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SENATE BILL 5855

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State of Washington

53rd Legislature

1993 Regular Session

By Senators Wojahn and Talmadge

Read first time 02/17/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to child support enforcement; amending RCW  
2 26.09.160 and 67.70.255; adding a new section to chapter 26.09 RCW;  
3 adding a new section to chapter 26.26 RCW; adding a new section to  
4 chapter 49.52 RCW; adding new sections to chapter 26.18 RCW; adding a  
5 new chapter to Title 26 RCW; and prescribing penalties.

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

7 NEW SECTION. **Sec. 1.** In furtherance of the public policy of the  
8 state that dependent children be maintained, as completely as possible,  
9 from the resources of their parents and to ensure the expeditious,  
10 efficient, and effective administration of the state's child support  
11 enforcement program under chapter 26.18 RCW, the department shall  
12 operate an administrative process for the establishment, enforcement,  
13 and modification of child support orders and the establishment of  
14 paternity.

15 The secretary shall establish a child support hearings unit for the  
16 purpose of conducting hearings and rendering decisions under this  
17 chapter. The unit must be under the supervision of an individual of  
18 suitable education and experience.

1        NEW SECTION.        **Sec. 2.**        Unless the context clearly requires  
2 otherwise, the definitions in this section apply throughout this  
3 chapter.

4        (1) "Court" means the superior court.

5        (2) "Department" means the department of social and health  
6 services.

7        (3) "Secretary" means the secretary of social and health services.

8        NEW SECTION.        **Sec. 3.**        The secretary may establish, modify,  
9 enforce, suspend, and terminate child support obligations and establish  
10 paternity under this chapter, in accordance with the laws of the state,  
11 in cases for which the department has responsibility under this title,  
12 including cases seeking to enforce the subrogation or assignment rights  
13 of the department, and cases brought on behalf of an individual who is  
14 not a recipient of public assistance, but who has filed an application  
15 for the services. The department has concurrent jurisdiction with the  
16 courts, over actions for child support or establishment of paternity  
17 under this title and actions to amend, correct, or supplement a birth  
18 certificate. However, the department has jurisdiction only of cases  
19 for which it has responsibility and has no jurisdiction of custody or  
20 visitation matters.

21        NEW SECTION.        **Sec. 4.**        Hearing officers must be attorneys  
22 authorized to practice law in the state who have expertise in the area  
23 of family law. Hearing officers shall apply the procedural and  
24 substantive law of the state for resolution of child support matters,  
25 except as otherwise provided in this chapter, and may:

26        (1) Take testimony and proofs under oath with reference to any  
27 matter within the administrative authority of the department of social  
28 and health services;

29        (2) Issue subpoenas and summons, require the attendance and  
30 testimony of witnesses and the production of books, papers, records,  
31 and other data;

32        (3) Enforce the subpoenas and summons in accordance with rules,  
33 sanctions, fines, and penalties established under this chapter or  
34 adopted by the secretary;

35        (4) Conduct hearings;

36        (5) Establish records of hearings;

37        (6) Evaluate testimony and other evidence received at hearings;

1 (7) Make specific findings of fact and conclusions of law;  
2 (8) Issue orders requiring parties to submit to blood and genetic  
3 marker tests;  
4 (9) Issue temporary or final child support orders;  
5 (10) Establish child support arrears and restitution;  
6 (11) Issue orders requiring payment of support by wage assignment  
7 in accordance with this title, whether current support, child support  
8 arrears, or restitution;  
9 (12) Attribute income based on factors, including but not limited  
10 to age, education, experience, employment history, earnings potential,  
11 and lifestyle;  
12 (13) Issue temporary child support orders in paternity cases upon  
13 receipt of blood and genetic marker test results indicating that there  
14 is at least a ninety-seven percent probability that the defendant is  
15 the father of the child for whom support is sought;  
16 (14) Issue orders adjudicating paternity upon receipt of voluntary  
17 acknowledgements of parentage and amend, correct, or supplement birth  
18 certificates in a manner consistent with the acknowledgments;  
19 (15) Issue orders requiring obligors to provide health care  
20 coverage for the benefit of their dependent children;  
21 (16) Modify child support orders;  
22 (17) Issue orders to establish paternity or to establish, modify,  
23 or enforce child support orders, upon a showing of a prima facie case  
24 by the department when the defendant, after proper notice, fails to  
25 appear;  
26 (18) Conduct hearings and issue orders to resolve administrative  
27 appeals brought by this obligor or the obligee relating to any  
28 enforcement action taken by the department;  
29 (19) Certify and transmit cases to other states under this title;  
30 (20) Receive cases from other states and, in accordance with this  
31 title, provide these cases with services comparable to the services  
32 provided for cases in which both parties reside within the state;  
33 (21) Register administrative orders with the probate and family  
34 court, in accordance with section 9 of this act;  
35 (22) Refer contempt proceedings to the probate and family court;  
36 and  
37 (23) Prepare records of adjudicatory proceedings for judicial  
38 review and file them with the probate and family court upon request for  
39 judicial review by any party, including the department.

