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SENATE BILL 6260

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State of Washington

53rd Legislature

1994 Regular Session

By Senators A. Smith, Wojahn and Moyer; by request of Department of Social and Health Services

Read first time 01/18/94. Referred to Committee on Law & Justice.

1 AN ACT Relating to child support enforcement operations; amending  
2 RCW 26.09.105, 26.09.120, 26.18.070, 26.18.100, 26.18.110, 26.18.140,  
3 26.18.170, 26.23.045, 26.23.050, 26.23.060, 26.23.100, 26.26.040,  
4 26.26.150, 26.26.165, 74.20A.056, 74.20A.240, and 74.20A.300;  
5 reenacting and amending RCW 26.23.120 and 74.20A.080; adding a new  
6 section to chapter 74.20 RCW; and prescribing penalties.

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

8 **Sec. 1.** RCW 26.09.105 and 1989 c 416 s 1 are each amended to read  
9 as follows:

10 (1) In entering or modifying a support order under this chapter,  
11 the court shall require either or both parents to maintain or provide  
12 health insurance coverage except as provided in subsection (2) of this  
13 section, for any child named in the order if:

14 (a) Coverage that can be extended to cover the child is or becomes  
15 available to that parent through employment or is union-related; and

16 (b) The cost of such coverage does not exceed twenty-five percent  
17 of the obligated parent's basic child support obligation.

18 (2) The court shall consider the best interests of the child and  
19 have discretion to order health insurance coverage when entering or

1 modifying a support order under this chapter if the cost of such  
2 coverage exceeds twenty-five percent of the obligated parent's basic  
3 support obligation.

4 (3) The parents shall maintain such coverage required under this  
5 section until:

6 (a) Further order of the court;

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

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

12 (4) A parent who is required to extend health insurance coverage to  
13 a child under this section is liable for any covered health care costs  
14 for which the parent receives direct payment from an insurer.

15 (5) This section shall not be construed to limit the authority of  
16 the court to enter or modify support orders containing provisions for  
17 payment of uninsured health expenses, health care costs, or insurance  
18 premiums which are in addition to and not inconsistent with this  
19 section.

20 (6) A parent ordered to provide health insurance coverage shall  
21 provide proof of such coverage or proof that such coverage is  
22 unavailable within twenty days of the entry of the order(~~(, or within~~  
23 ~~twenty days of the date such coverage becomes available,~~) to:

24 (a) The physical custodian; or

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

28 (7) Every order requiring a parent to provide health care or  
29 insurance coverage shall be entered in compliance with RCW 26.23.050  
30 and be subject to direct enforcement as provided under chapter 26.18  
31 RCW.

32 (8) "Health insurance coverage" as used in this section does not  
33 include medical assistance provided under chapter 74.09 RCW.

34 **Sec. 2.** RCW 26.09.120 and 1989 c 360 s 11 are each amended to read  
35 as follows:

36 (1) The court shall order support payments, including spousal  
37 maintenance if child support is ordered, to be made to the Washington  
38 state support registry, or the person entitled to receive the payments

1 under an (~~alternate payment plan~~) order approved by the court as  
2 provided in RCW 26.23.050.

3 (2) Maintenance payments, when ordered in an action where there is  
4 no dependent child, may be ordered to be paid to the person entitled to  
5 receive the payments, or the clerk of the court as trustee for  
6 remittance to the persons entitled to receive the payments.

7 (3) If support or maintenance payments are made to the clerk of  
8 court, the clerk:

9 (a) Shall maintain records listing the amount of payments, the date  
10 when payments are required to be made, and the names and addresses of  
11 the parties affected by the order;

12 (b) May by local court rule accept only certified funds or cash as  
13 payment; and

14 (c) Shall accept only certified funds or cash for five years in all  
15 cases after one check has been returned for nonsufficient funds or  
16 account closure.

17 (4) The parties affected by the order shall inform the registry  
18 through which the payments are ordered to be paid of any change of  
19 address or of other conditions that may affect the administration of  
20 the order.

21 **Sec. 3.** RCW 26.18.070 and 1993 c 426 s 6 are each amended to read  
22 as follows:

23 (1) A petition or motion seeking a mandatory wage assignment in an  
24 action under RCW 26.18.040 may be filed by an obligee if the obligor  
25 is:

26 (a) Subject to a support order allowing immediate income  
27 withholding; or

28 (b) More than fifteen days past due in child support or spousal  
29 maintenance payments in an amount equal to or greater than the  
30 obligation payable for one month.

31 (2) The petition or motion shall include a sworn statement by the  
32 obligee, stating the facts authorizing the issuance of the wage  
33 assignment order, including:

34 (a) That the obligor, stating his or her name and residence, is:

35 (i) Subject to a support order allowing immediate income  
36 withholding; or

1 (ii) More than fifteen days past due in child support or spousal  
2 maintenance payments in an amount equal to or greater than the  
3 obligation payable for one month;

4 (b) A description of the terms of the order requiring payment of  
5 support or spousal maintenance, and the amount past due, if any;

6 (c) The name and address of the obligor's employer;

7 (d) That notice by personal service or any form of mail requiring  
8 a return receipt, has been provided to the obligor at least fifteen  
9 days prior to the obligee seeking a mandatory wage assignment, unless  
10 the order for support or maintenance states that the obligee may seek  
11 a mandatory wage assignment without notice to the obligor; and

12 (e) In cases not filed by the state, whether the obligee has  
13 received public assistance from any source and, if the obligee has  
14 received public assistance, that the department of social and health  
15 services has been notified in writing of the pending action.

16 ((+2+)) (3) If the court in which a mandatory wage assignment is  
17 sought does not already have a copy of the support or maintenance order  
18 in the court file, then the obligee shall attach a copy of the support  
19 or maintenance order to the petition or motion seeking the wage  
20 assignment.

21 **Sec. 4.** RCW 26.18.100 and 1993 c 426 s 8 are each amended to read  
22 as follows:

23 The wage assignment order shall be substantially in the following  
24 form:

25 IN THE SUPERIOR COURT OF THE  
26 STATE OF WASHINGTON IN AND FOR THE  
27 COUNTY OF . . . . .  
28 . . . . . ,  
29 Obligee No. . . . .  
30 vs.  
31 . . . . . , WAGE ASSIGNMENT  
32 Obligor ORDER  
33 . . . . . ,  
34 Employer  
35 THE STATE OF WASHINGTON TO: . . . . .  
36 Employer

1 AND TO: . . . . .

2 Obligor

3 The above-named obligee claims that the above-named obligor is  
4 subject to a support order requiring immediate income withholding or is  
5 more than fifteen days past due in either child support or spousal  
6 maintenance payments, or both, in an amount equal to or greater than  
7 the child support or spousal maintenance payable for one month. The  
8 amount of the accrued child support or spousal maintenance debt as of  
9 this date is . . . . . dollars, the amount of arrearage payments  
10 specified in the support or spousal maintenance order (if applicable)  
11 is . . . . . dollars per . . . . ., and the amount of the current  
12 and continuing support or spousal maintenance obligation under the  
13 order is . . . . . dollars per . . . . .

14 You are hereby commanded to answer this order by filling in the  
15 attached form according to the instructions, and you must mail or  
16 deliver the original of the answer to the court, one copy to the  
17 Washington state support registry, one copy to the obligee or obligee's  
18 attorney, and one copy to the obligor within twenty days after service  
19 of this wage assignment order upon you.

