

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1845

61st Legislature
2009 Regular Session

Passed by the House April 24, 2009
Yeas 94 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 23, 2009
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1845** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1845

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By House Judiciary (originally sponsored by Representatives Rodne and Pedersen; by request of Department of Social and Health Services)

READ FIRST TIME 02/20/09.

1 AN ACT Relating to medical support obligations; amending RCW
2 26.09.105, 26.18.170, 26.18.180, 26.23.050, 26.23.110, 74.20A.300,
3 74.20A.055, 74.20A.056, and 74.20A.059; and providing an effective
4 date.

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

6 **Sec. 1.** RCW 26.09.105 and 1994 c 230 s 1 are each amended to read
7 as follows:

8 (1) (~~In entering or modifying~~) Whenever a child support order is
9 entered or modified under this chapter, the court shall require
10 (~~either or~~) both parents to provide medical support for any child
11 named in the order as provided in this section.

12 (a) Medical support consists of:

13 (i) Health insurance coverage; and

14 (ii) Cash medical support.

15 (b) Cash medical support consists of:

16 (i) A parent's monthly payment toward the premium paid for coverage
17 by either the other parent or the state, which represents the obligated
18 parent's proportionate share of the premium paid, but no more than

1 twenty-five percent of the obligated parent's basic support obligation;
2 and

3 (ii) A parent's proportionate share of uninsured medical expenses.

4 (c) Under appropriate circumstances, the court may excuse one
5 parent from the responsibility to provide health insurance coverage or
6 the monthly payment toward the premium.

7 (d) The court shall always require both parents to contribute their
8 proportionate share of uninsured medical expenses.

9 (2) Both parents share the obligation to provide medical support
10 for the child or children specified in the order, by providing health
11 insurance coverage or contributing a cash medical support obligation
12 when appropriate, and paying a proportionate share of any uninsured
13 medical expenses.

14 (3)(a) The court may specify how medical support must be provided
15 by each parent under subsection (4) of this section.

16 (b) If the court does not specify how medical support will be
17 provided or if neither parent provides proof that he or she is
18 providing health insurance coverage for the child at the time the
19 support order is entered, the division of child support or either
20 parent may enforce a parent's obligation to provide medical support
21 under RCW 26.18.170.

22 (4)(a) If there is sufficient evidence provided at the time the
23 order is entered, the court may make a determination of which parent
24 must provide coverage and which parent must contribute a sum certain
25 amount as his or her monthly payment toward the premium.

26 (b) If both parents have available health insurance coverage that
27 is accessible to the child at the time the support order is entered,
28 the court has discretion to order the parent with better coverage to
29 provide the health insurance coverage for the child and the other
30 parent to pay a monthly payment toward the premium. In making the
31 determination of which coverage is better, the court shall consider the
32 needs of the child, the cost and extent of each parent's coverage, and
33 the accessibility of the coverage.

34 (c) Each parent shall remain responsible for his or her
35 proportionate share of uninsured medical expenses.

36 (5) The order must provide that if the parties' circumstances
37 change, the parties' medical support obligations will be enforced as
38 provided in RCW 26.18.170.

1 (6) A parent who is ordered to maintain or provide health insurance
2 coverage ((except as provided in subsection (2) of this section,)) may
3 comply with that requirement by:

4 (a) Providing proof of accessible private insurance coverage for
5 any child named in the order ((if:-(a))); or

6 (b) Providing coverage that can be extended to cover the child that
7 is ((or becomes)) available to that parent through employment or that
8 is union-related((; and

9 (b))), if the cost of such coverage does not exceed twenty-five
10 percent of ((the obligated)) that parent's basic child support
11 obligation.

12 ((+2)) (7) The court ((shall consider the best interests of the
13 child and have discretion to)) may order a parent to provide health
14 insurance coverage ((when entering or modifying a support order under
15 this chapter if the cost of such coverage)) that exceeds twenty-five
16 percent of ((the obligated)) that parent's basic support obligation if
17 it is in the best interests of the child to provide coverage.

18 ((+3)) (8) If the child receives state-financed medical coverage
19 through the department under chapter 74.09 RCW for which there is an
20 assignment, the obligated parent shall pay a monthly payment toward the
21 premium.

22 (9) Each parent is responsible for his or her proportionate share
23 of uninsured medical expenses for the child or children covered by the
24 support order.

25 (10) The parents ((shall)) must maintain ((such)) health insurance
26 coverage as required under this section until:

27 (a) Further order of the court;

28 (b) The child is emancipated, if there is no express language to
29 the contrary in the order; or

30 (c) Health insurance is no longer available through the parents'
31 employer or union and no conversion privileges exist to continue
32 coverage following termination of employment.

33 ((+4)) (11) A parent who is required to extend health insurance
34 coverage to a child under this section is liable for any covered health
35 care costs for which the parent receives direct payment from an
36 insurer.

37 ((+5)) (12) This section shall not be construed to limit the
38 authority of the court to enter or modify support orders containing

1 provisions for payment of uninsured health expenses, health care costs,
2 or insurance premiums which are in addition to and not inconsistent
3 with this section.

4 ~~((+6+))~~ (13) A parent ordered to provide health insurance coverage
5 ~~((shall))~~ must provide proof of such coverage or proof that such
6 coverage is unavailable within twenty days of the entry of the order
7 to:

- 8 (a) The ~~((physical custodian))~~ other parent; or
- 9 (b) The department of social and health services if the parent has
10 been notified or ordered to make support payments to the Washington
11 state support registry.

12 ~~((+7+))~~ (14) Every order requiring a parent to provide health care
13 or insurance coverage ~~((shall))~~ must be entered in compliance with RCW
14 26.23.050 and be subject to direct enforcement as provided under
15 chapter 26.18 RCW.

16 ~~((+8) "Health insurance coverage" as used in this section does not
17 include medical assistance provided under chapter 74.09 RCW.))~~ (15)
18 When a parent is providing health insurance coverage at the time the
19 order is entered, the premium shall be included in the worksheets for
20 the calculation of child support under chapter 26.19 RCW.

21 (16) As used in this section:

22 (a) "Accessible" means health insurance coverage which provides
23 primary care services to the child or children with reasonable effort
24 by the custodian.

25 (b) "Cash medical support" means a combination of: (i) A parent's
26 monthly payment toward the premium paid for coverage by either the
27 other parent or the state, which represents the obligated parent's
28 proportionate share of the premium paid, but no more than twenty-five
29 percent of the obligated parent's basic support obligation; and (ii) a
30 parent's proportionate share of uninsured medical expenses.

31 (c) "Health insurance coverage" does not include medical assistance
32 provided under chapter 74.09 RCW.

33 (d) "Uninsured medical expenses" includes premiums, copays,
34 deductibles, along with other health care costs not covered by
35 insurance.