1 For purposes of administering the child support enforcement program  
2 under this chapter, "obligee" and "obligor" have the meanings contained  
3 in RCW 26.18.020.

4 NEW SECTION. **Sec. 5.** The department may issue a notice of hearing  
5 and finding of financial responsibility to an obligor, after an  
6 assignment of support rights is made to the department or an  
7 application for child support enforcement services is submitted to the  
8 department by an individual who is not a recipient of public  
9 assistance, or a written request for establishment, enforcement, or  
10 modification of a support obligation is received from the state agency  
11 responsible for administering the child support enforcement program of  
12 another state.

13 NEW SECTION. **Sec. 6.** Notice of hearing, finding of financial  
14 responsibility, and, if applicable, allegation of paternity shall be  
15 served on the obligor, not less than twenty days before the date of the  
16 hearing and copies shall be sent to the obligee by first class mail.  
17 Service to a defendant may be made in any of the following ways:

18 (1) By delivering a copy of the notice to a defendant personally;

19 (2) By leaving a copy of the notice at the last and usual place of  
20 abode of a defendant and by mailing a copy of the notice to a defendant  
21 by first class mail;

22 (3) By mailing or leaving a copy of the notice in a sealed envelope  
23 addressed to a defendant, marked "confidential" at the office or place  
24 of employment of a defendant with instructions to the employer that the  
25 employer shall immediately deliver the envelope to the defendant  
26 without examining its contents and that the employer is subject to a  
27 penalty of twenty-five dollars per violation for failure to deliver the  
28 envelope in accordance with the instructions;

29 (4) By mailing a copy of the notice to the last and usual place of  
30 abode of a defendant by certified mail, return receipt requested, and  
31 also by separate first class mail. Service is sufficient, although the  
32 certified mail is unclaimed or refused by a defendant, if the notice  
33 sent by first class mail is not returned as undelivered; or

34 (5) By leaving a copy of the notice at a defendant's last and usual  
35 place of abode by means of a private courier or delivery service.

36 Service of a notice under this section may be made by a person  
37 authorized to serve civil process or by a disinterested person,

1 including an employee of the department. The department shall adopt  
2 rules to establish fees for service of process.

3 NEW SECTION. **Sec. 7.** Adjudicatory proceedings must be conducted  
4 in accordance with this chapter, and chapter 34.05 RCW applies.  
5 Hearings must presided over by a hearing officer. The parties may be  
6 represented at the adjudicatory proceeding by counsel and have the  
7 right to call and examine witnesses, introduce exhibits, cross-examine  
8 witnesses who testify, and present rebuttal evidence. Hearing officers  
9 need not strictly observe the rules of evidence observed by courts and  
10 may admit any relevant evidence. Documentary evidence presented at the  
11 hearing may be received in the form of copies or excerpts and shall  
12 include financial statements of the obligor and any individual obligee  
13 who is receiving social services and is not a recipient of public  
14 assistance. At the discretion of the hearing officer, any documents  
15 may be presented at the hearing including, but not limited to,  
16 documents admissible under this title.

17 The defenses of immunity because of the relationship of husband and  
18 wife, or parent and child do not apply to a proceeding under this  
19 chapter. If a party called to testify at a hearing declines to answer  
20 on the ground that the testimony may tend to be incriminating, the  
21 hearing officer may draw an adverse inference from the refusal to  
22 testify.