20 If you possess any earnings or other remuneration for employment  
21 due and owing to the obligor, then you shall do as follows:

22 (1) Withhold from the obligor's earnings or remuneration each  
23 month, or from each regular earnings disbursement, the lesser of:

24 (a) The sum of the accrued support or spousal maintenance debt and  
25 the current support or spousal maintenance obligation;

26 (b) The sum of the specified arrearage payment amount and the  
27 current support or spousal maintenance obligation; or

28 (c) Fifty percent of the disposable earnings or remuneration of the  
29 obligor.

30 (2) The total amount withheld above is subject to the wage  
31 assignment order, and all other sums may be disbursed to the obligor.

32 (3) Upon receipt of this wage assignment order you shall make  
33 immediate deductions from the obligor's earnings or remuneration and  
34 remit to the Washington state support registry or other address  
35 specified below the proper amounts at each regular pay interval.

36 You shall continue to withhold the ordered amounts from nonexempt  
37 earnings or remuneration of the obligor until notified by:

38 (a) The court that the wage assignment has been modified or  
39 terminated; or

1       (b) ~~The ((Washington state support registry, office of support~~  
2 ~~enforcement))~~ addressee specified in the wage assignment order under  
3 this section that the accrued child support or spousal maintenance debt  
4 has been paid(~~or~~

5       ~~(c) The court that has entered an order delaying, modifying, or~~  
6 ~~terminating the wage assignment order and has approved an alternate~~  
7 ~~payment plan as provided in RCW 26.23.050(2))~~).

8       You shall promptly notify the court and the ~~((Washington state~~  
9 ~~support registry))~~ addressee specified in the wage assignment order  
10 under this section if and when the employee is no longer employed by  
11 you, or if the obligor no longer receives earnings or remuneration from  
12 you. If you no longer employ the employee, the wage assignment order  
13 shall remain in effect for one year after the employee has left your  
14 employment or you are no longer in possession of any earnings or  
15 remuneration owed to the employee, whichever is later. You shall  
16 continue to hold the wage assignment order during that period. If the  
17 employee returns to your employment during the one-year period you  
18 shall immediately begin to withhold the employee's earnings according  
19 to the terms of the wage assignment order. If the employee has not  
20 returned to your employment within one year, the wage assignment will  
21 cease to have effect at the expiration of the one-year period, unless  
22 you still owe the employee earnings or other remuneration.

23       You shall deliver the withheld earnings or remuneration to the  
24 Washington state support registry or other address stated below at each  
25 regular pay interval.

26       You shall deliver a copy of this order to the obligor as soon as is  
27 reasonably possible. This wage assignment order has priority over any  
28 other wage assignment or garnishment, except for another wage  
29 assignment or garnishment for child support or spousal maintenance, or  
30 order to withhold or deliver under chapter 74.20A RCW.

31       WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO  
32 ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR OBLIGOR'S CLAIMED  
33 SUPPORT OR SPOUSAL MAINTENANCE DEBT TO THE OBLIGEE OR SUBJECT  
34 TO CONTEMPT OF COURT.

35       NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE  
36 SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT  
37 THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.

38       DATED THIS . . . . day of . . . ., 19. . . .

1 . . . . .  
2 Obligee, Judge/Court Commissioner  
3 or obligee's attorney  
4 Send withheld payments to: . . . . .  
5 . . . . .  
6 . . . . .  
7 . . . . .

8 **Sec. 5.** RCW 26.18.110 and 1993 c 426 s 9 are each amended to read  
9 as follows:

10 (1) An employer upon whom service of a wage assignment order has  
11 been made shall answer the order by sworn affidavit within twenty days  
12 after the date of service. The answer shall state whether the obligor  
13 is employed by or receives earnings or other remuneration from the  
14 employer, whether the employer will honor the wage assignment order,  
15 and whether there are either multiple child support or spousal  
16 maintenance attachments, or both, against the obligor.

17 (2) If the employer possesses any earnings or remuneration due and  
18 owing to the obligor, the earnings subject to the wage assignment order  
19 shall be withheld immediately upon receipt of the wage assignment  
20 order. The withheld earnings shall be delivered to the Washington  
21 state support registry or, if the wage assignment order is to satisfy  
22 a duty of spousal maintenance, to the addressee specified in the  
23 assignment at each regular pay interval.

24 (3) The employer shall continue to withhold the ordered amounts  
25 from nonexempt earnings or remuneration of the obligor until notified  
26 by:

27 (a) The court that the wage assignment has been modified or  
28 terminated; or

29 (b) The Washington state support registry or obligee that the  
30 accrued child support or spousal maintenance debt has been paid,  
31 provided the wage assignment order contains the language set forth  
32 under RCW 26.18.100(3)(b). The employer shall promptly notify the  
33 (~~Washington state support registry~~) addressee specified in the  
34 assignment when the employee is no longer employed. If the employer no  
35 longer employs the employee, the wage assignment order shall remain in  
36 effect for one year after the employee has left the employment or the  
37 employer has been in possession of any earnings or remuneration owed to  
38 the employee, whichever is later. The employer shall continue to hold

1 the wage assignment order during that period. If the employee returns  
2 to the employer's employment during the one-year period the employer  
3 shall immediately begin to withhold the employee's earnings or  
4 remuneration according to the terms of the wage assignment order. If  
5 the employee has not returned within one year, the wage assignment  
6 shall cease to have effect at the expiration of the one-year period,  
7 unless the employer continues to owe remuneration for employment to the  
8 obligor(~~;~~ or

9 ~~(c) The court that has entered an order delaying, modifying, or~~  
10 ~~terminating the wage assignment order and has approved an alternate~~  
11 ~~payment plan as provided in RCW 26.23.050(2)).~~

12 (4) The employer may deduct a processing fee from the remainder of  
13 the employee's earnings after withholding under the wage assignment  
14 order, even if the remainder is exempt under RCW 26.18.090. The  
15 processing fee may not exceed (a) ten dollars for the first  
16 disbursement made by the employer to the Washington state support  
17 registry; and (b) one dollar for each subsequent disbursement to the  
18 clerk.

19 (5) An order for wage assignment for support for a dependent child  
20 entered under this chapter shall have priority over any other wage  
21 assignment or garnishment, except for another wage assignment or  
22 garnishment for child support, or order to withhold and deliver under  
23 chapter 74.20A RCW. An order for wage assignment for spousal  
24 maintenance entered under this chapter shall have priority over any  
25 other wage assignment or garnishment, except for a wage assignment,  
26 garnishment, or order to withhold and deliver under chapter 74.20A RCW  
27 for support of a dependent child, and except for another wage  
28 assignment or garnishment for spousal maintenance.

29 (6) An employer who fails to withhold earnings as required by a  
30 wage assignment issued under this chapter may be held liable to the  
31 obligee for one hundred percent of the support or spousal maintenance  
32 debt, or the amount of support or spousal maintenance moneys that  
33 should have been withheld from the employee's earnings whichever is the  
34 lesser amount, if the employer:

35 (a) Fails or refuses, after being served with a wage assignment  
36 order, to deduct and promptly remit from the unpaid earnings the  
37 amounts of money required in the order;

38 (b) Fails or refuses to submit an answer to the notice of wage  
39 assignment after being served; or



1 (c) Is unwilling to comply with the other requirements of this  
2 section.

3 Liability may be established in superior court. Awards in superior  
4 court shall include costs, interest under RCW 19.52.020 and 4.56.110,  
5 and reasonable attorneys' fees.

6 (7) No employer who complies with a wage assignment issued under  
7 this chapter may be liable to the employee for wrongful withholding.