36 (e) "Obligated parent" means a parent ordered to provide health
37 insurance coverage for the children.

1 (f) "Proportionate share" means an amount equal to a parent's
2 percentage share of the combined monthly net income of both parents as
3 computed when determining a parent's child support obligation under
4 chapter 26.19 RCW.

5 (g) "Monthly payment toward the premium" means a parent's
6 contribution toward premiums paid by the other parent or the state for
7 insurance coverage for the child, which is based on the obligated
8 parent's proportionate share of the premium paid, but no more than
9 twenty-five percent of the obligated parent's basic support obligation.

10 (17) The department of social and health services has rule-making
11 authority to enact rules in compliance with 45 C.F.R. Parts 302, 303,
12 304, 305, and 308.

13 **Sec. 2.** RCW 26.18.170 and 2007 c 143 s 1 are each amended to read
14 as follows:

15 (1) Whenever a parent (~~((who))~~) has been ordered to provide (~~((health~~
16 ~~insurance coverage))~~) medical support for a dependent child (~~((fails to~~
17 ~~provide such coverage or lets it lapse))~~), the department or (~~((a))~~) the
18 other parent may seek enforcement of the (~~((coverage order))~~) medical
19 support as provided under this section.

20 (a) If the obligated parent provides proof that he or she provides
21 accessible coverage for the child through private insurance, that
22 parent has satisfied his or her obligation to provide health insurance
23 coverage.

24 (b) If the obligated parent does not provide proof of coverage,
25 either the department or the other parent may take appropriate action
26 as provided in this section to enforce the obligation.

27 (2) The department may attempt to enforce a parent's obligation to
28 provide health insurance coverage for the dependent child. If health
29 insurance coverage is not available through the parent's employment or
30 union at a cost not to exceed twenty-five percent of the parent's basic
31 support obligation, or as otherwise provided in the support order, the
32 department may enforce any monthly payment toward the premium ordered
33 to be provided under RCW 26.09.105 or 74.20A.300.

34 (3) A parent seeking to enforce another parent's monthly payment
35 toward the premium under RCW 26.09.105 may:

36 (a) Apply for support enforcement services from the division of
37 child support as provided by rule; or

1 (b) Take action on his or her own behalf by:

2 (i) Filing a motion in the underlying superior court action; or

3 (ii) Initiating an action in superior court to determine the amount
4 owed by the obligated parent, if there is not already an underlying
5 superior court action.

6 (4)(a) The department may serve a notice of support owed under RCW
7 26.23.110 on a parent to determine the amount of that parent's monthly
8 payment toward the premium.

9 (b) Whether or not the child receives temporary assistance for
10 needy families or medicaid, the department may enforce the responsible
11 parent's monthly payment toward the premium. When the child receives
12 state-financed medical coverage through the department under chapter
13 74.09 RCW for which there is an assignment, the department may disburse
14 amounts collected to the custodial parent to be used for the medical
15 costs of the child or the department may retain amounts collected and
16 apply them toward the cost of providing the child's state-financed
17 medical coverage. The department may disregard monthly payments toward
18 the premium which are passed through to the family in accordance with
19 federal law.

20 (5)(a) If the ((parent's)) order to provide health insurance
21 coverage contains language notifying the parent ordered to provide
22 coverage that failure to provide such coverage or proof that such
23 coverage is unavailable may result in direct enforcement of the order
24 and orders payments through, or has been submitted to, the Washington
25 state support registry for enforcement, then the department may,
26 without further notice to the parent, send a national medical support
27 notice pursuant to 42 U.S.C. Sec. 666(a)(19), and sections 401 (e) and
28 (f) of the federal child support and performance incentive act of 1998
29 to the parent's employer or union. The notice shall be served:

30 (i) By regular mail;

31 (ii) In the manner prescribed for the service of a summons in a
32 civil action;

33 (iii) By certified mail, return receipt requested; or

34 (iv) By electronic means if there is an agreement between the
35 secretary of the department and the person, firm, corporation,
36 association, political subdivision, department of the state, or agency,
37 subdivision, or instrumentality of the United States to accept service
38 by electronic means.

1 (b) The notice shall require the employer or union to enroll the
2 child in the health insurance plan as provided in subsection ((+3+))
3 (8) of this section.

4 (c) The returned part A of the national medical support notice to
5 the division of child support by the employer constitutes proof of
6 service of the notice in the case where the notice was served by
7 regular mail.

8 ((+d+)) (6) Upon receipt of a national medical support notice from
9 a child support agency operating under Title IV-D of the federal social
10 security act:

11 (a) The parent's employer or union shall comply with the provisions
12 of the notice, including meeting response time frames and withholding
13 requirements required under part A of the notice;

14 (b) The parent's employer or union shall also be responsible for
15 complying with forwarding part B of the notice to the child's plan
16 administrator, if required by the notice;

17 (c) The plan administrator is responsible for complying with the
18 provisions of the notice.

19 (7) If the parent's order to provide health insurance coverage does
20 not order payments through, and has not been submitted to, the
21 Washington state support registry for enforcement:

22 ((+i+)) (a) The parent seeking enforcement may, without further
23 notice to the ((~~other~~)) obligated parent, send a certified copy of the
24 order requiring health insurance coverage to the ((~~obligor's~~)) parent's
25 employer or union by certified mail, return receipt requested; and

26 ((+ii+)) (b) The parent seeking enforcement shall attach a
27 notarized statement to the order declaring that the order is the latest
28 order addressing coverage entered by the court and require the employer
29 or union to enroll the child in the health insurance plan as provided
30 in subsection ((+3+)) (8) of this section.

31 ((+3+)) (8) Upon receipt of an order that provides for health
32 insurance coverage:

33 (a) The parent's employer or union shall answer the party who sent
34 the order within twenty days and confirm that the child:

35 (i) Has been enrolled in the health insurance plan;

36 (ii) Will be enrolled; or

37 (iii) Cannot be covered, stating the reasons why such coverage
38 cannot be provided;

1 (b) The employer or union shall withhold any required premium from
2 the parent's income or wages;

3 (c) If more than one plan is offered by the employer or union, and
4 each plan may be extended to cover the child, then the child shall be
5 enrolled in the parent's plan. If the parent's plan does not provide
6 coverage which is accessible to the child, the child shall be enrolled
7 in the least expensive plan otherwise available to the parent;

8 (d) The employer or union shall provide information about the name
9 of the health insurance coverage provider or issuer and the extent of
10 coverage available to the parent and shall make available any necessary
11 claim forms or enrollment membership cards.

