

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2488

Chapter 230, Laws of 1994

53rd Legislature
1994 Regular Session

CHILD SUPPORT ENFORCEMENT PROVISIONS REVISED--PATERNITY
DETERMINATION

EFFECTIVE DATE: 6/9/94

Passed by the House March 9, 1994
Yeas 96 Nays 0

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Passed by the Senate March 1, 1994
Yeas 48 Nays 0

JOEL PRITCHARD

President of the Senate

Approved April 1, 1994

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2488** as passed by the House of Representatives and the Senate on the dates hereon set forth.

MARILYN SHOWALTER

Chief Clerk

FILED

April 1, 1994 - 10:25 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2488

AS AMENDED BY THE SENATE

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Appelwick, Forner and Karahalios; by request of Department of Social and Health Services)

Read first time 02/04/94.

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 26.26.100, 26.26.150, 26.26.165, 74.20A.056, 74.20A.240, and
5 74.20A.300; reenacting and amending RCW 26.23.120 and 74.20A.080;
6 adding a new section to chapter 26.26 RCW; adding a new section to
7 chapter 74.20 RCW; and prescribing penalties.

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

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

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

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

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

1 (2) The court shall consider the best interests of the child and
2 have discretion to order health insurance coverage when entering or
3 modifying a support order under this chapter if the cost of such
4 coverage exceeds twenty-five percent of the obligated parent's basic
5 support obligation.

6 (3) The parents shall maintain such coverage required under this
7 section until:

8 (a) Further order of the court;

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

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

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

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

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

26 (a) The physical custodian; or

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

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

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

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

1 (1) The court shall order support payments, including spousal
2 maintenance if child support is ordered, to be made to the Washington
3 state support registry, or the person entitled to receive the payments
4 under an (~~alternate payment plan~~) order approved by the court as
5 provided in RCW 26.23.050.

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

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

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

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

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

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

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

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

29 (a) Subject to a support order allowing immediate income
30 withholding; or

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

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

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

1 (i) Subject to a support order allowing immediate income
 2 withholding; or
 3 (ii) More than fifteen days past due in child support or spousal
 4 maintenance payments in an amount equal to or greater than the
 5 obligation payable for one month;
 6 (b) A description of the terms of the order requiring payment of
 7 support or spousal maintenance, and the amount past due, if any;
 8 (c) The name and address of the obligor's employer;
 9 (d) That notice by personal service or any form of mail requiring
 10 a return receipt, has been provided to the obligor at least fifteen
 11 days prior to the obligee seeking a mandatory wage assignment, unless
 12 the order for support or maintenance states that the obligee may seek
 13 a mandatory wage assignment without notice to the obligor; and
 14 (e) In cases not filed by the state, whether the obligee has
 15 received public assistance from any source and, if the obligee has
 16 received public assistance, that the department of social and health
 17 services has been notified in writing of the pending action.
 18 ~~((+2))~~ (3) If the court in which a mandatory wage assignment is
 19 sought does not already have a copy of the support or maintenance order
 20 in the court file, then the obligee shall attach a copy of the support
 21 or maintenance order to the petition or motion seeking the wage
 22 assignment.

23 **Sec. 4.** RCW 26.18.100 and 1993 c 426 s 8 are each amended to read
 24 as follows:
 25 The wage assignment order shall be substantially in the following
 26 form:

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

1 THE STATE OF WASHINGTON TO:

2 Employer

3 AND TO:

4 Obligor

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

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

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

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

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

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

30 (c) Fifty percent of the disposable earnings or remuneration of the
31 obligor.

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

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

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

3 (a) The court that the wage assignment has been modified or
4 terminated; or

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

27 You shall deliver the withheld earnings or remuneration to the
28 Washington state support registry or other address stated below at each
29 regular pay interval.