8 (8) No employer may discharge, discipline, or refuse to hire an  
9 employee because of the entry or service of a wage assignment issued  
10 and executed under this chapter. If an employer discharges,  
11 disciplines, or refuses to hire an employee in violation of this  
12 section, the employee or person shall have a cause of action against  
13 the employer. The employer shall be liable for double the amount of  
14 damages suffered as a result of the violation and for costs and  
15 reasonable attorneys' fees, and shall be subject to a civil penalty of  
16 not more than two thousand five hundred dollars for each violation.  
17 The employer may also be ordered to hire, rehire, or reinstate the  
18 aggrieved individual.

19 (9) For wage assignments payable to the Washington state support  
20 registry, an employer may combine amounts withheld from various  
21 employees into a single payment to the Washington state support  
22 registry, if the payment includes a listing of the amounts attributable  
23 to each employee and other information as required by the registry.

24 (10) An employer shall deliver a copy of the wage assignment order  
25 to the obligor as soon as is reasonably possible.

26 **Sec. 6.** RCW 26.18.140 and 1993 c 426 s 11 are each amended to read  
27 as follows:

28 (1) Except as provided in subsection (2) of this section, in a  
29 hearing to quash, modify, or terminate the wage assignment order, the  
30 court may grant relief only upon a showing that the wage assignment  
31 order causes extreme hardship or substantial injustice. Satisfaction  
32 by the obligor of all past due payments subsequent to the issuance of  
33 the wage assignment order is not grounds to quash, modify, or terminate  
34 the wage assignment order. If a wage assignment order has been in  
35 operation for twelve consecutive months and the obligor's support or  
36 spousal maintenance obligation is current, the court may terminate the  
37 order upon motion of the obligor unless the obligee can show good cause  
38 as to why the wage assignment order should remain in effect.

1 (2) The court may enter an order delaying, modifying, or  
2 terminating the wage assignment order and order the obligor to make  
3 payments directly to the obligee (~~(if the court approves an alternate~~  
4 ~~payment plan)~~) as provided in RCW 26.23.050(2).

5 **Sec. 7.** RCW 26.18.170 and 1993 c 426 s 14 are each amended to read  
6 as follows:

7 (1) Whenever an obligor parent who has been ordered to provide  
8 health insurance coverage for a dependent child fails to provide such  
9 coverage or lets it lapse, the department or the obligee may seek  
10 enforcement of the coverage order as provided under this section.

11 (2)(a) If the obligor parent's order to provide health insurance  
12 coverage contains language notifying the obligor that failure to  
13 provide such coverage or proof that such coverage is unavailable may  
14 result in direct enforcement of the order and orders payments through,  
15 or has been submitted to, the Washington state support registry for  
16 enforcement, then the department may, without further notice to the  
17 obligor, send a notice of enrollment to the obligor's employer or union  
18 by certified mail, return receipt requested.

19 The notice shall require the employer or union to enroll the child  
20 in the health insurance plan as provided in subsection (3) of this  
21 section.

22 (b) If the obligor parent's order to provide health insurance  
23 coverage does not order payments through, and has not been submitted  
24 to, the Washington state support registry for enforcement:

25 (i) The obligee may, without further notice to the obligor send a  
26 certified copy of the order requiring health insurance coverage to the  
27 obligor's employer or union by certified mail, return receipt  
28 requested; and

29 (ii) The obligee shall attach a notarized statement to the order  
30 declaring that the order is the latest order addressing coverage  
31 entered by the court and require the employer or union to enroll the  
32 child in the health insurance plan as provided in subsection (3) of  
33 this section.

34 (3) Upon receipt of an order that provides for health insurance  
35 coverage, or a notice of enrollment:

36 (a) The obligor's employer or union shall answer the party who sent  
37 the order or notice within thirty-five days and confirm that the child:

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

1 (ii) Will be enrolled in the next open enrollment period; or  
2 (iii) Cannot be covered, stating the reasons why such coverage  
3 cannot be provided;

4 (b) The employer or union shall withhold any required premium from  
5 the obligor's income or wages;

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

11 (d) The employer or union shall provide information about the name  
12 of the health insurance coverage provider or insurer and the extent of  
13 coverage available to the obligee or the department and shall make  
14 available any necessary claim forms or enrollment membership cards.

15 (4) If the order for coverage contains no language notifying the  
16 obligor that failure to provide health insurance coverage or proof that  
17 such coverage is unavailable may result in direct enforcement of the  
18 order, the department or the obligee may serve a written notice of  
19 intent to enforce the order on the obligor by certified mail, return  
20 receipt requested, or by personal service. If the obligor fails to  
21 provide written proof that such coverage has been obtained or applied  
22 for or fails to provide proof that such coverage is unavailable within  
23 twenty days of service of the notice, (~~or within twenty days of~~  
24 ~~coverage becoming available~~)) the department or the obligee may proceed  
25 to enforce the order directly as provided in subsection (2) of this  
26 section.

27 (5) If the obligor ordered to provide health insurance coverage  
28 elects to provide coverage that will not be accessible to the child  
29 because of geographic or other limitations when accessible coverage is  
30 otherwise available, the department or the obligee may serve a written  
31 notice of intent to purchase health insurance coverage on the obligor  
32 by certified mail, return receipt requested. The notice shall also  
33 specify the type and cost of coverage.

34 (6) If the department serves a notice under subsection (5) of this  
35 section the obligor shall, within twenty days of the date of service:

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

37 (b) Provide written proof to the department that the obligor has  
38 either applied for, or obtained, coverage accessible to the child.

1 (7) If the obligee serves a notice under subsection (5) of this  
2 section, within twenty days of the date of service the obligor shall  
3 provide written proof to the obligee that the obligor has either  
4 applied for, or obtained, coverage accessible to the child.

5 (8) If the obligor fails to respond to a notice served under  
6 subsection (5) of this section to the party who served the notice, the  
7 party who served the notice may purchase the health insurance coverage  
8 specified in the notice directly. The amount of the monthly premium  
9 shall be added to the support debt and be collectible without further  
10 notice. The amount of the monthly premium may be collected or accrued  
11 until the obligor provides proof of the required coverage.

12 (9) The signature of the obligee or of a department employee shall  
13 be a valid authorization to the coverage provider or insurer for  
14 purposes of processing a payment to the child's health services  
15 provider. An order for health insurance coverage shall operate as an  
16 assignment of all benefit rights to the obligee or to the child's  
17 health services provider, and in any claim against the coverage  
18 provider or insurer, the obligee or the obligee's assignee shall be  
19 subrogated to the rights of the obligor. Notwithstanding the  
20 provisions of this section regarding assignment of benefits, this  
21 section shall not require a health care service contractor authorized  
22 under chapter 48.44 RCW or a health maintenance organization authorized  
23 under chapter 48.46 RCW to deviate from their contractual provisions  
24 and restrictions regarding reimbursement for covered services. If the  
25 coverage is terminated, the employer shall mail a notice of termination  
26 to the department or the obligee at the obligee's last known address  
27 within thirty days of the termination date.

28 (10) This section shall not be construed to limit the right of the  
29 obligor or the obligee to bring an action in superior court at any time  
30 to enforce, modify, or clarify the original support order.

31 (11) Nothing in this section shall be construed to require a health  
32 maintenance organization, or health care service contractor, to extend  
33 coverage to a child who resides outside its service area.

34 (12) If an obligor fails to pay his or her portion of any  
35 deductible required under the health insurance coverage or fails to pay  
36 his or her portion of medical expenses incurred in excess of the  
37 coverage provided under the plan, the department or the obligee may  
38 enforce collection of the obligor's portion of the deductible or the  
39 additional medical expenses through a wage assignment order. The

1 amount of the deductible or additional medical expenses shall be added  
2 to the support debt and be collectible without further notice if the  
3 obligor's share of the amount of the deductible or additional expenses  
4 is reduced to a sum certain in a court order.