12 ~~((4) Upon receipt of a national medical support notice from a
13 child support agency operating under Title IV-D of the federal social
14 security act:~~

15 ~~(a) The parent's employer or union shall comply with the provisions
16 of the notice, including meeting response time frames and withholding
17 requirements required under part A of the notice;~~

18 ~~(b) The parent's employer or union shall also be responsible for
19 complying with forwarding part B of the notice to the child's plan
20 administrator, if required by the notice;~~

21 ~~(c) The plan administrator shall be responsible for complying with
22 the provisions of the notice.~~

23 ~~(5))~~ (9) If the order for coverage contains no language notifying
24 either or both parents that failure to provide health insurance
25 coverage or proof that such coverage is unavailable may result in
26 direct enforcement of the order, the department or the parent seeking
27 enforcement may serve a written notice of intent to enforce the order
28 on the ~~((other))~~ obligated parent by certified mail, return receipt
29 requested, or by personal service. If the parent required to provide
30 medical support fails to provide written proof that such coverage has
31 been obtained or applied for or fails to provide proof that such
32 coverage is unavailable within twenty days of service of the notice,
33 the department or the parent seeking enforcement may proceed to enforce
34 the order directly as provided in subsection ~~((+2))~~ (5) of this
35 section.

36 ~~((+6))~~ (10) If the parent ordered to provide health insurance
37 coverage elects to provide coverage that will not be accessible to the
38 child because of geographic or other limitations when accessible

1 coverage is otherwise available, the department or the parent seeking
2 enforcement may serve a written notice of intent to purchase health
3 insurance coverage on the obligated parent (~~((required to provide
4 medical support))~~) by certified mail, return receipt requested. The
5 notice shall also specify the type and cost of coverage.

6 ~~((+7))~~ (11) If the department serves a notice under subsection
7 ~~((+6))~~ (10) of this section the parent required to provide medical
8 support shall, within twenty days of the date of service:

9 (a) File an application for an adjudicative proceeding; or

10 (b) Provide written proof to the department that the obligated
11 parent has either applied for, or obtained, coverage accessible to the
12 child.

13 ~~((+8))~~ (12) If the parent seeking enforcement serves a notice
14 under subsection ~~((+6))~~ (10) of this section, within twenty days of
15 the date of service the parent required to provide medical support
16 shall provide written proof to the parent seeking enforcement that
17 ~~((the parent required to provide medical support))~~ he or she has either
18 applied for, or obtained, coverage accessible to the child.

19 ~~((+9))~~ (13) If the parent required to provide medical support
20 fails to respond to a notice served under subsection ~~((+6))~~ (10) of
21 this section to the party who served the notice, the party who served
22 the notice may purchase the health insurance coverage specified in the
23 notice directly.

24 (a) If the obligated parent is the responsible parent, the amount
25 of the monthly premium shall be added to the support debt and be
26 collectible without further notice.

27 (b) If the obligated parent is the custodial parent, the
28 responsible parent may file an application for enforcement services and
29 ask the department to establish and enforce the custodial parent's
30 obligation.

31 (c) The amount of the monthly premium may be collected or accrued
32 until the parent required to provide medical support provides proof of
33 the required coverage.

34 ~~((+10))~~ (14) The signature of the parent seeking enforcement or of
35 a department employee shall be a valid authorization to the coverage
36 provider or issuer for purposes of processing a payment to the child's
37 health services provider. An order for health insurance coverage shall
38 operate as an assignment of all benefit rights to the parent seeking

1 enforcement or to the child's health services provider, and in any
2 claim against the coverage provider or issuer, the parent seeking
3 enforcement or his or her assignee shall be subrogated to the rights of
4 the parent obligated to provide medical support for the child.
5 Notwithstanding the provisions of this section regarding assignment of
6 benefits, this section shall not require a health care service
7 contractor authorized under chapter 48.44 RCW or a health maintenance
8 organization authorized under chapter 48.46 RCW to deviate from their
9 contractual provisions and restrictions regarding reimbursement for
10 covered services. If the coverage is terminated, the employer shall
11 mail a notice of termination to the department or the parent seeking
12 enforcement at that parent's last known address within thirty days of
13 the termination date.

14 ~~((+11))~~ (15) This section shall not be construed to limit the
15 right of the parents or parties to the support order to bring an action
16 in superior court at any time to enforce, modify, or clarify the
17 original support order.

18 ~~((+12))~~ (16) Where a child does not reside in the issuer's service
19 area, an issuer shall cover no less than urgent and emergent care.
20 Where the issuer offers broader coverage, whether by policy or
21 reciprocal agreement, the issuer shall provide such coverage to any
22 child otherwise covered that does not reside in the issuer's service
23 area.

24 ~~((+13))~~ (17) If a parent required to provide medical support fails
25 to pay his or her portion, determined under RCW 26.19.080, of any
26 premium, deductible, copay, or uninsured medical expense incurred on
27 behalf of the child, pursuant to a child support order, the department
28 or the ~~((obligee))~~ parent seeking reimbursement of medical expenses may
29 enforce collection of ~~((that))~~ the obligated parent's portion of the
30 premium, deductible, copay, or uninsured medical expense incurred on
31 behalf of the child.

32 (a) If the department is enforcing the order ~~((, the parent required~~
33 ~~to provide medical support shall have his or her))~~ and the responsible
34 parent is the obligated parent, the obligated parent's portion of the
35 premium, deductible, copay, or uninsured medical expenses incurred on
36 behalf of the child added to the support debt and be collectible
37 without further notice, following the reduction of the expenses to a

1 sum certain either in a court order or by the department, pursuant to
2 RCW 26.23.110.

3 ~~((+14))~~ (b) If the custodial parent is the obligated parent, the
4 responsible parent may file an application for enforcement services and
5 ask the department to establish and enforce the custodial parent's
6 obligation.

7 (18) As used in this section:

8 (a) "Accessible" means health insurance coverage which provides
9 primary care services to the child or children with reasonable effort
10 by the custodian.

11 (b) "Cash medical support" means a combination of: (i) A parent's
12 monthly payment toward the premium paid for coverage by either the
13 other parent or the state, which represents the obligated parent's
14 proportionate share of the premium paid, but no more than twenty-five
15 percent of the obligated parent's basic support obligation; and (ii) a
16 parent's proportionate share of uninsured medical expenses.

17 (c) "Health insurance coverage" does not include medical assistance
18 provided under chapter 74.09 RCW.

19 (d) "Uninsured medical expenses" includes premiums, copays,
20 deductibles, along with other health care costs not covered by
21 insurance.

22 (e) "Obligated parent" means a parent ordered to provide health
23 insurance coverage for the children.

24 (f) "Monthly payment toward the premium" means a parent's
25 contribution toward premiums paid by the other parent or the state for
26 insurance coverage for the child, which is based on the obligated
27 parent's proportionate share of the premium paid, but no more than
28 twenty-five percent of the obligated parent's basic support obligation.

29 (19) The department has rule-making authority to enact rules
30 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as
31 amended by section 7307 of the deficit reduction act of 2005.
32 Additionally, the department has rule-making authority to implement
33 regulations required under ~~((parts))~~ 45 C.F.R. Parts 302, 303, 304,
34 305, and 308.

