
HOUSE BILL 2405

State of Washington

65th Legislature

2018 Regular Session

By Representatives Goodman, Kilduff, Jinkins, and Appleton; by request of Department of Social and Health Services

Prefiled 01/05/18. Read first time 01/08/18. Referred to Committee on Judiciary.

1 AN ACT Relating to implementation of mandatory provisions of the
2 federal rule on flexibility, efficiency, and modernization in child
3 support enforcement programs regarding health care coverage; and
4 amending RCW 26.09.105, 26.18.020, 26.18.170, 26.23.050, 26.26.165,
5 26.26.375, 74.20A.055, 74.20A.056, 74.20A.059, and 74.20A.300.

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

7 **Sec. 1.** RCW 26.09.105 and 2009 c 476 s 1 are each amended to
8 read as follows:

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

12 (a) The child support order must include an obligation to provide
13 health care coverage that is both accessible to all children named in
14 the order and available at reasonable cost to the obligated parent.

15 (b) The court must allocate the cost of health care coverage
16 between the parents.

17 (2) Medical support consists of:

18 ~~((i))~~ (a) Health ((insurance)) care coverage, which may consist
19 of health insurance coverage or public health care coverage; and

20 ~~((ii) Cash medical support.)~~

21 (b) Cash medical support, which consists of:

1 (i) A parent's monthly payment toward the premium paid for
2 coverage provided by ~~((either the other parent or the state))~~ a
3 public entity or by another parent, which represents the obligated
4 parent's proportionate share of the premium paid, but no more than
5 twenty-five percent of the obligated parent's basic support
6 obligation; and

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

9 ~~((c))~~ (3) The parents share the obligation to provide medical
10 support for the child or children specified in the order, by
11 providing health care coverage or contributing a cash medical support
12 obligation when appropriate, and paying a proportionate share of any
13 uninsured medical expenses.

14 (4) Under appropriate circumstances, the court may excuse one
15 parent from the responsibility to provide health ~~((insurance))~~ care
16 coverage or the monthly payment toward the premium. The child's
17 receipt of public health care coverage may not be the sole basis for
18 excusing a parent from providing health insurance coverage through an
19 employer or union.

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

22 ~~(2) Both parents share the obligation to provide medical support~~
23 ~~for the child or children specified in the order, by providing health~~
24 ~~insurance coverage or contributing a cash medical support obligation~~
25 ~~when appropriate, and paying a proportionate share of any uninsured~~
26 ~~medical expenses.~~

27 ~~(3))~~ (5)(a) The court may specify how medical support must be
28 provided by each parent under subsection ~~((4))~~ (6) of this section.

29 (b) If the court does not specify how medical support will be
30 provided or if neither parent provides proof that he or she is
31 providing health ~~((insurance))~~ care coverage for the child at the
32 time the support order is entered, the division of child support or
33 either parent may enforce a parent's obligation to provide medical
34 support under RCW 26.18.170.

35 ~~((4))~~ (6)(a) If there is sufficient evidence provided at the
36 time the order is entered, the court may make a determination of
37 which parent must provide health care coverage and which parent must
38 contribute a sum certain amount as his or her monthly payment toward
39 the premium.

1 (b) If both parents have available health insurance coverage or
2 health care coverage that is accessible to the child at the time the
3 support order is entered, the court has discretion to order the
4 parent with better coverage to provide the ~~((health—insurance))~~
5 coverage for the child and the other parent to pay a monthly payment
6 toward the premium. In making the determination of which coverage is
7 better, the court shall consider the needs of the child, the cost and
8 extent of each parent's coverage, and the accessibility of the
9 coverage.

10 (c) Each parent shall ~~((remain))~~ be responsible for his or her
11 proportionate share of uninsured medical expenses.

12 ~~((+5))~~ (7) The order must provide that if the parties'
13 circumstances change, the parties' medical support obligations will
14 be enforced as provided in RCW 26.18.170.

15 ~~((+6))~~ (8) A parent who is ordered to maintain or provide health
16 ~~((insurance))~~ care coverage may comply with that requirement by:

17 (a) Providing proof of accessible ~~((private—insurance))~~ health
18 care coverage for any child named in the order; or

19 (b) Providing coverage that can be extended to cover the child
20 that is available to that parent through employment or that is union-
21 related, if the cost of such coverage does not exceed twenty-five
22 percent of that parent's basic child support obligation.

23 ~~((+7))~~ (9) The order must provide that, while an obligated
24 parent may satisfy his or her health care coverage obligation by
25 enrolling the child in public health care coverage, that parent is
26 also required to provide accessible health insurance coverage for the
27 child if it is available at no cost through the parent's employer or
28 union.

29 (10) The order must provide that the fact that the custodial
30 parent enrolled the child in public health care coverage does not
31 satisfy the noncustodial parent's health care coverage obligation
32 unless the support order provides otherwise.

33 (a) If there is accessible health insurance coverage for the
34 child available through the noncustodial parent's employer or union,
35 the noncustodial parent may satisfy the health care coverage
36 obligation by enrolling the child in such coverage if such coverage
37 is available for no more than twenty-five percent of the noncustodial
38 parent's basic support obligation; or

39 (b) If there is no accessible health insurance coverage for the
40 child available through the noncustodial parent's employer or union,

1 the noncustodial parent may satisfy the health care coverage
2 obligation by contributing a proportionate share of any premium paid
3 by the custodial parent or the state for public health care coverage
4 for the child.

5 (11) The court may order a parent to provide health ~~((insurance))~~
6 care coverage that exceeds twenty-five percent of that parent's basic
7 support obligation if it is in the best interests of the child to
8 provide coverage.

9 ~~((8))~~ ~~If the child receives state-financed medical coverage~~
10 ~~through the department under chapter 74.09 RCW for which there is an~~
11 ~~assignment, the obligated parent shall pay a monthly payment toward~~
12 ~~the premium.~~

13 ~~(9))~~ (12) Each parent is responsible for his or her
14 proportionate share of uninsured medical expenses for the child or
15 children covered by the support order.