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

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

1 assignment when the employee is no longer employed. If the employer no
2 longer employs the employee, the wage assignment order shall remain in
3 effect for one year after the employee has left the employment or the
4 employer has been in possession of any earnings or remuneration owed to
5 the employee, whichever is later. The employer shall continue to hold
6 the wage assignment order during that period. If the employee returns
7 to the employer's employment during the one-year period the employer
8 shall immediately begin to withhold the employee's earnings or
9 remuneration according to the terms of the wage assignment order. If
10 the employee has not returned within one year, the wage assignment
11 shall cease to have effect at the expiration of the one-year period,
12 unless the employer continues to owe remuneration for employment to the
13 obligor(~~;~~ or

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

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

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

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

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

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

6 (c) Is unwilling to comply with the other requirements of this
7 section.

8 Liability may be established in superior court. Awards in superior
9 court shall include costs, interest under RCW 19.52.020 and 4.56.110,
10 and reasonable attorneys' fees.

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

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

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

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

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

33 (1) Except as provided in subsection (2) of this section, in a
34 hearing to quash, modify, or terminate the wage assignment order, the
35 court may grant relief only upon a showing that the wage assignment
36 order causes extreme hardship or substantial injustice. Satisfaction
37 by the obligor of all past due payments subsequent to the issuance of
38 the wage assignment order is not grounds to quash, modify, or terminate

1 the wage assignment order. If a wage assignment order has been in
2 operation for twelve consecutive months and the obligor's support or
3 spousal maintenance obligation is current, the court may terminate the
4 order upon motion of the obligor unless the obligee can show good cause
5 as to why the wage assignment order should remain in effect.

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

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

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

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

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

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

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

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

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

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

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

6 (ii) Will be enrolled in the next open enrollment period; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (12) If an obligor fails to pay his or her portion of any
2 deductible required under the health insurance coverage or fails to pay
3 his or her portion of medical expenses incurred in excess of the
4 coverage provided under the plan, the department or the obligee may
5 enforce collection of the obligor's portion of the deductible or the
6 additional medical expenses through a wage assignment order. The
7 amount of the deductible or additional medical expenses shall be added
8 to the support debt and be collectible without further notice if the
9 obligor's share of the amount of the deductible or additional expenses
10 is reduced to a sum certain in a court order.

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

13 (1) The office of support enforcement, Washington state support
14 registry, shall provide support enforcement services under the
15 following circumstances:

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

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

19 (c) Whenever a request for support enforcement services under RCW
20 74.20.040(3) is received;

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

24 (e) When a support order is forwarded to the Washington state
25 support registry by the clerk of a superior court under RCW
26 26.23.050(5);

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

29 (2) The office of support enforcement shall continue to provide
30 support enforcement services for so long as and under such conditions
31 as the department shall establish by regulation or until the superior
32 court enters an order (~~(approving an alternate payment plan)~~) removing
33 the requirement that the obligor make support payments to the
34 Washington state support registry as provided for in RCW
35 26.23.050(~~(+1)~~)(2).

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

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

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

7 (b) ~~A statement that a notice of payroll deduction may be issued or~~
8 ~~other 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 the court order, unless:~~

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

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

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

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

1 shall include in all court orders that establish or modify a support
2 obligation:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (c) If a mandatory wage withholding order under chapter 26.18 RCW
23 is issued under this subsection and the office of support enforcement
24 provides support enforcement services under RCW 26.23.045, the existing
25 wage withholding assignment is prospectively superseded upon the office
26 of support enforcement's subsequent service of an income withholding
27 notice.

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

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

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

3 (4) If the support order does not include the provision ordering
4 and directing that all payments be made to the Washington state support
5 registry and a statement that a notice of payroll deduction may be
6 issued if a support payment is past due or at any time after the entry
7 of the order, the office of support enforcement may serve a notice on
8 the responsible parent stating such requirements and authorizations.
9 Service may be by personal service or any form of mail requiring a
10 return receipt.