35 **Sec. 3.** RCW 26.18.180 and 2000 c 86 s 3 are each amended to read
36 as follows:

37 (1) ~~((An obligated parent's))~~ The employer or union of a parent who

1 has been ordered to provide health insurance coverage shall be liable
2 for a fine of up to one thousand dollars per occurrence, if the
3 employer or union fails or refuses, within twenty days of receiving the
4 order or notice for health insurance coverage to:

5 (a) Promptly enroll the (~~obligated~~) parent's child in the health
6 insurance plan; or

7 (b) Make a written answer to the person or entity who sent the
8 order or notice for health insurance coverage stating that the child:

9 (i) Will be enrolled in the next available open enrollment period;
10 or

11 (ii) Cannot be covered and explaining the reasons why coverage
12 cannot be provided.

13 (2) Liability may be established and the fine may be collected by
14 the office of support enforcement under chapter 74.20A or 26.23 RCW
15 using any of the remedies contained in those chapters.

16 (3) Any employer or union who enrolls a child in a health insurance
17 plan in compliance with chapter 26.18 RCW shall be exempt from
18 liability resulting from such enrollment.

19 **Sec. 4.** RCW 26.23.050 and 2007 c 143 s 3 are each amended to read
20 as follows:

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

26 (a) A provision that orders and directs the responsible parent to
27 make all support payments to the Washington state support registry;

28 (b) A statement that withholding action may be taken against wages,
29 earnings, assets, or benefits, and liens enforced against real and
30 personal property under the child support statutes of this or any other
31 state, without further notice to the responsible parent at any time
32 after entry of the court order, unless:

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

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

1 (c) A statement that the receiving parent might be required to
2 submit an accounting of how the support, including any cash medical
3 support, is being spent to benefit the child;

4 (d) A statement that any parent required to provide health
5 insurance coverage for the child or children covered by the order must
6 notify the division of child support and the other parent when the
7 coverage terminates; and

8 ((+d)) (e) A statement that the responsible parent's privileges to
9 obtain and maintain a license, as defined in RCW 74.20A.320, may not be
10 renewed, or may be suspended if the parent is not in compliance with a
11 support order as provided in RCW 74.20A.320.

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

17 (2) In all other cases not under subsection (1) of this section,
18 the court may order the responsible parent to make payments directly to
19 the person entitled to receive the payments, to the Washington state
20 support registry, or may order that payments be made in accordance with
21 an alternate arrangement agreed upon by the parties.

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

24 (i) A statement that withholding action may be taken against wages,
25 earnings, assets, or benefits, and liens enforced against real and
26 personal property under the child support statutes of this or any other
27 state, without further notice to the responsible parent at any time
28 after entry of the court order, unless:

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

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

34 (ii) A statement that the receiving parent may be required to
35 submit an accounting of how the support is being spent to benefit the
36 child;

37 (iii) A statement that any parent required to provide health

1 insurance coverage for the child or children covered by the order must
2 notify the division of child support and the other parent when the
3 coverage terminates; and

4 (iv) A statement that a parent seeking to enforce the obligation to
5 provide health insurance coverage may:

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

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

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

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

13 (i) Immediate income withholding may be ordered if the responsible
14 parent has earnings. If immediate income withholding is ordered under
15 this subsection, all support payments shall be paid to the Washington
16 state support registry. The superior court shall issue a mandatory
17 wage assignment order as set forth in chapter 26.18 RCW when the
18 support order is signed by the court. The parent entitled to receive
19 the transfer payment is responsible for serving the employer with the
20 order and for its enforcement as set forth in chapter 26.18 RCW.

21 (ii) If immediate income withholding is not ordered, the court
22 shall require that income withholding be delayed until a payment is
23 past due. The support order shall contain a statement that withholding
24 action may be taken against wages, earnings, assets, or benefits, and
25 liens enforced against real and personal property under the child
26 support statutes of this or any other state, without further notice to
27 the responsible parent, after a payment is past due.

28 (c) If a mandatory wage withholding order under chapter 26.18 RCW
29 is issued under this subsection and the division of child support
30 provides support enforcement services under RCW 26.23.045, the existing
31 wage withholding assignment is prospectively superseded upon the
32 division of child support's subsequent service of an income withholding
33 notice.

34 (3) The office of administrative hearings and the department of
35 social and health services shall require that all support obligations
36 established as administrative orders include a provision which orders
37 and directs that the responsible parent shall make all support payments
38 to the Washington state support registry. All administrative orders

1 shall also state that the responsible parent's privileges to obtain and
2 maintain a license, as defined in RCW 74.20A.320, may not be renewed,
3 or may be suspended if the parent is not in compliance with a support
4 order as provided in RCW 74.20A.320. All administrative orders shall
5 also state that withholding action may be taken against wages,
6 earnings, assets, or benefits, and liens enforced against real and
7 personal property under the child support statutes of this or any other
8 state without further notice to the responsible parent at any time
9 after entry of the order, unless:

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

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

15 (4) If the support order does not include the provision ordering
16 and directing that all payments be made to the Washington state support
17 registry and a statement that withholding action may be taken against
18 wages, earnings, assets, or benefits if a support payment is past due
19 or at any time after the entry of the order, or that a parent's
20 licensing privileges may not be renewed, or may be suspended, the
21 division of child support may serve a notice on the responsible parent
22 stating such requirements and authorizations. Service may be by
23 personal service or any form of mail requiring a return receipt.

24 (5) Every support order shall state:

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

26 (b) That withholding action may be taken against wages, earnings,
27 assets, or benefits, and liens enforced against real and personal
28 property under the child support statutes of this or any other state,
29 without further notice to the responsible parent at any time after
30 entry of a support order, unless:

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

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

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

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

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

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

2 (g) A provision requiring both the responsible parent and the
3 custodial parent to keep the Washington state support registry informed
4 of whether he or she has access to health insurance coverage at
5 reasonable cost and, if so, the health insurance policy information;

6 (h) That either or both the responsible parent and the custodial
7 parent shall be obligated to provide (~~health insurance coverage~~)
8 medical support for his or her child through health insurance coverage
9 if:

10 (i) The obligated parent provides accessible coverage for the child
11 through private insurance; or

12 (ii) Coverage that can be extended to cover the child is or becomes
13 available to the parent through employment or is union-related; or

14 (iii) In the absence of such coverage, through an additional sum
15 certain amount, as that parent's monthly payment toward the premium as
16 provided under RCW 26.09.105;

17 (i) That a parent providing health insurance coverage must notify
18 both the division of child support and the other parent when coverage
19 terminates;

20 (j) That if proof of health insurance coverage or proof that the
21 coverage is unavailable is not provided within twenty days, the parent
22 seeking enforcement or the department may seek direct enforcement of
23 the coverage through the employer or union of the parent required to
24 provide medical support without further notice to the parent as
25 provided under chapter 26.18 RCW;