5 **Sec. 8.** RCW 26.23.045 and 1989 c 360 s 33 are each amended to read  
6 as follows:

7 (1) The office of support enforcement, Washington state support  
8 registry, shall provide support enforcement services under the  
9 following circumstances:

10 (a) Whenever public assistance under RCW 74.20.330 is paid;

11 (b) Whenever a request for nonassistance support enforcement  
12 services under RCW 74.20.040(2) is received;

13 (c) Whenever a request for support enforcement services under RCW  
14 74.20.040(3) is received;

15 (d) When a support order which contains language directing a  
16 responsible parent to make support payments to the Washington state  
17 support registry under RCW 26.23.050 is submitted;

18 (e) When a support order is forwarded to the Washington state  
19 support registry by the clerk of a superior court under RCW  
20 26.23.050(5);

21 (f) When the obligor submits a support order or support payment to  
22 the Washington state support registry.

23 (2) The office of support enforcement shall continue to provide  
24 support enforcement services for so long as and under such conditions  
25 as the department shall establish by regulation or until the superior  
26 court enters an order (~~(approving an alternate payment plan)~~) removing  
27 the requirement that the obligor make support payments to the  
28 Washington state support registry as provided for in RCW  
29 26.23.050(~~(1)~~) (2).

30 **Sec. 9.** RCW 26.23.050 and 1993 c 207 s 1 are each amended to read  
31 as follows:

32 (1) (~~Except as provided in subsection (2) of this section, the~~  
33 ~~superior court shall include in all superior court orders which~~  
34 ~~establish or modify a support obligation:~~

35 (a) ~~A provision which orders and directs that the responsible~~  
36 ~~parent make all support payments to the Washington state support~~  
37 ~~registry;~~

1 (b) A statement that a notice of payroll deduction may be issued or  
2 other income withholding action under chapter 26.18 RCW or chapter  
3 74.20A RCW may be taken, without further notice to the responsible  
4 parent at any time after entry of the court order, unless:

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

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

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

11 (2) The court may order the responsible parent to make payments  
12 directly to the person entitled to receive the payments or, for orders  
13 entered on or after July 1, 1990, direct that the issuance of a notice  
14 of payroll deduction or other income withholding actions be delayed  
15 until a support payment is past due if the court approves an alternate  
16 payment plan. The parties to the order must agree to such a plan and  
17 the plan must contain reasonable assurances that payments will be made  
18 in a regular and timely manner. The court may approve such a plan and  
19 modify or terminate the payroll deduction or other income withholding  
20 action at the time of entry of the order or at a later date upon motion  
21 and agreement of the parties. If the order directs payment to the  
22 person entitled to receive the payments instead of to the Washington  
23 state support registry, the order shall include a statement that the  
24 order may be submitted to the registry if a support payment is past  
25 due. If the order directs delayed issuance of the notice of payroll  
26 deduction or other income withholding action, the order shall include  
27 a statement that such action may be taken, without further notice, at  
28 any time after a support payment is past due. The provisions of this  
29 subsection do not apply if the department is providing public  
30 assistance under Title 74 RCW.) If the office of support enforcement  
31 is providing support enforcement services under RCW 26.23.045, or if a  
32 party is applying for support enforcement services by signing the  
33 application form on the bottom of the support order, the superior court  
34 shall include in all court orders that establish or modify a support  
35 obligation:

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

38 (b) A statement that a notice of payroll deduction may be issued,  
39 or other income withholding action under chapter 26.18 or 74.20A RCW

1 may be taken, without further notice to the responsible parent at any  
2 time after entry of the court 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 and  
5 that withholding should be delayed until a payment is past due; or

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

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

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

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

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

23 (i) A statement that a notice of payroll deduction may be issued or  
24 other income withholding action under chapter 26.18 or 74.20A RCW may  
25 be taken, without further notice to the responsible parent at any time  
26 after entry of the court order, unless:

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

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

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

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

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

1       (i) Immediate income withholding may be ordered if the responsible  
2 parent has earnings. If immediate income withholding is ordered under  
3 this subsection, all support payments shall be paid to the Washington  
4 state support registry. The superior court shall issue a mandatory  
5 wage assignment order as set forth in chapter 26.18 RCW when the  
6 support order is signed by the court. The parent entitled to receive  
7 the transfer payment is responsible for serving the employer with the  
8 order and for its enforcement as set forth in chapter 26.18 RCW.

9       (ii) If immediate income withholding is not ordered, the court  
10 shall require that income withholding be delayed until a payment is  
11 past due. The support order shall contain a statement that a notice of  
12 payroll deduction may be issued, or other income-withholding action  
13 under chapter 26.18 or 74.20A RCW may be taken, without further notice  
14 to the responsible parent, after a payment is past due.

15       (c) If a mandatory wage withholding order under chapter 26.18 RCW  
16 is issued under this subsection and the office of support enforcement  
17 provides support enforcement services under RCW 26.23.045, the existing  
18 wage withholding assignment is prospectively superseded upon the office  
19 of support enforcement's subsequent service of an income withholding  
20 notice.

21       (3) The office of administrative hearings and the department of  
22 social and health services shall require that all support obligations  
23 established as administrative orders include a provision which orders  
24 and directs that the responsible parent shall make all support payments  
25 to the Washington state support registry. All administrative orders  
26 shall also state that a notice of payroll deduction may be issued, or  
27 other income withholding action taken without further notice to the  
28 responsible parent at any time after entry of the order, unless:

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

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

34       (4) If the support order does not include the provision ordering  
35 and directing that all payments be made to the Washington state support  
36 registry and a statement that a notice of payroll deduction may be  
37 issued if a support payment is past due or at any time after the entry  
38 of the order, the office of support enforcement may serve a notice on  
39 the responsible parent stating such requirements and authorizations.



1 Service may be by personal service or any form of mail requiring a  
2 return receipt.

3 (5) Every support order shall state:

4 (a) (~~That payment shall be made to the Washington state support~~  
5 ~~registry or in accordance with the alternate payment plan approved by~~  
6 ~~the court~~)) The address where the support payment is to be sent;

7 (b) That a notice of payroll deduction may be issued or other  
8 income withholding action under chapter 26.18 ((RCW)) or ((chapter))  
9 74.20A RCW may be taken, without further notice to the responsible  
10 parent at any time after entry of an order by the court, unless:

11 (i) (~~The court approves an alternate payment plan under subsection~~  
12 ~~(2) of this section;~~

13 ~~(ii))~~) One of the parties demonstrates, and the court finds, that  
14 there is good cause not to require immediate income withholding; or

15 (~~(iii))~~) (ii) The parties reach ~~((an alternate))~~ a written  
16 agreement that is approved by the court that provides for an alternate  
17 arrangement;

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

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

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

22 (f) The social security number, residence address, and name and  
23 address of the employer of the responsible parent;

24 (g) The social security number and residence address of the  
25 physical custodian except as provided in subsection (6) of this  
26 section;

27 (h) The names, dates of birth, and social security numbers, if any,  
28 of the dependent children;

29 (i) In cases requiring payment to the Washington state support  
30 registry, that the parties are to notify the Washington state support  
31 registry of any change in residence address. The responsible parent  
32 shall notify the registry of the name and address of his or her current  
33 employer, whether he or she has access to health insurance coverage at  
34 reasonable cost and, if so, the health insurance policy information;

35 (j) That any parent owing a duty of child support shall be  
36 obligated to provide health insurance coverage for his or her child if  
37 coverage that can be extended to cover the child is or becomes  
38 available to that parent through employment or is union-related as  
39 provided under RCW 26.09.105;

1 (k) That if proof of health insurance coverage or proof that the  
2 coverage is unavailable is not provided within twenty days, the obligee  
3 or the department may seek direct enforcement of the coverage through  
4 the obligor's employer or union without further notice to the obligor  
5 as provided under chapter 26.18 RCW; and

6 (l) The reasons for not ordering health insurance coverage if the  
7 order fails to require such coverage.

