genetic testing when providing services under this  
31 chapter and Title IV-D of the federal social security act if genetic  
32 testing:

33 (a) Is appropriate in an action under chapter 26.26 RCW, the  
34 uniform parentage act;

35 (b) Is appropriate in an action to establish support under RCW  
36 74.20A.056; or

1 (c) Would assist the parties or the division of child support in  
2 determining whether it is appropriate to proceed with an action to  
3 establish or disestablish paternity.

4 (2) The order for genetic testing shall be served on the alleged  
5 parent or parents and the legal parent by personal service or by any  
6 form of mail requiring a return receipt.

7 (3) Within twenty days of the date of service of an order for  
8 genetic testing, any party required to appear for genetic testing, the  
9 child, or a guardian on the child's behalf, may petition in superior  
10 court under chapter 26.26 RCW to bar or postpone genetic testing.

11 (4) The order for genetic testing shall contain:

12 (a) An explanation of the right to proceed in superior court under  
13 subsection (3) of this section;

14 (b) Notice that if no one proceeds under subsection (3) of this  
15 section, the agency issuing the order will schedule genetic testing and  
16 will notify the parties of the time and place of testing by regular  
17 mail;

18 (c) Notice that the parties must keep the agency issuing the order  
19 for genetic testing informed of their residence address and that  
20 mailing a notice of time and place for genetic testing to the last  
21 known address of the parties by regular mail constitutes valid service  
22 of the notice of time and place;

23 (d) Notice that the order for genetic testing may be enforced  
24 through:

25 (i) Public assistance grant reduction for noncooperation, pursuant  
26 to agency rule, if the child and custodian are receiving public  
27 assistance;

28 (ii) Termination of support enforcement services under Title IV-D  
29 of the federal social security act if the child and custodian are not  
30 receiving public assistance;

31 (iii) A referral to superior court for an appropriate action under  
32 chapter 26.26 RCW; or

33 (iv) A referral to superior court for remedial sanctions under RCW  
34 7.21.060.

35 (5) The department may advance the costs of genetic testing under  
36 this section.

37 (6) If an action is pending under chapter 26.26 RCW, a judgment for  
38 reimbursement of the cost of genetic testing may be awarded under RCW  
39 26.26.100.

1 (7) If no action is pending in superior court, the department may  
2 impose an obligation to reimburse costs of genetic testing according to  
3 rules adopted by the department to implement RCW 74.20A.056.

4 **Sec. 902.** RCW 26.23.045 and 1994 c 230 s 8 are each amended to  
5 read as follows:

6 (1) The ~~((office of support enforcement))~~ division of child  
7 support, Washington state support registry, shall provide support  
8 enforcement services under the following circumstances:

9 (a) Whenever public assistance under RCW 74.20.330 is paid;

10 (b) ~~((Whenever a request for nonassistance support enforcement~~  
11 ~~services under RCW 74.20.040(2) is received;~~

12 ~~(c))~~ Whenever a request for support enforcement services under RCW  
13 74.20.040~~((+3))~~ is received;

14 ~~((+d))~~ (c) When a support order which contains language directing  
15 a responsible parent to make support payments to the Washington state  
16 support registry under RCW 26.23.050 is submitted and the division of  
17 child support receives a written application for services or is already  
18 providing services;

19 ~~((e) When a support order is forwarded to the Washington state~~  
20 ~~support registry by the clerk of a superior court under RCW~~  
21 ~~26.23.050(5);~~

22 ~~(f))~~ (d) When the obligor submits a support order or support  
23 payment, and an application, to the Washington state support registry.

24 (2) The ~~((office of support enforcement))~~ division of child support  
25 shall continue to provide support enforcement services for so long as  
26 and under such conditions as the department shall establish by  
27 regulation or until the superior court enters an order removing the  
28 requirement that the obligor make support payments to the Washington  
29 state support registry as provided for in RCW 26.23.050~~((+2))~~.

30 NEW SECTION. **Sec. 903.** A new section is added to chapter 26.23  
31 RCW to read as follows:

32 STATE CASE REGISTRY--SUBMISSION OF ORDERS. (1) The division of  
33 child support, Washington state support registry shall operate a state  
34 case registry containing records of all orders establishing or  
35 modifying a support order that are entered after October 1, 1998.

36 (2) The superior court clerk, the office of administrative  
37 hearings, and the department of social and health services shall,

1 within five days of entry, forward to the Washington state support  
2 registry, a true and correct copy of all superior court orders or  
3 administrative orders establishing or modifying a support obligation  
4 that provide that support payments shall be made to the support  
5 registry.

6 (3) The division of child support shall reimburse the clerk for the  
7 reasonable costs of copying and sending copies of court orders to the  
8 registry at the reimbursement rate provided in Title IV-D of the  
9 federal social security act.

10 (4) Effective October 1, 1998, the superior court clerk, the office  
11 of administrative hearings, and the department of social and health  
12 services shall, within five days of entry, forward to the Washington  
13 state support registry a true and correct copy of all superior court  
14 orders or administrative orders establishing or modifying a support  
15 obligation.

16 (5) Receipt of a support order by the registry or other action  
17 under this section on behalf of a person or persons who have not made  
18 a written application for support enforcement services to the division  
19 of child support and who are not recipients of public assistance is  
20 deemed to be:

21 (a) A request for payment services only if the order requires  
22 payment to the Washington state support registry;

23 (b) A submission for inclusion in the state case registry if the  
24 order does not require that support payments be made to the Washington  
25 state support registry.

26 NEW SECTION. **Sec. 904.** A new section is added to chapter 26.23  
27 RCW to read as follows:

28 ADDRESS AND EMPLOYER INFORMATION IN SUPPORT ORDERS--DUTY TO  
29 UPDATE--PROVISIONS REGARDING SERVICE. (1) Each party to a paternity or  
30 child support proceeding must provide the court and the Washington  
31 state child support registry with his or her:

32 (a) Social security number;

33 (b) Current residential address;

34 (c) Date of birth;

35 (d) Telephone number;

36 (e) Driver's license number; and

37 (f) Employer's name, address, and telephone number.

1 (2) Each party to an order entered in a child support or paternity  
2 proceeding shall update the information required under subsection (1)  
3 of this section promptly after any change in the information. The duty  
4 established under this section continues as long as any monthly support  
5 or support debt remains due under the support order.

6 (3) In any proceeding to establish, enforce, or modify the child  
7 support order between the parties, a party may demonstrate to the  
8 presiding officer that he or she has diligently attempted to locate the  
9 other party. Upon a showing of diligent efforts to locate, the  
10 presiding officer may allow, or accept as adequate, service of process  
11 for the action by delivery of written notice to the address most  
12 recently provided by the party under this section.

13 (4) All support orders shall contain notice to the parties of the  
14 obligations established by this section and possibility of service of  
15 process according to subsection (3) of this section.

16 **Sec. 905.** RCW 26.23.030 and 1989 c 360 s 6 are each amended to  
17 read as follows:

18 (1) There is created a Washington state support registry within the  
19 (~~office of support enforcement~~) division of child support as the  
20 agency designated in Washington state to administer the child support  
21 program under Title IV-D of the federal social security act. The  
22 registry shall:

23 (a) Provide a central unit for collection of support payments made  
24 to the registry;

25 (b) Account for and disburse all support payments received by the  
26 registry;

27 (~~(b)~~) (c) Maintain the necessary records including, but not  
28 limited to, information on support orders, support debts, the date and  
29 amount of support due; the date and amount of payments; and the names,  
30 social security numbers, and addresses of the parties;

31 (~~(e)~~) (d) Develop procedures for providing information to the  
32 parties regarding action taken by, and support payments collected and  
33 distributed by the registry; and

34 (e) Maintain a state child support case registry to compile and  
35 maintain records on all child support orders entered in the state of  
36 Washington.

37 (2) The (~~office of support enforcement~~) division of child support  
38 may assess and collect interest at the rate of twelve percent per year

1 on unpaid child support that has accrued under any support order  
2 entered into the registry. This interest rate shall not apply to those  
3 support orders already specifying an interest assessment at a different  
4 rate.

5 (3) The secretary of social and health services shall adopt rules  
6 for the maintenance and retention of records of support payments and  
7 for the archiving and destruction of such records when the support  
8 obligation terminates or is satisfied. When a support obligation  
9 established under court order entered in a superior court of this state  
10 has been satisfied, a satisfaction of judgment form shall be prepared  
11 by the registry and filed with the clerk of the court in which the  
12 order was entered.

13 **Sec. 906.** RCW 74.20A.060 and 1989 c 360 s 9 and 1989 c 175 s 153  
14 are each reenacted and amended to read as follows:

15 (1) The secretary may assert a lien upon the real or personal  
16 property of a responsible parent:

17 (a) When a support payment is past due, if the parent's support  
18 order (~~was entered in accordance with RCW 26.23.050(1)~~) contains  
19 notice that liens may be enforced against real and personal property,  
20 or notice that action may be taken under this chapter;

21 (b) Twenty-one days after service of a notice of support debt under  
22 RCW 74.20A.040;

23 (c) Twenty-one days after service of a notice and finding of  
24 financial responsibility under RCW 74.20A.055;

25 (d) Twenty-one days after service of a notice and finding of  
26 parental responsibility;

27 (e) Twenty-one days after service of a notice of support owed under  
28 RCW 26.23.110; or

29 (f) When appropriate under RCW 74.20A.270.

30 (2) The division of child support may use uniform interstate lien  
31 forms adopted by the United States department of health and human  
32 services to assert liens on a responsible parent's real and personal  
33 property located in another state.

34 (3) The claim of the department for a support debt, not paid when  
35 due, shall be a lien against all property of the debtor with priority  
36 of a secured creditor. This lien shall be separate and apart from, and  
37 in addition to, any other lien created by, or provided for, in this  
38 title. The lien shall attach to all real and personal property of the



1 debtor on the date of filing of such statement with the county auditor  
2 of the county in which such property is located.

3 ~~((+3))~~ (4) Whenever a support lien has been filed and there is in  
4 the possession of any person, firm, corporation, association, political  
5 subdivision or department of the state having notice of said lien any  
6 property which may be subject to the support lien, such property shall  
7 not be paid over, released, sold, transferred, encumbered or conveyed,  
8 except as provided for by the exemptions contained in RCW 74.20A.090  
9 and 74.20A.130, unless:

10 (a) A written release or waiver signed by the secretary has been  
11 delivered to said person, firm, corporation, association, political  
12 subdivision or department of the state; or

13 (b) A determination has been made in an adjudicative proceeding  
14 pursuant to RCW 74.20A.055 or by a superior court ordering release of  
15 said support lien on the basis that no debt exists or that the debt has  
16 been satisfied.

17 **Sec. 907.** RCW 74.20A.080 and 1994 c 230 s 20 are each amended to  
18 read as follows:

19 (1) The secretary may issue to any person, firm, corporation,  
20 association, political subdivision, department of the state, or agency,  
21 subdivision, or instrumentality of the United States, an order to  
22 withhold and deliver property of any kind, including but not restricted  
23 to earnings which are or might become due, owing, or belonging to the  
24 debtor, when the secretary has reason to believe that there is in the  
25 possession of such person, firm, corporation, association, political  
26 subdivision, department of the state, or agency, subdivision, or  
27 instrumentality of the United States property which is or might become  
28 due, owing, or belonging to said debtor. Such order to withhold and  
29 deliver may be issued:

30 (a) ~~((When a support payment is past due))~~ At any time, if a  
31 responsible parent's support order:

32 (i) ~~Contains ((language directing the parent to make support  
33 payments to the Washington state support registry; and))~~ notice that  
34 withholding action may be taken against earnings, wages, or assets  
35 without further notice to the parent; or

36 (ii) Includes a statement that other income-withholding action  
37 under this chapter may be taken without further notice to the  
38 responsible parent(~~(, as provided for in RCW 26.23.050(1))~~);

1 (b) Twenty-one days after service of a notice of support debt under  
2 RCW 74.20A.040;

3 (c) Twenty-one days after service of a notice and finding of  
4 parental responsibility under RCW 74.20A.056;

5 (d) Twenty-one days after service of a notice of support owed under  
6 RCW 26.23.110;

7 (e) Twenty-one days after service of a notice and finding of  
8 financial responsibility under RCW 74.20A.055; or

9 (f) When appropriate under RCW 74.20A.270.

10 (2) The order to withhold and deliver shall:

11 (a) State the amount to be withheld on a periodic basis if the  
12 order to withhold and deliver is being served to secure payment of  
13 monthly current support;

14 (b) State the amount of the support debt accrued;

15 ~~((b))~~ (c) State in summary the terms of RCW 74.20A.090 and  
16 74.20A.100;

17 ~~((e))~~ (d) Be served in the manner prescribed for the service of  
18 a summons in a civil action or by certified mail, return receipt  
19 requested.

20 (3) The division of child support may use uniform interstate  
21 withholding forms adopted by the United States department of health and  
22 human services to take withholding actions under this section when the  
23 responsible parent is owed money or property that is located in another  
24 state.

25 (4) Any person, firm, corporation, association, political  
26 subdivision, department of the state, or agency, subdivision, or  
27 instrumentality of the United States upon whom service has been made is  
28 hereby required to:

29 (a) Answer said order to withhold and deliver within twenty days,  
30 exclusive of the day of service, under oath and in writing, and shall  
31 make true answers to the matters inquired of therein; and

32 (b) Provide further and additional answers when requested by the  
33 secretary.

34 ~~((4))~~ (5) Any such person, firm, corporation, association,  
35 political subdivision, department of the state, or agency, subdivision,  
36 or instrumentality of the United States in possession of any property  
37 which may be subject to the claim of the department ~~((of social and~~  
38 ~~health services))~~ shall:

1 (a)(i) Immediately withhold such property upon receipt of the order  
2 to withhold and deliver; and

3 (ii) Immediately deliver the property to the secretary as soon as  
4 the twenty-day answer period expires;

5 (iii) Continue to withhold earnings payable to the debtor at each  
6 succeeding disbursement interval as provided for in RCW 74.20A.090, and  
7 deliver amounts withheld from earnings to the secretary on the date  
8 earnings are payable to the debtor;

9 (iv) Deliver amounts withheld from periodic payments to the  
10 secretary on the date the payments are payable to the debtor;

11 (v) Inform the secretary of the date the amounts were withheld as  
12 requested under this section; or

13 (b) Furnish to the secretary a good and sufficient bond,  
14 satisfactory to the secretary, conditioned upon final determination of  
15 liability.

16 ((+5)) (6) An order to withhold and deliver served under this  
17 section shall not expire until:

18 (a) Released in writing by the ((office of support enforcement))  
19 division of child support;

20 (b) Terminated by court order; or

21 (c) The person or entity receiving the order to withhold and  
22 deliver does not possess property of or owe money to the debtor for any  
23 period of twelve consecutive months following the date of service of  
24 the order to withhold and deliver.