26 (~~(+j)~~) (k) The reasons for not ordering health insurance coverage
27 if the order fails to require such coverage;

28 (~~(+k)~~) (l) That the responsible parent's privileges to obtain and
29 maintain a license, as defined in RCW 74.20A.320, may not be renewed,
30 or may be suspended if the parent is not in compliance with a support
31 order as provided in RCW 74.20A.320;

32 (~~(+l)~~) (m) That each parent must:

33 (i) Promptly file with the court and update as necessary the
34 confidential information form required by subsection (7) of this
35 section; and

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

1 (~~(m)~~) (n) That parties to administrative support orders shall
2 provide to the state case registry and update as necessary their
3 residential addresses and the address of the responsible parent's
4 employer. The division of child support may adopt rules that govern
5 the collection of parties' current residence and mailing addresses,
6 telephone numbers, dates of birth, social security numbers, the names
7 of the children, social security numbers of the children, dates of
8 birth of the children, driver's license numbers, and the names,
9 addresses, and telephone numbers of the parties' employers to enforce
10 an administrative support order. The division of child support shall
11 not release this information if the division of child support
12 determines that there is reason to believe that release of the
13 information may result in physical or emotional harm to the party or to
14 the child, or a restraining order or protective order is in effect to
15 protect one party from the other party.

16 (6) After the responsible parent has been ordered or notified to
17 make payments to the Washington state support registry under this
18 section, the responsible parent shall be fully responsible for making
19 all payments to the Washington state support registry and shall be
20 subject to payroll deduction or other income-withholding action. The
21 responsible parent shall not be entitled to credit against a support
22 obligation for any payments made to a person or agency other than to
23 the Washington state support registry except as provided under RCW
24 74.20.101. A civil action may be brought by the payor to recover
25 payments made to persons or agencies who have received and retained
26 support moneys paid contrary to the provisions of this section.

27 (7) All petitioners and parties to all court actions under chapters
28 26.09, 26.10, 26.12, 26.18, 26.21A, 26.23, 26.26, and 26.27 RCW shall
29 complete to the best of their knowledge a verified and signed
30 confidential information form or equivalent that provides the parties'
31 current residence and mailing addresses, telephone numbers, dates of
32 birth, social security numbers, driver's license numbers, and the
33 names, addresses, and telephone numbers of the parties' employers. The
34 clerk of the court shall not accept petitions, except in parentage
35 actions initiated by the state, orders of child support, decrees of
36 dissolution, or paternity orders for filing in such actions unless
37 accompanied by the confidential information form or equivalent, or
38 unless the confidential information form or equivalent is already on

1 file with the court clerk. In lieu of or in addition to requiring the
2 parties to complete a separate confidential information form, the clerk
3 may collect the information in electronic form. The clerk of the court
4 shall transmit the confidential information form or its data to the
5 division of child support with a copy of the order of child support or
6 paternity order, and may provide copies of the confidential information
7 form or its data and any related findings, decrees, parenting plans,
8 orders, or other documents to the state administrative agency that
9 administers Title IV-A, IV-D, IV-E, or XIX of the federal social
10 security act. In state initiated paternity actions, the parties
11 adjudicated the parents of the child or children shall complete the
12 confidential information form or equivalent or the state's attorney of
13 record may complete that form to the best of the attorney's knowledge.

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

20 **Sec. 5.** RCW 26.23.110 and 2007 c 143 s 4 are each amended to read
21 as follows:

22 (1) The department may serve a notice of support owed on a
23 responsible parent when a support order:

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

26 (b) Contains an escalation clause or adjustment provision for which
27 additional information not contained in the support order is needed to
28 determine the fixed dollar amount of the support debt or the fixed
29 dollar amount of the current and future support obligation, or both; or

30 (c) Provides that the responsible parent is responsible for paying
31 for a portion of uninsured medical costs, copayments, and/or
32 deductibles incurred on behalf of the child, but does not reduce the
33 costs to a fixed dollar amount.

34 (2) The department may serve a notice of support owed on a parent
35 who has been designated to pay per a support order a portion of
36 uninsured medical costs, copayments, or deductibles incurred on behalf

1 of the child, but only when the support order does not reduce the costs
2 to a fixed dollar amount.

3 (3) The department may serve a notice of support owed to determine
4 a parent's monthly payment toward the premium as defined in RCW
5 26.09.105, if the support order does not set a fixed dollar amount for
6 the monthly payment toward the premium.

7 (4) The notice of support owed shall facilitate enforcement of the
8 support order and implement and effectuate the terms of the support
9 order, rather than modify those terms. When the office of support
10 enforcement issues a notice of support owed, the office shall inform
11 the payee under the support order.

12 ~~((+4))~~ (5) The notice of support owed shall be served on a
13 responsible parent by personal service or any form of mailing requiring
14 a return receipt. The notice shall be served on the applicant or
15 recipient of services by first-class mail to the last known address.
16 The notice of support owed shall contain an initial finding of the
17 fixed dollar amount of current and future support obligation that
18 should be paid or the fixed dollar amount of the support debt owed
19 under the support order, or both.

20 ~~((+5))~~ (6) A parent who objects to the fixed dollar amounts stated
21 in the notice of support owed has twenty days from the date of the
22 service of the notice of support owed to file an application for an
23 adjudicative proceeding or initiate an action in superior court.

24 ~~((+6))~~ (7) The notice of support owed shall state that the parent
25 may:

26 (a) File an application for an adjudicative proceeding governed by
27 chapter 34.05 RCW, the administrative procedure act, in which the
28 parent will be required to appear and show cause why the fixed dollar
29 amount of support debt or current and future support obligation, or
30 both, stated in the notice of support owed is incorrect and should not
31 be ordered; or

32 (b) Initiate an action in superior court.

33 ~~((+7))~~ (8) If either parent does not file an application for an
34 adjudicative proceeding or initiate an action in superior court, the
35 fixed dollar amount of current and future support obligation or support
36 debt, or both, stated in the notice of support owed shall become final
37 and subject to collection action.

1 ~~((+8))~~ (9) If an adjudicative proceeding is requested, the
2 department shall mail a copy of the notice of adjudicative proceeding
3 to the parties.

4 ~~((+9))~~ (10) If either parent does not initiate an action in
5 superior court, and serve notice of the action on the department and
6 the other party to the support order within the twenty-day period, the
7 parent shall be deemed to have made an election of remedies and shall
8 be required to exhaust administrative remedies under this chapter with
9 judicial review available as provided for in RCW 34.05.510 through
10 34.05.598.