16 ~~((10))~~ (13) The parents must maintain health ~~((insurance))~~ care
17 coverage as required under this section until:

18 (a) Further order of the court;

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

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

24 ~~((11))~~ (14) A parent who is required to extend health insurance
25 coverage to a child under this section is liable for any covered
26 health care costs for which the parent receives direct payment from
27 an insurer.

28 ~~((12))~~ ~~This section shall not be construed to limit the authority~~
29 ~~of the court to enter or modify support orders containing provisions~~
30 ~~for payment of uninsured health expenses, health care costs, or~~
31 ~~insurance premiums which are in addition to and not inconsistent with~~
32 ~~this section.~~

33 ~~(13))~~ (15) A parent ordered to provide health ~~((insurance))~~ care
34 coverage must provide proof of such coverage or proof that such
35 coverage is unavailable within twenty days of the entry of the order
36 to:

37 (a) The other parent; or

38 (b) The department of social and health services if the parent
39 has been notified or ordered to make support payments to the
40 Washington state support registry.

1 ~~((14))~~ (16) Every order requiring a parent to provide health
2 care or insurance coverage must be entered in compliance with RCW
3 26.23.050 and be subject to direct enforcement as provided under
4 chapter 26.18 RCW.

5 ~~((15))~~ (17) When a parent is providing health insurance or
6 health care coverage at the time the order is entered, the premium
7 shall be included in the worksheets for the calculation of child
8 support under chapter 26.19 RCW.

9 ~~((16))~~ (18) As used in this section:

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

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

20 (c) ~~(("Health insurance coverage" does not include medical~~
21 ~~assistance provided under chapter 74.09 RCW.~~

22 ~~(d))~~ "Uninsured medical expenses" includes premiums, copays,
23 deductibles, along with other health care costs not covered by
24 ~~((insurance))~~ health care coverage.

25 ~~((e))~~ (d) "Obligated parent" means a parent ordered to provide
26 health insurance coverage for the children.

27 ~~((f))~~ (e) "Proportionate share" means an amount equal to a
28 parent's percentage share of the combined monthly net income of both
29 parents as computed when determining a parent's child support
30 obligation under chapter 26.19 RCW.

31 ~~((g))~~ (f) "Monthly payment toward the premium" means a parent's
32 contribution toward premiums paid for coverage provided by a public
33 entity or by ~~((the other))~~ another parent ~~((or the state for~~
34 ~~insurance coverage for the child))~~, which is based on the obligated
35 parent's proportionate share of the premium paid, but no more than
36 twenty-five percent of the obligated parent's basic support
37 obligation.

38 ~~((17))~~ (g) "Premium" means the amount paid for coverage
39 provided by a public entity or by another parent for a child covered
40 by the order. This term may also mean "cost of coverage."

1 (19) This section does not limit the authority of the court to
2 enter or modify support orders containing provisions for payment of
3 uninsured health expenses, health care costs, or insurance premiums
4 which are in addition to and not inconsistent with this section.

5 (20) The department of social and health services has rule-making
6 authority to enact rules in compliance with 45 C.F.R. Parts 302, 303,
7 304, 305, and 308.

8 **Sec. 2.** RCW 26.18.020 and 2008 c 6 s 1027 are each amended to
9 read as follows:

10 Unless the context clearly requires otherwise, the definitions in
11 this section apply throughout this chapter.

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

14 (2) "Duty of maintenance" means the duty to provide for the needs
15 of a spouse or former spouse or domestic partner or former domestic
16 partner imposed under chapter 26.09 RCW.

17 (3) "Duty of support" means the duty to provide for the needs of
18 a dependent child, which may include necessary food, clothing,
19 shelter, education, and health care. The duty includes any obligation
20 to make monetary payments, to pay expenses, including maintenance in
21 cases in which there is a dependent child, or to reimburse another
22 person or an agency for the cost of necessary support furnished a
23 dependent child. The duty may be imposed by court order, by operation
24 of law, or otherwise.

25 (4) "Obligee" means the custodian of a dependent child, the
26 spouse or former spouse or domestic partner or former domestic
27 partner, or person or agency, to whom a duty of support or duty of
28 maintenance is owed, or the person or agency to whom the right to
29 receive or collect support or maintenance has been assigned.

30 (5) "Obligor" means the person owing a duty of support or duty of
31 maintenance.

32 (6) "Support or maintenance order" means any judgment, decree, or
33 order of support or maintenance issued by the superior court or
34 authorized agency of the state of Washington; or a judgment, decree,
35 or other order of support or maintenance issued by a court or agency
36 of competent jurisdiction in another state or country, which has been
37 registered or otherwise made enforceable in this state.

1 (7) "Employer" includes the United States government, a state or
2 local unit of government, and any person or entity who pays or owes
3 earnings or remuneration for employment to the obligor.

4 (8) "Earnings" means compensation paid or payable for personal
5 services or remuneration for employment, whether denominated as
6 wages, salary, commission, bonus, or otherwise, and, notwithstanding
7 any other provision of law making the payments exempt from
8 garnishment, attachment, or other process to satisfy support or
9 maintenance obligations, specifically includes periodic payments
10 pursuant to pension or retirement programs, or insurance policies of
11 any type, but does not include payments made under Title 50 RCW,
12 except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

13 (9) "Disposable earnings" means that part of the earnings of an
14 individual remaining after the deduction from those earnings of any
15 amount required by law to be withheld.

16 (10) "Department" means the department of social and health
17 services.