25 ((+6)) (7) Where money is due and owing under any contract of  
26 employment, express or implied, or is held by any person, firm,  
27 corporation, or association, political subdivision, or department of  
28 the state, or agency, subdivision, or instrumentality of the United  
29 States subject to withdrawal by the debtor, such money shall be  
30 delivered by remittance payable to the order of the secretary.

31 ((+7)) (8) Delivery to the secretary of the money or other  
32 property held or claimed shall satisfy the requirement and serve as  
33 full acquittance of the order to withhold and deliver.

34 ((+8)) (9) A person, firm, corporation, or association, political  
35 subdivision, department of the state, or agency, subdivision, or  
36 instrumentality of the United States that complies with the order to  
37 withhold and deliver under this chapter is not civilly liable to the  
38 debtor for complying with the order to withhold and deliver under this  
39 chapter.

1       (~~(9)~~) (10) The secretary may hold the money or property delivered  
2 under this section in trust for application on the indebtedness  
3 involved or for return, without interest, in accordance with final  
4 determination of liability or nonliability.

5       (~~(10)~~) (11) Exemptions contained in RCW 74.20A.090 apply to  
6 orders to withhold and deliver issued under this section.

7       (~~(11)~~) (12) The secretary shall also, on or before the date of  
8 service of the order to withhold and deliver, mail or cause to be  
9 mailed a copy of the order to withhold and deliver to the debtor at the  
10 debtor's last known post office address, or, in the alternative, a copy  
11 of the order to withhold and deliver shall be served on the debtor in  
12 the same manner as a summons in a civil action on or before the date of  
13 service of the order or within two days thereafter. The copy of the  
14 order shall be mailed or served together with a concise explanation of  
15 the right to petition for judicial review. This requirement is not  
16 jurisdictional, but, if the copy is not mailed or served as in this  
17 section provided, or if any irregularity appears with respect to the  
18 mailing or service, the superior court, in its discretion on motion of  
19 the debtor promptly made and supported by affidavit showing that the  
20 debtor has suffered substantial injury due to the failure to mail the  
21 copy, may set aside the order to withhold and deliver and award to the  
22 debtor an amount equal to the damages resulting from the secretary's  
23 failure to serve on or mail to the debtor the copy.

24       (~~(12)~~) (13) An order to withhold and deliver issued in accordance  
25 with this section has priority over any other wage assignment,  
26 garnishment, attachment, or other legal process(~~(, except for another~~  
27 ~~wage assignment, garnishment, attachment, or other legal process for~~  
28 ~~child support)~~)).

29       (~~(13)~~) (14) The (~~(office of support enforcement)~~) division of  
30 child support shall notify any person, firm, corporation, association,  
31 or political subdivision, department of the state, or agency,  
32 subdivision, or instrumentality of the United States required to  
33 withhold and deliver the earnings of a debtor under this action that  
34 they may deduct a processing fee from the remainder of the debtor's  
35 earnings, even if the remainder would otherwise be exempt under RCW  
36 74.20A.090. The processing fee shall not exceed ten dollars for the  
37 first disbursement to the department and one dollar for each subsequent  
38 disbursement under the order to withhold and deliver.

1       **Sec. 908.** RCW 26.23.120 and 1994 c 230 s 12 are each amended to  
2 read as follows:

3       (1) Any information or records concerning individuals who owe a  
4 support obligation or for whom support enforcement services are being  
5 provided which are obtained or maintained by the Washington state  
6 support registry, the ~~((office of support enforcement))~~ division of  
7 child support, or under chapter 74.20 RCW shall be private and  
8 confidential and shall only be subject to public disclosure as provided  
9 in subsection (2) of this section.

10       (2) The secretary of the department of social and health services  
11 ~~((shall))~~ may adopt rules ~~((which))~~ :

12       (a) That specify what information is confidential;

13       (b) That specify the individuals or agencies to whom this  
14 information and these records may be disclosed((τ))i

15       (c) Limiting the purposes for which the information may be  
16 disclosed((τ and the))i

17       (d) Establishing procedures to obtain the information or records;  
18 or

19       (e) Establishing safeguards necessary to comply with federal law  
20 requiring safeguarding of information.

21       (3) The rules adopted under subsection (2) of this section shall  
22 provide for disclosure of the information and records, under  
23 appropriate circumstances, which shall include, but not be limited to:

24       (a) When authorized or required by federal statute or regulation  
25 governing the support enforcement program;

26       (b) To the person the subject of the records or information, unless  
27 the information is exempt from disclosure under RCW 42.17.310;

28       (c) To government agencies, whether state, local, or federal, and  
29 including federally recognized tribes, law enforcement agencies,  
30 prosecuting agencies, and the executive branch, if the disclosure is  
31 necessary for child support enforcement purposes or required under  
32 Title IV-D of the federal social security act;

33       (d) To the parties in a judicial or adjudicative proceeding upon a  
34 specific written finding by the presiding officer that the need for the  
35 information outweighs any reason for maintaining the privacy and  
36 confidentiality of the information or records;

37       (e) To private persons, federally recognized tribes, or  
38 organizations if the disclosure is necessary to permit private

1 contracting parties to assist in the management and operation of the  
2 department;

3 (f) Disclosure of address and employment information to the parties  
4 to an action for purposes relating to a child support order, subject to  
5 the limitations in subsections (4) and (5) of this section;

6 (g) Disclosure of information or records when necessary to the  
7 efficient administration of the support enforcement program or to the  
8 performance of functions and responsibilities of the support registry  
9 and the ~~((office of support enforcement))~~ division of child support as  
10 set forth in state and federal statutes; or

11 (h) Disclosure of the information or records when authorized under  
12 RCW 74.04.060.

13 ~~((3))~~ (4) Prior to disclosing the ~~((physical custodian's address~~  
14 ~~under subsection (2)(f) of this section))~~ whereabouts of a parent or a  
15 party to a support order to the other parent or party, a notice shall  
16 be mailed, if appropriate under the circumstances, to the ~~((physical~~  
17 ~~custodian))~~ parent or other party whose whereabouts are to be  
18 disclosed, at ~~((the physical custodian's))~~ that person's last known  
19 address. The notice shall advise the ~~((physical custodian))~~ parent or  
20 party that a request for disclosure has been made and will be complied  
21 with unless the department:

22 (a) Receives a copy of a court order within thirty days which  
23 enjoins the disclosure of the information or restricts or limits the  
24 requesting party's right to contact or visit the ~~((physical custodian))~~  
25 parent or party whose address is to be disclosed or the child ~~((, or the~~  
26 ~~custodial parent requests a hearing to contest the disclosure))~~;

27 (b) Receives a hearing request within thirty days under subsection  
28 (5) of this section; or

29 (c) Has reason to believe that the release of the information may  
30 result in physical or emotional harm to the party whose whereabouts are  
31 to be released, or to the child.

32 (5) A person receiving notice under subsection (4) of this section  
33 may request an adjudicative proceeding under chapter 34.05 RCW, at  
34 which the person may show that there is reason to believe that release  
35 of the information may result in physical or emotional harm to the  
36 person or the child. The administrative law judge shall determine  
37 whether the ~~((address))~~ whereabouts of the ~~((custodial parent))~~ person  
38 should be disclosed based on ~~((the same standard as a claim of "good~~  
39 ~~cause" as defined in 42 U.S.C. Sec. 602(a)(26)(c))~~ subsection (4)(c)

1 of this section, however no hearing is necessary if the department has  
2 in its possession a protective order or an order limiting visitation or  
3 contact.

4 ~~((+4))~~ (6) Nothing in this section shall be construed as limiting  
5 or restricting the effect of RCW 42.17.260~~((+6))~~ (9). Nothing in this  
6 section shall be construed to prevent the disclosure of information and  
7 records if all details identifying an individual are deleted or the  
8 individual consents to the disclosure.

9 ~~((+5))~~ (7) It shall be unlawful for any person or agency in  
10 violation of this section to solicit, publish, disclose, receive, make  
11 use of, or to authorize, knowingly permit, participate in or acquiesce  
12 in the use of any lists of names for commercial or political purposes  
13 or the use of any information for purposes other than those purposes  
14 specified in this section. A violation of this section shall be a  
15 gross misdemeanor as provided in chapter 9A.20 RCW.

16 **Sec. 909.** RCW 26.04.160 and 1993 c 451 s 1 are each amended to  
17 read as follows:

18 (1) Application for a marriage license must be made and filed with  
19 the appropriate county auditor upon blanks to be provided by the county  
20 auditor for that purpose, which application shall be under the oath of  
21 each of the applicants, and each application shall state the name,  
22 address at the time of execution of application, age, social security  
23 number, birthplace, whether single, widowed or divorced, and whether  
24 under control of a guardian, residence during the past six months:  
25 PROVIDED, That each county may require such other and further  
26 information on said application as it shall deem necessary.

27 (2) The county legislative authority may impose an additional fee  
28 up to fifteen dollars on a marriage license for the purpose of funding  
29 family services such as family support centers.

30 **Sec. 910.** RCW 26.09.170 and 1992 c 229 s 2 are each amended to  
31 read as follows:

32 (1) Except as otherwise provided in subsection (7) of RCW  
33 26.09.070, the provisions of any decree respecting maintenance or  
34 support may be modified: (a) Only as to installments accruing  
35 subsequent to the petition for modification or motion for adjustment  
36 except motions to compel court-ordered adjustments, which shall be  
37 effective as of the first date specified in the decree for implementing

1 the adjustment; and, (b) except as otherwise provided in subsections  
2 (4), (5), (8), and (9) of this section, only upon a showing of a  
3 substantial change of circumstances. The provisions as to property  
4 disposition may not be revoked or modified, unless the court finds the  
5 existence of conditions that justify the reopening of a judgment under  
6 the laws of this state.

7 (2) Unless otherwise agreed in writing or expressly provided in the  
8 decree the obligation to pay future maintenance is terminated upon the  
9 death of either party or the remarriage of the party receiving  
10 maintenance.

11 (3) Unless otherwise agreed in writing or expressly provided in the  
12 decree, provisions for the support of a child are terminated by  
13 emancipation of the child or by the death of the parent obligated to  
14 support the child.

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

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

20 (b) If a party requests an adjustment in an order for child support  
21 which was based on guidelines which determined the amount of support  
22 according to the child's age, and the child is no longer in the age  
23 category on which the current support amount was based;

24 (c) If a child is still in high school, upon a finding that there  
25 is a need to extend support beyond the eighteenth birthday to complete  
26 high school; or

27 (d) To add an automatic adjustment of support provision consistent  
28 with RCW 26.09.100.

29 (5) An order or decree entered prior to June 7, 1984, may be  
30 modified without showing a substantial change of circumstances if the  
31 requested modification is to:

32 (a) Require health insurance coverage for a child named therein; or

33 (b) Modify an existing order for health insurance coverage.

34 (6) An obligor's voluntary unemployment or voluntary  
35 underemployment, by itself, is not a substantial change of  
36 circumstances.

37 (7) The department of social and health services may file an action  
38 to modify an order of child support if public assistance money is being  
39 paid to or for the benefit of the child and the child support order is



1 twenty-five percent or more below the appropriate child support amount  
2 set forth in the standard calculation as defined in RCW 26.19.011 and  
3 reasons for the deviation are not set forth in the findings of fact or  
4 order. The determination of twenty-five percent or more shall be based  
5 on the current income of the parties and the department shall not be  
6 required to show a substantial change of circumstances if the reasons  
7 for the deviations were not set forth in the findings of fact or order.

8 (8)(a) All child support decrees may be adjusted once every twenty-  
9 four months based upon changes in the income of the parents without a  
10 showing of substantially changed circumstances. Either party may  
11 initiate the adjustment by filing a motion and child support  
12 worksheets.

13 (b) A party may petition for modification in cases of substantially  
14 changed circumstances under subsection (1) of this section at any time.  
15 However, if relief is granted under subsection (1) of this section,  
16 twenty-four months must pass before a motion for an adjustment under  
17 (a) of this subsection may be filed.

18 (c) If, pursuant to (a) of this subsection or subsection (9) of  
19 this section, the court adjusts or modifies a child support obligation  
20 by more than thirty percent and the change would cause significant  
21 hardship, the court may implement the change in two equal increments,  
22 one at the time of the entry of the order and the second six months  
23 from the entry of the order. Twenty-four months must pass following  
24 the second change before a motion for an adjustment under (a) of this  
25 subsection may be filed.

26 (d) A parent who is receiving transfer payments who receives a wage  
27 or salary increase may not bring a modification action pursuant to  
28 subsection (1) of this section alleging that increase constitutes a  
29 substantial change of circumstances.

30 (e) The department of social and health services may file an action  
31 at any time to modify an order of child support in cases of  
32 substantially changed circumstances if public assistance money is being  
33 paid to or for the benefit of the child. The determination of the  
34 existence of substantially changed circumstances by the department that  
35 lead to the filing of an action to modify the order of child support is  
36 not binding upon the court.

37 (9) An order of child support may be adjusted twenty-four months  
38 from the date of the entry of the decree or the last adjustment or

1 modification, whichever is later, based upon changes in the economic  
2 table or standards in chapter 26.19 RCW.

3 **Sec. 911.** RCW 26.21.005 and 1993 c 318 s 101 are each amended to  
4 read as follows:

5 In this chapter:

6 (1) "Child" means an individual, whether over or under the age of  
7 majority, who is or is alleged to be owed a duty of support by the  
8 individual's parent or who is or is alleged to be the beneficiary of a  
9 support order directed to the parent.

10 (2) "Child support order" means a support order for a child,  
11 including a child who has attained the age of majority under the law of  
12 the issuing state.

13 (3) "Duty of support" means an obligation imposed or imposable by  
14 law to provide support for a child, spouse, or former spouse, including  
15 an unsatisfied obligation to provide support.

16 (4) "Home state" means the state in which a child lived with a  
17 parent or a person acting as parent for at least six consecutive months  
18 immediately preceding the time of filing of a petition or comparable  
19 pleading for support and, if a child is less than six months old, the  
20 state in which the child lived from birth with any of them. A period  
21 of temporary absence of any of them is counted as part of the six-month  
22 or other period.

23 (5) "Income" includes earnings or other periodic entitlements to  
24 money from any source and any other property subject to withholding for  
25 support under the law of this state.

26 (6) "Income-withholding order" means an order or other legal  
27 process directed to an obligor's employer or other debtor, as defined  
28 by (~~chapter 6.27~~) RCW 50.04.080, to withhold support from the income  
29 of the obligor.