11 ~~((+10))~~ (11) An adjudicative order entered in accordance with this
12 section shall state the basis, rationale, or formula upon which the
13 fixed dollar amounts established in the adjudicative order were based.
14 The fixed dollar amount of current and future support obligation or the
15 amount of the support debt, or both, determined under this section
16 shall be subject to collection under this chapter and other applicable
17 state statutes.

18 ~~((+11))~~ (12) The department shall also provide for:

19 (a) An annual review of the support order if either the office of
20 support enforcement or the parent requests such a review; and

21 (b) A late adjudicative proceeding if the parent fails to file an
22 application for an adjudicative proceeding in a timely manner under
23 this section.

24 ~~((+12))~~ (13) If an annual review or late adjudicative proceeding
25 is requested under subsection ~~((+11))~~ (12) of this section, the
26 department shall mail a copy of the notice of adjudicative proceeding
27 to the parties' last known address.

28 ~~((+13))~~ (14) The department has rule-making authority to enact
29 rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec.
30 666(a)(19) as amended by section 7307 of the deficit reduction act of
31 2005. Additionally, the department has rule-making authority to
32 implement regulations required under ~~((parts))~~ 45 C.F.R. Parts 302,
33 303, 304, 305, and 308.

34 **Sec. 6.** RCW 74.20A.300 and 1994 c 230 s 22 are each amended to
35 read as follows:

36 (1) Whenever a support order is entered or modified under this
37 chapter, the department shall require ~~((the responsible))~~ either or

1 both parents to ((maintain or provide health insurance coverage))
2 provide medical support for any dependent child, in the nature of
3 health insurance coverage or a monthly payment toward the premium, as
4 provided under RCW 26.09.105.

5 (2) "Health insurance coverage" as used in this section does not
6 include medical assistance provided under chapter 74.09 RCW.

7 (3) A parent ordered to provide health insurance coverage shall
8 provide proof of such coverage or proof that such coverage is
9 unavailable to the department within twenty days of the entry of the
10 order.

11 (4) A parent required to provide health insurance coverage must
12 notify the department and the other parent when coverage terminates.

13 (5) Every order requiring a parent to provide health insurance
14 coverage shall be entered in compliance with RCW 26.23.050 and be
15 subject to direct enforcement as provided under chapter 26.18 RCW.

16 **Sec. 7.** RCW 74.20A.055 and 2007 c 143 s 8 are each amended to read
17 as follows:

18 (1) The secretary may, if there is no order that establishes the
19 responsible parent's support obligation or specifically relieves the
20 responsible parent of a support obligation or pursuant to an
21 establishment of paternity under chapter 26.26 RCW, serve on the
22 responsible parent or parents and custodial parent a notice and finding
23 of financial responsibility requiring the parents to appear and show
24 cause in an adjudicative proceeding why the finding of responsibility
25 and/or the amount thereof is incorrect, should not be finally ordered,
26 but should be rescinded or modified. This notice and finding shall
27 relate to the support debt accrued and/or accruing under this chapter
28 and/or RCW 26.16.205, including periodic payments to be made in the
29 future. The hearing shall be held pursuant to this section, chapter
30 34.05 RCW, the Administrative Procedure Act, and the rules of the
31 department. A custodian who has physical custody of a child has the
32 same rights that a custodial parent has under this section.

33 (2) The notice and finding of financial responsibility shall be
34 served in the same manner prescribed for the service of a summons in a
35 civil action or may be served on the responsible parent by certified
36 mail, return receipt requested. The receipt shall be prima facie
37 evidence of service. The notice shall be served upon the debtor within

1 sixty days from the date the state assumes responsibility for the
2 support of the dependent child or children on whose behalf support is
3 sought. If the notice is not served within sixty days from such date,
4 the department shall lose the right to reimbursement of payments made
5 after the sixty-day period and before the date of notification:
6 PROVIDED, That if the department exercises reasonable efforts to locate
7 the debtor and is unable to do so the entire sixty-day period is tolled
8 until such time as the debtor can be located. The notice may be served
9 upon the custodial parent who is the nonassistance applicant or public
10 assistance recipient by first-class mail to the last known address. If
11 the custodial parent is not the nonassistance applicant or public
12 assistance recipient, service shall be in the same manner as for the
13 responsible parent.

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

18 (a) A statement of the name of the custodial parent and the name of
19 the child or children for whom support is sought;

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

22 (c) A statement that the responsible parent or custodial parent may
23 object to all or any part of the notice and finding, and file an
24 application for an adjudicative proceeding to show cause why the terms
25 set forth in the notice should not be ordered;

26 (d) A statement that, if neither the responsible parent nor the
27 custodial parent files in a timely fashion an application for an
28 adjudicative proceeding, the support debt and payments stated in the
29 notice and finding, including periodic support payments in the future,
30 shall be assessed and determined and ordered by the department and that
31 this debt and amounts due under the notice shall be subject to
32 collection action;

33 (e) A statement that the property of the debtor, without further
34 advance notice or hearing, will be subject to lien and foreclosure,
35 distraint, seizure and sale, order to withhold and deliver, notice of
36 payroll deduction or other collection action to satisfy the debt and
37 enforce the support obligation established under the notice;

1 (f) A statement that either or both parents are responsible for
2 providing health insurance for his or her child if coverage that can be
3 extended to cover the child either through private health insurance
4 which is accessible to the child or through coverage that is or becomes
5 available to the parent through employment or is union-related, or for
6 paying a monthly payment toward the premium if no such coverage is
7 available, as provided under RCW 26.09.105.

8 (4) A responsible parent or custodial parent who objects to the
9 notice and finding of financial responsibility may file an application
10 for an adjudicative proceeding within twenty days of the date of
11 service of the notice or thereafter as provided under this subsection.

12 (a) If the responsible parent or custodial parent files the
13 application within twenty days, the office of administrative hearings
14 shall schedule an adjudicative proceeding to hear the parent's or
15 parents' objection and determine the support obligation for the entire
16 period covered by the notice and finding of financial responsibility.
17 The filing of the application stays collection action pending the entry
18 of a final administrative order;

19 (b) If both the responsible parent and the custodial parent fail to
20 file an application within twenty days, the notice and finding shall
21 become a final administrative order. The amounts for current and
22 future support and the support debt stated in the notice are final and
23 subject to collection, except as provided under (c) and (d) of this
24 subsection;

25 (c) If the responsible parent or custodial parent files the
26 application more than twenty days after, but within one year of the
27 date of service, the office of administrative hearings shall schedule
28 an adjudicative proceeding to hear the parent's or parents' objection
29 and determine the support obligation for the entire period covered by
30 the notice and finding of financial responsibility. The filing of the
31 application does not stay further collection action, pending the entry
32 of a final administrative order, and does not affect any prior
33 collection action;

34 (d) If the responsible parent or custodial parent files the
35 application more than one year after the date of service, the office of
36 administrative hearings shall schedule an adjudicative proceeding at
37 which the parent who requested the late hearing must show good cause