11 (5) Every support order shall state:

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

15 (b) That a notice of payroll deduction may be issued or other
16 income withholding action under chapter 26.18 ((RCW)) or ((chapter))
17 74.20A RCW may be taken, without further notice to the responsible
18 parent at any time after entry of an order by the court, unless:

19 (i) ~~((The court approves an alternate payment plan under subsection~~
20 ~~{2} of this section;~~

21 ~~{ii}))~~ One of the parties demonstrates, and the court finds, that
22 there is good cause not to require immediate income withholding; or

23 ~~((iii))~~ (ii) The parties reach ~~((an alternate))~~ a written
24 agreement that is approved by the court that provides for an alternate
25 arrangement;

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

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

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

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

32 (g) The social security number and residence address of the
33 physical custodian except as provided in subsection (6) of this
34 section;

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

37 (i) In cases requiring payment to the Washington state support
38 registry, that the parties are to notify the Washington state support
39 registry of any change in residence address. The responsible parent

1 shall notify the registry of the name and address of his or her current
2 employer, whether he or she has access to health insurance coverage at
3 reasonable cost and, if so, the health insurance policy information;

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

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

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

16 (6) The physical custodian's address:

17 (a) Shall be omitted from an order entered under the administrative
18 procedure act. When the physical custodian's address is omitted from
19 an order, the order shall state that the custodian's address is known
20 to the office of support enforcement.

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

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

1 (8) Receipt of a support order by the registry or other action
2 under this section on behalf of a person or persons who have not made
3 a written application for support enforcement services to the office of
4 support enforcement and who are not recipients of public assistance is
5 deemed to be a request for ~~((support enforcement))~~ payment services
6 ~~((under RCW 74.20.040 to the fullest extent permitted under federal~~
7 ~~law))~~ only.

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

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

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

27 (1) The office of support enforcement may issue a notice of payroll
28 deduction:

29 (a) As authorized by a support order that contains the income
30 withholding notice provisions in RCW 26.23.050 or a substantially
31 similar notice; or

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

34 (2) The office of support enforcement shall serve a notice of
35 payroll deduction upon a responsible parent's employer or upon the
36 employment security department for the state in possession of or owing
37 any benefits from the unemployment compensation fund to the responsible

1 parent pursuant to Title 50 RCW by personal service or by any form of
2 mail requiring a return receipt.

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

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

15 (5) The notice of payroll deduction shall be in writing and
16 include:

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

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

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

23 (d) The address to which the payments are to be mailed or
24 delivered.

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

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

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

1 receives unemployment compensation benefits from the employment
2 security department, whether the employer or employment security
3 department anticipates paying earnings or ((~~employment~~ {~~unemployment~~}))
4 unemployment compensation benefits and the amount of earnings. If the
5 responsible parent is no longer employed, or receiving earnings from
6 the employer, the answer shall state the present employer's name and
7 address, if known. If the responsible parent is no longer receiving
8 unemployment compensation benefits from the employment security
9 department, the answer shall state the present employer's name and
10 address, if known.

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

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

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

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

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

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

1 (4) If a notice of payroll deduction has been in operation for
2 twelve consecutive months and the obligor's support obligation is
3 current, upon motion of the obligor, the court may order the office of
4 support enforcement to terminate the payroll deduction, unless the
5 obligee can show good cause as to why the payroll deduction should
6 remain in effect.

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

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

12 (1) Any information or records concerning individuals who owe a
13 support obligation or for whom support enforcement services are being
14 provided which are obtained or maintained by the Washington state
15 support registry, the office of support enforcement, or under chapter
16 74.20 RCW shall be private and confidential and shall only be subject
17 to public disclosure as provided in subsection (2) of this section.

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

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

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

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

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

1 (e) To private persons, federally recognized tribes, or
2 organizations if the disclosure is necessary to permit private
3 contracting parties to assist in the management and operation of the
4 department;

5 (f) Disclosure of address and employment information to the parties
6 to ~~((a court order for support))~~ an action for purposes relating to
7 ~~((the establishment, enforcement, or modification of the))~~ a child
8 support order;

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

14 (h) Disclosure of the information or records when authorized under
15 RCW 74.04.060.