8 (6) The physical custodian's address:

9 (a) Shall be omitted from an order entered under the administrative  
10 procedure act; or

11 (b) May be omitted from a superior court order if the physical  
12 custodian is receiving services from the office of support enforcement.

13 (7)(a) If the physical custodian's address is omitted from an  
14 order, the order shall state that the custodian's address is known to  
15 the office of support enforcement.

16 (b) A responsible parent (~~whose support obligation has been~~  
17 ~~determined by such administrative order~~) may request the physical  
18 custodian's residence address by submission of a request for disclosure  
19 under RCW 26.23.120 to the office of support enforcement.

20 (~~(+7)~~) (8) The superior court clerk, the office of administrative  
21 hearings, and the department of social and health services shall,  
22 within five days of entry, forward to the Washington state support  
23 registry, a true and correct copy of all superior court orders or  
24 administrative orders establishing or modifying a support obligation  
25 which provide that support payments shall be made to the support  
26 registry. If a superior court order entered prior to January 1, 1988,  
27 directs the responsible parent to make support payments to the clerk,  
28 the clerk shall send a true and correct copy of the support order and  
29 the payment record to the registry for enforcement action when the  
30 clerk identifies that a payment is more than fifteen days past due.  
31 The office of support enforcement shall reimburse the clerk for the  
32 reasonable costs of copying and sending copies of court orders to the  
33 registry at the reimbursement rate provided in Title IV-D of the social  
34 security act.

35 (~~(+8)~~) (9) Receipt of a support order by the registry or other  
36 action under this section on behalf of a person or persons who have not  
37 made a written application for support enforcement services to the  
38 office of support enforcement and who are not recipients of public  
39 assistance is deemed to be a request for (~~support enforcement~~)

1 ~~payment services ((under RCW 74.20.040 to the fullest extent permitted~~  
2 ~~under federal law))~~ only. The department shall adopt rules determining  
3 the nature and extent of services provided in payment-services-only  
4 cases.

5 ~~((9))~~ (10) After the responsible parent has been ordered or  
6 notified to make payments to the Washington state support registry ~~((in~~  
7 ~~accordance with subsection (1), (3), or (4) of))~~ under this section,  
8 the responsible parent shall be fully responsible for making all  
9 payments to the Washington state support registry and shall be subject  
10 to payroll deduction or other income withholding action. The  
11 responsible parent shall not be entitled to credit against a support  
12 obligation for any payments made to a person or agency other than to  
13 the Washington state support registry except as provided under RCW  
14 74.20.101. A civil action may be brought by the payor to recover  
15 payments made to persons or agencies who have received and retained  
16 support moneys paid contrary to the provisions of this section.

17 ~~((10) As used in this section, "good cause not to require~~  
18 ~~immediate income withholding" means a written determination of why~~  
19 ~~implementing immediate income withholding would not be in the child's~~  
20 ~~best interests and, in modification cases, proof of timely payment of~~  
21 ~~previously ordered support.))~~

22 **Sec. 10.** RCW 26.23.060 and 1991 c 367 s 40 are each amended to  
23 read as follows:

24 (1) The office of support enforcement may issue a notice of payroll  
25 deduction:

26 (a) As authorized by a support order that contains the income  
27 withholding notice provisions in RCW 26.23.050 or a substantially  
28 similar notice; or

29 (b) After service of a notice containing an income withholding  
30 provision under this chapter or chapter 74.20A RCW.

31 (2) The office of support enforcement shall serve a notice of  
32 payroll deduction upon a responsible parent's employer or upon the  
33 employment security department for the state in possession of or owing  
34 any benefits from the unemployment compensation fund to the responsible  
35 parent pursuant to Title 50 RCW by personal service or by any form of  
36 mail requiring a return receipt.

37 (3) Service of a notice of payroll deduction upon an employer or  
38 employment security department requires the employer or employment

1 security department to immediately make a mandatory payroll deduction  
2 from the responsible parent's unpaid disposable earnings or  
3 unemployment compensation benefits. The employer or employment  
4 security department shall thereafter deduct each pay period the amount  
5 stated in the notice divided by the number of pay periods per month.  
6 The payroll deduction each pay period shall not exceed fifty percent of  
7 the responsible parent's disposable earnings.

8 (4) A notice of payroll deduction for support shall have priority  
9 over any wage assignment, garnishment, attachment, or other legal  
10 process.

11 (5) The notice of payroll deduction shall be in writing and  
12 include:

13 (a) The name and social security number of the responsible parent;

14 (b) The amount to be deducted from the responsible parent's  
15 disposable earnings each month, or alternate amounts and frequencies as  
16 may be necessary to facilitate processing of the payroll deduction;

17 (c) A statement that the total amount withheld shall not exceed  
18 fifty percent of the responsible parent's disposable earnings; and

19 (d) The address to which the payments are to be mailed or  
20 delivered.

21 (6) An informational copy of the notice of payroll deduction shall  
22 be mailed to the last known address of the responsible parent by  
23 regular mail.

24 (7) An employer or employment security department that receives a  
25 notice of payroll deduction shall make immediate deductions from the  
26 responsible parent's unpaid disposable earnings and remit proper  
27 amounts to the Washington state support registry on each date the  
28 responsible parent is due to be paid.

29 (8) An employer, or the employment security department, upon whom  
30 a notice of payroll deduction is served, shall make an answer to the  
31 office of support enforcement within twenty days after the date of  
32 service. The answer shall confirm compliance and institution of the  
33 payroll deduction or explain the circumstances if no payroll deduction  
34 is in effect. The answer shall also state whether the responsible  
35 parent is employed by or receives earnings from the employer or  
36 receives unemployment compensation benefits from the employment  
37 security department, whether the employer or employment security  
38 department anticipates paying earnings or (~~employment~~ {~~unemployment~~})  
39 unemployment compensation benefits and the amount of earnings. If the

1 responsible parent is no longer employed, or receiving earnings from  
2 the employer, the answer shall state the present employer's name and  
3 address, if known. If the responsible parent is no longer receiving  
4 unemployment compensation benefits from the employment security  
5 department, the answer shall state the present employer's name and  
6 address, if known.

7 (9) The employer or employment security department may deduct a  
8 processing fee from the remainder of the responsible parent's earnings  
9 after withholding under the notice of payroll deduction, even if the  
10 remainder is exempt under RCW 26.18.090. The processing fee may not  
11 exceed: (a) Ten dollars for the first disbursement made to the  
12 Washington state support registry; and (b) one dollar for each  
13 subsequent disbursement to the registry.

14 (10) The notice of payroll deduction shall remain in effect until  
15 released by the office of support enforcement, the court enters an  
16 order terminating the notice and approving an alternate (~~payment~~  
17 ~~plan~~) arrangement under RCW 26.23.050(2), or one year has expired  
18 since the employer has employed the responsible parent or has been in  
19 possession of or owing any earnings to the responsible parent or the  
20 employment security department has been in possession of or owing any  
21 unemployment compensation benefits to the responsible parent.

22 **Sec. 11.** RCW 26.23.100 and 1991 c 367 s 42 are each amended to  
23 read as follows:

24 (1) The responsible parent subject to a payroll deduction pursuant  
25 to this chapter, may file a motion in superior court to quash, modify,  
26 or terminate the payroll deduction.