30 (7) "Initiating state" means a state (~~in~~) from which a proceeding  
31 is forwarded or in which a proceeding is filed for forwarding to a  
32 responding state under this chapter or a law or procedure substantially  
33 similar to this chapter, the Uniform Reciprocal Enforcement of Support  
34 Act, or the Revised Uniform Reciprocal Enforcement of Support Act (~~is~~  
35 ~~filed for forwarding to a responding state~~)).

36 (8) "Initiating tribunal" means the authorized tribunal in an  
37 initiating state.

1 (9) "Issuing state" means the state in which a tribunal issues a  
2 support order or renders a judgment determining parentage.

3 (10) "Issuing tribunal" means the tribunal that issues a support  
4 order or renders a judgment determining parentage.

5 (11) "Law" includes decisional and statutory law and rules and  
6 regulations having the force of law.

7 (12) "Obligee" means:

8 (a) An individual to whom a duty of support is or is alleged to be  
9 owed or in whose favor a support order has been issued or a judgment  
10 determining parentage has been rendered;

11 (b) A state or political subdivision to which the rights under a  
12 duty of support or support order have been assigned or which has  
13 independent claims based on financial assistance provided to an  
14 individual obligee; or

15 (c) An individual seeking a judgment determining parentage of the  
16 individual's child.

17 (13) "Obligor" means an individual, or the estate of a decedent:

18 (a) Who owes or is alleged to owe a duty of support;

19 (b) Who is alleged but has not been adjudicated to be a parent of  
20 a child; or

21 (c) Who is liable under a support order.

22 (14) "Register" means to record or file in the appropriate location  
23 for the recording or filing of foreign judgments generally or foreign  
24 support orders specifically, a support order or judgment determining  
25 parentage.

26 (15) "Registering tribunal" means a tribunal in which a support  
27 order is registered.

28 (16) "Responding state" means a state ((~~to~~)) in which a proceeding  
29 is filed or to which a proceeding is forwarded for filing from an  
30 initiating state under this chapter or a law or procedure substantially  
31 similar to this chapter, the Uniform Reciprocal Enforcement of Support  
32 Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

33 (17) "Responding tribunal" means the authorized tribunal in a  
34 responding state.

35 (18) "Spousal support order" means a support order for a spouse or  
36 former spouse of the obligor.

37 (19) "State" means a state of the United States, the District of  
38 Columbia, ((~~the Commonwealth of~~)) Puerto Rico, the United States Virgin

1 Islands, or any territory or insular possession subject to the  
2 jurisdiction of the United States. The term ("~~state~~") includes:  
3 (i) An Indian tribe (~~and includes~~); and  
4 (ii) A foreign jurisdiction that has enacted a law or established  
5 procedures for issuance and enforcement of support orders (~~that~~)  
6 which are substantially similar to the procedures under this chapter,  
7 the Uniform Reciprocal Enforcement of Support Act, or the Revised  
8 Uniform Reciprocal Enforcement of Support Act.

9 (20) "Support enforcement agency" means a public official or agency  
10 authorized to seek:

11 (a) Enforcement of support orders or laws relating to the duty of  
12 support;

13 (b) Establishment or modification of child support;

14 (c) Determination of parentage; or

15 (d) Location of obligors or their assets.

16 (21) "Support order" means a judgment, decree, or order, whether  
17 temporary, final, or subject to modification, for the benefit of a  
18 child, a spouse, or a former spouse, that provides for monetary  
19 support, health care, arrearages, or reimbursement, and may include  
20 related costs and fees, interest, income withholding, attorneys' fees,  
21 and other relief.

22 (22) "Tribunal" means a court, administrative agency, or quasi-  
23 judicial entity authorized to establish, enforce, or modify support  
24 orders or to determine parentage.

25 **Sec. 912.** RCW 26.21.115 and 1993 c 318 s 205 are each amended to  
26 read as follows:

27 (1) A tribunal of this state issuing a support order consistent  
28 with the law of this state has continuing, exclusive jurisdiction over  
29 a child support order:

30 (a) As long as this state remains the residence of the obligor, the  
31 individual obligee, or the child for whose benefit the support order is  
32 issued; or

33 (b) Until (~~each individual party has~~) all of the parties who are  
34 individuals have filed written consents with the tribunal of this state  
35 for a tribunal of another state to modify the order and assume  
36 continuing, exclusive jurisdiction.

37 (2) A tribunal of this state issuing a child support order  
38 consistent with the law of this state may not exercise its continuing

1 jurisdiction to modify the order if the order has been modified by a  
2 tribunal of another state pursuant to this chapter or a law  
3 substantially similar to this chapter.

4 (3) If a child support order of this state is modified by a  
5 tribunal of another state pursuant to this chapter or a law  
6 substantially similar to this chapter, a tribunal of this state loses  
7 its continuing, exclusive jurisdiction with regard to prospective  
8 enforcement of the order issued in this state, and may only:

9 (a) Enforce the order that was modified as to amounts accruing  
10 before the modification;

11 (b) Enforce nonmodifiable aspects of that order; and

12 (c) Provide other appropriate relief for violations of that order  
13 which occurred before the effective date of the modification.

14 (4) A tribunal of this state shall recognize the continuing,  
15 exclusive jurisdiction of a tribunal of another state that has issued  
16 a child support order pursuant to this chapter or a law substantially  
17 similar to this chapter.

18 (5) A temporary support order issued ex parte or pending resolution  
19 of a jurisdictional conflict does not create continuing, exclusive  
20 jurisdiction in the issuing tribunal.

21 (6) A tribunal of this state issuing a support order consistent  
22 with the law of this state has continuing, exclusive jurisdiction over  
23 a spousal support order throughout the existence of the support  
24 obligation. A tribunal of this state may not modify a spousal support  
25 order issued by a tribunal of another state having continuing,  
26 exclusive jurisdiction over that order under the law of that state.

27 **Sec. 913.** RCW 26.21.135 and 1993 c 318 s 207 are each amended to  
28 read as follows:

29 (1) If a proceeding is brought under this chapter and only one  
30 tribunal has issued a child support order, the order of that tribunal  
31 controls and must be so recognized.

32 (2) If a proceeding is brought under this chapter, and ~~((one))~~ two  
33 or more child support orders have been issued ~~((in))~~ by tribunals of  
34 this state or another state with regard to ~~((an))~~ the same obligor and  
35 ~~((a))~~ child, a tribunal of this state shall apply the following rules  
36 in determining which order to recognize for purposes of continuing,  
37 exclusive jurisdiction:

1 (a) If only one of the tribunals ((has issued a child support  
2 order)) would have continuing, exclusive jurisdiction under this  
3 chapter, the order of that tribunal controls and must be so recognized.

4 (b) ~~((If two or more tribunals have issued child support orders for~~  
5 ~~the same obligor and child, and only one of the tribunals would have~~  
6 ~~continuing, exclusive jurisdiction under this chapter, the order of~~  
7 ~~that tribunal must be recognized.~~

8 (c)) ~~If ((two or more tribunals have issued child support orders~~  
9 ~~for the same obligor and child, and)) more than one of the tribunals~~  
10 ~~would have continuing, exclusive jurisdiction under this chapter, an~~  
11 ~~order issued by a tribunal in the current home state of the child~~  
12 controls and must be so recognized, but if an order has not been issued  
13 in the current home state of the child, the order most recently issued  
14 controls and must be so recognized.

15 ~~((d) If two or more tribunals have issued child support orders for~~  
16 ~~the same obligor and child, and none of the tribunals would have~~  
17 ~~continuing, exclusive jurisdiction under this chapter, the tribunal of~~  
18 ~~this state may issue a child support order, which must be recognized.~~

19 (2) ~~The tribunal that has issued an order recognized under~~  
20 ~~subsection (1) of this section is the tribunal having continuing,~~  
21 ~~exclusive jurisdiction.))~~

22 (c) If none of the tribunals would have continuing, exclusive  
23 jurisdiction under this chapter, the tribunal of this state having  
24 jurisdiction over the parties shall issue a child support order, which  
25 controls and must be so recognized.

26 (3) If two or more child support orders have been issued for the  
27 same obligor and child and if the obligor or the individual obligee  
28 resides in this state, a party may request a tribunal of this state to  
29 determine which order controls and must be so recognized under  
30 subsection (2) of this section. The request must be accompanied by a  
31 certified copy of every support order in effect. The requesting party  
32 shall give notice of the request to each party whose rights may be  
33 affected by the determination.

34 (4) The tribunal that issued the controlling order under subsection  
35 (1), (2), or (3) of this section is the tribunal that has continuing,  
36 exclusive jurisdiction under RCW 26.21.115.

37 (5) A tribunal of this state which determines by order the identity  
38 of the controlling order under subsection (2)(a) or (b) of this section  
39 or which issues a new controlling order under subsection (2)(c) of this

1 section shall state in that order the basis upon which the tribunal  
2 made its determination.

3 (6) Within thirty days after issuance of an order determining the  
4 identity of the controlling order, the party obtaining the order shall  
5 file a certified copy of it with each tribunal that issued or  
6 registered an earlier order of child support. A party who obtains the  
7 order and fails to file a certified copy is subject to appropriate  
8 sanctions by a tribunal in which the issue of failure to file arises.  
9 The failure to file does not affect the validity or enforceability of  
10 the controlling order.

11 **Sec. 914.** RCW 26.21.235 and 1993 c 318 s 304 are each amended to  
12 read as follows:

13 (1) Upon the filing of a petition authorized by this chapter, an  
14 initiating tribunal of this state shall forward three copies of the  
15 petition and its accompanying documents:

16 ~~((1))~~ (a) To the responding tribunal or appropriate support  
17 enforcement agency in the responding state; or

18 ~~((2))~~ (b) If the identity of the responding tribunal is unknown,  
19 to the state information agency of the responding state with a request  
20 that they be forwarded to the appropriate tribunal and that receipt be  
21 acknowledged.

22 (2) If a responding state has not enacted the Uniform Interstate  
23 Family Support Act or a law or procedure substantially similar to the  
24 Uniform Interstate Family Support Act, a tribunal of this state may  
25 issue a certificate or other document and make findings required by the  
26 law of the responding state. If the responding state is a foreign  
27 jurisdiction, the tribunal may specify the amount of support sought and  
28 provide other documents necessary to satisfy the requirements of the  
29 responding state.

30 **Sec. 915.** RCW 26.21.245 and 1993 c 318 s 305 are each amended to  
31 read as follows:

32 (1) When a responding tribunal of this state receives a petition or  
33 comparable pleading from an initiating tribunal or directly pursuant to  
34 RCW 26.21.205(3), it shall cause the petition or pleading to be filed  
35 and notify the petitioner (~~by first class mail~~) where and when it was  
36 filed.

1 (2) A responding tribunal of this state, to the extent otherwise  
2 authorized by law, may do one or more of the following:

3 (a) Issue or enforce a support order, modify a child support order,  
4 or render a judgment to determine parentage;

5 (b) Order an obligor to comply with a support order, specifying the  
6 amount and the manner of compliance;

7 (c) Order income withholding;

8 (d) Determine the amount of any arrearages, and specify a method of  
9 payment;

10 (e) Enforce orders by civil or criminal contempt, or both;

11 (f) Set aside property for satisfaction of the support order;

12 (g) Place liens and order execution on the obligor's property;

13 (h) Order an obligor to keep the tribunal informed of the obligor's  
14 current residential address, telephone number, employer, address of  
15 employment, and telephone number at the place of employment;

16 (i) Issue a bench warrant or writ of arrest for an obligor who has  
17 failed after proper notice to appear at a hearing ordered by the  
18 tribunal and enter the bench warrant or writ of arrest in any local and  
19 state computer systems for criminal warrants;

20 (j) Order the obligor to seek appropriate employment by specified  
21 methods;

22 (k) Award reasonable attorneys' fees and other fees and costs; and

23 (l) Grant any other available remedy.

24 (3) A responding tribunal of this state shall include in a support  
25 order issued under this chapter, or in the documents accompanying the  
26 order, the calculations on which the support order is based.

27 (4) A responding tribunal of this state may not condition the  
28 payment of a support order issued under this chapter upon compliance by  
29 a party with provisions for visitation.

30 (5) If a responding tribunal of this state issues an order under  
31 this chapter, the tribunal shall send a copy of the order (~~by first~~  
32 ~~class mail~~) to the petitioner and the respondent and to the initiating  
33 tribunal, if any.

34 **Sec. 916.** RCW 26.21.255 and 1993 c 318 s 306 are each amended to  
35 read as follows:

36 If a petition or comparable pleading is received by an  
37 inappropriate tribunal of this state, it shall forward the pleading and  
38 accompanying documents to an appropriate tribunal in this state or



1 another state and notify the petitioner (~~by first class mail~~) where  
2 and when the pleading was sent.

3 **Sec. 917.** RCW 26.21.265 and 1993 c 318 s 307 are each amended to  
4 read as follows:

5 (1) A support enforcement agency of this state, upon request, shall  
6 provide services to a petitioner in a proceeding under this chapter.

7 (2) A support enforcement agency that is providing services to the  
8 petitioner as appropriate shall:

9 (a) Take all steps necessary to enable an appropriate tribunal in  
10 this state or another state to obtain jurisdiction over the respondent;

11 (b) Request an appropriate tribunal to set a date, time, and place  
12 for a hearing;

13 (c) Make a reasonable effort to obtain all relevant information,  
14 including information as to income and property of the parties;

15 (d) Within (~~two~~) five days, exclusive of Saturdays, Sundays, and  
16 legal holidays, after receipt of a written notice from an initiating,  
17 responding, or registering tribunal, send a copy of the notice (~~by~~  
18 ~~first class mail~~) to the petitioner;

19 (e) Within (~~two~~) five days, exclusive of Saturdays, Sundays, and  
20 legal holidays, after receipt of a written communication from the  
21 respondent or the respondent's attorney, send a copy of the  
22 communication (~~by first class mail~~) to the petitioner; and

23 (f) Notify the petitioner if jurisdiction over the respondent  
24 cannot be obtained.

25 (3) This chapter does not create or negate a relationship of  
26 attorney and client or other fiduciary relationship between a support  
27 enforcement agency or the attorney for the agency and the individual  
28 being assisted by the agency.