18 (11) "Health insurance coverage" is another term for, and
19 included in the definition of, "health care coverage." Health
20 insurance coverage includes any coverage under which medical services
21 are provided by an employer or a union whether that coverage is
22 provided through a self-insurance program, under the employee
23 retirement income security act of 1974, a commercial insurer pursuant
24 to chapters 48.20 and 48.21 RCW, a health care service contractor
25 pursuant to chapter 48.44 RCW, or a health maintenance organization
26 pursuant to chapter 48.46 RCW(~~(, and the state through chapter 41.05~~
27 ~~RCW)).~~

28 (12) "Insurer" means a commercial insurance company providing
29 disability insurance under chapter 48.20 or 48.21 RCW, a health care
30 service contractor providing health care coverage under chapter 48.44
31 RCW, a health maintenance organization providing comprehensive health
32 care services under chapter 48.46 RCW, and shall also include any
33 employer or union which is providing health insurance coverage on a
34 self-insured basis.

35 (13) "Remuneration for employment" means moneys due from or
36 payable by the United States to an individual within the scope of 42
37 U.S.C. Sec. 659 and 42 U.S.C. Sec. 662(f).

38 (14) "Health care coverage" means fee for service, health
39 maintenance organization, preferred provider organization, and other
40 types of private health insurance and public health care coverage

1 under which medical services could be provided to a dependent child
2 or children. The term "health care coverage" includes, but is not
3 limited to, health insurance coverage.

4 (15) "Public health care coverage," sometimes called "state
5 purchased health care," means state-financed or federally financed
6 medical coverage, whether or not there is an assignment of rights.
7 For children residing in Washington state, this includes coverage
8 through the department of social and health services or the health
9 care authority; for children residing outside of Washington, this
10 includes coverage through another state's agencies that administer
11 state purchased health care programs.

12 **Sec. 3.** RCW 26.18.170 and 2009 c 476 s 2 are each amended to
13 read as follows:

14 (1) Whenever a parent has been ordered to provide medical support
15 for a dependent child, the department or the other parent may seek
16 enforcement of the medical support as provided under this section.

17 (a) If the obligated parent provides proof that he or she
18 provides accessible health care coverage for the child (~~(through~~
19 ~~private insurance)~~), that parent has satisfied his or her obligation
20 to provide health (~~(insurance)~~) care coverage.

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

24 (2) An obligated parent may satisfy his or her health care
25 coverage obligation by enrolling the child in public health care
26 coverage, but that parent is also required to provide accessible
27 health insurance coverage for the child if it is available at no cost
28 through the parent's employer or union.

29 (3) The fact that the custodial parent enrolled the child in
30 public health care coverage does not satisfy the noncustodial
31 parent's health care coverage obligation unless the support order
32 provides otherwise.

33 (a) If there is accessible health insurance coverage for the
34 child available through the noncustodial parent's employer or union,
35 the noncustodial parent may satisfy the health care coverage
36 obligation by enrolling the child in such coverage if such coverage
37 is available for no more than twenty-five percent of the noncustodial
38 parent's basic support obligation;

1 (b) If there is no accessible health insurance coverage for the
2 child available through the noncustodial parent's employer or union,
3 the noncustodial parent may satisfy the health care coverage
4 obligation by contributing a proportionate share of any premium paid
5 by the custodial parent or the state for public health care coverage
6 for the child.

7 (4) The department may attempt to enforce a parent's obligation
8 to provide health insurance coverage for the dependent child. If
9 health insurance coverage is not available through the parent's
10 employment or union at a cost not to exceed twenty-five percent of
11 the parent's basic support obligation, or as otherwise provided in
12 the support order, the department may enforce any monthly payment
13 toward the premium ordered to be provided under RCW 26.09.105 or
14 74.20A.300.

15 ~~((+3))~~ (5) A parent seeking to enforce another parent's monthly
16 payment toward the premium under RCW 26.09.105 may:

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

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

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

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

24 ~~((+4))~~ (6)(a) The department may serve a notice of support owed
25 under RCW 26.23.110 on a parent to determine the amount of that
26 parent's monthly payment toward the premium.

27 (b) Whether or not the child receives temporary assistance for
28 needy families or medicaid, the department may enforce the
29 responsible parent's monthly payment toward the premium. When the
30 child receives ~~((state-financed medical))~~ public health care coverage
31 ~~((through the department under chapter 74.09 RCW))~~ for which there is
32 an assignment, the department may disburse amounts collected to the
33 custodial parent to be used for the medical costs of the child or the
34 department may retain amounts collected and apply them toward the
35 cost of providing the child's state-financed medical coverage. The
36 department may disregard monthly payments toward the premium which
37 are passed through to the family in accordance with federal law.

38 ~~((+5))~~ (7)(a) If the order to provide health insurance coverage
39 contains language notifying the parent ordered to provide coverage
40 that failure to provide such coverage or proof that such coverage is

1 unavailable may result in direct enforcement of the order and orders
2 payments through, or has been submitted to, the Washington state
3 support registry for enforcement, then the department may, without
4 further notice to the parent, send a national medical support notice
5 pursuant to 42 U.S.C. Sec. 666(a)(19), and sections 401 (e) and (f)
6 of the federal child support and performance incentive act of 1998 to
7 the parent's employer or union. The notice shall be served:

8 (i) By regular mail;

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

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

12 (iv) By electronic means if there is an agreement between the
13 secretary of the department and the person, firm, corporation,
14 association, political subdivision, department of the state, or
15 agency, subdivision, or instrumentality of the United States to
16 accept service by electronic means.

17 (b) The notice shall require the employer or union to enroll the
18 child in the health insurance plan as provided in subsection ~~((+8))~~
19 (10) of this section.

20 (c) The returned part A of the national medical support notice to
21 the division of child support by the employer constitutes proof of
22 service of the notice in the case where the notice was served by
23 regular mail.