23 Hearing officers may take notice of any fact which may be  
24 judicially noticed by courts, and in addition, may take notice of  
25 general, technical, or scientific facts within their specialized  
26 knowledge. Hearings may be conducted by telephone or other electronic  
27 telecommunications methods. Hearings must be on the record and may be  
28 recorded by audiotape or other stenographic or electronic means. A  
29 party requesting a transcript of the hearing shall assume all costs of  
30 preparing and obtaining the transcript.

31 NEW SECTION. **Sec. 8.** If the hearing is to establish a support  
32 order, the hearing officer shall consider all relevant financial  
33 evidence in determining the amount of support for which the obligor is  
34 responsible and shall apply the child support guidelines under chapter  
35 26.19 RCW. The child support order must be in an amount equal to the  
36 amount that results from application of the child support guidelines  
37 unless the obligor or obligee demonstrates that such an amount would be

1 unjust or inappropriate and the hearing officer makes a written finding  
2 on the record. The written finding must take into account the best  
3 interests of the child and include the amount of support ordered by the  
4 hearing officer, the amount of support that would result from  
5 application of the child support guidelines, the reasons that the  
6 application of the guidelines would be unjust or inappropriate in the  
7 particular case, and the reasons justifying the variation between the  
8 amount of the order and the amount that would have been required under  
9 the guidelines. This section does not limit the authority of the  
10 hearing officer to attribute income and to consider all relevant  
11 information, including but not limited to, age, education, experience,  
12 employment history, earnings potential, and lifestyle. There is a  
13 rebuttable presumption that the amount of the current support order  
14 shall apply in establishing any amount of restitution owed by the  
15 obligor.

16 If the adjudicatory proceeding was initiated by the obligor to  
17 contest an enforcement action undertaken by the department, the obligor  
18 has the burden of proving a defense to the specific enforcement action,  
19 as required by law.

20 If at an adjudicatory proceeding the obligor disputes paternity,  
21 and the obligor has never acknowledged paternity of the child or has  
22 never been adjudicated the father of the child, the hearing officer  
23 shall, upon the request of a party, order the obligor, the mother, and  
24 the child to submit to blood and genetic marker tests. The hearing  
25 officer may not order blood and genetic marker tests, take evidence, or  
26 issue a ruling on the paternity matter if the obligor has previously  
27 been adjudicated the father of the child for whom support is sought in  
28 any prior proceeding, whether administrative or judicial, or if the  
29 obligor has previously acknowledged paternity of the child for whom  
30 support is sought.

31 NEW SECTION. **Sec. 9.** (1) The hearing officer shall adjudicate  
32 paternity when one of the following conditions is met and there is no  
33 other man who is presumed to be the father:

34 (a) The mother and father have executed a voluntary acknowledgement  
35 of parentage;

36 (b) An allegation of paternity is issued and served upon the  
37 obligor, and the obligor fails to appear at the hearing; or

1 (c) The hearing officer has ordered the parties to submit to blood  
2 and genetic marker tests and the obligor has failed or refused to  
3 submit to such tests.

4 An order shall be entered in the case of (a) or (b) of this  
5 subsection only upon presentation of testimony by the mother, under  
6 oath, that the obligor is the father of the child for whom support is  
7 sought. An affidavit of the mother attesting to sexual intercourse  
8 with the obligor during the probable period of conception is sufficient  
9 to meet this requirement.

10 (2) If the obligor does not acknowledge paternity after  
11 nonexclusionary results of blood and genetic marker tests are available  
12 to the parties, the hearing officer shall certify the matter to court  
13 for trial. The hearing officer shall compile the record of the  
14 administrative proceeding, including but not limited to, the affidavit  
15 of the mother and the order for blood and genetic marker tests, and  
16 shall file the record with the court located in the county in which one  
17 parent and the child reside, or if the child resides with neither  
18 parent, where the child resides. Certification is complete upon  
19 filing. The court shall thereafter resolve the issues related to the  
20 adjudication of paternity and the establishment of child support. If,  
21 in a case to be certified to the probate and family court, the results  
22 of blood and genetic marker tests indicate a statistical probability of  
23 paternity of ninety-seven percent or more, the hearing officer shall  
24 establish a temporary order of support. The temporary support order  
25 shall remain in effect until a judgment is entered by the probate and  
26 family court.