29 **Sec. 918.** RCW 26.21.450 and 1993 c 318 s 501 are each amended to  
30 read as follows:

31 (~~(1)~~) An income-withholding order issued in another state may be  
32 sent (~~by first class mail~~) to the person or entity defined as the  
33 obligor's employer under (~~chapter 6.27~~) RCW 50.04.080 without first  
34 filing a petition or comparable pleading or registering the order with  
35 a tribunal of this state. (~~Upon receipt of the order, the employer~~  
36 ~~shall:~~

1       ~~(a) Treat an income withholding order issued in another state that~~  
2 ~~appears regular on its face as if it had been issued by a tribunal of~~  
3 ~~this state;~~

4       ~~(b) Immediately provide a copy of the order to the obligor; and~~

5       ~~(c) Distribute the funds as directed in the income withholding~~  
6 ~~order.~~

7       ~~(2) An obligor may contest the validity or enforcement of an~~  
8 ~~income withholding order issued in another state in the same manner as~~  
9 ~~if the order had been issued by a tribunal of this state. — RCW~~  
10 ~~26.21.510 applies to the contest. The obligor shall give notice of the~~  
11 ~~contest to any support enforcement agency providing services to the~~  
12 ~~obligee and to:~~

13       ~~(a) The person or agency designated to receive payments in the~~  
14 ~~income withholding order; or~~

15       ~~(b) If no person or agency is designated, the obligee.)~~

16       NEW SECTION. Sec. 919. A new section is added to chapter 26.21  
17 RCW to read as follows:

18       EMPLOYER'S COMPLIANCE WITH INCOME-WITHHOLDING ORDER OF ANOTHER  
19 STATE. (1) Upon receipt of an income-withholding order, the obligor's  
20 employer shall immediately provide a copy of the order to the obligor.

21       (2) The employer shall treat an income-withholding order issued in  
22 another state that appears regular on its face as if it had been issued  
23 by a tribunal of this state.

24       (3) Except as provided in subsection (4) of this section and  
25 section 920 of this act, the employer shall withhold and distribute the  
26 funds as directed in the withholding order by complying with the terms  
27 of the order which specify:

28       (a) The duration and amount of periodic payments of current child  
29 support, stated as a sum certain;

30       (b) The person or agency designated to receive payments and the  
31 address to which the payments are to be forwarded;

32       (c) Medical support, whether in the form of periodic cash payment,  
33 stated as sum certain, or ordering the obligor to provide health  
34 insurance coverage for the child under a policy available through the  
35 obligor's employment;

36       (d) The amount of periodic payments of fees and costs for a support  
37 enforcement agency, the issuing tribunal, and the obligee's attorney,  
38 stated as sum certain; and

1 (e) The amount of periodic payments of arrearages and interest on  
2 arrearages, stated as sum certain.

3 (4) The employer shall comply with the law of the state of the  
4 obligor's principal place of employment for withholding from income  
5 with respect to:

6 (a) The employer's fee for processing an income withholding order;

7 (b) The maximum amount permitted to be withheld from the obligor's  
8 income; and

9 (c) The times within which the employer must implement the  
10 withholding order and forward the child support payment.

11 NEW SECTION. **Sec. 920.** A new section is added to chapter 26.21  
12 RCW to read as follows:

13 COMPLIANCE WITH MULTIPLE INCOME WITHHOLDING ORDERS. If an  
14 obligor's employer receives multiple income-withholding orders with  
15 respect to the earnings of the same obligor, the employer satisfies the  
16 terms of the multiple orders if the employer complies with the law of  
17 the state of the obligor's principal place of employment to establish  
18 the priorities for withholding and allocating income withheld for  
19 multiple child support obligees.

20 NEW SECTION. **Sec. 921.** A new section is added to chapter 26.21  
21 RCW to read as follows:

22 IMMUNITY FROM CIVIL LIABILITY. An employer who complies with an  
23 income-withholding order issued in another state in accordance with  
24 this article is not subject to civil liability to an individual or  
25 agency with regard to the employer's withholding of child support from  
26 the obligor's income.

27 NEW SECTION. **Sec. 922.** A new section is added to chapter 26.21  
28 RCW to read as follows:

29 PENALTIES FOR NONCOMPLIANCE. An employer who willfully fails to  
30 comply with an income-withholding order issued by another state and  
31 received for enforcement is subject to the same penalties that may be  
32 imposed for noncompliance with an order issued by a tribunal of this  
33 state.

34 NEW SECTION. **Sec. 923.** A new section is added to chapter 26.21  
35 RCW to read as follows:

1 CONTEST BY OBLIGOR. (1) An obligor may contest the validity or  
2 enforcement of an income-withholding order issued in another state and  
3 received directly by an employer in this state in the same manner as if  
4 the order had been issued by a tribunal of this state. RCW 26.21.510  
5 applies to the contest.

6 (2) The obligor shall give notice of the contest to:

7 (a) A support enforcement agency providing services to the obligee;

8 (b) Each employer that has directly received an income-withholding  
9 order; and

10 (c) The person or agency designated to receive payments in the  
11 income-withholding order, or if no person or agency is designated, to  
12 the obligee.

13 **Sec. 924.** RCW 26.21.490 and 1993 c 318 s 602 are each amended to  
14 read as follows:

15 (1) A support order or income-withholding order of another state  
16 may be registered in this state by sending the following documents and  
17 information to the support enforcement agency of this state or to the  
18 superior court of any county in this state where the obligor resides,  
19 works, or has property:

20 (a) A letter of transmittal to the tribunal requesting registration  
21 and enforcement;

22 (b) Two copies, including one certified copy, of all orders to be  
23 registered, including any modification of an order;

24 (c) A sworn statement by the party seeking registration or a  
25 certified statement by the custodian of the records showing the amount  
26 of any arrearage;

27 (d) The name of the obligor and, if known:

28 (i) The obligor's address and social security number;

29 (ii) The name and address of the obligor's employer and any other  
30 source of income of the obligor; and

31 (iii) A description and the location of property of the obligor in  
32 this state not exempt from execution; and

33 (e) The name and address of the obligee and, if applicable, the  
34 agency or person to whom support payments are to be remitted.

35 (2) On receipt of a request for registration, the registering  
36 tribunal shall cause the order to be filed as a foreign judgment,  
37 together with one copy of the documents and information, regardless of  
38 their form.

1 (3) A petition or comparable pleading seeking a remedy that must be  
2 affirmatively sought under other law of this state may be filed at the  
3 same time as the request for registration or later. The pleading must  
4 specify the grounds for the remedy sought.

5 **Sec. 925.** RCW 26.21.520 and 1993 c 318 s 605 are each amended to  
6 read as follows:

7 (1) When a support order or income-withholding order issued in  
8 another state is registered, the registering tribunal shall notify the  
9 nonregistering party. ~~((Notice must be given by certified or  
10 registered mail or by any means of personal service authorized by the  
11 law of this state.))~~ The notice must be accompanied by a copy of the  
12 registered order and the documents and relevant information  
13 accompanying the order.

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

15 (a) That a registered order is enforceable as of the date of  
16 registration in the same manner as an order issued by a tribunal of  
17 this state;

18 (b) That a hearing to contest the validity or enforcement of the  
19 registered order must be requested within twenty days after the date of  
20 receipt by certified or registered mail or personal service of the  
21 notice given to a nonregistering party within the state and within  
22 sixty days after the date of receipt by certified or registered mail or  
23 personal service of the notice on a nonregistering party outside of the  
24 state;

25 (c) That failure to contest the validity or enforcement of the  
26 registered order in a timely manner will result in confirmation of the  
27 order and enforcement of the order and the alleged arrearages and  
28 precludes further contest of that order with respect to any matter that  
29 could have been asserted; and

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

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

34 **Sec. 926.** RCW 26.21.530 and 1993 c 318 s 606 are each amended to  
35 read as follows:

36 (1) A nonregistering party seeking to contest the validity or  
37 enforcement of a registered order in this state shall request a hearing

1 within twenty days after the date of receipt of certified or registered  
2 mail or the date of personal service of notice of the registration on  
3 the nonmoving party within this state, or, within sixty days after the  
4 receipt of certified or registered mail or personal service of the  
5 notice on the nonmoving party outside of the state. The nonregistering  
6 party may seek to vacate the registration, to assert any defense to an  
7 allegation of noncompliance with the registered order, or to contest  
8 the remedies being sought or the amount of any alleged arrearages  
9 pursuant to RCW 26.21.540.

10 (2) If the nonregistering party fails to contest the validity or  
11 enforcement of the registered order in a timely manner, the order is  
12 confirmed by operation of law.

13 (3) If a nonregistering party requests a hearing to contest the  
14 validity or enforcement of the registered order, the registering  
15 tribunal shall schedule the matter for hearing and give notice to the  
16 parties (~~by first class mail~~) of the date, time, and place of the  
17 hearing.

18 **Sec. 927.** RCW 26.21.580 and 1993 c 318 s 611 are each amended to  
19 read as follows:

20 (1) After a child support order issued in another state has been  
21 registered in this state, the responding tribunal of this state may  
22 modify that order only if ~~((section 929 of this act does not apply~~)  
23 and after notice and hearing ~~((it finds that:~~)

24 (a) The following requirements are met:

25 (i) The child, the individual obligee, and the obligor do not  
26 reside in the issuing state;

27 (ii) A petitioner who is a nonresident of this state seeks  
28 modification; and

29 (iii) The respondent is subject to the personal jurisdiction of the  
30 tribunal of this state; or

31 (b) ~~((An individual party or))~~ The child, or a party who is an  
32 individual, is subject to the personal jurisdiction of the tribunal of  
33 this state and all of the ~~((individual))~~ parties who are individuals  
34 have filed ~~((a))~~ written consents in the issuing tribunal ~~((providing~~  
35 ~~that))~~ for a tribunal of this state ~~((may))~~ to modify the support order  
36 and assume continuing, exclusive jurisdiction over the order. However,  
37 if the issuing state is a foreign jurisdiction that has not enacted a  
38 law or established procedures substantially similar to the procedures

1 under the Uniform Interstate Family Support Act, the consent otherwise  
2 required of an individual residing in this state is not required for  
3 the tribunal to assume jurisdiction to modify the child support order.

4 (2) Modification of a registered child support order is subject to  
5 the same requirements, procedures, and defenses that apply to the  
6 modification of an order issued by a tribunal of this state and the  
7 order may be enforced and satisfied in the same manner.

8 (3) A tribunal of this state may not modify any aspect of a child  
9 support order that may not be modified under the law of the issuing  
10 state. If two or more tribunals have issued child support orders for  
11 the same obligor and child, the order that controls and must be so  
12 recognized under RCW 26.21.135 establishes the aspects of the support  
13 order that are nonmodifiable.

14 (4) On issuance of an order modifying a child support order issued  
15 in another state, a tribunal of this state becomes the tribunal ((of))  
16 having continuing, exclusive jurisdiction.

17 ~~((5) Within thirty days after issuance of a modified child support  
18 order, the party obtaining the modification shall file a certified copy  
19 of the order with the issuing tribunal which had continuing, exclusive  
20 jurisdiction over the earlier order, and in each tribunal in which the  
21 party knows that earlier order has been registered.))~~

22 **Sec. 928.** RCW 26.21.590 and 1993 c 318 s 612 are each amended to  
23 read as follows:

24 A tribunal of this state shall recognize a modification of its  
25 earlier child support order by a tribunal of another state that assumed  
26 jurisdiction pursuant to the Uniform Interstate Family Support Act or  
27 a law substantially similar to this chapter and, upon request, except  
28 as otherwise provided in this chapter, shall:

29 (1) Enforce the order that was modified only as to amounts accruing  
30 before the modification;

31 (2) Enforce only nonmodifiable aspects of that order;

32 (3) Provide other appropriate relief only for violations of that  
33 order which occurred before the effective date of the modification;  
34 and

35 (4) Recognize the modifying order of the other state, upon  
36 registration, for the purpose of enforcement.

1        NEW SECTION.    **Sec. 929.**    A new section is added to chapter 26.21  
2 RCW to read as follows:

3        JURISDICTION TO MODIFY CHILD SUPPORT ORDER OF ANOTHER STATE IF  
4 INDIVIDUAL PARTIES RESIDE IN THIS STATE. (1) If all of the parties who  
5 are individuals reside in this state and the child does not reside in  
6 the issuing state, a tribunal of this state has jurisdiction to enforce  
7 and to modify the issuing state's child support order in a proceeding  
8 to register that order.

9        (2) A tribunal of this state exercising jurisdiction under this  
10 section shall apply the provisions of Articles 1 and 2, this article,  
11 and the procedural and substantive law of this state to the proceeding  
12 for enforcement or modification. Articles 3, 4, 5, 7, and 8 of this  
13 chapter do not apply.

14        NEW SECTION.    **Sec. 930.**    A new section is added to chapter 26.21  
15 RCW to read as follows:

16        NOTICE TO ISSUING TRIBUNAL OF MODIFICATION. Within thirty days  
17 after issuance of a modified child support order, the party obtaining  
18 the modification shall file a certified copy of the order with the  
19 issuing tribunal that had continuing, exclusive jurisdiction over the  
20 earlier order, and in each tribunal in which the party knows the  
21 earlier order has been registered. A party who obtains the order and  
22 fails to file a certified copy is subject to appropriate sanctions by  
23 a tribunal in which the issue of failure to file arises. The failure  
24 to file does not affect the validity or enforceability of the modified  
25 order of the new tribunal having continuing, exclusive jurisdiction.

26        **Sec. 931.**    RCW 26.21.620 and 1993 c 318 s 701 are each amended to  
27 read as follows:

28        (1) A tribunal of this state may serve as an initiating or  
29 responding tribunal in a proceeding brought under this chapter or a law  
30 or procedure substantially similar to this chapter, the Uniform  
31 Reciprocal Enforcement of Support Act, or the Revised Uniform  
32 Reciprocal Enforcement of Support Act to determine that the petitioner  
33 is a parent of a particular child or to determine that a respondent is  
34 a parent of that child.

35        (2) In a proceeding to determine parentage, a responding tribunal  
36 of this state shall apply the Uniform Parentage Act, chapter 26.26 RCW,



1 procedural and substantive law of this state, and the rules of this  
2 state on choice of law.

3 NEW SECTION. **Sec. 932.** A new section is added to chapter 26.21  
4 RCW to read as follows:

5 ADOPTION OF RULES. The secretary of the department of social and  
6 health services shall issue such rules as necessary to act as the  
7 administrative tribunal pursuant to RCW 26.21.015.

8 **Sec. 933.** RCW 26.23.035 and 1991 c 367 s 38 are each amended to  
9 read as follows:

10 (1) The department of social and health services shall adopt rules  
11 for the distribution of support money collected by the (~~office of~~  
12 ~~support enforcement~~) division of child support. These rules shall:

13 (a) Comply with (~~42 U.S.C. Sec. 657~~) Title IV-D of the federal  
14 social security act as amended by the personal responsibility and work  
15 opportunity reconciliation act of 1996;

16 (b) Direct the (~~office of support enforcement~~) division of child  
17 support to distribute support money within eight days of receipt,  
18 unless one of the following circumstances, or similar circumstances  
19 specified in the rules, prevents prompt distribution:

20 (i) The location of the custodial parent is unknown;

21 (ii) The support debt is in litigation;

22 (iii) The (~~office of support enforcement~~) division of child  
23 support cannot identify the responsible parent or the custodian;

24 (c) Provide for proportionate distribution of support payments if  
25 the responsible parent owes a support obligation or a support debt for  
26 two or more Title IV-D cases; and

27 (d) Authorize the distribution of support money, except money  
28 collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to  
29 the IV-D custodian before the debt owed to the state when the custodian  
30 stops receiving a public assistance grant.