24 ~~((+6))~~ (8) Upon receipt of a national medical support notice
25 from a child support agency operating under Title IV-D of the federal
26 social security act:

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

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

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

35 ~~((+7))~~ (9) If the parent's order to provide health insurance
36 coverage does not order payments through, and has not been submitted
37 to, the Washington state support registry for enforcement:

38 (a) The parent seeking enforcement may, without further notice to
39 the obligated parent, send a certified copy of the order requiring

1 health insurance coverage to the parent's employer or union by
2 certified mail, return receipt requested; and

3 (b) The parent seeking enforcement shall attach a notarized
4 statement to the order declaring that the order is the latest order
5 addressing coverage entered by the court and require the employer or
6 union to enroll the child in the health insurance plan as provided in
7 subsection ~~((+8))~~ (10) of this section.

8 ~~((+8))~~ (10) Upon receipt of an order that provides for health
9 insurance coverage:

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

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

13 (ii) Will be enrolled; or

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

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

18 (c) If more than one plan is offered by the employer or union,
19 and each plan may be extended to cover the child, then the child
20 shall be enrolled in the parent's plan. If the parent's plan does not
21 provide coverage which is accessible to the child, the child shall be
22 enrolled in the least expensive plan otherwise available to the
23 parent;

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

28 ~~((+9))~~ (11) If the order for coverage contains no language
29 notifying either or both parents that failure to provide health
30 insurance coverage or proof that such coverage is unavailable may
31 result in direct enforcement of the order, the department or the
32 parent seeking enforcement may serve a written notice of intent to
33 enforce the order on the obligated parent by certified mail, return
34 receipt requested, or by personal service. If the parent required to
35 provide medical support fails to provide written proof that such
36 coverage has been obtained or applied for or fails to provide proof
37 that such coverage is unavailable within twenty days of service of
38 the notice, the department or the parent seeking enforcement may
39 proceed to enforce the order directly as provided in subsection
40 ~~((+5))~~ (7) of this section.

1 (~~(10)~~) (12) If the parent ordered to provide health insurance
2 coverage elects to provide coverage that will not be accessible to
3 the child because of geographic or other limitations when accessible
4 coverage is otherwise available, the department or the parent seeking
5 enforcement may serve a written notice of intent to purchase health
6 insurance coverage on the obligated parent by certified mail, return
7 receipt requested. The notice shall also specify the type and cost of
8 coverage.

9 (~~(11)~~) (13) If the department serves a notice under subsection
10 (~~(10)~~) (12) of this section the parent required to provide medical
11 support shall, within twenty days of the date of service:

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

13 (b) Provide written proof to the department that the obligated
14 parent has either applied for, or obtained, coverage accessible to
15 the child.

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

22 (~~(13)~~) (15) If the parent required to provide medical support
23 fails to respond to a notice served under subsection (~~(10)~~) (12) of
24 this section to the party who served the notice, the party who served
25 the notice may purchase the health insurance coverage specified in
26 the notice directly.

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

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

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

37 (~~(14)~~) (16) The signature of the parent seeking enforcement or
38 of a department employee shall be a valid authorization to the
39 coverage provider or issuer for purposes of processing a payment to
40 the child's health services provider. An order for health insurance

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

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

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

25 ~~((17))~~ (19) If a parent required to provide medical support
26 fails to pay his or her portion, determined under RCW 26.19.080, of
27 any premium, deductible, copay, or uninsured medical expense incurred
28 on behalf of the child, pursuant to a child support order, the
29 department or the parent seeking reimbursement of medical expenses
30 may enforce collection of the obligated parent's portion of the
31 premium, deductible, copay, or uninsured medical expense incurred on
32 behalf of the child.

33 (a) If the department is enforcing the order 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
38 sum certain either in a court order or by the department, pursuant to
39 RCW 26.23.110.

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

5 ~~((18))~~ (20) As used in this section:

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

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

15 (c) ~~("Health insurance coverage" does not include medical
16 assistance provided under chapter 74.09 RCW.~~

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

20 ~~((e))~~ (d) "Obligated parent" means a parent ordered to provide
21 health insurance coverage for the children.

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

28 ~~((19))~~ (21) 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 45 C.F.R. Parts 302, 303, 304,
33 305, and 308.

34 **Sec. 4.** RCW 26.23.050 and 2009 c 476 s 4 are each amended to
35 read as follows:

36 (1) If the division of child support is providing support
37 enforcement services under RCW 26.23.045, or if a party is applying
38 for support enforcement services by signing the application form on

1 the bottom of the support order, the superior court shall include in
2 all court orders that establish or modify a support obligation:

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

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

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

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

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

18 (d) A statement that any parent required to provide health
19 (~~insurance~~) care coverage for the child or children covered by the
20 order must notify the division of child support and the other parent
21 when the coverage terminates; and

22 (e) A statement that the responsible parent's privileges to
23 obtain and maintain a license, as defined in RCW 74.20A.320, may not
24 be renewed, or may be suspended if the parent is not in compliance
25 with a support order as provided in RCW 74.20A.320.

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

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

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

38 (i) A statement that withholding action may be taken against
39 wages, earnings, assets, or benefits, and liens enforced against real
40 and personal property under the child support statutes of this or any

1 other state, without further notice to the responsible parent at any
2 time after entry of the court order, unless:

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

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

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

11 (iii) A statement that any parent required to provide health
12 (~~(insurance)~~) care coverage for the child or children covered by the
13 order must notify the division of child support and the other parent
14 when the coverage terminates; and

15 (iv) A statement that a parent seeking to enforce the obligation
16 to provide health (~~(insurance)~~) care coverage may:

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

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

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

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

24 (i) Immediate income withholding may be ordered if the
25 responsible parent has earnings. If immediate income withholding is
26 ordered under this subsection, all support payments shall be paid to
27 the Washington state support registry. The superior court shall issue
28 a mandatory wage assignment order as set forth in chapter 26.18 RCW
29 when the support order is signed by the court. The parent entitled to
30 receive the transfer payment is responsible for serving the employer
31 with the order and for its enforcement as set forth in chapter 26.18
32 RCW.