27 (2) Except as provided in subsections (4) and (5) of this section,  
28 the court may grant relief only upon a showing: (a) That the payroll  
29 deduction causes extreme hardship or substantial injustice; or (b) that  
30 the support payment was not past due under the terms of the order when  
31 the notice of payroll deduction was served on the employer.

32 (3) Satisfaction by the obligor of all past due payments subsequent  
33 to the issuance of the notice of payroll deduction is not grounds to  
34 quash, modify, or terminate the notice of payroll deduction.

35 (4) If a notice of payroll deduction has been in operation for  
36 twelve consecutive months and the obligor's support obligation is  
37 current, upon motion of the obligor, the court may order the office of  
38 support enforcement to terminate the payroll deduction, unless the

1 obligee can show good cause as to why the payroll deduction should  
2 remain in effect.

3 (5) Subsection (2) of this section shall not prevent the court from  
4 ordering an alternative (~~(payment plan)~~) arrangement as provided under  
5 RCW 26.23.050(2).

6 **Sec. 12.** RCW 26.23.120 and 1989 c 360 s 17 and 1989 c 175 s 78 are  
7 each reenacted and amended to read as follows:

8 (1) Any information or records concerning individuals who owe a  
9 support obligation or for whom support enforcement services are being  
10 provided which are obtained or maintained by the Washington state  
11 support registry, the office of support enforcement, or under chapter  
12 74.20 RCW shall be private and confidential and shall only be subject  
13 to public disclosure as provided in subsection (2) of this section.

14 (2) The secretary of the department of social and health services  
15 shall adopt rules which specify the individuals or agencies to whom  
16 this information and these records may be disclosed, the purposes for  
17 which the information may be disclosed, and the procedures to obtain  
18 the information or records. The rules adopted under this section shall  
19 provide for disclosure of the information and records, under  
20 appropriate circumstances, which shall include, but not be limited to:

21 (a) When authorized or required by federal statute or regulation  
22 governing the support enforcement program;

23 (b) To the person the subject of the records or information, unless  
24 the information is exempt from disclosure under RCW 42.17.310;

25 (c) To government agencies, whether state, local, or federal, and  
26 including federally recognized tribes, law enforcement agencies,  
27 prosecuting agencies, and the executive branch, if the (~~(records or~~  
28 ~~information are needed)~~) disclosure is necessary for child support  
29 enforcement purposes;

30 (d) To the parties in a judicial or adjudicative proceeding upon a  
31 specific written finding by the presiding officer that the need for the  
32 information outweighs any reason for maintaining the privacy and  
33 confidentiality of the information or records;

34 (e) To private persons, federally recognized tribes, or  
35 organizations if the disclosure is necessary to permit private  
36 contracting parties to assist in the management and operation of the  
37 department;

1 (f) Disclosure of address and employment information to the parties  
2 to (~~a court order for support~~) an action for purposes relating to  
3 (~~the establishment, enforcement, or modification of the~~) a child  
4 support order;

5 (g) Disclosure of information or records when necessary to the  
6 efficient administration of the support enforcement program or to the  
7 performance of functions and responsibilities of the support registry  
8 and the office of support enforcement as set forth in state and federal  
9 statutes; or

10 (h) Disclosure of the information or records when authorized under  
11 RCW 74.04.060.

12 (3) Prior to disclosing the physical custodian's address under  
13 subsection (~~(1)~~) (2)(f) of this section, a notice shall be mailed, if  
14 appropriate under the circumstances, to the physical custodian at the  
15 physical custodian's last known address. The notice shall advise the  
16 physical custodian that a request for disclosure has been made and will  
17 be complied with unless the department receives a copy of a court order  
18 which enjoins the disclosure of the information or restricts or limits  
19 the requesting party's right to contact or visit the physical custodian  
20 or the child, or the custodial parent requests a hearing to contest the  
21 disclosure. The administrative law judge shall determine whether the  
22 address of the custodial parent should be disclosed based on the same  
23 standard as a claim of "good cause" as defined in 42 U.S.C. Sec. 602  
24 (a)(26)(c).

25 (4) Nothing in this section shall be construed as limiting or  
26 restricting the effect of RCW 42.17.260(~~(5)~~)(6). Nothing in this  
27 section shall be construed to prevent the disclosure of information and  
28 records if all details identifying an individual are deleted or the  
29 individual consents to the disclosure.

30 (5) It shall be unlawful for any person or agency in violation of  
31 this section to solicit, publish, disclose, receive, make use of, or to  
32 authorize, knowingly permit, participate in or acquiesce in the use of  
33 any lists of names for commercial or political purposes or the use of  
34 any information for purposes other than those purposes specified in  
35 this section. A violation of this section shall be a gross  
36 misdemeanor as provided in chapter 9A.20 RCW.

37 **Sec. 13.** RCW 26.26.040 and 1990 c 175 s 2 are each amended to read  
38 as follows:

1 (1) A man is presumed to be the natural father of a child for all  
2 intents and purposes if:

3 (a) He and the child's natural mother are or have been married to  
4 each other and the child is born during the marriage, or within three  
5 hundred days after the marriage is terminated by death, annulment,  
6 declaration of invalidity, divorce, or dissolution, or after a decree  
7 of separation is entered by a court; or

8 (b) Before the child's birth, he and the child's natural mother  
9 have attempted to marry each other by a marriage solemnized in apparent  
10 compliance with law, although the attempted marriage is or could be  
11 declared invalid, and the child is born within three hundred days after  
12 the termination of cohabitation;

13 (c) After the child's birth, he and the child's natural mother have  
14 married, or attempted to marry, each other by a marriage solemnized in  
15 apparent compliance with law, although the attempted marriage is or  
16 could be declared invalid, and

17 (i) He has acknowledged his paternity of the child in writing filed  
18 with the registrar of vital statistics,

19 (ii) With his consent, he is named as the child's father on the  
20 child's birth certificate, or

21 (iii) He is obligated to support the child under a written  
22 voluntary promise or by court order;

23 (d) While the child is under the age of majority, he receives the  
24 child into his home and openly holds out the child as his child;

25 (e) He acknowledges his paternity of the child pursuant to RCW  
26 70.58.080 or in a writing filed with the state office of vital  
27 statistics, which shall promptly inform the mother of the filing of the  
28 acknowledgment, if she does not dispute the acknowledgment within a  
29 reasonable time after being informed thereof, in a writing filed with  
30 the registrar of vital statistics. In order to enforce rights of  
31 residential time, custody, and visitation, a man presumed to be the  
32 father as a result of filing a written acknowledgement must seek  
33 appropriate judicial orders under this title; ((or))

34 (f) The United States immigration and naturalization service made  
35 or accepted a determination that he was the father of the child at the  
36 time of the child's entry into the United States and he had the  
37 opportunity at the time of the child's entry into the United States to  
38 admit or deny the paternal relationship; or



1       (g) Genetic testing indicates a ninety-eight percent or greater  
2 probability of paternity.

3       (2) A presumption under this section may be rebutted in an  
4 appropriate action only by clear, cogent, and convincing evidence. If  
5 two or more presumptions arise which conflict with each other, the  
6 presumption which on the facts is founded on the weightier  
7 considerations of policy and logic controls. The presumption is  
8 rebutted by a court decree establishing paternity of the child by  
9 another man.

10       **Sec. 14.** RCW 26.26.150 and 1987 c 435 s 28 are each amended to  
11 read as follows:

12       (1) If existence of the father and child relationship is declared,  
13 or paternity or a duty of support has been acknowledged or adjudicated  
14 under this chapter or under prior law, the obligation of the father may  
15 be enforced in the same or other proceedings by the mother, the child,  
16 the state of Washington, the public authority that has furnished or may  
17 furnish the reasonable expenses of pregnancy, confinement, education,  
18 support, or funeral, or by any other person, including a private  
19 agency, to the extent he has furnished or is furnishing these expenses.

