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HOUSE BILL 2251

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State of Washington                      52nd Legislature                      1992 Regular Session

By Representatives Appelwick, Padden, Winsley and Paris

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Judiciary.

1            AN ACT Relating to correction of double amendments relating to  
2 support obligations; and reenacting and amending RCW 26.23.110.

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

4            **Sec. 1.** RCW 26.23.110 and 1989 c 360 s 16 and 1989 c 175 s 77 are  
5 each reenacted and amended to read as follows:

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

8            (a) Does not state the current and future support obligation as a  
9 fixed dollar amount; or

10           (b) Contains an escalation clause or adjustment provision for which  
11 additional information not contained in the support order is needed to  
12 determine the fixed dollar amount of the ~~((accrued))~~ support debt  
13 ~~((and/))~~ or the fixed dollar amount of the current and future support  
14 obligation, or both.

1 (2) The notice of support owed shall facilitate enforcement of the  
2 support order and implement and effectuate the terms of the support  
3 order, rather than modify those terms. When the office of support  
4 enforcement issues a notice of support owed, the office shall inform  
5 the payee under the support order.

6 (3) The notice of support owed shall be served on a responsible  
7 parent by personal service or any form of mailing requiring a return  
8 receipt. The notice of support owed shall contain an initial finding  
9 of the fixed dollar amount of current and future support obligation  
10 that should be paid (~~and/~~) or the fixed dollar amount of the support  
11 debt owed under the support order, or both.

12 (4) A responsible parent who objects to the fixed dollar amounts  
13 stated in the notice of support owed has twenty days from the date of  
14 the service of the notice of support owed to file an application for an  
15 adjudicative proceeding or initiate an action in superior court.

16 (5) The notice of support owed shall state that the responsible  
17 parent may:

18 (a) File an application for an adjudicative proceeding governed by  
19 chapter 34.05 RCW, the administrative procedure act, in which the  
20 responsible parent will be required to appear and show cause why the  
21 fixed dollar amount of support debt or current and future support  
22 obligation, or both, stated in the notice (~~for current and future~~  
23 ~~support and/or the accrued support debt~~) of support owed is incorrect  
24 and should not be ordered; or

25 (b) Initiate an action in superior court.

26 (6) If the responsible parent does not file an application for an  
27 adjudicative proceeding or initiate an action in superior court, the  
28 fixed dollar amount of current and future support (~~and/~~) obligation  
29 or (~~the~~) support debt, or both, stated in the notice of support owed  
30 shall become final and subject to collection action.

1 (7) If an adjudicative proceeding is requested, the department  
2 shall mail a copy of the notice of (~~hearing~~) adjudicative proceeding  
3 to the payee under the support order at the payee's last known address.  
4 A payee who appears for the (~~hearing shall be allowed~~) adjudicative  
5 proceeding is entitled to participate. Participation includes, but is  
6 not limited to, giving testimony, presenting evidence, being present  
7 for or listening to other testimony offered in the adjudicative  
8 proceeding, and offering rebuttal to other testimony. (~~Nothing in~~  
9 ~~this section shall preclude~~) The administrative law judge (~~from~~  
10 ~~limiting~~) may limit participation to preserve the confidentiality of  
11 information protected by law.

12 (8) If the responsible parent does not initiate an action in  
13 superior court, and serve notice of the action on the department within  
14 the twenty-day period, the responsible parent shall be deemed to have  
15 made an election of remedies and shall be required to exhaust  
16 administrative remedies under this chapter with judicial review  
17 available as provided for in RCW 34.05.510 through 34.05.598.

18 (9) An adjudicative order entered in accordance with this section  
19 shall state the basis, rationale, or formula upon which the fixed  
20 dollar amounts established in the adjudicative order were based. The  
21 fixed dollar amount of current and future support (~~and/~~) obligation  
22 or the amount of the support debt, or both, determined under this  
23 section shall be subject to collection under this chapter and other  
24 applicable state statutes.

25 (10) The department shall also provide for:

26 (a) An annual review of the support order if either the office of  
27 support enforcement or the responsible parent requests such a review;  
28 and

1 (b) A late (~~hearing~~) adjudicative proceeding if the responsible  
2 parent fails to file an application for an adjudicative proceeding in  
3 a timely manner under this section.

4 (11) If an annual review or late (~~hearing~~) adjudicative  
5 proceeding is requested under subsection (10) of this section, the  
6 department shall mail a copy of the notice of (~~hearing~~) adjudicative  
7 proceeding to the payee at the payee's last known address. A payee who  
8 appears for the adjudicative proceeding (~~shall be allowed~~) is  
9 entitled to participate. Participation includes, but is not limited  
10 to, giving testimony, presenting evidence, being present for or  
11 listening to other testimony offered in the adjudicative proceeding,  
12 and offering rebuttal to other testimony. (~~Nothing in this section~~  
13 ~~shall preclude~~) The administrative law judge (~~from limiting~~) may  
14 limit participation to preserve the confidentiality of information  
15 protected by law.