33 (ii) If immediate income withholding is not ordered, the court
34 shall require that income withholding be delayed until a payment is
35 past due. The support order shall contain a statement that
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
39 further notice to the responsible parent, after a payment is past
40 due.

1 (c) If a mandatory wage withholding order under chapter 26.18 RCW
2 is issued under this subsection and the division of child support
3 provides support enforcement services under RCW 26.23.045, the
4 existing wage withholding assignment is prospectively superseded upon
5 the division of child support's subsequent service of an income
6 withholding notice.

7 (3) The office of administrative hearings and the department of
8 social and health services shall require that all support obligations
9 established as administrative orders include a provision which orders
10 and directs that the responsible parent shall make all support
11 payments to the Washington state support registry. All administrative
12 orders shall also state that the responsible parent's privileges to
13 obtain and maintain a license, as defined in RCW 74.20A.320, may not
14 be renewed, or may be suspended if the parent is not in compliance
15 with a support order as provided in RCW 74.20A.320. All
16 administrative orders shall also state that withholding action may be
17 taken against wages, earnings, assets, or benefits, and liens
18 enforced against real and personal property under the child support
19 statutes of this or any other state without further notice to the
20 responsible parent at any time after entry of the order, unless:

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

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

26 (4) If the support order does not include the provision ordering
27 and directing that all payments be made to the Washington state
28 support registry and a statement that withholding action may be taken
29 against wages, earnings, assets, or benefits if a support payment is
30 past due or at any time after the entry of the order, or that a
31 parent's licensing privileges may not be renewed, or may be
32 suspended, the division of child support may serve a notice on the
33 responsible parent stating such requirements and authorizations.
34 Service may be by personal service or any form of mail requiring a
35 return receipt.

36 (5) Every support order shall state:

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

38 (b) That withholding action may be taken against wages, earnings,
39 assets, or benefits, and liens enforced against real and personal
40 property under the child support statutes of this or any other state,

1 without further notice to the responsible parent at any time after
2 entry of a support order, unless:

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

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

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

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

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

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

12 (g) A provision requiring both the responsible parent and the
13 custodial parent to keep the Washington state support registry
14 informed of whether he or she has access to health ((~~insurance~~)) care
15 coverage at reasonable cost and, if so, the health ((~~insurance~~
16 ~~policy~~)) care coverage information;

17 (h) That either or both the responsible parent and the custodial
18 parent shall be obligated to provide medical support for his or her
19 child through health ((~~insurance~~)) care coverage if:

20 (i) The obligated parent provides accessible coverage for the
21 child through private ((~~insurance~~)) or public health care coverage;
22 or

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

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

29 (i) That a parent providing health ((~~insurance~~)) care coverage
30 must notify both the division of child support and the other parent
31 when coverage terminates;

32 (j) That if proof of health ((~~insurance~~)) care coverage or proof
33 that the coverage is unavailable is not provided within twenty days,
34 the parent seeking enforcement or the department may seek direct
35 enforcement of the coverage through the employer or union of the
36 parent required to provide medical support without further notice to
37 the parent as provided under chapter 26.18 RCW;

38 (k) The reasons for not ordering health ((~~insurance~~)) care
39 coverage if the order fails to require such coverage;

1 (l) 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;

5 (m) That each parent must:

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

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

11 (n) That parties to administrative support orders shall provide
12 to the state case registry and update as necessary their residential
13 addresses and the address of the responsible parent's employer. The
14 division of child support may adopt rules that govern the collection
15 of parties' current residence and mailing addresses, telephone
16 numbers, dates of birth, social security numbers, the names of the
17 children, social security numbers of the children, dates of birth of
18 the children, driver's license numbers, and the names, addresses, and
19 telephone numbers of the parties' employers to enforce an
20 administrative support order. The division of child support shall not
21 release this information if the division of child support determines
22 that there is reason to believe that release of the information may
23 result in physical or emotional harm to the party or to the child, or
24 a restraining order or protective order is in effect to protect one
25 party from the other party.

26 (6) After the responsible parent has been ordered or notified to
27 make payments to the Washington state support registry under this
28 section, the responsible parent shall be fully responsible for making
29 all payments to the Washington state support registry and shall be
30 subject to payroll deduction or other income-withholding action. The
31 responsible parent shall not be entitled to credit against a support
32 obligation for any payments made to a person or agency other than to
33 the Washington state support registry except as provided under RCW
34 74.20.101. A civil action may be brought by the payor to recover
35 payments made to persons or agencies who have received and retained
36 support moneys paid contrary to the provisions of this section.

37 (7) All petitioners and parties to all court actions under
38 chapters 26.09, 26.10, 26.12, 26.18, 26.21A, 26.23, 26.26, and 26.27
39 RCW shall complete to the best of their knowledge a verified and
40 signed confidential information form or equivalent that provides the

1 parties' current residence and mailing addresses, telephone numbers,
2 dates of birth, social security numbers, driver's license numbers,
3 and the names, addresses, and telephone numbers of the parties'
4 employers. The clerk of the court shall not accept petitions, except
5 in parentage actions initiated by the state, orders of child support,
6 decrees of dissolution, or paternity orders for filing in such
7 actions unless accompanied by the confidential information form or
8 equivalent, or unless the confidential information form or equivalent
9 is already on file with the court clerk. In lieu of or in addition to
10 requiring the parties to complete a separate confidential information
11 form, the clerk may collect the information in electronic form. The
12 clerk of the court shall transmit the confidential information form
13 or its data to the division of child support with a copy of the order
14 of child support or paternity order, and may provide copies of the
15 confidential information form or its data and any related findings,
16 decrees, parenting plans, orders, or other documents to the state
17 administrative agency that administers Title IV-A, IV-D, IV-E, or XIX
18 of the federal social security act. In state initiated paternity
19 actions, the parties adjudicated the parents of the child or children
20 shall complete the confidential information form or equivalent or the
21 state's attorney of record may complete that form to the best of the
22 attorney's knowledge.