20       (2) The court shall order support payments to be made to the  
21 Washington state support registry, or the person entitled to receive  
22 the payments under an alternate (~~(payment plan)~~) arrangement approved  
23 by the court as provided in RCW 26.23.050(2).

24       (3) All remedies for the enforcement of judgments apply.

25       **Sec. 15.** RCW 26.26.165 and 1989 c 416 s 4 are each amended to read  
26 as follows:

27       (1) In entering or modifying a support order under this chapter,  
28 the court shall require either or both parents to maintain or provide  
29 health insurance coverage for any dependent child as provided under RCW  
30 26.09.105.

31       (2) This section shall not be construed to limit the authority of  
32 the court to enter or modify support orders containing provisions for  
33 payment of uninsured health expenses, health costs, or insurance  
34 premiums which are in addition to and not inconsistent with this  
35 section. "Health insurance coverage" as used in this section does not  
36 include medical assistance provided under chapter 74.09 RCW.

1 (3) A parent ordered to provide health insurance coverage shall  
2 provide proof of such coverage or proof that such coverage is  
3 unavailable within twenty days of the entry of the order(~~(, or within~~  
4 ~~twenty days of the date such coverage becomes available,)~~) to:

5 (a) The physical custodian; or

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

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

12 NEW SECTION. Sec. 16. A new section is added to chapter 74.20 RCW  
13 to read as follows:

14 When the department appears or participates in an adjudicative  
15 proceeding under chapter 26.23 or 74.20A RCW it shall:

16 (1) Act in furtherance of the state's financial interest in the  
17 matter;

18 (2) Act in the best interests of the children of the state;

19 (3) Facilitate the resolution of the controversy; and

20 (4) Make independent recommendations to ensure the integrity and  
21 proper application of the law and process.

22 In the proceedings the department does not act on behalf or as an  
23 agent or representative of an individual.

24 Sec. 17. RCW 74.20A.056 and 1989 c 55 s 3 are each amended to read  
25 as follows:

26 (1) If an alleged father has signed an affidavit acknowledging  
27 paternity which has been filed with the state office of vital  
28 statistics, the office of support enforcement may serve a notice and  
29 finding of parental responsibility on him. Service of the notice shall  
30 be in the same manner as a summons in a civil action or by certified  
31 mail, return receipt requested. The notice shall have attached to it  
32 a copy of the affidavit or certification of birth record information  
33 advising of the existence of a filed affidavit, provided by the center  
34 for health statistics, and shall state that:

35 (a) The alleged father may file an application for an adjudicative  
36 proceeding at which he will be required to appear and show cause why

1 the amount stated in the finding of financial responsibility as to  
2 support is incorrect and should not be ordered;

3 (b) An alleged father may request that a blood test be administered  
4 to determine whether such test would exclude him from being a natural  
5 parent and, if not excluded, may subsequently request that the office  
6 of support enforcement initiate an action in superior court to  
7 determine the existence of the parent-child relationship; and

8 (c) If the alleged father does not request that a blood test be  
9 administered or file an application for an adjudicative proceeding, the  
10 amount of support stated in the notice and finding of parental  
11 responsibility shall become final, subject only to a subsequent  
12 determination under RCW 26.26.060 that the parent-child relationship  
13 does not exist.

14 (2) An alleged father who objects to the amount of support  
15 requested in the notice may file an application for an adjudicative  
16 proceeding up to twenty days after the date the notice was served. An  
17 application for an adjudicative proceeding may be filed within one year  
18 of service of the notice and finding of parental responsibility without  
19 the necessity for a showing of good cause or upon a showing of good  
20 cause thereafter. An adjudicative proceeding under this section shall  
21 be pursuant to RCW 74.20A.055. The only issues shall be the amount of  
22 the accrued debt, the amount of the current and future support  
23 obligation, and the reimbursement of the costs of blood tests if  
24 advanced by the department.

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

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

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

34 (4) An alleged father who denies being a responsible parent may  
35 request that a blood test be administered at any time. The request for  
36 testing shall be in writing and served on the office of support  
37 enforcement personally or by registered or certified mail. If a  
38 request for testing is made, the department shall arrange for the test  
39 and, pursuant to rules adopted by the department, may advance the cost

1 of such testing. The department shall mail a copy of the test results  
2 by certified mail, return receipt requested, to the alleged father's  
3 last known address.

4 (5) If the test excludes the alleged father from being a natural  
5 parent, the office of support enforcement shall file a copy of the  
6 results with the state office of vital statistics and shall dismiss any  
7 pending administrative collection proceedings based upon the affidavit  
8 in issue. The state office of vital statistics shall remove the  
9 alleged father's name from the birth certificate.

10 (6) The alleged father may, within twenty days after the date of  
11 receipt of the test results, request the office of support enforcement  
12 to initiate an action under RCW 26.26.060 to determine the existence of  
13 the parent-child relationship. If the office of support enforcement  
14 initiates a superior court action at the request of the alleged father  
15 and the decision of the court is that the alleged father is a natural  
16 parent, the alleged father shall be liable for court costs incurred.

17 (7) If the alleged father does not request the office of support  
18 enforcement to initiate a superior court action, or if the alleged  
19 father fails to appear and cooperate with blood testing, the notice of  
20 parental responsibility shall become final for all intents and purposes  
21 and may be overturned only by a subsequent superior court order entered  
22 under RCW 26.26.060.

23 **Sec. 18.** RCW 74.20A.080 and 1989 c 360 s 10 and 1989 c 175 s 154  
24 are each reenacted and amended to read as follows:

25 (1) The secretary may issue to any person, firm, corporation,  
26 association, political subdivision, (~~(or)~~) department of the state, or  
27 agency, subdivision, or instrumentality of the United States, an order  
28 to withhold and deliver property of any kind, including but not  
29 restricted to earnings which are or might become due, owing, or  
30 belonging to the debtor, when the secretary has reason to believe that  
31 there is in the possession of such person, firm, corporation,  
32 association, political subdivision, (~~(or)~~) department of the state, or  
33 agency, subdivision, or instrumentality of the United States property  
34 which is or might become due, owing, or belonging to said debtor. Such  
35 order to withhold and deliver may be issued:

36 (a) When a support payment is past due, if a responsible parent's  
37 support order:

1 (i) Contains language directing the parent to make support payments  
2 to the Washington state support registry; and  
3 (ii) Includes a statement that other income-withholding action  
4 under this chapter may be taken without further notice to the  
5 responsible parent, as provided for in RCW 26.23.050(1);  
6 (b) Twenty-one days after service of a notice of support debt under  
7 RCW 74.20A.040;  
8 (c) Twenty-one days after service of a notice and finding of  
9 parental responsibility under RCW 74.20A.056;  
10 (d) Twenty-one days after service of a notice of support owed under  
11 RCW 26.23.110;  
12 (e) Twenty-one days after service of a notice and finding of  
13 financial responsibility under RCW 74.20A.055; or  
14 (f) When appropriate under RCW 74.20A.270.  
15 (2) The order to withhold and deliver shall:  
16 (a) State the amount of the support debt accrued;  
17 (b) State in summary the terms of RCW 74.20A.090 and 74.20A.100;  
18 (c) Be served in the manner prescribed for the service of a summons  
19 in a civil action or by certified mail, return receipt requested.  
20 (3) Any person, firm, corporation, association, political  
21 subdivision, ~~((or))~~ department of the state, or agency, subdivision, or  
22 instrumentality of the United States upon whom service has been made is  
23 hereby required to:  
24 (a) Answer said order to withhold and deliver within twenty days,  
25 exclusive of the day of service, under oath and in writing, and shall  
26 make true answers to the matters inquired of therein; and  
27 (b) Provide further and additional answers when requested by the  
28 secretary.  
29 (4) Any such person, firm, corporation, association, political  
30 subdivision, ~~((or))~~ department of the state, or agency, subdivision, or  
31 instrumentality of the United States in possession of any property  
32 which may be subject to the claim of the department of social and  
33 health services shall:  
34 (a)(i) Immediately withhold such property upon receipt of the order  
35 to withhold and deliver; and  
36 (ii) Deliver the property to the secretary as soon as the twenty-  
37 day answer period expires;  
38 (iii) Continue to withhold earnings payable to the debtor at each  
39 succeeding disbursement interval as provided for in RCW 74.20A.090, and