31 (2) The (~~office of support enforcement~~) division of child support  
32 may distribute support payments to the payee under the support order or  
33 to another person who has lawful physical custody of the child or  
34 custody with the payee's consent. The payee may file an application  
35 for an adjudicative proceeding to challenge distribution to such other  
36 person. Prior to distributing support payments to any person other  
37 than the payee, the registry shall:

1 (a) Obtain a written statement from the child's physical custodian,  
2 under penalty of perjury, that the custodian has lawful custody of the  
3 child or custody with the payee's consent;

4 (b) Mail to the responsible parent and to the payee at the payee's  
5 last known address a copy of the physical custodian's statement and a  
6 notice which states that support payments will be sent to the physical  
7 custodian; and

8 (c) File a copy of the notice with the clerk of the court that  
9 entered the original support order.

10 (3) If the Washington state support registry distributes a support  
11 payment to a person in error, the registry may obtain restitution by  
12 means of a set-off against future payments received on behalf of the  
13 person receiving the erroneous payment, or may act according to RCW  
14 74.20A.270 as deemed appropriate. Any set-off against future support  
15 payments shall be limited to amounts collected on the support debt and  
16 ten percent of amounts collected as current support.

17 (4) The division of child support shall ensure that the fifty  
18 dollar pass through payment, as required by 42 U.S.C. Sec. 657 before  
19 the adoption of P.L. 104-193, is terminated immediately upon the  
20 effective date of this section and all rules to the contrary adopted  
21 before the effective date of this section are without force and effect.

22 **Sec. 934.** RCW 74.20A.030 and 1993 sp.s. c 24 s 926 are each  
23 amended to read as follows:

24 (1) The department shall be subrogated to the right of any  
25 dependent child or children or person having the care, custody, and  
26 control of said child or children, if public assistance money is paid  
27 to or for the benefit of the child under a state program funded under  
28 Title IV-A of the federal social security act as amended by the  
29 personal responsibility and work opportunity reconciliation act of  
30 1996, to prosecute or maintain any support action or execute any  
31 administrative remedy existing under the laws of the state of  
32 Washington to obtain reimbursement of moneys expended, based on the  
33 support obligation of the responsible parent established by a superior  
34 court order or RCW 74.20A.055. Distribution of any support moneys  
35 shall be made in accordance with (~~42 U.S.C. Sec. 657~~) RCW 26.23.035.

36 (2) The department may initiate, continue, maintain, or execute an  
37 action to establish, enforce, and collect a support obligation,  
38 including establishing paternity and performing related services, under

1 this chapter and chapter 74.20 RCW, or through the attorney general or  
2 prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, 26.23,  
3 or 26.26 RCW or other appropriate statutes or the common law of this  
4 state, for so long as and under such conditions as the department may  
5 establish by regulation.

6 (3) Public assistance moneys shall be exempt from collection action  
7 under this chapter except as provided in RCW 74.20A.270.

8 (4) No collection action shall be taken against parents of children  
9 eligible for admission to, or children who have been discharged from a  
10 residential habilitation center as defined by RCW 71A.10.020(7). For  
11 the period July 1, 1993, through June 30, 1995, a collection action may  
12 be taken against parents of children with developmental disabilities  
13 who are placed in community-based residential care. The amount of  
14 support the department may collect from the parents shall not exceed  
15 one-half of the parents' support obligation accrued while the child was  
16 in community-based residential care. The child support obligation  
17 shall be calculated pursuant to chapter 26.19 RCW.

18 **Sec. 935.** RCW 74.20.320 and 1979 ex.s. c 171 s 17 are each amended  
19 to read as follows:

20 Whenever a custodian of children, or other person, receives support  
21 moneys paid to them which moneys are paid in whole or in part in  
22 satisfaction of a support obligation which has been assigned to the  
23 department pursuant to ~~((42 U.S.C. Sec. 602(A)(26)(a)))~~ Title IV-A of  
24 the federal social security act as amended by the personal  
25 responsibility and work opportunity reconciliation act of 1996 or RCW  
26 74.20.330 or to which the department is owed a debt pursuant to RCW  
27 74.20A.030, the moneys shall be remitted to the department within eight  
28 days of receipt by the custodian or other person. If not so remitted  
29 the custodian or other person shall be indebted to the department as a  
30 support debt in an amount equal to the amount of the support money  
31 received and not remitted.

32 By not paying over the moneys to the department, a custodial parent  
33 or other person is deemed, without the necessity of signing any  
34 document, to have made an irrevocable assignment to the department of  
35 any support delinquency owed which is not already assigned to the  
36 department or to any support delinquency which may accrue in the future  
37 in an amount equal to the amount of support money retained. The  
38 department may utilize the collection procedures in chapter 74.20A RCW

1 to collect the assigned delinquency to effect recoupment and  
2 satisfaction of the debt incurred by reason of the failure of the  
3 custodial parent or other person to remit. The department is also  
4 authorized to make a set-off to effect satisfaction of the debt by  
5 deduction from support moneys in its possession or in the possession of  
6 any clerk of the court or other forwarding agent which are paid to the  
7 custodial parent or other person for the satisfaction of any support  
8 delinquency. Nothing in this section authorizes the department to make  
9 set-off as to current support paid during the month for which the  
10 payment is due and owing.

11 **Sec. 936.** RCW 74.20.330 and 1989 c 360 s 13 are each amended to  
12 read as follows:

13 (1) Whenever public assistance is paid under (~~this title~~) a state  
14 program funded under Title IV-A of the federal social security act as  
15 amended by the personal responsibility and work opportunity  
16 reconciliation act of 1996, each applicant or recipient is deemed to  
17 have made assignment to the department of any rights to a support  
18 obligation from any other person the applicant or recipient may have in  
19 his or her own behalf or in behalf of any other family member for whom  
20 the applicant or recipient is applying for or receiving public  
21 assistance, including any unpaid support obligation or support debt  
22 which has accrued at the time the assignment is made.

23 (2) Payment of public assistance under (~~this title~~) a state  
24 program funded under Title IV-A of the federal social security act as  
25 amended by the personal responsibility and work opportunity  
26 reconciliation act of 1996 shall:

27 (a) Operate as an assignment by operation of law; and

28 (b) Constitute an authorization to the department to provide the  
29 assistance recipient with support enforcement services.

30 **Sec. 937.** RCW 70.58.080 and 1989 c 55 s 2 are each amended to read  
31 as follows:

32 (1) Within ten days after the birth of any child, the attending  
33 physician, midwife, or his or her agent shall:

34 (a) Fill out a certificate of birth, giving all of the particulars  
35 required, including: (i) The mother's name and date of birth, and (ii)  
36 if the mother and father are married at the time of birth or the father

1 has signed an acknowledgment of paternity, the father's name and date  
2 of birth; and

3 (b) File the certificate of birth together with the mother's and  
4 father's social security numbers with the (~~local~~) state registrar of  
5 (~~the district in which the birth occurred~~) vital statistics.

6 (2) The local registrar shall forward the birth certificate, any  
7 signed affidavit acknowledging paternity, and the mother's and father's  
8 social security numbers to the state office of vital statistics  
9 pursuant to RCW 70.58.030.

10 (3) The state (~~office~~) registrar of vital statistics shall make  
11 available to the (~~office of support enforcement~~) division of child  
12 support the birth certificates, the mother's and father's social  
13 security numbers and paternity affidavits.

14 (4) Upon the birth of a child to an unmarried woman, the attending  
15 physician, midwife, or his or her agent shall:

16 (a) Provide an opportunity for the child's mother and natural  
17 father to complete an affidavit acknowledging paternity. The completed  
18 affidavit shall be filed with the (~~local~~) state registrar of vital  
19 statistics. The affidavit shall contain or have attached:

20 (i) A sworn statement by the mother consenting to the assertion of  
21 paternity and stating that this is the only possible father;

22 (ii) A statement by the father that he is the natural father of the  
23 child;

24 (iii) A sworn statement signed by the mother and the putative  
25 father that each has been given notice, both orally and in writing, of  
26 the alternatives to, the legal consequences of, and the rights,  
27 including, if one parent is a minor, any rights afforded due to  
28 minority status, and responsibilities that arise from, signing the  
29 affidavit acknowledging paternity;

30 (iv) Written information, furnished by the department of social and  
31 health services, explaining the implications of signing, including  
32 parental rights and responsibilities; and

33 (~~(iv)~~) (v) The social security numbers of both parents.

34 (b) Provide written information and oral information, furnished by  
35 the department of social and health services, to the mother and the  
36 father regarding the benefits of having (~~her~~) the child's paternity  
37 established and of the availability of paternity establishment  
38 services, including a request for support enforcement services. The  
39 oral and written information shall also include information regarding

1 the alternatives to, the legal consequences of, and the rights,  
2 including, if one parent is a minor any rights afforded due to minority  
3 status, and responsibilities that arise from, signing the affidavit  
4 acknowledging paternity.

5 (5) The physician or midwife or his or her agent is entitled to  
6 reimbursement for reasonable costs, which the department shall  
7 establish by rule, when an affidavit acknowledging paternity is filed  
8 with the state (~~office~~) registrar of vital statistics.

9 (6) If there is no attending physician or midwife, the father or  
10 mother of the child, householder or owner of the premises, manager or  
11 superintendent of the public or private institution in which the birth  
12 occurred, shall notify the local registrar, within ten days after the  
13 birth, of the fact of the birth, and the local registrar shall secure  
14 the necessary information and signature to make a proper certificate of  
15 birth.

16 (7) When an infant is found for whom no certificate of birth is  
17 known to be on file, a birth certificate shall be filed within the time  
18 and in the form prescribed by the state board of health.

19 (8) When no putative father is named on a birth certificate of a  
20 child born to an unwed mother the mother may give any surname she so  
21 desires to her child but shall designate in space provided for father's  
22 name on the birth certificate "None Named".

23 **Sec. 938.** RCW 26.26.040 and 1994 c 230 s 14 are each amended to  
24 read as follows:

25 (1) A man is presumed to be the natural father of a child for all  
26 intents and purposes if:

27 (a) He and the child's natural mother are or have been married to  
28 each other and the child is born during the marriage, or within three  
29 hundred days after the marriage is terminated by death, annulment,  
30 declaration of invalidity, divorce, or dissolution, or after a decree  
31 of separation is entered by a court; or

32 (b) Before the child's birth, he and the child's natural mother  
33 have attempted to marry each other by a marriage solemnized in apparent  
34 compliance with law, although the attempted marriage is or could be  
35 declared invalid, and the child is born within three hundred days after  
36 the termination of cohabitation;

37 (c) After the child's birth, he and the child's natural mother have  
38 married, or attempted to marry, each other by a marriage solemnized in

1 apparent compliance with law, although the attempted marriage is or  
2 could be declared invalid, and

3 (i) He has acknowledged his paternity of the child in writing filed  
4 with the state registrar of vital statistics,

5 (ii) With his consent, he is named as the child's father on the  
6 child's birth certificate, or

7 (iii) He is obligated to support the child under a written  
8 voluntary promise or by court order;

9 (d) While the child is under the age of majority, he receives the  
10 child into his home and openly holds out the child as his child;

11 (e) He acknowledges his paternity of the child pursuant to RCW  
12 70.58.080 or in a writing filed with the state (~~office~~) registrar of  
13 vital statistics, which shall promptly inform the mother of the filing  
14 of the acknowledgment, if she does not dispute the acknowledgment  
15 within a reasonable time after being informed thereof, in a writing  
16 filed with the state registrar of vital statistics. An acknowledgment  
17 of paternity under RCW 70.58.080 shall be a legal finding of paternity  
18 of the child sixty days after the acknowledgment is filed with the  
19 center for health statistics unless the acknowledgment is sooner  
20 rescinded or challenged. After the sixty-day period has passed, the  
21 acknowledgment may be challenged in court only on the basis of fraud,  
22 duress, or material mistake of fact, with the burden of proof upon the  
23 challenger. Legal responsibilities of the challenger, including child  
24 support obligations, may not be suspended during the challenge, except  
25 for good cause shown. Judicial and administrative proceedings are  
26 neither required nor permitted to ratify an unchallenged acknowledgment  
27 of paternity filed after the effective date of this section. In order  
28 to enforce rights of residential time, custody, and visitation, a man  
29 presumed to be the father as a result of filing a written  
30 acknowledgment must seek appropriate judicial orders under this title;

31 (f) The United States immigration and naturalization service made  
32 or accepted a determination that he was the father of the child at the  
33 time of the child's entry into the United States and he had the  
34 opportunity at the time of the child's entry into the United States to  
35 admit or deny the paternal relationship; or

36 (g) Genetic testing indicates a ninety-eight percent or greater  
37 probability of paternity.

38 (2) A presumption under this section may be rebutted in an  
39 appropriate action only by clear, cogent, and convincing evidence. If

1 two or more presumptions arise which conflict with each other, the  
2 presumption which on the facts is founded on the weightier  
3 considerations of policy and logic controls. The presumption is  
4 rebutted by a court decree establishing paternity of the child by  
5 another man.

6 NEW SECTION. **Sec. 939.** A new section is added to chapter 26.26  
7 RCW to read as follows:

8 PROOF OF CERTAIN SUPPORT AND PATERNITY ESTABLISHMENT COSTS. In all  
9 actions brought under this chapter, bills for pregnancy, childbirth,  
10 and genetic testing shall:

11 (1) Be admissible as evidence without requiring third-party  
12 foundation testimony; and

13 (2) Constitute prima facie evidence of amounts incurred for such  
14 services or for testing on behalf of the child.

15 **Sec. 940.** RCW 74.20A.055 and 1996 c 21 s 1 are each amended to  
16 read as follows:

17 (1) The secretary may, in the absence of a superior court order, or  
18 pursuant to an establishment of paternity under chapter 26.26 RCW,  
19 serve on the responsible parent or parents a notice and finding of  
20 financial responsibility requiring a responsible parent or parents to  
21 appear and show cause in an adjudicative proceeding why the finding of  
22 responsibility and/or the amount thereof is incorrect, should not be  
23 finally ordered, but should be rescinded or modified. This notice and  
24 finding shall relate to the support debt accrued and/or accruing under  
25 this chapter and/or RCW 26.16.205, including periodic payments to be  
26 made in the future. The hearing shall be held pursuant to this  
27 section, chapter 34.05 RCW, the Administrative Procedure Act, and the  
28 rules of the department.