1 for failure to file a timely application. The filing of the
2 application does not stay future collection action and does not affect
3 prior collection action:

4 (i) If the presiding officer finds that good cause exists, the
5 presiding officer shall proceed to hear the parent's objection to the
6 notice and determine the support obligation;

7 (ii) If the presiding officer finds that good cause does not exist,
8 the presiding officer shall treat the application as a petition for
9 prospective modification of the amount for current and future support
10 established under the notice and finding. In the modification
11 proceeding, the presiding officer shall set current and future support
12 under chapter 26.19 RCW. The petitioning parent need show neither good
13 cause nor a substantial change of circumstances to justify modification
14 of current and future support;

15 (e) If the responsible parent's support obligation was based upon
16 imputed median net income, the grant standard, or the family need
17 standard, the division of child support may file an application for
18 adjudicative proceeding more than twenty days after the date of service
19 of the notice. The office of administrative hearings shall schedule an
20 adjudicative proceeding and provide notice of the hearing to the
21 responsible parent and the custodial parent. The presiding officer
22 shall determine the support obligation for the entire period covered by
23 the notice, based upon credible evidence presented by the division of
24 child support, the responsible parent, or the custodial parent, or may
25 determine that the support obligation set forth in the notice is
26 correct. The division of child support demonstrates good cause by
27 showing that the responsible parent's support obligation was based upon
28 imputed median net income, the grant standard, or the family need
29 standard. The filing of the application by the division of child
30 support does not stay further collection action, pending the entry of
31 a final administrative order, and does not affect any prior collection
32 action.

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

1 (5) If an application for an adjudicative proceeding is filed, the
2 presiding or reviewing officer shall determine the past liability and
3 responsibility, if any, of the alleged responsible parent and shall
4 also determine the amount of periodic payments to be made in the
5 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 (6) If either the responsible parent or the custodial parent fails
12 to attend or participate in the hearing or other stage of an
13 adjudicative proceeding, upon a showing of valid service, the presiding
14 officer shall enter an order of default against each party who did not
15 appear and may enter an administrative order declaring the support debt
16 and payment provisions stated in the notice and finding of financial
17 responsibility to be assessed and determined and subject to collection
18 action. The parties who appear may enter an agreed settlement or
19 consent order, which may be different than the terms of the
20 department's notice. Any party who appears may choose to proceed to
21 the hearing, after the conclusion of which the presiding officer or
22 reviewing officer may enter an order that is different than the terms
23 stated in the notice, if the obligation is supported by credible
24 evidence presented by any party at the hearing.

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

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

32 (9) The department has rule-making authority to enact rules
33 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as
34 amended by section 7307 of the deficit reduction act of 2005.
35 Additionally, the department has rule-making authority to implement
36 regulations required under ((parts)) 45 C.F.R. Parts 302, 303, 304,
37 305, and 308.

1 **Sec. 8.** RCW 74.20A.056 and 2007 c 143 s 9 are each amended to read
2 as follows:

3 (1) If an alleged father has signed an affidavit acknowledging
4 paternity which has been filed with the state registrar of vital
5 statistics before July 1, 1997, the division of child support may serve
6 a notice and finding of parental responsibility on him and the
7 custodial parent. Procedures for and responsibility resulting from
8 acknowledgments filed after July 1, 1997, are in subsections (8) and
9 (9) of this section. Service of the notice shall be in the same manner
10 as a summons in a civil action or by certified mail, return receipt
11 requested, on the alleged father. The custodial parent shall be served
12 by first-class mail to the last known address. If the custodial parent
13 is not the nonassistance applicant or public assistance recipient,
14 service shall be in the same manner as for the responsible parent. The
15 notice shall have attached to it a copy of the affidavit or
16 certification of birth record information advising of the existence of
17 a filed affidavit, provided by the state registrar of vital statistics,
18 and shall state that:

19 (a) Either or both parents are responsible for providing health
20 insurance for their child either through private health insurance which
21 is accessible to the child or through coverage that if coverage that
22 can be extended to cover the child is or becomes available to the
23 parent through employment or is union-related, or for paying a monthly
24 payment toward the premium if no such coverage is available, as
25 provided under RCW 26.09.105;

26 (b) The alleged father or custodial parent may file an application
27 for an adjudicative proceeding at which they both will be required to
28 appear and show cause why the amount stated in the notice as to support
29 is incorrect and should not be ordered;

30 (c) An alleged father or mother, if she is also the custodial
31 parent, may request that a blood or genetic test be administered to
32 determine whether such test would exclude him from being a natural
33 parent and, if not excluded, may subsequently request that the division
34 of child support initiate an action in superior court to determine the
35 existence of the parent-child relationship; and

36 (d) If neither the alleged father nor the custodial parent requests
37 that a blood or genetic test be administered or files an application
38 for an adjudicative proceeding, the amount of support stated in the

1 notice and finding of parental responsibility shall become final,
2 subject only to a subsequent determination under RCW 26.26.500 through
3 26.26.630 that the parent-child relationship does not exist.

4 (2) An alleged father or custodial parent who objects to the amount
5 of support requested in the notice may file an application for an
6 adjudicative proceeding up to twenty days after the date the notice was
7 served. An application for an adjudicative proceeding may be filed
8 within one year of service of the notice and finding of parental
9 responsibility without the necessity for a showing of good cause or
10 upon a showing of good cause thereafter. An adjudicative proceeding
11 under this section shall be pursuant to RCW 74.20A.055. The only
12 issues shall be the amount of the accrued debt, the amount of the
13 current and future support obligation, and the reimbursement of the
14 costs of blood or genetic tests if advanced by the department. A
15 custodian who is not the parent of a child and who has physical custody
16 of a child has the same notice and hearing rights that a custodial
17 parent has under this section.

18 (3) If the application for an adjudicative proceeding is filed
19 within twenty days of service of the notice, collection action shall be
20 stayed pending a final decision by the department. If no application
21 is filed within twenty days:

22 (a) The amounts in the notice shall become final and the debt
23 created therein shall be subject to collection action; and

24 (b) Any amounts so collected shall neither be refunded nor returned
25 if the alleged father is later found not to be a responsible parent.

26 (4) An alleged father or the mother, if she is also the custodial
27 parent, may request that a blood or genetic test be administered at any
28 time. The request for testing shall be in writing, or as the
29 department may specify by rule, and served on the division of child
30 support. If a request for testing is made, the department shall
31 arrange for the test and, pursuant to rules adopted by the department,
32 may advance the cost of such testing. The department shall mail a copy
33 of the test results by certified mail, return receipt requested, to the
34 alleged father's and mother's, if she is also the custodial parent,
35 last known address.