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

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

34 (5) It shall be unlawful for any person or agency in violation of
35 this section to solicit, publish, disclose, receive, make use of, or to
36 authorize, knowingly permit, participate in or acquiesce in the use of
37 any lists of names for commercial or political purposes or the use of
38 any information for purposes other than those purposes specified in

1 this section. A violation of this section shall be a gross
2 misdemeanor as provided in chapter 9A.20 RCW.

3 NEW SECTION. **Sec. 13.** A new section is added to chapter 26.26 RCW
4 to read as follows:

5 In any action brought under this chapter, if the requirements of
6 civil rule 55 are met, the superior court shall enter an order of
7 default.

8 **Sec. 14.** RCW 26.26.040 and 1990 c 175 s 2 are each amended to read
9 as follows:

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

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

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

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

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

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

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

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

34 (e) He acknowledges his paternity of the child pursuant to RCW
35 70.58.080 or in a writing filed with the state office of vital
36 statistics, which shall promptly inform the mother of the filing of the
37 acknowledgment, if she does not dispute the acknowledgment within a

1 reasonable time after being informed thereof, in a writing filed with
2 the registrar of vital statistics. In order to enforce rights of
3 residential time, custody, and visitation, a man presumed to be the
4 father as a result of filing a written acknowledgement must seek
5 appropriate judicial orders under this title; ((or))

6 (f) The United States immigration and naturalization service made
7 or accepted a determination that he was the father of the child at the
8 time of the child's entry into the United States and he had the
9 opportunity at the time of the child's entry into the United States to
10 admit or deny the paternal relationship; or

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

13 (2) A presumption under this section may be rebutted in an
14 appropriate action only by clear, cogent, and convincing evidence. If
15 two or more presumptions arise which conflict with each other, the
16 presumption which on the facts is founded on the weightier
17 considerations of policy and logic controls. The presumption is
18 rebutted by a court decree establishing paternity of the child by
19 another man.

20 **Sec. 15.** RCW 26.26.100 and 1984 c 260 s 32 are each amended to
21 read as follows:

22 (1) The court may, and upon request of a party shall, require the
23 child, mother, and any alleged father who has been made a party to
24 submit to blood tests or genetic tests of blood, tissues, or other
25 bodily fluids. If an alleged father objects to a proposed order
26 requiring him to submit to paternity blood or genetic tests, the court
27 may require the party making the allegation of possible paternity to
28 provide sworn testimony, by affidavit or otherwise, stating the facts
29 upon which the allegation is based. The court shall order blood or
30 genetic tests if it appears that a reasonable possibility exists that
31 the requisite sexual contact occurred. The tests shall be performed by
32 an expert in paternity blood or genetic testing appointed by the court.
33 The expert's verified report identifying the blood or genetic
34 characteristics observed is admissible in evidence in any hearing or
35 trial in the parentage action, if (a) the alleged or presumed father
36 has had the opportunity to gain information about the security,
37 validity, and interpretation of the tests and the qualifications of any
38 experts, and (b) the report is accompanied by an affidavit from the

1 expert which describes the expert's qualifications as an expert and
2 analyzes and interprets the results. Verified documentation of the
3 chain of custody of the blood or genetic samples tested is admissible
4 to establish the chain of custody. The court may consider published
5 sources as aids to interpretation of the test results.

6 (2)(a) Any objection to genetic testing results must be made in
7 writing and served upon the opposing party, within twenty days before
8 any hearing at which such results may be introduced into evidence.

9 (b) If an objection is not made as provided in this subsection, the
10 test results are admissible as evidence of paternity without the need
11 for foundation testimony or other proof of authenticity or accuracy.

12 (3) The court, upon request by a party, shall order that additional
13 blood or genetic tests be performed by the same or other experts
14 qualified in paternity blood or genetic testing, if the party
15 requesting additional tests advances the full costs of the additional
16 testing within a reasonable time. The court may order additional
17 testing without requiring that the requesting party advance the costs
18 only if another party agrees to advance the costs or if the court
19 finds, after hearing, that (a) the requesting party is indigent, and
20 (b) the laboratory performing the initial tests recommends additional
21 testing or there is substantial evidence to support a finding as to
22 paternity contrary to the initial blood or genetic test results. The
23 court may later order any other party to reimburse the party who
24 advanced the costs of additional testing for all or a portion of the
25 costs.