27 (3) Child support collected under an order issued under this  
28 section may neither be refunded nor returned if the paternity  
29 adjudication is later set aside, unless the adjudication is set aside  
30 by the court under section 13 of this act.

31 NEW SECTION. **Sec. 10.** (1) An order issued by a hearing officer  
32 becomes effective immediately upon issuance and is enforceable by  
33 administrative means available to the department. An order issued by  
34 a hearing officer remains in full force and effect until modified or  
35 terminated by order of a court or administrative agency.

36 (2) An order must be registered within thirty days after issuance  
37 by the hearing officer by filing the order in the court located in the  
38 county in which one parent and the child reside or, if the child

1 resides with neither parent, where the child resides, unless the order  
2 of the hearing officer modifies or enforces an order previously entered  
3 by the court, and in that event the order must be registered in the  
4 court where the court order was entered. An order is registered upon  
5 the filing of the following documents with the court:

6 (a) A copy of the order;

7 (b) A copy of the findings of the hearing officer;

8 (c) A copy of documentary evidence received by the hearing officer;

9 (d) A copy of the worksheet used to calculate the amount of support  
10 under the child support guidelines; and

11 (e) Any other information required by the department or the court.

12 Once registered, an administrative order has the same force,  
13 effect, and attributes, and is subject to the same procedures and  
14 defenses, as a judgment or order of the court, is entitled to full  
15 faith and credit in any court of the state or in any other state or  
16 jurisdiction, and may be enforced using the same means available to  
17 enforce any judgment or order of the court, including but not limited  
18 to contempt of court, trustee process, supplementary process,  
19 attachment, lien, actions to reach and apply, writs of execution, writs  
20 of ne exeat, and capias. Registration of an order under this section  
21 does not limit the use of any enforcement remedy, whether judicial or  
22 administrative, that may be available to the department under  
23 applicable law.

24 NEW SECTION. **Sec. 11.** (1) An obligor, an obligee, or the  
25 department may request a modification of the child support order of a  
26 court or administrative agency of competent jurisdiction. The request  
27 must be in writing in a form prescribed by the secretary, and must be  
28 served in accordance with section 6 of this act upon the obligor, the  
29 obligee, and the department.

30 (2) If the request is made by the department, the notice must be  
31 served on the obligor and the obligee and the party against whom the  
32 request is made is required to appear and show cause why the child  
33 support order should not be modified as provided in the request. If  
34 the request is made by the obligor or obligee, the department shall  
35 schedule a hearing, to be held not less than fifteen nor more than  
36 forty-five days from the date of receipt of the request for  
37 modification.



1 (3) The hearing officer may issue an order modifying the existing  
2 order of the court or administrative agency when the moving party  
3 demonstrates that the difference between the amount of child support  
4 that would result from application of the child support guidelines and  
5 the exiting order is twenty percent or more. The variance creates a  
6 rebuttable presumption that a material and substantial change in the  
7 circumstances of the parties has occurred since the issuance of the  
8 existing order. However, the hearing officer shall modify an existing  
9 order on the basis of the child support guidelines only if the hearing  
10 officer also makes a determination that modification of the existing  
11 order is necessary in the best interests of the child. Orders issued  
12 under this section are subject to sections 8 and 10 of this act.

13 NEW SECTION. **Sec. 12.** (1) Clerical mistakes or other errors  
14 arising from oversight or omission in administrative orders or other  
15 parts of the record may be corrected by the department at any time on  
16 its own initiative or on the motion of any party after notice to the  
17 other parties. During the pendency of judicial review, mistakes or  
18 errors may be corrected before the action is registered in the court,  
19 and thereafter while review is pending may be corrected with notice to  
20 the court and the parties. This section applies whether or not the  
21 child support order has been registered under section 10 of this act.

22 (2) A party may petition the department for relief from judgment.  
23 A petition must include an affidavit that sets forth facts supporting  
24 the claim for relief made by the petitioner and demonstrates that the  
25 opposing party will not be substantially prejudiced by relief from  
26 judgment and that the petitioner has a meritorious defense.