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



1 after the sixty-day period and before the date of notification:  
2 PROVIDED, That if the department exercises reasonable efforts to locate  
3 the debtor and is unable to do so the entire sixty-day period is tolled  
4 until such time as the debtor can be located.

5 (3) The notice and finding of financial responsibility shall set  
6 forth the amount the department has determined the responsible parent  
7 owes, the support debt accrued and/or accruing, and periodic payments  
8 to be made in the future. The notice and finding shall also include:

9 (a) A statement of the name of the recipient or custodian and the  
10 name of the child or children for whom support is sought;

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

13 (c) A statement that the responsible parent may object to all or  
14 any part of the notice and finding, and file an application for an  
15 adjudicative proceeding to show cause why said responsible parent  
16 should not be determined to be liable for any or all of the debt, past  
17 and future;

18 ~~(d) ((A statement that the alleged responsible parent may challenge  
19 the presumption of paternity;~~

20 ~~(e))~~ A statement that, if the responsible parent fails in timely  
21 fashion to file an application for an adjudicative proceeding, the  
22 support debt and payments stated in the notice and finding, including  
23 periodic support payments in the future, shall be assessed and  
24 determined and ordered by the department and that this debt and amounts  
25 due under the notice shall be subject to collection action;

26 ~~((f))~~ (e) A statement that the property of the debtor, without  
27 further advance notice or hearing, will be subject to lien and  
28 foreclosure, distraint, seizure and sale, order to withhold and  
29 deliver, notice of payroll deduction or other collection action to  
30 satisfy the debt and enforce the support obligation established under  
31 the notice.

32 (4) A responsible parent who objects to the notice and finding of  
33 financial responsibility may file an application for an adjudicative  
34 proceeding within twenty days of the date of service of the notice or  
35 thereafter as provided under this subsection. An adjudicative  
36 proceeding shall be held in the county of residence or other place  
37 convenient to the responsible parent.

38 (a) If the responsible parent files the application within twenty  
39 days, the department shall schedule an adjudicative proceeding to hear

1 the parent's objection and determine the parents' support obligation  
2 for the entire period covered by the notice and finding of financial  
3 responsibility. The filing of the application stays collection action  
4 pending the entry of a final administrative order;

5 (b) If the responsible parent fails to file an application within  
6 twenty days, the notice and finding shall become a final administrative  
7 order. The amounts for current and future support and the support debt  
8 stated in the notice are final and subject to collection, except as  
9 provided under (c) and (d) of this subsection;

10 (c) If the responsible parent files the application more than  
11 twenty days after, but within one year of the date of service, the  
12 department shall schedule an adjudicative proceeding to hear the  
13 parents' objection and determine the parent's support obligation for  
14 the entire period covered by the notice and finding of financial  
15 responsibility. The filing of the application does not stay further  
16 collection action, pending the entry of a final administrative order,  
17 and does not affect any prior collection action;

18 (d) If the responsible parent files the application more than one  
19 year after the date of service, the department shall schedule an  
20 adjudicative proceeding at which the responsible parent must show good  
21 cause for failure to file a timely application. The filing of the  
22 application does not stay future collection action and does not affect  
23 prior collection action:

24 (i) If the presiding officer finds that good cause exists, the  
25 presiding officer shall proceed to hear the parent's objection to the  
26 notice and determine the parent's support obligation;

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

35 (e) The department shall retain and/or shall not refund support  
36 money collected more than twenty days after the date of service of the  
37 notice. Money withheld as the result of collection action shall be  
38 delivered to the department. The department shall distribute such  
39 money, as provided in published rules.

1 (5)((+a)) If an application for an adjudicative proceeding is  
2 filed, the presiding or reviewing officer shall determine the past  
3 liability and responsibility, if any, of the alleged responsible parent  
4 and shall also determine the amount of periodic payments to be made in  
5 the future, which amount is not limited by the amount of any public  
6 assistance payment made to or for the benefit of the child. If  
7 deviating from the child support schedule in making these  
8 determinations, the presiding or reviewing officer shall apply the  
9 standards contained in the child support schedule and enter written  
10 findings of fact supporting the deviation.

11 ~~((b) If a responsible parent provides credible evidence at an  
12 adjudicative proceeding that would rebut the presumption of paternity  
13 set forth in RCW 26.26.040, the presiding officer shall direct the  
14 department to refer the issue for scheduling of an appropriate hearing  
15 in superior court to determine whether the presumption should be  
16 rebutted.))~~

17 (6) If the responsible parent fails to attend or participate in the  
18 hearing or other stage of an adjudicative proceeding, upon a showing of  
19 valid service, the presiding officer shall enter an administrative  
20 order declaring the support debt and payment provisions stated in the  
21 notice and finding of financial responsibility to be assessed and  
22 determined and subject to collection action.

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

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

30 **Sec. 941.** RCW 74.20A.056 and 1994 c 230 s 19 and 1994 c 146 s 5  
31 are each reenacted and amended to read as follows:

32 (1) If an alleged father has signed an affidavit acknowledging  
33 paternity which has been filed with the state ((office)) registrar of  
34 vital statistics before July 1, 1997, the ((office of support  
35 enforcement)) division of child support may serve a notice and finding  
36 of parental responsibility on him. Procedures for and responsibility  
37 resulting from acknowledgments filed after July 1, 1997, are in  
38 subsections (8) and (9) of this section. Service of the notice shall be

1 in the same manner as a summons in a civil action or by certified mail,  
2 return receipt requested. The notice shall have attached to it a copy  
3 of the affidavit or certification of birth record information advising  
4 of the existence of a filed affidavit, provided by the (~~center for~~  
5 ~~health~~) state registrar of vital statistics, and shall state that:

6 (a) The alleged father may file an application for an adjudicative  
7 proceeding at which he will be required to appear and show cause why  
8 the amount stated in the finding of financial responsibility as to  
9 support is incorrect and should not be ordered;

10 (b) An alleged father may request that a blood or genetic test be  
11 administered to determine whether such test would exclude him from  
12 being a natural parent and, if not excluded, may subsequently request  
13 that the (~~office of support enforcement~~) division of child support  
14 initiate an action in superior court to determine the existence of the  
15 parent-child relationship; and

16 (c) If the alleged father does not request that a blood or genetic  
17 test be administered or file an application for an adjudicative  
18 proceeding, the amount of support stated in the notice and finding of  
19 parental responsibility shall become final, subject only to a  
20 subsequent determination under RCW 26.26.060 that the parent-child  
21 relationship does not exist.

22 (2) An alleged father who objects to the amount of support  
23 requested in the notice may file an application for an adjudicative  
24 proceeding up to twenty days after the date the notice was served. An  
25 application for an adjudicative proceeding may be filed within one year  
26 of service of the notice and finding of parental responsibility without  
27 the necessity for a showing of good cause or upon a showing of good  
28 cause thereafter. An adjudicative proceeding under this section shall  
29 be pursuant to RCW 74.20A.055. The only issues shall be the amount of  
30 the accrued debt, the amount of the current and future support  
31 obligation, and the reimbursement of the costs of blood or genetic  
32 tests if advanced by the department.

33 (3) If the application for an adjudicative proceeding is filed  
34 within twenty days of service of the notice, collection action shall be  
35 stayed pending a final decision by the department. If no application  
36 is filed within twenty days:

37 (a) The amounts in the notice shall become final and the debt  
38 created therein shall be subject to collection action; and

1 (b) Any amounts so collected shall neither be refunded nor returned  
2 if the alleged father is later found not to be a responsible parent.

3 (4) An alleged father who denies being a responsible parent may  
4 request that a blood or genetic test be administered at any time. The  
5 request for testing shall be in writing and served on the (~~office of~~  
6 ~~support enforcement~~) division of child support personally or by  
7 registered or certified mail. If a request for testing is made, the  
8 department shall arrange for the test and, pursuant to rules adopted by  
9 the department, may advance the cost of such testing. The department  
10 shall mail a copy of the test results by certified mail, return receipt  
11 requested, to the alleged father's last known address.

12 (5) If the test excludes the alleged father from being a natural  
13 parent, the (~~office of support enforcement~~) division of child support  
14 shall file a copy of the results with the state (~~office~~) registrar of  
15 vital statistics and shall dismiss any pending administrative  
16 collection proceedings based upon the affidavit in issue. The state  
17 (~~office~~) registrar of vital statistics shall remove the alleged  
18 father's name from the birth certificate and change the child's surname  
19 to be the same as the mother's maiden name as stated on the birth  
20 certificate, or any other name which the mother may select.

21 (6) The alleged father may, within twenty days after the date of  
22 receipt of the test results, request the (~~office of support~~  
23 ~~enforcement~~) division of child support to initiate an action under RCW  
24 26.26.060 to determine the existence of the parent-child relationship.  
25 If the (~~office of support enforcement~~) division of child support  
26 initiates a superior court action at the request of the alleged father  
27 and the decision of the court is that the alleged father is a natural  
28 parent, the alleged father shall be liable for court costs incurred.

29 (7) If the alleged father does not request the (~~office of support~~  
30 ~~enforcement~~) division of child support to initiate a superior court  
31 action, or if the alleged father fails to appear and cooperate with  
32 blood or genetic testing, the notice of parental responsibility shall  
33 become final for all intents and purposes and may be overturned only by  
34 a subsequent superior court order entered under RCW 26.26.060.

35 (8)(a) If an alleged father has signed an affidavit acknowledging  
36 paternity that has been filed with the state registrar of vital  
37 statistics after July 1, 1997, within sixty days from the date of  
38 filing of the acknowledgment:

1       (i) The division of child support may serve a notice and finding of  
2 parental responsibility on him as set forth under this section; and

3       (ii) The alleged father or any other signatory may rescind his  
4 acknowledgment of paternity. The rescission shall be notarized and  
5 delivered to the state registrar of vital statistics personally or by  
6 registered or certified mail. The state registrar shall remove the  
7 father's name from the birth certificate and change the child's surname  
8 to be the same as the mother's maiden name as stated on the birth  
9 certificate or any other name that the mother may select. The state  
10 registrar shall file rescission notices in a sealed file. All future  
11 paternity actions on behalf of the child in question shall be performed  
12 under court order.

13       (b) If the alleged father does not file an application for an  
14 adjudicative proceeding or rescind his acknowledgment of paternity, the  
15 amount of support stated in the notice and finding of parental  
16 responsibility becomes final, subject only to a subsequent  
17 determination under RCW 26.26.060 that the parent-child relationship  
18 does not exist.

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

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

32       (ii) If the application for an adjudicative proceeding is not filed  
33 within twenty days of the service of the notice, any amounts collected  
34 under the notice shall be neither refunded nor returned if the alleged  
35 father is later found not to be a responsible parent.

36       (d) If an alleged father makes a request for genetic testing, the  
37 department shall proceed as set forth under section 901 of this act.

38       (e) If the alleged father does not request an adjudicative  
39 proceeding, or if the alleged father fails to rescind his filed

1 acknowledgment of paternity, the notice of parental responsibility  
2 becomes final for all intents and purposes and may be overturned only  
3 by a subsequent superior court order entered under RCW 26.26.060.

4 (9) Affidavits acknowledging paternity that are filed after July 1,  
5 1997, are subject to requirements of chapters 26.26 and 70.58 RCW.

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

8 NEW SECTION. Sec. 942. A new section is added to chapter 26.18  
9 RCW to read as follows:

10 CHILD SUPPORT LIENS--CREATION--ATTACHMENT. Child support debts,  
11 not paid when due, become liens by operation of law against all  
12 property of the debtor with priority of a secured creditor. This lien  
13 shall be separate and apart from, and in addition to, any other lien  
14 created by, or provided for, in this title. The lien attaches to all  
15 real and personal property of the debtor on the date of filing with the  
16 county auditor of the county in which the property is located.

17 **Sec. 943.** RCW 26.23.040 and 1994 c 127 s 1 are each amended to  
18 read as follows:

19 (1) Except as provided in subsection (3) of this section, all  
20 employers doing business in the state of Washington, and to whom the  
21 department of employment security has assigned the standard industrial  
22 classification sic codes listed in subsection (2) of this section,  
23 shall report to the Washington state support registry:

24 (a) The hiring of any person who resides or works in this state to  
25 whom the employer anticipates paying earnings; and

26 (b) The rehiring or return to work of any employee who was laid  
27 off, furloughed, separated, granted a leave without pay, or terminated  
28 from employment.

29 (2) Employers in the standard industrial classifications that shall  
30 report to the Washington state support registry include:

31 (a) Construction industry sic codes: 15, general building; 16,  
32 heavy construction; and 17, special trades;

33 (b) Manufacturing industry sic code 37, transportation equipment;

34 (c) Business services sic codes: 73, except sic code 7363  
35 (temporary help supply services); and health services sic code 80.

36 (3) Employers are not required to report the hiring of any person  
37 who:

- 1 (a) Will be employed for less than one months duration;  
2 (b) Will be employed sporadically so that the employee will be paid  
3 for less than three hundred fifty hours during a continuous six-month  
4 period; or  
5 (c) Will have gross earnings less than three hundred dollars in  
6 every month.

7 The secretary of the department of social and health services may  
8 adopt rules to establish additional exemptions if needed to reduce  
9 unnecessary or burdensome reporting.

10 (4) Employers may report by mailing the employee's copy of the W-4  
11 form, or other means authorized by the registry which will result in  
12 timely reporting.

13 (5) Employers shall submit reports within thirty-five days of the  
14 hiring, rehiring, or return to work of the employee. The report shall  
15 contain:

16 (a) The employee's name, address, social security number, and date  
17 of birth; and

18 (b) The employer's name, address, and employment security reference  
19 number or unified business identifier number.

20 (6) An employer who fails to report as required under this section  
21 shall be given a written warning for the first violation and shall be  
22 subject to a civil penalty of up to two hundred dollars per month for  
23 each subsequent violation after the warning has been given. All  
24 violations within a single month shall be considered a single violation  
25 for purposes of assessing the penalty. The penalty may be imposed and  
26 collected by the ~~((office of support enforcement))~~ division of child  
27 support under ~~((RCW 74.20A.270))~~ section 893 of this act.

