

**WAC 388-14A-4900 Insurers must report claim information to the division of child support and withhold payments if directed.** (1) Insurers must report certain insurance claims to the division of child support (DCS). Within 10 days after opening a tort liability claim for bodily injury or wrongful death, a workers' compensation claim, or a claim under a policy of life insurance, including an annuity, the insurer must report sufficient information to DCS to enable it to verify whether the claimant or other beneficiary owes child support. A claim is deemed opened when an insurer has sufficient information to:

(a) Identify the claimant;

(b) Determine that the claimant is entitled to payment of the insurance claim proceeds; and

(c) Make such payment. In the case of a claim that will be paid through periodic payments, the insurer must only report the claim before issuing the initial payment.

(2) Insurers can report information:

(a) To the federal office of child support services (OCSS) or the child support lien network (CSLN);

(b) Through an insurance claim data collection organization, which submits the required information to OCSS, CSLN, or the DCS special collections unit within the timeframes and in the manner required by law; or

(c) Directly to the DCS special collections unit, in writing or electronically, if the insurer does not have the capability to report through the above methods.

(3) The information reporting requirements are satisfied so long as the insurer provides minimum identifying information.

(a) OCSS and CSLN maintain their own standards for minimum identifying information.

(b) For the purposes of reporting directly to the DCS special collections unit, minimum identifying information about the claim includes:

(i) The claimant's full name and date of birth;

(ii) The claimant's current physical address;

(iii) The claimant's Social Security number, if full name, date of birth, and current physical address are not sufficient for DCS to identify the individual;

(iv) The insurer's name;

(v) The insurer's claims department address for lien receipt;

(vi) The insurer's claim number in the proper format for identification of the claim;

(vii) The insurer's claim date of loss;

(viii) The adjustor's name;

(ix) The adjustor's telephone number;

(x) The adjustor's email address; and

(xi) The insurer's fax number for receiving lien notices, if one exists.

(4) Upon receipt of claims information, DCS will determine whether a child support debt exists. If so, DCS will issue a notice to the insurer to withhold payment and remit to DCS. An insurer is not required to remit payment to DCS if the notice issued is received after the insurer has disbursed payment on the claim.

(5) DCS will give any lien, claim, or demand for reasonable claim-related attorneys' fees, property damage, and medical costs priority over any withholding of payment. These costs must be final costs after all reductions have been pursued with interested parties.

[Statutory Authority: RCW 26.23.037, 26.23.110, 74.08.090, and 74.20A.055. WSR 24-16-134, § 388-14A-4900, filed 8/6/24, effective 9/6/24; WSR 21-24-077, § 388-14A-4900, filed 11/30/21, effective 12/31/21.]