27 (3) If the petition is filed within one year of the date on which  
28 the administrative order was issued, the hearing officer may vacate the  
29 order upon finding that the petitioner has demonstrated in the  
30 affidavit the elements in subsection (2) of this section and has  
31 further shown mistake, inadvertence, surprise, or excusable neglect,  
32 fraud, misrepresentation, or other misconduct of an adverse party.

33 (4) If the petition is filed within one year of the date on which  
34 the administrative order was issued, and the petitioner failed to  
35 appear at the administrative hearing, the hearing officer may vacate  
36 the order upon finding that the petitioner has demonstrated in the  
37 affidavit the elements in subsection (2) of this section.

1 (5) The hearing officer may vacate the order, whether or not the  
2 petition was filed within one year of the date on which the  
3 administrative order was issued, upon a finding that the judgment is  
4 void due to lack of jurisdiction of the department.

5 NEW SECTION. **Sec. 13.** (1) Judicial review of an administrative  
6 order may be obtained by filing a petition with the court where the  
7 order has been or will be registered. The petitioner shall file the  
8 petition within thirty days of the date on which the order was issued  
9 and shall serve the petition on all parties, including the department,  
10 by first class mail. The petition must state the specific issues upon  
11 which review is sought.

12 (2) The department shall prepare a record of the proceedings, or  
13 parts of the record designated by the petitioner, file the petition and  
14 the record in the court, and send a copy of the record to all parties  
15 participating in the judicial review, within fifteen days of receipt of  
16 the request for judicial review. Judicial review must be provided by  
17 the court in which the administrative order was or will be registered.  
18 The record must include the documents listed in section 10(2) of this  
19 act.

20 (3) The order issued by the hearing officer remains in full force  
21 and effect while judicial review is pending, unless the order is stayed  
22 by the court. A stay may not be granted unless the petitioner  
23 demonstrates that there is a likelihood of success on the merits, that  
24 there is undue hardship, and that no other party would suffer undue  
25 hardship upon a stay of the order. The court may stay the  
26 administrative order only if the balance between the undue hardship of  
27 each party and the petitioner's likelihood of success on the merits  
28 favors the petitioner.

29 (4) The review must be conducted de novo. The department shall  
30 file as its answer a photocopy of the following: The order of the  
31 department; the findings of the hearing officer; the financial  
32 statements of the parties; the child support guidelines worksheet; and  
33 any other documentary evidence reviewed by the hearing officer. The  
34 court shall receive the copies of the administrative proceedings into  
35 evidence and may augment the administrative record, in whole or in  
36 part, by admitting additional relevant evidence. The court may affirm  
37 the administrative order, remand the matter for further proceedings  
38 before the child support hearings unit, set aside or revise the

1 administrative order, or compel any action unlawfully withheld or  
2 unreasonably delayed, if it determines that the substantial rights of  
3 any party have been prejudiced. Appeals of judgments and orders under  
4 this section are governed by chapter 34.05 RCW.

5 NEW SECTION. **Sec. 14.** The department shall review a support order  
6 issued under this title periodically to ensure that payments are  
7 consistent with the guidelines of this title. If the payments are not  
8 consistent with the guidelines of this title, the department shall,  
9 under this chapter, adjust the payments.

10 NEW SECTION. **Sec. 15.** The administrative procedure act, chapter  
11 34.05 RCW, applies to this chapter.

12 **Sec. 16.** RCW 26.09.160 and 1991 c 367 s 4 are each amended to read  
13 as follows:

14 (1) The performance of parental functions and the duty to provide  
15 child support are distinct responsibilities in the care of a child. If  
16 a party fails to comply with a provision of a decree or temporary order  
17 of injunction, the obligation of the other party to make payments for  
18 support or maintenance or to permit contact with children is not  
19 suspended. An attempt by a parent, in either the negotiation or the  
20 performance of a parenting plan, to condition one aspect of the  
21 parenting plan upon another, to condition payment of child support upon  
22 an aspect of the parenting plan, to refuse to pay ordered child  
23 support, to refuse to perform the duties provided in the parenting  
24 plan, or to hinder the performance by the other parent of duties  
25 provided in the parenting plan, shall be deemed bad faith and shall be  
26 punished by the court by holding the party in contempt of court and by  
27 awarding to the aggrieved party reasonable attorneys' fees and costs  
28 incidental in bringing a motion for contempt of court.