23 (8) The department has rule-making authority to enact rules
24 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19)
25 as amended by section 7307 of the deficit reduction act of 2005.
26 Additionally, the department has rule-making authority to implement
27 regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and
28 308.

29 **Sec. 5.** RCW 26.26.165 and 1994 c 230 s 17 are each amended to
30 read as follows:

31 (1) In entering or modifying a support order under this chapter,
32 the court shall require either or both parents to maintain or provide
33 health ((insurance)) care coverage for any dependent child as
34 provided under RCW 26.09.105.

35 (2) This section shall not be construed to limit the authority of
36 the court to enter or modify support orders containing provisions for
37 payment of uninsured health expenses, health costs, or insurance
38 premiums which are in addition to and not inconsistent with this

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

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

7 (a) The physical custodian; or

8 (b) The department of social and health services if the parent
9 has been notified or ordered to make support payments to the
10 Washington state support registry.

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

15 **Sec. 6.** RCW 26.26.375 and 2011 c 283 s 20 are each amended to
16 read as follows:

17 (1) After the period for rescission of an acknowledgment of
18 paternity provided in RCW 26.26.330 has passed, a parent executing an
19 acknowledgment of paternity of the child named therein may commence a
20 judicial proceeding for:

21 (a) Making residential provisions or a parenting plan with regard
22 to the minor child on the same basis as provided in chapter 26.09
23 RCW; or

24 (b) Establishing a child support obligation under chapter 26.19
25 RCW and maintaining health (~~(insurance)~~) care coverage under RCW
26 26.09.105.

27 (2) Pursuant to RCW 26.09.010(3), a proceeding authorized by this
28 section shall be titled "In re the parenting and support of...."

29 (3) Before the period for a challenge to the acknowledgment or
30 denial of paternity has elapsed under RCW 26.26.335, the petitioner
31 must specifically allege under penalty of perjury, to the best of the
32 petitioner's knowledge, that: (a) No man other than the man who
33 executed the acknowledgment of paternity is the father of the child;
34 (b) there is not currently pending a proceeding to adjudicate the
35 parentage of the child or that another man is adjudicated the child's
36 father; and (c) the petitioner has provided notice of the proceeding
37 to any other men who have claimed parentage of the child. Should the
38 respondent or any other person appearing in the action deny the
39 allegations, a permanent parenting plan or residential schedule may

1 not be entered for the child without the matter being converted to a
2 proceeding to challenge the acknowledgment of paternity under RCW
3 26.26.335 and 26.26.340. A copy of the acknowledgment of paternity or
4 the birth certificate issued by the state in which the child was born
5 must be filed with the petition or response. The court may convert
6 the matter to a proceeding to challenge the acknowledgment on its own
7 motion.

8 **Sec. 7.** RCW 74.20A.055 and 2009 c 476 s 7 are each amended to
9 read as follows:

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

26 (2) The notice and finding of financial responsibility shall be
27 served in the same manner prescribed for the service of a summons in
28 a civil action or may be served on the responsible parent by
29 certified mail, return receipt requested. The receipt shall be prima
30 facie evidence of service. The notice shall be served upon the debtor
31 within sixty days from the date the state assumes responsibility for
32 the support of the dependent child or children on whose behalf
33 support is sought. If the notice is not served within sixty days from
34 such date, the department shall lose the right to reimbursement of
35 payments made after the sixty-day period and before the date of
36 notification: PROVIDED, That if the department exercises reasonable
37 efforts to locate the debtor and is unable to do so the entire sixty-
38 day period is tolled until such time as the debtor can be located.
39 The notice may be served upon the custodial parent who is the

1 nonassistance applicant or public assistance recipient by first-class
2 mail to the last known address. If the custodial parent is not the
3 nonassistance applicant or public assistance recipient, service shall
4 be in the same manner as for the responsible parent.

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 custodial parent and the name
10 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 or custodial parent
14 may object to all or any part of the notice and finding, and file an
15 application for an adjudicative proceeding to show cause why the
16 terms set forth in the notice should not be ordered;

17 (d) A statement that, if neither the responsible parent nor the
18 custodial parent files in a timely fashion an application for an
19 adjudicative proceeding, the support debt and payments stated in the
20 notice and finding, including periodic support payments in the
21 future, shall be assessed and determined and ordered by the
22 department and that this debt and amounts due under the notice shall
23 be subject to collection action;

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

29 (f) A statement that ~~((either))~~ one or both parents are
30 responsible for either:

31 (i) Providing health ~~((insurance))~~ care coverage for ~~((his—or~~
32 ~~her))~~ the child if accessible coverage that can ~~((be—extended—to))~~
33 cover the child ~~((either))~~:

34 (A) Is available through ~~((private))~~ health insurance ~~((which is~~
35 ~~accessible to the child or through coverage that))~~ or public health
36 care coverage; or

37 (B) Is or becomes available to the parent through that parent's
38 employment or ~~((is—union—related,))~~ union; or ~~((for))~~

39 (ii) Paying a monthly payment toward the premium if no such
40 coverage is available, as provided under RCW 26.09.105.