26 ~~((+3+))~~ (4) In all cases, the court shall determine the number and
27 qualifications of the experts.

28 **Sec. 16.** RCW 26.26.150 and 1987 c 435 s 28 are each amended to
29 read as follows:

30 (1) If existence of the father and child relationship is declared,
31 or paternity or a duty of support has been acknowledged or adjudicated
32 under this chapter or under prior law, the obligation of the father may
33 be enforced in the same or other proceedings by the mother, the child,
34 the state of Washington, the public authority that has furnished or may
35 furnish the reasonable expenses of pregnancy, confinement, education,
36 support, or funeral, or by any other person, including a private
37 agency, to the extent he has furnished or is furnishing these expenses.

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

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

6 **Sec. 17.** RCW 26.26.165 and 1989 c 416 s 4 are each amended to read
7 as follows:

8 (1) In entering or modifying a support order under this chapter,
9 the court shall require either or both parents to maintain or provide
10 health insurance coverage for any dependent child as provided under RCW
11 26.09.105.

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

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

22 (a) The physical custodian; or

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

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

29 NEW SECTION. **Sec. 18.** A new section is added to chapter 74.20 RCW
30 to read as follows:

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

33 (1) Act in furtherance of the state's financial interest in the
34 matter;

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

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

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

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

5 **Sec. 19.** RCW 74.20A.056 and 1989 c 55 s 3 are each amended to read
6 as follows:

7 (1) If an alleged father has signed an affidavit acknowledging
8 paternity which has been filed with the state office of vital
9 statistics, the office of support enforcement may serve a notice and
10 finding of parental responsibility on him. Service of the notice shall
11 be in the same manner as a summons in a civil action or by certified
12 mail, return receipt requested. The notice shall have attached to it
13 a copy of the affidavit or certification of birth record information
14 advising of the existence of a filed affidavit, provided by the center
15 for health statistics, and shall state that:

16 (a) The alleged father may file an application for an adjudicative
17 proceeding at which he will be required to appear and show cause why
18 the amount stated in the finding of financial responsibility as to
19 support is incorrect and should not be ordered;

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

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

31 (2) An alleged father who objects to the amount of support
32 requested in the notice may file an application for an adjudicative
33 proceeding up to twenty days after the date the notice was served. An
34 application for an adjudicative proceeding may be filed within one year
35 of service of the notice and finding of parental responsibility without
36 the necessity for a showing of good cause or upon a showing of good
37 cause thereafter. An adjudicative proceeding under this section shall
38 be pursuant to RCW 74.20A.055. The only issues shall be the amount of

1 the accrued debt, the amount of the current and future support
2 obligation, and the reimbursement of the costs of blood tests if
3 advanced by the department.

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

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

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

13 (4) An alleged father who denies being a responsible parent may
14 request that a blood test be administered at any time. The request for
15 testing shall be in writing and served on the office of support
16 enforcement personally or by registered or certified mail. If a
17 request for testing is made, the department shall arrange for the test
18 and, pursuant to rules adopted by the department, may advance the cost
19 of such testing. The department shall mail a copy of the test results
20 by certified mail, return receipt requested, to the alleged father's
21 last known address.

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

28 (6) The alleged father may, within twenty days after the date of
29 receipt of the test results, request the office of support enforcement
30 to initiate an action under RCW 26.26.060 to determine the existence of
31 the parent-child relationship. If the office of support enforcement
32 initiates a superior court action at the request of the alleged father
33 and the decision of the court is that the alleged father is a natural
34 parent, the alleged father shall be liable for court costs incurred.

35 (7) If the alleged father does not request the office of support
36 enforcement to initiate a superior court action, or if the alleged
37 father fails to appear and cooperate with blood testing, the notice of
38 parental responsibility shall become final for all intents and purposes

1 and may be overturned only by a subsequent superior court order entered
2 under RCW 26.26.060.