1 deliver amounts withheld from earnings to the (~~obligee within ten days~~  
2 ~~of~~) secretary on the date earnings are payable to the debtor;

3 (iv) Inform the secretary of the date the amounts were withheld as  
4 requested under this section; or

5 (b) Furnish to the secretary a good and sufficient bond,  
6 satisfactory to the secretary, conditioned upon final determination of  
7 liability.

8 An order to withhold and deliver served under this section remains  
9 in effect from the date of service until released by the office of  
10 support enforcement, terminated by court order, or one year from the  
11 date of service has expired since the person, firm, corporation,  
12 association, political subdivision, department of the state, or agency,  
13 subdivision, or instrumentality of the United States has been in  
14 possession of or owing any money to the debtor, whichever occurs  
15 earliest.

16 (5) Where money is due and owing under any contract of employment,  
17 express or implied, or is held by any person, firm, corporation, or  
18 association, political subdivision, or department of the state, or  
19 agency, subdivision, or instrumentality of the United States subject to  
20 withdrawal by the debtor, such money shall be delivered by remittance  
21 payable to the order of the secretary.

22 (6) Delivery to the secretary of the money or other property held  
23 or claimed shall satisfy the requirement and serve as full acquittance  
24 of the order to withhold and deliver.

25 (7) (~~The state warrants and represents that:~~

26 ~~(a) It shall defend and hold harmless for such actions persons~~  
27 ~~delivering money or property to the secretary pursuant to this chapter;~~  
28 ~~and~~

29 ~~(b) It shall defend and hold harmless for such actions persons~~  
30 ~~withholding money or property pursuant to this chapter)) A person,~~

31 firm, corporation, or association, political subdivision, department of  
32 the state, or agency, subdivision, or instrumentality of the United  
33 States that complies with the order to withhold and deliver under this  
34 chapter is not civilly liable to the debtor for complying with the  
35 order to withhold and deliver under this chapter.

36 (8) The secretary may hold the money or property delivered under  
37 this section in trust for application on the indebtedness involved or  
38 for return, without interest, in accordance with final determination of  
39 liability or nonliability.

1 (9) Exemptions contained in RCW 74.20A.090 apply to orders to  
2 withhold and deliver issued under this section.

3 (10) The secretary shall also(~~(, on or before the date of service~~  
4 ~~of the order to withhold and deliver, mail or cause to be mailed by~~  
5 ~~certified mail a copy of the order to withhold and deliver to the~~  
6 ~~debtor at the debtor's last known post office address, or, in the~~  
7 ~~alternative, a copy of the order to withhold and deliver shall be~~  
8 ~~served on the debtor in the same manner as a summons in a civil~~  
9 ~~action)) personally serve or mail by regular mail a copy of the order  
10 to withhold and deliver to the debtor at the debtor's last known  
11 address on or before the date of service of the order or within two  
12 days thereafter. The copy of the order shall be mailed or served  
13 together with a concise explanation of the right to petition for  
14 judicial review. This requirement is not jurisdictional, but, if the  
15 copy is not mailed or served as in this section provided, or if any  
16 irregularity appears with respect to the mailing or service, the  
17 superior court, in its discretion on motion of the debtor promptly made  
18 and supported by affidavit showing that the debtor has suffered  
19 substantial injury due to the failure to mail the copy, may set aside  
20 the order to withhold and deliver and award to the debtor an amount  
21 equal to the damages resulting from the secretary's failure to serve on  
22 or mail to the debtor the copy.~~

23 (11) An order to withhold and deliver issued in accordance with  
24 this section has priority over any other wage assignment ~~((or)),~~  
25 garnishment, attachment, or other legal process, except for another  
26 wage assignment, garnishment, attachment, or other legal process for  
27 child support.

28 (12) The office of support enforcement shall notify any person,  
29 firm, corporation, association, or political subdivision, ~~((or))~~  
30 department of the state, or agency, subdivision, or instrumentality of  
31 the United States required to withhold and deliver the earnings of a  
32 debtor under this action that they may deduct a processing fee from the  
33 remainder of the debtor's earnings, even if the remainder would  
34 otherwise be exempt under RCW 74.20A.090. The processing fee shall not  
35 exceed ten dollars for the first disbursement to the department and one  
36 dollar for each subsequent disbursement under the order to withhold and  
37 deliver.

1       **Sec. 19.** RCW 74.20A.240 and 1985 c 276 s 12 are each amended to  
2 read as follows:

3       Any person, firm, corporation, association, political subdivision  
4 ~~((or)),~~ department of the state, or agency, subdivision, or  
5 instrumentality of the United States employing a person owing a support  
6 debt or obligation, shall honor, according to its terms, a duly  
7 executed assignment of earnings presented by the secretary as a plan to  
8 satisfy or retire a support debt or obligation. This requirement to  
9 honor the assignment of earnings and the assignment of earnings itself  
10 shall be applicable whether said earnings are to be paid presently or  
11 in the future and shall continue in force and effect until released in  
12 writing by the secretary. Payment of moneys pursuant to an assignment  
13 of earnings presented by the secretary shall serve as full acquittance  
14 under any contract of employment ~~((, and the state warrants and~~  
15 ~~represents it shall defend and hold harmless such action taken pursuant~~  
16 ~~to said assignment of earnings))~~. A person, firm, corporation,  
17 association, political subdivision, department of the state, or agency,  
18 subdivision, or instrumentality of the United States that complies with  
19 the assignment of earnings under this chapter is not civilly liable to  
20 the debtor for complying with the assignment of earnings under this  
21 chapter. The secretary shall be released from liability for improper  
22 receipt of moneys under an assignment of earnings upon return of any  
23 moneys so received.

24       An assignment of earnings presented by the secretary in accordance  
25 with this section has priority over any other wage assignment ~~((or)),~~  
26 garnishment, attachment, or other legal process except for another wage  
27 assignment ~~((or)),~~ garnishment, attachment, or other legal process for  
28 support moneys.

29       The employer may deduct a processing fee from the remainder of the  
30 debtor's earnings, even if the remainder would be exempt under RCW  
31 74.20A.090. The processing fee shall not exceed ten dollars from the  
32 first disbursement to the department and one dollar for each subsequent  
33 disbursement under the assignment of earnings.

34       **Sec. 20.** RCW 74.20A.300 and 1989 c 416 s 6 are each amended to  
35 read as follows:

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



1 maintain or provide health insurance coverage for any dependent child  
2 as provided under RCW 26.09.105.

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

5 (3) A parent ordered to provide health insurance coverage shall  
6 provide proof of such coverage or proof that such coverage is  
7 unavailable to the department within twenty days of the entry of the  
8 order(~~(, or within fifteen days of the date such coverage becomes~~  
9 ~~available))~~).

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

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