29 (2)(a) A motion may be filed to initiate a contempt action to  
30 coerce a parent to comply with an order establishing residential  
31 provisions for a child. If the court finds there is reasonable cause  
32 to believe the parent has not complied with the order, the court may  
33 issue an order to show cause why the relief requested should not be  
34 granted.

35 (b) If, based on all the facts and circumstances, the court finds  
36 after hearing that the parent, in bad faith, has not complied with the

1 order establishing residential provisions for the child, the court  
2 shall find the parent in contempt of court. Upon a finding of  
3 contempt, the court shall order:

4 (i) The noncomplying parent to provide the moving party additional  
5 time with the child. The additional time shall be equal to the time  
6 missed with the child, due to the parent's noncompliance;

7 (ii) The parent to pay, to the moving party, all court costs and  
8 reasonable attorneys' fees incurred as a result of the noncompliance,  
9 and any reasonable expenses incurred in locating or returning a child;  
10 and

11 (iii) The parent to pay, to the moving party, a civil penalty, not  
12 less than the sum of one hundred dollars.

13 The court may also order the parent to be imprisoned in the county  
14 jail, if the parent is presently able to comply with the provisions of  
15 the court-ordered parenting plan and is presently unwilling to comply.  
16 The parent may be imprisoned until he or she agrees to comply with the  
17 order, but in no event for more than one hundred eighty days.

18 (3) On a second failure within three years to comply with a  
19 residential provision of a court-ordered parenting plan, a motion may  
20 be filed to initiate contempt of court proceedings according to the  
21 procedure set forth in subsection (2) (a) and (b) of this section. On  
22 a finding of contempt under this subsection, the court shall order:

23 (a) The noncomplying parent to provide the other parent or party  
24 additional time with the child. The additional time shall be twice the  
25 amount of the time missed with the child, due to the parent's  
26 noncompliance;

27 (b) The noncomplying parent to pay, to the other parent or party,  
28 all court costs and reasonable attorneys' fees incurred as a result of  
29 the noncompliance, and any reasonable expenses incurred in locating or  
30 returning a child; and

31 (c) The noncomplying parent to pay, to the moving party, a civil  
32 penalty of not less than two hundred fifty dollars. For willing  
33 noncompliance, the court may order the noncomplying parent to pay a  
34 civil penalty of up to ten thousand dollars.

35 The court may also order the parent to be imprisoned in the county  
36 jail, if the parent is presently able to comply with the provisions of  
37 the court-ordered parenting plan and is presently unwilling to comply.  
38 The parent may be imprisoned until he or she agrees to comply with the

1 order but in no event for more than (~~one hundred eighty days~~) five  
2 years.

3 (4) For purposes of subsections (1), (2), and (3) of this section,  
4 the parent shall be deemed to have the present ability to comply with  
5 the order establishing residential provisions unless he or she  
6 establishes otherwise by a preponderance of the evidence. The parent  
7 shall establish a reasonable excuse for failure to comply with the  
8 residential provision of a court-ordered parenting plan by a  
9 preponderance of the evidence.

10 (5) Any monetary award ordered under subsections (1), (2), and (3)  
11 of this section may be enforced, by the party to whom it is awarded, in  
12 the same manner as a civil judgment.

13 (6) Subsections (1), (2), and (3) of this section authorize the  
14 exercise of the court's power to impose remedial sanctions for contempt  
15 of court and is in addition to any other contempt power the court may  
16 possess.

17 (7) Upon motion for contempt of court under subsections (1) through  
18 (3) of this section, if the court finds the motion was brought without  
19 reasonable basis, the court shall order the moving party to pay to the  
20 nonmoving party, all costs, reasonable attorneys' fees, and a civil  
21 penalty of not less than one hundred dollars.

22 NEW SECTION. Sec. 17. A new section is added to chapter 26.09 RCW  
23 to read as follows:

24 A child support judgment or order that varies twenty percent or  
25 more from the amount of child support that would result from the  
26 application of the child support guidelines creates a rebuttable  
27 presumption that a substantial change in the circumstances of the  
28 parties has occurred. The child support order must be modified  
29 accordingly unless the court or department of social and health  
30 services under chapter 26.-- RCW (sections 1 through 15 of this act)  
31 makes specific written findings that take into consideration the best  
32 interests of the child and conclude that such an order would be unjust  
33 or inappropriate in the particular case. A modification of child  
34 support order child support may be entered notwithstanding an agreement  
35 of the parents that has independent legal significance.