36 (5) If the test excludes the alleged father from being a natural
37 parent, the division of child support shall file a copy of the results
38 with the state registrar of vital statistics and shall dismiss any

1 pending administrative collection proceedings based upon the affidavit
2 in issue. The state registrar of vital statistics shall remove the
3 alleged father's name from the birth certificate and change the child's
4 surname to be the same as the mother's maiden name as stated on the
5 birth certificate, or any other name which the mother may select.

6 (6) The alleged father or mother, if she is also the custodial
7 parent, may, within twenty days after the date of receipt of the test
8 results, request the division of child support to initiate an action
9 under RCW 26.26.500 through 26.26.630 to determine the existence of the
10 parent-child relationship. If the division of child support initiates
11 a superior court action at the request of the alleged father or mother
12 and the decision of the court is that the alleged father is a natural
13 parent, the parent who requested the test shall be liable for court
14 costs incurred.

15 (7) If the alleged father or mother, if she is also the custodial
16 parent, does not request the division of child support to initiate a
17 superior court action, or fails to appear and cooperate with blood or
18 genetic testing, the notice of parental responsibility shall become
19 final for all intents and purposes and may be overturned only by a
20 subsequent superior court order entered under RCW 26.26.500 through
21 26.26.630.

22 (8)(a) Subsections (1) through (7) of this section do not apply to
23 acknowledgments of paternity filed with the state registrar of vital
24 statistics after July 1, 1997.

25 (b) If an acknowledged father has signed an acknowledgment of
26 paternity that has been filed with the state registrar of vital
27 statistics after July 1, 1997:

28 (i) The division of child support may serve a notice and finding of
29 financial responsibility under RCW 74.20A.055 based on the
30 acknowledgment. The division of child support shall attach a copy of
31 the acknowledgment or certification of the birth record information
32 advising of the existence of a filed acknowledgment of paternity to the
33 notice;

34 (ii) The notice shall include a statement that the acknowledged
35 father or any other signatory may commence a proceeding in court to
36 rescind or challenge the acknowledgment or denial of paternity under
37 RCW 26.26.330 and 26.26.335;

1 (iii) A statement that either or both parents are responsible for
2 providing health insurance for his or her child if coverage that can be
3 extended to cover the child is or becomes available to the parent
4 through employment or is union-related as provided under RCW 26.09.105;
5 and

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

13 (c) If neither the acknowledged father nor the other party to the
14 notice files an application for an adjudicative proceeding or the
15 signatories to the acknowledgment or denial do not commence a
16 proceeding to rescind or challenge the acknowledgment of paternity, the
17 amount of support stated in the notice and finding of financial
18 responsibility becomes final, subject only to a subsequent
19 determination under RCW 26.26.500 through 26.26.630 that the parent-
20 child relationship does not exist. The division of child support does
21 not refund nor return any amounts collected under a notice that becomes
22 final under this section or RCW 74.20A.055, even if a court later
23 determines that the acknowledgment is void.

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

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

37 (ii) If the application for an adjudicative proceeding is not filed

1 within twenty days of the service of the notice, any amounts collected
2 under the notice shall be neither refunded nor returned if the alleged
3 father is later found not to be a responsible parent.

4 (e) If neither the acknowledged father nor the custodial parent
5 requests an adjudicative proceeding, or if no timely action is brought
6 to rescind or challenge the acknowledgment or denial after service of
7 the notice, the notice of financial responsibility becomes final for
8 all intents and purposes and may be overturned only by a subsequent
9 superior court order entered under RCW 26.26.500 through 26.26.630.

10 (9) Acknowledgments of paternity that are filed after July 1, 1997,
11 are subject to requirements of chapters 26.26, the uniform parentage
12 act, and 70.58 RCW.

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

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

21 **Sec. 9.** RCW 74.20A.059 and 1991 c 367 s 47 are each amended to
22 read as follows:

23 (1) The department, the physical custodian, or the responsible
24 parent may petition for a prospective modification of a final
25 administrative order if:

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

28 (b) There has been a substantial change of circumstances, except as
29 provided under RCW 74.20A.055(4)(d).

30 (2) An order of child support may be modified one year or more
31 after it has been entered without showing a substantial change of
32 circumstances:

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

35 (b) If a party requests an adjustment in an order for child support
36 that was based on guidelines which determined the amount of support

1 according to the child's age, and the child is no longer in the age
2 category on which the current support amount was based; or

3 (c) If a child is a full-time student and reasonably expected to
4 complete secondary school or the equivalent level of vocational or
5 technical training before the child becomes nineteen years of age upon
6 a finding that there is a need to extend support beyond the eighteenth
7 birthday.

8 (3) An order may be modified without showing a substantial change
9 of circumstances if the requested modification is to:

10 (a) Require (~~(health insurance coverage)~~) medical support under RCW
11 26.09.105 for a child covered by the order; or

12 (b) Modify an existing order for health insurance coverage.

13 (4) Support orders may be adjusted once every twenty-four months
14 based upon changes in the income of the parents without a showing of
15 substantially changed circumstances.

16 (5)(a) All administrative orders entered on, before, or after
17 September 1, 1991, may be modified based upon changes in the child
18 support schedule established in chapter 26.19 RCW without a substantial
19 change of circumstances. The petition may be filed based on changes in
20 the child support schedule after twelve months has expired from the
21 entry of the administrative order or the most recent modification order
22 setting child support, whichever is later. However, if a party is
23 granted relief under this provision, twenty-four months must pass
24 before another petition for modification may be filed pursuant to
25 subsection (4) of this section.

26 (b) If, pursuant to subsection (4) of this section or (a) of this
27 subsection, the order modifies a child support obligation by more than
28 thirty percent and the change would cause significant hardship, the
29 change may be implemented in two equal increments, one at the time of
30 the entry of the order and the second six months from the entry of the
31 order. Twenty-four months must pass following the second change before
32 a petition for modification under subsection (4) of this section may be
33 filed.

34 (6) An increase in the wage or salary of the parent or custodian
35 who is receiving the support transfer payments (~~(as defined in section~~
36 ~~24 of this act)~~) is not a substantial change in circumstances for
37 purposes of modification under subsection (1)(b) of this section. An

1 obligor's voluntary unemployment or voluntary underemployment, by
2 itself, is not a substantial change of circumstances.

3 (7) The department shall file the petition and a supporting
4 affidavit with the secretary or the secretary's designee when the
5 department petitions for modification.

6 (8) The responsible parent or the physical custodian shall follow
7 the procedures in this chapter for filing an application for an
8 adjudicative proceeding to petition for modification.

9 (9) Upon the filing of a proper petition or application, the
10 secretary or the secretary's designee shall issue an order directing
11 each party to appear and show cause why the order should not be
12 modified.

13 (10) If the presiding or reviewing officer finds a modification is
14 appropriate, the officer shall modify the order and set current and
15 future support under chapter 26.19 RCW.

16 NEW SECTION. **Sec. 10.** This act takes effect October 1, 2009.

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