3 **Sec. 20.** RCW 74.20A.080 and 1989 c 360 s 10 and 1989 c 175 s 154
4 are each reenacted and amended to read as follows:

5 (1) The secretary may issue to any person, firm, corporation,
6 association, political subdivision, (~~(or)~~) department of the state, or
7 agency, subdivision, or instrumentality of the United States, an order
8 to withhold and deliver property of any kind, including but not
9 restricted to earnings which are or might become due, owing, or
10 belonging to the debtor, when the secretary has reason to believe that
11 there is in the possession of such person, firm, corporation,
12 association, political subdivision, (~~(or)~~) department of the state, or
13 agency, subdivision, or instrumentality of the United States property
14 which is or might become due, owing, or belonging to said debtor. Such
15 order to withhold and deliver may be issued:

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

18 (i) Contains language directing the parent to make support payments
19 to the Washington state support registry; and

20 (ii) Includes a statement that other income-withholding action
21 under this chapter may be taken without further notice to the
22 responsible parent, as provided for in RCW 26.23.050(1);

23 (b) Twenty-one days after service of a notice of support debt under
24 RCW 74.20A.040;

25 (c) Twenty-one days after service of a notice and finding of
26 parental responsibility under RCW 74.20A.056;

27 (d) Twenty-one days after service of a notice of support owed under
28 RCW 26.23.110;

29 (e) Twenty-one days after service of a notice and finding of
30 financial responsibility under RCW 74.20A.055; or

31 (f) When appropriate under RCW 74.20A.270.

32 (2) The order to withhold and deliver shall:

33 (a) State the amount of the support debt accrued;

34 (b) State in summary the terms of RCW 74.20A.090 and 74.20A.100;

35 (c) Be served in the manner prescribed for the service of a summons
36 in a civil action or by certified mail, return receipt requested.

37 (3) Any person, firm, corporation, association, political
38 subdivision, (~~(or)~~) department of the state, or agency, subdivision, or

1 instrumentality of the United States upon whom service has been made is
2 hereby required to:

3 (a) Answer said order to withhold and deliver within twenty days,
4 exclusive of the day of service, under oath and in writing, and shall
5 make true answers to the matters inquired of therein; and

6 (b) Provide further and additional answers when requested by the
7 secretary.

8 (4) Any such person, firm, corporation, association, political
9 subdivision, ~~((or))~~ department of the state, or agency, subdivision, or
10 instrumentality of the United States in possession of any property
11 which may be subject to the claim of the department of social and
12 health services shall:

13 (a)(i) Immediately withhold such property upon receipt of the order
14 to withhold and deliver; and

15 (ii) Deliver the property to the secretary as soon as the twenty-
16 day answer period expires;

17 (iii) Continue to withhold earnings payable to the debtor at each
18 succeeding disbursement interval as provided for in RCW 74.20A.090, and
19 deliver amounts withheld from earnings to the ~~((obligee within ten days~~
20 ~~of))~~ secretary on the date earnings are payable to the debtor;

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

23 (b) Furnish to the secretary a good and sufficient bond,
24 satisfactory to the secretary, conditioned upon final determination of
25 liability.

26 (5) An order to withhold and deliver served under this section
27 shall not expire until:

28 (a) Released in writing by the office of support enforcement;

29 (b) Terminated by court order; or

30 (c) The person or entity receiving the order to withhold and
31 deliver does not possess property of or owe money to the debtor for any
32 period of twelve consecutive months following the date of service of
33 the order to withhold and deliver.

34 (6) Where money is due and owing under any contract of employment,
35 express or implied, or is held by any person, firm, corporation, or
36 association, political subdivision, or department of the state, or
37 agency, subdivision, or instrumentality of the United States subject to
38 withdrawal by the debtor, such money shall be delivered by remittance
39 payable to the order of the secretary.