36 NEW SECTION. Sec. 18. A new section is added to chapter 26.18 RCW  
37 to read as follows:

1       The department or a court may have health care coverage obligations  
2 enforced through an employer or provider of health care coverage under  
3 section 24 of this act.

4       NEW SECTION. **Sec. 19.** A new section is added to chapter 26.18 RCW  
5 to read as follows:

6       (1) The department may have access to and may request information  
7 from the individuals and entities named in this section. The  
8 information must be available to the department only for the purpose of  
9 and to the extent necessary for the administration of the child support  
10 enforcement program. An entity or individual who complies with this  
11 section is not liable in a civil or criminal action or proceeding  
12 brought by an obligor or an obligee because of the compliance. A  
13 holder maintaining personal data may disclose to the department data  
14 requested under this section. The disclosure does not violate public  
15 disclosure limitation laws. An entity or individual that willfully  
16 provides false information in reply to a request under this section or  
17 that, without reasonable cause, fails to comply with a request under  
18 this section within fourteen days is liable for a penalty of one  
19 hundred dollars for each violation to be assessed by the department or  
20 a court. The department may secure information to which it is entitled  
21 by any method.

22       (2) On the basis of information provided by the department, an  
23 entity of the state, political subdivision, or agency thereof, that  
24 issues a license, permit, or other authorization to engage in a  
25 profession, trade, business, or recreational activity shall ensure that  
26 such an authorization is not issued or renewed to an obligor who owes  
27 past-due child support and whose obligation the department seeks to  
28 enforce. The entity shall notify the department of the name, date of  
29 birth, address, social security number, or federal identification  
30 number of an obligor whose obligation the department seeks to enforce  
31 and other information about the obligor required by the department.  
32 After notice to the obligor by the department, the department shall  
33 conduct a hearing with respect to establishing a child support  
34 delinquency sufficient to warrant the suspension or revocation of the  
35 authorization. The hearing constitutes the exclusive administrative  
36 remedy for contesting the establishment of a child support delinquency  
37 sufficient to warrant the suspension or revocation of a license. The  
38 department shall issue a finding of child support delinquency unless

1 the obligor establishes that no arrearage exists or that the obligor is  
2 not the person owing the arrearage. The finding must be forwarded to  
3 the authorization authority and constitutes prima facie evidence of  
4 child support delinquency sufficient to warrant the suspension or  
5 revocation of the authorization of the obligor. An individual  
6 aggrieved by a finding of the department as adopted by the authorizing  
7 authority may seek judicial review in the court that issued or in which  
8 is registered the child support order. If during the judicial review  
9 the obligor demonstrates to the court that no child support arrearage  
10 exists or that the obligor is not the person owing the arrearage, the  
11 court may order the department to provide written notice to the  
12 authorizing authority to issue or reinstate the authorization of the  
13 obligor. The court may not issue or reinstate an authorization revoked  
14 under this subsection on other grounds. The review constitutes the  
15 exclusive remedy for a person aggrieved under this section. The  
16 authorizing authority may issue or reinstate the authorization only if  
17 the department provides to the authority a written notice stating that  
18 the obligor is in compliance with a judgment or order for support.

19 (3) The department may provide notice to the department of  
20 licensing of an obligor who has refused or neglected to pay child  
21 support and is the subject of an outstanding warrant because of the  
22 refusal or neglect. The director of licensing shall ensure that a  
23 license or right to operate a motor vehicle or certificate of  
24 registration of a motor vehicle is neither issued nor renewed to an  
25 obligor who owes past-due child support and that is the subject of an  
26 outstanding warrant. The director shall notify the department of the  
27 name, address, and social security number of the obligor, and other  
28 information required by the department. Upon notice of the department  
29 to the director of licensing that an obligor who holds a license or  
30 right to operate a motor vehicle or a certificate of registration has  
31 refused to pay child support and is subject to an outstanding warrant,  
32 the director shall revoke or suspend the license, right, or certificate  
33 held by the obligor. The director may reinstate the license, right, or  
34 certificate only if the department provides to the director a written  
35 notice stating that the obligor is in compliance with the judgment or  
36 order for child support. If, after the license, right, or registration  
37 of the obligor is reinstated, the obligor refuses or neglects to pay  
38 child support, the department may, whether or not a warrant is  
39 outstanding, notify the director of the failure or refusal, and the