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

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

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

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

28 (d) If the responsible parent or custodial parent files the
29 application more than one year after the date of service, the office
30 of administrative hearings shall schedule an adjudicative proceeding
31 at which the parent who requested the late hearing must show good
32 cause for failure to file a timely application. The filing of the
33 application does not stay future collection action and does not
34 affect prior collection action:

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

38 (ii) If the presiding officer finds that good cause does not
39 exist, the presiding officer shall treat the application as a
40 petition for prospective modification of the amount for current and

1 future support established under the notice and finding. In the
2 modification proceeding, the presiding officer shall set current and
3 future support under chapter 26.19 RCW. The petitioning parent need
4 show neither good cause nor a substantial change of circumstances to
5 justify modification of current and future support;

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

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

29 (5) If an application for an adjudicative proceeding is filed,
30 the presiding or reviewing officer shall determine the past liability
31 and responsibility, if any, of the alleged responsible parent and
32 shall also determine the amount of periodic payments to be made in
33 the future, which amount is not limited by the amount of any public
34 assistance payment made to or for the benefit of the child. If
35 deviating from the child support schedule in making these
36 determinations, the presiding or reviewing officer shall apply the
37 standards contained in the child support schedule and enter written
38 findings of fact supporting the deviation.

39 (6) If either the responsible parent or the custodial parent
40 fails to attend or participate in the hearing or other stage of an

1 adjudicative proceeding, upon a showing of valid service, the
2 presiding officer shall enter an order of default against each party
3 who did not appear and may enter an administrative order declaring
4 the support debt and payment provisions stated in the notice and
5 finding of financial responsibility to be assessed and determined and
6 subject to collection action. The parties who appear may enter an
7 agreed settlement or consent order, which may be different than the
8 terms of the department's notice. Any party who appears may choose to
9 proceed to the hearing, after the conclusion of which the presiding
10 officer or reviewing officer may enter an order that is different
11 than the terms stated in the notice, if the obligation is supported
12 by credible evidence presented by any party at the hearing.

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

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

20 (9) The department has rule-making authority to enact rules
21 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19)
22 as amended by section 7307 of the deficit reduction act of 2005.
23 Additionally, the department has rule-making authority to implement
24 regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and
25 308.

26 **Sec. 8.** RCW 74.20A.056 and 2009 c 476 s 8 are each amended to
27 read as follows:

28 (1) If an alleged father has signed an affidavit acknowledging
29 paternity which has been filed with the state registrar of vital
30 statistics before July 1, 1997, the division of child support may
31 serve a notice and finding of parental responsibility on him and the
32 custodial parent. Procedures for and responsibility resulting from
33 acknowledgments filed after July 1, 1997, are in subsections (8) and
34 (9) of this section. Service of the notice shall be in the same
35 manner as a summons in a civil action or by certified mail, return
36 receipt requested, on the alleged father. The custodial parent shall
37 be served by first-class mail to the last known address. If the
38 custodial parent is not the nonassistance applicant or public
39 assistance recipient, service shall be in the same manner as for the

1 responsible parent. The notice shall have attached to it a copy of
2 the affidavit or certification of birth record information advising
3 of the existence of a filed affidavit, provided by the state
4 registrar of vital statistics, and shall state that:

5 (a) Either or both parents are responsible for providing health
6 (~~insurance~~) care coverage for their child either through
7 (~~private~~) health insurance or public health care coverage, which is
8 accessible to the child, or through coverage that if coverage that
9 can be extended to cover the child is or becomes available to the
10 parent through employment or is union-related, or for paying a
11 monthly payment toward the premium if no such coverage is available,
12 as provided under RCW 26.09.105;

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

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

23 (d) If neither the alleged father nor the custodial parent
24 requests that a blood or genetic test be administered or files an
25 application for an adjudicative proceeding, the amount of support
26 stated in the notice and finding of parental responsibility shall
27 become final, subject only to a subsequent determination under RCW
28 26.26.500 through 26.26.630 that the parent-child relationship does
29 not exist.

30 (2) An alleged father or custodial parent who objects to the
31 amount of support requested in the notice may file an application for
32 an adjudicative proceeding up to twenty days after the date the
33 notice was served. An application for an adjudicative proceeding may
34 be filed within one year of service of the notice and finding of
35 parental responsibility without the necessity for a showing of good
36 cause or upon a showing of good cause thereafter. An adjudicative
37 proceeding under this section shall be pursuant to RCW 74.20A.055.
38 The only issues shall be the amount of the accrued debt, the amount
39 of the current and future support obligation, and the reimbursement
40 of the costs of blood or genetic tests if advanced by the department.

1 A custodian who is not the parent of a child and who has physical
2 custody of a child has the same notice and hearing rights that a
3 custodial parent has under this section.

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

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

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

13 (4) An alleged father or the mother, if she is also the custodial
14 parent, may request that a blood or genetic test be administered at
15 any time. The request for testing shall be in writing, or as the
16 department may specify by rule, and served on the division of child
17 support. If a request for testing is made, the department shall
18 arrange for the test and, pursuant to rules adopted by the
19 department, may advance the cost of such testing. The department
20 shall mail a copy of the test results by certified mail, return
21 receipt requested, to the alleged father's and mother's, if she is
22 also the custodial parent, last known address.

23 (5) If the test excludes the alleged father from being a natural
24 parent, the division of child support shall file a copy of the
25 results with the state registrar of vital statistics and shall
26 dismiss any pending administrative collection proceedings based upon
27 the affidavit in issue. The state registrar of vital statistics shall
28 remove the alleged father's name from the birth certificate and
29 change the child's surname to be the same as the mother's maiden name
30 as stated on the birth certificate, or any other name which the
31 mother may select.

32 (6) The alleged father or mother, if she is also the custodial
33 parent, may, within twenty days after the date of receipt of the test
34 results, request the division of child support to initiate an action
35 under RCW 26.26.500 through 26.26.630 to determine the existence of
36 the parent-child relationship. If the division of child support
37 initiates a superior court action at the request of the alleged
38 father or mother and the decision of the court is that the alleged
39 father is a natural parent, the parent who requested the test shall
40 be liable for court costs incurred.