28 ~~((The registry shall retain the information for a particular~~  
29 ~~employee only if the registry is responsible for establishing,~~  
30 ~~enforcing, or collecting a support obligation or debt of the employee.~~  
31 ~~If the employee does not owe such an obligation or a debt, the registry~~  
32 ~~shall not create a record regarding the employee and the information~~  
33 ~~contained in the notice shall be promptly destroyed. Prior to the~~  
34 ~~destruction of the notice, the department of social and health services~~  
35 ~~shall make the information contained in the notice available to other~~  
36 ~~state agencies, based upon the written request of an agency's director~~  
37 ~~or chief executive, specifically for comparison with records or~~  
38 ~~information possessed by the requesting agency to detect improper or~~  
39 ~~fraudulent claims. If, after comparison, no such situation is found or~~



1 reasonably suspected to exist, the information shall be promptly  
2 destroyed by the requesting agency. Requesting agencies that obtain  
3 information from the department of social and health services under  
4 this section shall maintain the confidentiality of the information  
5 received, except as necessary to implement the agencies'  
6 responsibilities.) The registry shall retain the information for a  
7 particular employee only if the registry is responsible for  
8 establishing, enforcing, or collecting a support debt of the employee.  
9 The registry may, however, retain information for a particular employee  
10 for as long as may be necessary to:

11 (a) Transmit the information to the national directory of new hires  
12 as required under federal law; or

13 (b) Provide the information to other state agencies for comparison  
14 with records or information possessed by those agencies as required by  
15 law.

16 Information that is not permitted to be retained shall be promptly  
17 destroyed. Agencies that obtain information from the department of  
18 social and health services under this section shall maintain the  
19 confidentiality of the information received, except as necessary to  
20 implement the agencies' responsibilities.

21 **Sec. 944.** RCW 26.23.040 and 1997 c ... s 943 (section 943 of this  
22 act) are each amended to read as follows:

23 ~~((Except as provided in subsection (3) of this section,))~~ All  
24 employers doing business in the state of Washington, and to whom the  
25 department of employment security has assigned ((the)) a standard  
26 industrial classification sic code((s listed in subsection (2) of this  
27 section,)) shall report to the Washington state support registry:

28 (a) The hiring of any person who resides or works in this state to  
29 whom the employer anticipates paying earnings; and

30 (b) The rehiring or return to work of any employee who was laid  
31 off, furloughed, separated, granted a leave without pay, or terminated  
32 from employment.

33 ~~((2) Employers in the standard industrial classifications that  
34 shall report to the Washington state support registry include:~~

35 ~~(a) Construction industry sic codes: 15, general building; 16,  
36 heavy construction; and 17, special trades;~~

37 ~~(b) Manufacturing industry sic code 37, transportation equipment;~~

1       ~~(c) Business services sic codes: 73, except sic code 7363~~  
2 ~~(temporary help supply services); and health services sic code 80.~~  
3       ~~(3) Employers are not required to report the hiring of any person~~  
4 ~~who:~~  
5       ~~(a) Will be employed for less than one months duration;~~  
6       ~~(b) Will be employed sporadically so that the employee will be paid~~  
7 ~~for less than three hundred fifty hours during a continuous six month~~  
8 ~~period; or~~  
9       ~~(c) Will have gross earnings less than three hundred dollars in~~  
10 ~~every month.)~~

11       The secretary of the department of social and health services may  
12 adopt rules to establish additional exemptions if needed to reduce  
13 unnecessary or burdensome reporting.

14       ~~((4))~~ (2) Employers may report by mailing the employee's copy of  
15 the W-4 form, or other means authorized by the registry which will  
16 result in timely reporting.

17       ~~((5))~~ (3) Employers shall submit reports within ~~((thirty-five))~~  
18 twenty days of the hiring, rehiring, or return to work of the employee,  
19 except as provided in subsection (4) of this section. The report shall  
20 contain:

21       (a) The employee's name, address, social security number, and date  
22 of birth; and

23       (b) The employer's name, address, ~~((and))~~ employment security  
24 reference number ~~((or))~~, unified business identifier number and  
25 identifying number assigned under section 6109 of the internal revenue  
26 code of 1986.

27       ~~((6))~~ (4) In the case of an employer transmitting reports  
28 magnetically or electronically, the employer shall report newly hired  
29 employees by two monthly transmissions, if necessary, not less than  
30 twelve days nor more than sixteen days apart.

31       (5) An employer who fails to report as required under this section  
32 shall be given a written warning for the first violation and shall be  
33 subject to a civil penalty of up to two hundred dollars per month for  
34 each subsequent violation after the warning has been given. All  
35 violations within a single month shall be considered a single violation  
36 for purposes of assessing the penalty. The penalty may be imposed and  
37 collected by the division of child support under RCW 74.20A.---  
38 (section 893 of this act).

1       (~~(7)~~) (6) The registry shall retain the information for a  
2 particular employee only if the registry is responsible for  
3 establishing, enforcing, or collecting a support debt of the employee.  
4 The registry may, however, retain information for a particular employee  
5 for as long as may be necessary to:

6       (a) Transmit the information to the national directory of new hires  
7 as required under federal law; or

8       (b) Provide the information to other state agencies for comparison  
9 with records or information possessed by those agencies as required by  
10 law.

11       Information that is not permitted to be retained shall be promptly  
12 destroyed. Agencies that obtain information from the department of  
13 social and health services under this section shall maintain the  
14 confidentiality of the information received, except as necessary to  
15 implement the agencies' responsibilities.

16       **Sec. 945.** RCW 26.09.020 and 1989 1st ex.s. c 9 s 204 and 1989 c  
17 375 s 3 are each reenacted and amended to read as follows:

18       (1) A petition in a proceeding for dissolution of marriage, legal  
19 separation, or for a declaration concerning the validity of a marriage,  
20 shall allege the following:

21       (a) The last known residence of each party;

22       (b) The social security number of each party;

23       (c) The date and place of the marriage;

24       (~~(e)~~) (d) If the parties are separated the date on which the  
25 separation occurred;

26       (~~(d)~~) (e) The names, ages, and addresses of any child dependent  
27 upon either or both spouses and whether the wife is pregnant;

28       (~~(e)~~) (f) Any arrangements as to the residential schedule of,  
29 decision making for, dispute resolution for, and support of the  
30 children and the maintenance of a spouse;

31       (~~(f)~~) (g) A statement specifying whether there is community or  
32 separate property owned by the parties to be disposed of;

33       (~~(g)~~) (h) The relief sought.

34       (2) Either or both parties to the marriage may initiate the  
35 proceeding.

36       (3) The petitioner shall complete and file with the petition a  
37 certificate under RCW 70.58.200 on the form provided by the department  
38 of health.

1       **Sec. 946.** RCW 26.26.100 and 1994 c 230 s 15 and 1994 c 146 s 1 are  
2 each reenacted and amended to read as follows:

3       (1) The court may, and upon request of a party shall, require the  
4 child, mother, and any alleged or presumed father who has been made a  
5 party to submit to blood tests or genetic tests of blood, tissues, or  
6 other bodily fluids. If (~~(an alleged father)~~) a party objects to a  
7 proposed order requiring (~~(him to submit to paternity)~~) blood or  
8 genetic tests, the court (~~(may)~~) shall require the party making the  
9 allegation of possible paternity to provide sworn testimony, by  
10 affidavit or otherwise, stating the facts upon which the allegation is  
11 based. The court shall order blood or genetic tests if it appears that  
12 a reasonable possibility exists that the requisite sexual contact  
13 occurred or where nonpaternity is alleged, that the requisite sexual  
14 contact did not occur. The tests shall be performed by an expert in  
15 paternity blood or genetic testing appointed by the court. The  
16 expert's verified report identifying the blood or genetic  
17 characteristics observed is admissible in evidence in any hearing or  
18 trial in the parentage action, if (a) the alleged or presumed father  
19 has had the opportunity to gain information about the security,  
20 validity, and interpretation of the tests and the qualifications of any  
21 experts, and (b) the report is accompanied by an affidavit from the  
22 expert which describes the expert's qualifications as an expert and  
23 analyzes and interprets the results. Verified documentation of the  
24 chain of custody of the blood or genetic samples tested is admissible  
25 to establish the chain of custody. The court may consider published  
26 sources as aids to interpretation of the test results.

27       (2)(a) Any objection to genetic testing results must be made in  
28 writing and served upon the opposing party, within twenty days before  
29 any hearing at which such results may be introduced into evidence.

30       (b) If an objection is not made as provided in this subsection, the  
31 test results are admissible as evidence of paternity without the need  
32 for foundation testimony or other proof of authenticity or accuracy.

33       (3) The court, upon request by a party, shall order that additional  
34 blood or genetic tests be performed by the same or other experts  
35 qualified in paternity blood or genetic testing, if the party  
36 requesting additional tests advances the full costs of the additional  
37 testing within a reasonable time. The court may order additional  
38 testing without requiring that the requesting party advance the costs  
39 only if another party agrees to advance the costs or if the court

1 finds, after hearing, that (a) the requesting party is indigent, and  
2 (b) the laboratory performing the initial tests recommends additional  
3 testing or there is substantial evidence to support a finding as to  
4 paternity contrary to the initial blood or genetic test results. The  
5 court may later order any other party to reimburse the party who  
6 advanced the costs of additional testing for all or a portion of the  
7 costs.

8 (4) In all cases, the court shall determine the number and  
9 qualifications of the experts.

10 **Sec. 947.** RCW 26.26.130 and 1995 c 246 s 31 are each amended to  
11 read as follows:

12 (1) The judgment and order of the court determining the existence  
13 or nonexistence of the parent and child relationship shall be  
14 determinative for all purposes.

15 (2) If the judgment and order of the court is at variance with the  
16 child's birth certificate, the court shall order that an amended birth  
17 certificate be issued.

18 (3) The judgment and order shall contain other appropriate  
19 provisions directed to the appropriate parties to the proceeding,  
20 concerning the duty of current and future support, the extent of any  
21 liability for past support furnished to the child if that issue is  
22 before the court, the furnishing of bond or other security for the  
23 payment of the judgment, or any other matter in the best interest of  
24 the child. The judgment and order may direct the father to pay the  
25 reasonable expenses of the mother's pregnancy and confinement. The  
26 judgment and order may include a continuing restraining order or  
27 injunction. In issuing the order, the court shall consider the  
28 provisions of RCW 9.41.800.

29 (4) The judgment and order shall contain the social security  
30 numbers of all parties to the order.

31 (5) Support judgment and orders shall be for periodic payments  
32 which may vary in amount. The court may limit the father's liability  
33 for the past support to the child to the proportion of the expenses  
34 already incurred as the court deems just. The court shall not limit or  
35 affect in any manner the right of nonparties including the state of  
36 Washington to seek reimbursement for support and other services  
37 previously furnished to the child.

1       ~~((+5+))~~ (6) After considering all relevant factors, the court shall  
2 order either or both parents to pay an amount determined pursuant to  
3 the schedule and standards contained in chapter 26.19 RCW.

4       ~~((+6+))~~ (7) On the same basis as provided in chapter 26.09 RCW, the  
5 court shall make residential provisions with regard to minor children  
6 of the parties, except that a parenting plan shall not be required  
7 unless requested by a party.

8       ~~((+7+))~~ (8) In any dispute between the natural parents of a child  
9 and a person or persons who have (a) commenced adoption proceedings or  
10 who have been granted an order of adoption, and (b) pursuant to a court  
11 order, or placement by the department of social and health services or  
12 by a licensed agency, have had actual custody of the child for a period  
13 of one year or more before court action is commenced by the natural  
14 parent or parents, the court shall consider the best welfare and  
15 interests of the child, including the child's need for situation  
16 stability, in determining the matter of custody, and the parent or  
17 person who is more fit shall have the superior right to custody.

18       ~~((+8+))~~ (9) In entering an order under this chapter, the court may  
19 issue any necessary continuing restraining orders, including the  
20 restraint provisions of domestic violence protection orders under  
21 chapter 26.50 RCW or antiharassment protection orders under chapter  
22 10.14 RCW.

23       ~~((+9+))~~ (10) Restraining orders issued under this section  
24 restraining the person from molesting or disturbing another party or  
25 from going onto the grounds of or entering the home, workplace, or  
26 school of the other party or the day care or school of any child shall  
27 prominently bear on the front page of the order the legend: VIOLATION  
28 OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE  
29 UNDER CHAPTER 26.26 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

30       ~~((+10+))~~ (11) The court shall order that any restraining order  
31 bearing a criminal offense legend, any domestic violence protection  
32 order, or any antiharassment protection order granted under this  
33 section be forwarded by the clerk of the court on or before the next  
34 judicial day to the appropriate law enforcement agency specified in the  
35 order. Upon receipt of the order, the law enforcement agency shall  
36 forthwith enter the order into any computer-based criminal intelligence  
37 information system available in this state used by law enforcement  
38 agencies to list outstanding warrants. The order is fully enforceable  
39 in any county in the state.



1        NEW SECTION.    **Sec. 1002.**    The following acts or parts of acts are  
2 each repealed:

3        (1) RCW 74.08.120 and 1992 c 108 s 2, 1987 c 75 s 39, 1981 1st  
4 ex.s. c 6 s 15, 1981 c 8 s 12, 1979 c 141 s 326, 1969 ex.s. c 259 s 1,  
5 1969 ex.s. c 159 s 1, 1965 ex.s. c 102 s 1, & 1959 c 26 s 74.08.120;  
6 and

7        (2) RCW 74.08.125 and 1993 c 22 s 1 & 1992 c 108 s 3.

8        NEW SECTION.    **Sec. 1003.**    A new section is added to chapter 74.04  
9 RCW to read as follows:

10        For the purpose of evaluating the effect of the defense of  
11 equitable estoppel on the recovery of overpayments and the  
12 administration of justice in public assistance cases, the department  
13 shall report the following to the appropriate committees of the  
14 legislature by December 1, 1997:

15        (1) The number of applicants and recipients of public assistance  
16 who have raised the defense of equitable estoppel in an administrative  
17 proceeding related to the collection of overpayments or the  
18 determination of eligibility;

19        (2) The number of recipients or applicants of public assistance who  
20 prevailed in an administrative proceeding related to the collection of  
21 overpayments or the determination of eligibility due to the defense of  
22 equitable estoppel;

23        (3) The amount, average amount, and percent of payments and  
24 overpayments not collected due to the successful assertion of the  
25 defense of equitable estoppel at an administrative proceeding related  
26 to the collection of overpayments or the determination of eligibility;

27        (4) Any other information regarding the assertion of the defense of  
28 equitable estoppel in administrative proceedings that the department  
29 feels will assist in evaluation of the defense.

30        **Sec. 1004.**    RCW 50.13.060 and 1996 c 79 s 1 are each amended to  
31 read as follows:

32        (1) Governmental agencies, including law enforcement agencies,  
33 prosecuting agencies, and the executive branch, whether state, local,  
34 or federal shall have access to information or records deemed private  
35 and confidential under this chapter if the information or records are  
36 needed by the agency for official purposes and:



1 (a) The agency submits an application in writing to the employment  
2 security department for the records or information containing a  
3 statement of the official purposes for which the information or records  
4 are needed and specific identification of the records or information  
5 sought from the department; and

6 (b) The director, commissioner, chief executive, or other official  
7 of the agency has verified the need for the specific information in  
8 writing either on the application or on a separate document; and

9 (c) The agency requesting access has served a copy of the  
10 application for records or information on the individual or employing  
11 unit whose records or information are sought and has provided the  
12 department with proof of service. Service shall be made in a manner  
13 which conforms to the civil rules for superior court. The requesting  
14 agency shall include with the copy of the application a statement to  
15 the effect that the individual or employing unit may contact the public  
16 records officer of the employment security department to state any  
17 objections to the release of the records or information. The  
18 employment security department shall not act upon the application of  
19 the requesting agency until at least five days after service on the  
20 concerned individual or employing unit. The employment security  
21 department shall consider any objections raised by the concerned  
22 individual or employing unit in deciding whether the requesting agency  
23 needs the information or records for official purposes.