1 director shall upon receipt of the notice and without a prior hearing  
2 revoke the license, right, or certificate of registration owned by the  
3 obligor. An individual aggrieved by a decision of the director under  
4 this section may appeal the decision under the provisions of chapter  
5 34.05 RCW. If, during the appeal, the obligor demonstrates that no  
6 child support arrearage exists or that the obligor is not the person  
7 owing the arrearage, the court or administrative agency may order  
8 reinstatement of the license, right, or registration of the obligor.  
9 The court may not reinstate a license, right, or registration revoked  
10 under this subsection for other grounds.

11 NEW SECTION. **Sec. 20.** A new section is added to chapter 26.18 RCW  
12 to read as follows:

13 The employer of any person shall inform the department at the time  
14 of hiring a new person of the hiring, for the purpose of ensuring the  
15 timeliness of employment information, the prompt transfer of wage  
16 assignments, and the immediate withholding of income to satisfy child  
17 support obligations.

18 NEW SECTION. **Sec. 21.** A new section is added to chapter 26.18 RCW  
19 to read as follows:

20 An employer, labor union, utility, or licensing authority shall  
21 give the department access to employee records for the purposes of  
22 enforcing this chapter.

23 NEW SECTION. **Sec. 22.** A new section is added to chapter 26.18 RCW  
24 to read as follows:

25 The court or the department may obtain a lien or levy on and seize  
26 the assets and property of an absent parent that owes past-due child  
27 support in order to collect the support.

28 NEW SECTION. **Sec. 23.** A new section is added to chapter 26.26 RCW  
29 to read as follows:

30 Upon the birth of a child to a woman unmarried at the time of birth  
31 or conception, the administrator or person in charge of a hospital or  
32 similar institution in which births occur, or the administrator's or  
33 person's agent, shall:

34 (1) Provide an opportunity for the child's mother and putative  
35 father to complete an acknowledgment of parentage under this chapter;



1 (2) Provide written information, that the department of social and  
2 health services shall furnish, to the mother regarding the benefits of  
3 having her child's paternity established and of the availability of  
4 services to establish paternity, including an application for child  
5 support enforcement services; and

6 (3) Comply with requirements for submission to the court of forms  
7 as provided in RCW 26.26.065.

8 **Sec. 24.** RCW 67.70.255 and 1986 c 83 s 2 are each amended to read  
9 as follows:

10 (1) Any state agency or political subdivision that maintains  
11 records of debts owed to the state or political subdivision, or that  
12 the state is authorized to enforce or collect, including past-due child  
13 support, may submit data processing tapes containing debt information  
14 to the lottery in a format specified by the lottery. State agencies or  
15 political subdivisions submitting debt information tapes shall provide  
16 updates on a regular basis at intervals not to exceed one month and  
17 shall be solely responsible for the accuracy of the information  
18 contained therein.

19 (2) The lottery shall include the debt information submitted by  
20 state agencies or political subdivisions in its validation and prize  
21 payment process. The lottery shall delay payment of a prize exceeding  
22 six hundred dollars for a period not to exceed two working days, to any  
23 person owing a debt to a state agency or political subdivision pursuant  
24 to the information submitted in subsection (1) of this section. The  
25 lottery shall contact the state agency or political subdivision that  
26 provided the information to verify the debt. The prize shall be paid  
27 to the claimant if the debt is not verified by the submitting state  
28 agency or political subdivision within two working days. If the debt  
29 is verified, the prize shall be disbursed pursuant to subsection (3) of  
30 this section.

31 (3) Prior to disbursement, any lottery prize exceeding six hundred  
32 dollars shall be set off against any debts owed by the prize winner to  
33 a state agency or political subdivision, or that the state is  
34 authorized to enforce or collect.

1        NEW SECTION.    **Sec. 25.**    Sections 1 through 15 of this act shall  
2    constitute a new chapter in Title 26 RCW.

--- **END** ---