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

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

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

14 (i) The division of child support may serve a notice and finding
15 of financial responsibility under RCW 74.20A.055 based on the
16 acknowledgment. The division of child support shall attach a copy of
17 the acknowledgment or certification of the birth record information
18 advising of the existence of a filed acknowledgment of paternity to
19 the notice;

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

24 (iii) A statement that either or both parents are responsible for
25 providing health ((insurance)) care coverage for ((his or her)) the
26 child if accessible coverage that can be extended to cover the child
27 is or becomes available to the parent through employment or is union-
28 related as provided under RCW 26.09.105; and

29 (iv) The party commencing the action to rescind or challenge the
30 acknowledgment or denial must serve notice on the division of child
31 support and the office of the prosecuting attorney in the county in
32 which the proceeding is commenced. Commencement of a proceeding to
33 rescind or challenge the acknowledgment or denial stays the
34 establishment of the notice and finding of financial responsibility,
35 if the notice has not yet become a final order.

36 (c) If neither the acknowledged father nor the other party to the
37 notice files an application for an adjudicative proceeding or the
38 signatories to the acknowledgment or denial do not commence a
39 proceeding to rescind or challenge the acknowledgment of paternity,
40 the amount of support stated in the notice and finding of financial

1 responsibility becomes final, subject only to a subsequent
2 determination under RCW 26.26.500 through 26.26.630 that the parent-
3 child relationship does not exist. The division of child support does
4 not refund nor return any amounts collected under a notice that
5 becomes final under this section or RCW 74.20A.055, even if a court
6 later determines that the acknowledgment is void.

7 (d) An acknowledged father or other party to the notice who
8 objects to the amount of support requested in the notice may file an
9 application for an adjudicative proceeding up to twenty days after
10 the date the notice was served. An application for an adjudicative
11 proceeding may be filed within one year of service of the notice and
12 finding of parental responsibility without the necessity for a
13 showing of good cause or upon a showing of good cause thereafter. An
14 adjudicative proceeding under this section shall be pursuant to RCW
15 74.20A.055. The only issues shall be the amount of the accrued debt
16 and the amount of the current and future support obligation.

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

20 (ii) If the application for an adjudicative proceeding is not
21 filed within twenty days of the service of the notice, any amounts
22 collected under the notice shall be neither refunded nor returned if
23 the alleged father is later found not to be a responsible parent.

24 (e) If neither the acknowledged father nor the custodial parent
25 requests an adjudicative proceeding, or if no timely action is
26 brought to rescind or challenge the acknowledgment or denial after
27 service of the notice, the notice of financial responsibility becomes
28 final for all intents and purposes and may be overturned only by a
29 subsequent superior court order entered under RCW 26.26.500 through
30 26.26.630.

31 (9) Acknowledgments of paternity that are filed after July 1,
32 1997, are subject to requirements of chapters 26.26, the uniform
33 parentage act, and 70.58 RCW.

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

36 (11) The department has rule-making authority to enact rules
37 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19)
38 as amended by section 7307 of the deficit reduction act of 2005.
39 Additionally, the department has rule-making authority to implement

1 regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and
2 308.

3 **Sec. 9.** RCW 74.20A.059 and 2009 c 476 s 9 are each amended to
4 read as follows:

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

8 (a) The administrative order has not been superseded by a
9 superior court order; and

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

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

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

17 (b) If a party requests an adjustment in an order for child
18 support that was based on guidelines which determined the amount of
19 support according to the child's age, and the child is no longer in
20 the age category on which the current support amount was based; or

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

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

28 (a) Require medical support under RCW 26.09.105 for a child
29 covered by the order; or

30 (b) Modify an existing order for health (~~insurance~~) care
31 coverage.

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

35 (5)(a) All administrative orders entered on, before, or after
36 September 1, 1991, may be modified based upon changes in the child
37 support schedule established in chapter 26.19 RCW without a
38 substantial change of circumstances. The petition may be filed based
39 on changes in the child support schedule after twelve months has

1 expired from the entry of the administrative order or the most recent
2 modification order setting child support, whichever is later.
3 However, if a party is granted relief under this provision, twenty-
4 four months must pass before another petition for modification may be
5 filed pursuant to subsection (4) of this section.

6 (b) If, pursuant to subsection (4) of this section or (a) of this
7 subsection, the order modifies a child support obligation by more
8 than thirty percent and the change would cause significant hardship,
9 the change may be implemented in two equal increments, one at the
10 time of the entry of the order and the second six months from the
11 entry of the order. Twenty-four months must pass following the second
12 change before a petition for modification under subsection (4) of
13 this section may be filed.

14 (6) An increase in the wage or salary of the parent or custodian
15 who is receiving the support transfer payments is not a substantial
16 change in circumstances for purposes of modification under subsection
17 (1)(b) of this section. An obligor's voluntary unemployment or
18 voluntary underemployment, by itself, is not a substantial change of
19 circumstances.

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

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

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

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

33 **Sec. 10.** RCW 74.20A.300 and 2009 c 476 s 6 are each amended to
34 read as follows:

35 (1) Whenever a support order is entered or modified under this
36 chapter, the department shall require either or both parents to
37 provide medical support for any dependent child, in the nature of
38 health (~~insurance~~) care coverage or a monthly payment toward the
39 premium, as provided under RCW 26.09.105.

1 (2) (~~"Health insurance coverage" as used in this section does~~
2 ~~not include medical assistance provided under chapter 74.09 RCW.~~
3 ~~(3)~~) A parent ordered to provide health (~~(insurance)~~) care
4 coverage shall provide proof of such coverage or proof that such
5 coverage is unavailable to the department within twenty days of the
6 entry of the order.
7 (~~(4)~~) (3) A parent required to provide health (~~(insurance)~~)
8 care coverage must notify the department and the other parent when
9 coverage terminates.
10 (~~(5)~~) (4) Every order requiring a parent to provide health
11 (~~(insurance)~~) care coverage shall be entered in compliance with RCW
12 26.23.050 and be subject to direct enforcement as provided under
13 chapter 26.18 RCW.

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