24 (2) The requirements of subsections (1) and (~~(+8)~~) (9) of this  
25 section shall not apply to the state legislative branch. The state  
26 legislature shall have access to information or records deemed private  
27 and confidential under this chapter, if the legislature or a  
28 legislative committee finds that the information or records are  
29 necessary and for official purposes. If the employment security  
30 department does not make information or records available as provided  
31 in this subsection, the legislature may exercise its authority granted  
32 by chapter 44.16 RCW.

33 (3) In cases of emergency the governmental agency requesting access  
34 shall not be required to formally comply with the provisions of  
35 subsection (1) of this section at the time of the request if the  
36 procedures required by subsection (1) of this section are complied with  
37 by the requesting agency following the receipt of any records or  
38 information deemed private and confidential under this chapter. An

1 emergency is defined as a situation in which irreparable harm or damage  
2 could occur if records or information are not released immediately.

3 (4) The requirements of subsection (1)(c) of this section shall not  
4 apply to governmental agencies where the procedures would frustrate the  
5 investigation of possible violations of criminal laws.

6 (5) Governmental agencies shall have access to certain records or  
7 information, limited to such items as names, addresses, social security  
8 numbers, and general information about benefit entitlement or employer  
9 information possessed by the department, for comparison purposes with  
10 records or information possessed by the requesting agency to detect  
11 improper or fraudulent claims, or to determine potential tax liability  
12 or employer compliance with registration and licensing requirements.  
13 In those cases the governmental agency shall not be required to comply  
14 with subsection (1)(c) of this section, but the requirements of the  
15 remainder of subsection (1) must be satisfied.

16 (6) Governmental agencies may have access to certain records and  
17 information, limited to employer information possessed by the  
18 department for purposes authorized in chapter 50.38 RCW. Access to  
19 these records and information is limited to only those individuals  
20 conducting authorized statistical analysis, research, and evaluation  
21 studies. Only in cases consistent with the purposes of chapter 50.38  
22 RCW are government agencies not required to comply with subsection  
23 (1)(c) of this section, but the requirements of the remainder of  
24 subsection (1) of this section must be satisfied. Information provided  
25 by the department and held to be private and confidential under state  
26 or federal laws shall not be misused or released to unauthorized  
27 parties subject to the sanctions in RCW 50.13.080.

28 (7) Disclosure to governmental agencies of information or records  
29 obtained by the employment security department from the federal  
30 government shall be governed by any applicable federal law or any  
31 agreement between the federal government and the employment security  
32 department where so required by federal law. When federal law does not  
33 apply to the records or information state law shall control.

34 (8) For purposes of statistical analysis and evaluation of the  
35 WorkFirst program or any successor state welfare program, the  
36 department of social and health services, the office of financial  
37 management, and other governmental entities with oversight or  
38 evaluation responsibilities for the program shall have access to  
39 employer wage information on clients in the program whose names and

1 social security numbers are provided to the department. The  
2 information provided by the department may be used only for statistical  
3 analysis, research, and evaluation purposes as provided in sections 702  
4 and 703 of this act. The department of social and health services is  
5 not required to comply with subsection (1)(c) of this section, but the  
6 requirements of the remainder of subsection (1) of this section must be  
7 satisfied.

8 (9) The disclosure of any records or information by a governmental  
9 agency which has obtained the records or information under this section  
10 is prohibited unless the disclosure is directly connected to the  
11 official purpose for which the records or information were obtained.

12 ((+9)) (10) In conducting periodic salary or fringe benefit  
13 studies pursuant to law, the department of personnel shall have access  
14 to records of the employment security department as may be required for  
15 such studies. For such purposes, the requirements of subsection (1)(c)  
16 of this section need not apply.

17 NEW SECTION. Sec. 1005. A new section is added to chapter 43.20A  
18 RCW to read as follows:

19 (1) The department shall provide the employment security department  
20 quarterly with the names and social security numbers of all clients in  
21 the WorkFirst program and any successor state welfare program.

22 (2) The information provided by the employment security department  
23 under RCW 50.13.060 for statistical analysis and welfare program  
24 evaluation purposes may be used only for statistical analysis,  
25 research, and evaluation purposes as provided in sections 702 and 703  
26 of this act. Through individual matches with accessed employment  
27 security department confidential employer wage files, only aggregate,  
28 statistical, group level data shall be reported. Data sharing by the  
29 employment security department may be extended to include the office of  
30 financial management and other such governmental entities with  
31 oversight responsibility for this program.

32 (3) The department and other agencies of state government shall  
33 protect the privacy of confidential personal data supplied under RCW  
34 50.13.060 consistent with federal law, chapter 50.13 RCW, and the terms  
35 and conditions of a formal data-sharing agreement between the  
36 employment security department and agencies of state government,  
37 however the misuse or unauthorized use of confidential data supplied by

1 the employment security department is subject to the penalties in RCW  
2 50.13.080.

3 **Sec. 1006.** RCW 74.04.062 and 1973 c 152 s 2 are each amended to  
4 read as follows:

5 Upon written request of a person who has been properly identified  
6 as an officer of the law (~~((with a felony arrest warrant))~~) or a properly  
7 identified United States immigration official (~~((with a warrant for an  
8 illegal alien))~~) the department shall disclose to such officer the  
9 current address and location of (~~((the person properly described in the  
10 warrant))~~) a recipient of public welfare if the officer furnishes the  
11 department with such person's name and social security account number  
12 and satisfactorily demonstrates that such recipient is a fugitive, that  
13 the location or apprehension of such fugitive is within the officer's  
14 official duties, and that the request is made in the proper exercise of  
15 those duties.

16 When the department becomes aware that a public assistance  
17 recipient is the subject of an outstanding warrant, the department may  
18 contact the appropriate law enforcement agency and, if the warrant is  
19 valid, provide the law enforcement agency with the location of the  
20 recipient.

21 NEW SECTION. Sec. 1007. QUESTIONNAIRES. The department of social  
22 and health services shall create a questionnaire, asking businesses for  
23 information regarding available and upcoming job opportunities for  
24 welfare recipients. The department of revenue shall include the  
25 questionnaire in a regular quarterly mailing. The department of social  
26 and health services shall receive responses and use the information to  
27 develop work activities in the areas where jobs will be available.

28 NEW SECTION. Sec. 1008. PART HEADINGS, CAPTIONS, AND TABLE OF  
29 CONTENTS NOT LAW. Part headings, captions, and the table of contents  
30 used in this act are not any part of the law.

31 NEW SECTION. Sec. 1009. The governor and the department of social  
32 and health services shall seek all necessary exemptions and waivers  
33 from and amendments to federal statutes, rules, and regulations and  
34 shall report to the appropriate committees in the house of  
35 representatives and senate quarterly on the efforts to secure the

1 federal changes to permit full implementation of this act at the  
2 earliest possible date.

3 NEW SECTION. **Sec. 1010.** Sections 1, 2, 103, 104, 106, 202 through  
4 205, 301, 302, 307, 308, 310 through 318, 321, 324 through 326, 402,  
5 503, 504, 701 through 704, and 706 of this act constitute a new chapter  
6 in Title 74 RCW.

7 NEW SECTION. **Sec. 1011.** If any part of this act is found to be in  
8 conflict with federal requirements that are a prescribed condition to  
9 the allocation of federal funds to the state, the conflicting part of  
10 this act is inoperative solely to the extent of the conflict and with  
11 respect to the agencies directly affected, and this finding does not  
12 affect the operation of the remainder of this act in its application to  
13 the agencies concerned. The rules under this act shall meet federal  
14 requirements that are a necessary condition to the receipt of federal  
15 funds by the state. As used in this section, "allocation of federal  
16 funds to the state" means the allocation of federal funds that are  
17 appropriated by the legislature to the department of social and health  
18 services and on which the department depends for carrying out any  
19 provision of the operating budget applicable to it.

20 NEW SECTION. **Sec. 1012.** If any provision of this act or its  
21 application to any person or circumstance is held invalid, the  
22 remainder of the act or the application of the provision to other  
23 persons or circumstances is not affected.

24 NEW SECTION. **Sec. 1013.** (1) Sections 1, 2, 101 through 110, 201  
25 through 207, 301 through 329, 401 through 404, 501 through 506, 601,  
26 705, 706, 888, 891 through 943, 945 through 948, and 1002 of this act  
27 are necessary for the immediate preservation of the public peace,  
28 health, or safety, or support of the state government and its existing  
29 public institutions, and take effect immediately.

30 (2) Sections 801 through 887, 889, and 890 of this act are  
31 necessary for the immediate preservation of the public peace, health,  
32 or safety, or support of the state government and its existing public  
33 institutions, and take effect July 1, 1997.

34 (3) Sections 701 through 704 of this act take effect January 1,  
35 1998.

1 (4) Section 944 of this act takes effect October 1, 1998.

2 NEW SECTION. **Sec. 1014.** If specific funding for the purposes of  
3 sections 404 and 405 of this act, referencing this act by bill or  
4 chapter number and section numbers, is not provided by June 30, 1997,  
5 in the omnibus appropriations act, sections 404 and 405 of this act are  
6 null and void."

7 **EHB 3901** - S AMD - 272  
8 By Senator Deccio

9 ADOPTED 4/9/97

10 On page 1, line 2 of the title, after "1996;" strike the remainder  
11 of the title and insert "amending RCW 74.08.025, 74.08.340, 74.09.510,  
12 74.09.800, 74.08.331, 28A.630.876, 74.04.050, 41.06.380, 74.12A.020,  
13 74.13.0903, 74.25.040, 74.12.255, 74.04.0052, 13.34.160, 74.12.250,  
14 74.12.410, 74.20A.020, 46.20.291, 46.20.311, 18.04.335, 18.11.160,  
15 18.27.060, 18.39.181, 18.46.050, 18.96.120, 18.104.110, 18.130.150,  
16 18.160.080, 18.165.160, 18.170.170, 43.20A.205, 43.70.115, 19.28.310,  
17 19.28.580, 19.30.060, 19.16.120, 19.31.130, 19.32.060, 19.105.380,  
18 19.105.440, 19.138.130, 19.158.050, 19.166.040, 21.20.110, 67.08.100,  
19 19.02.100, 43.24.080, 43.24.110, 43.24.120, 70.74.110, 70.74.130,  
20 70.74.370, 66.24.010, 43.63B.040, 70.95D.040, 17.21.130, 64.44.060,  
21 19.146.220, 75.28.010, 26.09.160, 26.23.050, 26.18.100, 26.23.060,  
22 74.20.040, 26.23.090, 74.20A.100, 26.23.045, 26.23.030, 74.20A.080,  
23 26.23.120, 26.04.160, 26.09.170, 26.21.005, 26.21.115, 26.21.135,  
24 26.21.235, 26.21.245, 26.21.255, 26.21.265, 26.21.450, 26.21.490,  
25 26.21.520, 26.21.530, 26.21.580, 26.21.590, 26.21.620, 26.23.035,  
26 74.20A.030, 74.20.320, 74.20.330, 70.58.080, 26.26.040, 74.20A.055,  
27 26.23.040, 26.23.040, 26.26.130, 70.58.055, 50.13.060, and 74.04.062;  
28 reenacting and amending RCW 74.04.005, 74.20A.270, 42.17.310,  
29 74.20A.060, 74.20A.056, 26.09.020, and 26.26.100; adding new sections  
30 to chapter 74.12 RCW; adding new sections to chapter 74.04 RCW; adding  
31 a new section to chapter 28A.630 RCW; adding a new section to chapter  
32 43.30 RCW; adding a new section to chapter 43.330 RCW; adding a new  
33 section to chapter 44.28 RCW; adding new sections to chapter 74.20A  
34 RCW; adding a new section to chapter 48.22 RCW; adding a new section to  
35 chapter 2.48 RCW; adding a new section to chapter 18.04 RCW; adding a  
36 new section to chapter 18.08 RCW; adding a new section to chapter 18.16

1 RCW; adding a new section to chapter 18.20 RCW; adding a new section to  
2 chapter 18.28 RCW; adding a new section to chapter 18.39 RCW; adding a  
3 new section to chapter 18.43 RCW; adding a new section to chapter 18.44  
4 RCW; adding a new section to chapter 18.51 RCW; adding a new section to  
5 chapter 18.76 RCW; adding a new section to chapter 18.85 RCW; adding a  
6 new section to chapter 18.106 RCW; adding a new section to chapter  
7 18.130 RCW; adding a new section to chapter 18.140 RCW; adding a new  
8 section to chapter 18.145 RCW; adding a new section to chapter 18.165  
9 RCW; adding a new section to chapter 18.170 RCW; adding a new section  
10 to chapter 18.175 RCW; adding a new section to chapter 18.185 RCW;  
11 adding a new section to chapter 28A.410 RCW; adding a new section to  
12 chapter 20.01 RCW; adding a new section to chapter 48.17 RCW; adding a  
13 new section to chapter 74.15 RCW; adding a new section to chapter 47.68  
14 RCW; adding a new section to chapter 71.12 RCW; adding a new section to  
15 chapter 66.20 RCW; adding a new section to chapter 66.24 RCW; adding a  
16 new section to chapter 88.02 RCW; adding a new section to chapter 43.24  
17 RCW; adding a new section to chapter 70.95B RCW; adding a new section  
18 to chapter 75.25 RCW; adding a new section to chapter 77.32 RCW; adding  
19 a new section to chapter 75.28 RCW; adding a new section to chapter  
20 75.30 RCW; adding a new section to chapter 26.09 RCW; adding new  
21 sections to chapter 74.20 RCW; adding new sections to chapter 26.23  
22 RCW; adding new sections to chapter 26.21 RCW; adding a new section to  
23 chapter 26.26 RCW; adding a new section to chapter 26.18 RCW; adding a  
24 new section to chapter 43.20A RCW; adding a new chapter to Title 74  
25 RCW; creating new sections; repealing RCW 74.12.420, 74.12.425,  
26 74.04.660, 74.25.010, 74.25.020, 74.25.030, 74.25.900, 74.25.901,  
27 74.08.120, and 74.08.125; providing effective dates; providing an  
28 expiration date; and declaring an emergency."

--- END ---