1 (~~(6)~~) (7) Delivery to the secretary of the money or other
2 property held or claimed shall satisfy the requirement and serve as
3 full acquittance of the order to withhold and deliver.

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

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

8 ~~(b) It shall defend and hold harmless for such actions persons~~
9 ~~withholding money or property pursuant to this chapter))~~ (8) A person,
10 firm, corporation, or association, political subdivision, department of
11 the state, or agency, subdivision, or instrumentality of the United
12 States that complies with the order to withhold and deliver under this
13 chapter is not civilly liable to the debtor for complying with the
14 order to withhold and deliver under this chapter.

15 (~~(8)~~) (9) The secretary may hold the money or property delivered
16 under this section in trust for application on the indebtedness
17 involved or for return, without interest, in accordance with final
18 determination of liability or nonliability.

19 (~~(9)~~) (10) Exemptions contained in RCW 74.20A.090 apply to orders
20 to withhold and deliver issued under this section.

21 (~~(10)~~) (11) The secretary shall also, on or before the date of
22 service of the order to withhold and deliver, mail or cause to be
23 mailed (~~by certified mail~~) a copy of the order to withhold and
24 deliver to the debtor at the debtor's last known post office address,
25 or, in the alternative, a copy of the order to withhold and deliver
26 shall be served on the debtor in the same manner as a summons in a
27 civil action on or before the date of service of the order or within
28 two days thereafter. The copy of the order shall be mailed or served
29 together with a concise explanation of the right to petition for
30 judicial review. This requirement is not jurisdictional, but, if the
31 copy is not mailed or served as in this section provided, or if any
32 irregularity appears with respect to the mailing or service, the
33 superior court, in its discretion on motion of the debtor promptly made
34 and supported by affidavit showing that the debtor has suffered
35 substantial injury due to the failure to mail the copy, may set aside
36 the order to withhold and deliver and award to the debtor an amount
37 equal to the damages resulting from the secretary's failure to serve on
38 or mail to the debtor the copy.

1 (~~(11)~~) (12) An order to withhold and deliver issued in accordance
2 with this section has priority over any other wage assignment (~~(or)~~),
3 garnishment, attachment, or other legal process, except for another
4 wage assignment, garnishment, attachment, or other legal process for
5 child support.

6 (~~(12)~~) (13) The office of support enforcement shall notify any
7 person, firm, corporation, association, or political subdivision,
8 (~~(or)~~) department of the state, or agency, subdivision, or
9 instrumentality of the United States required to withhold and deliver
10 the earnings of a debtor under this action that they may deduct a
11 processing fee from the remainder of the debtor's earnings, even if the
12 remainder would otherwise be exempt under RCW 74.20A.090. The
13 processing fee shall not exceed ten dollars for the first disbursement
14 to the department and one dollar for each subsequent disbursement under
15 the order to withhold and deliver.

16 **Sec. 21.** RCW 74.20A.240 and 1985 c 276 s 12 are each amended to
17 read as follows:

18 Any person, firm, corporation, association, political subdivision
19 (~~(or)~~), department of the state, or agency, subdivision, or
20 instrumentality of the United States employing a person owing a support
21 debt or obligation, shall honor, according to its terms, a duly
22 executed assignment of earnings presented by the secretary as a plan to
23 satisfy or retire a support debt or obligation. This requirement to
24 honor the assignment of earnings and the assignment of earnings itself
25 shall be applicable whether said earnings are to be paid presently or
26 in the future and shall continue in force and effect until released in
27 writing by the secretary. Payment of moneys pursuant to an assignment
28 of earnings presented by the secretary shall serve as full acquittance
29 under any contract of employment (~~(, and the state warrants and~~
30 ~~represents it shall defend and hold harmless such action taken pursuant~~
31 ~~to said assignment of earnings)~~). A person, firm, corporation,
32 association, political subdivision, department of the state, or agency,
33 subdivision, or instrumentality of the United States that complies with
34 the assignment of earnings under this chapter is not civilly liable to
35 the debtor for complying with the assignment of earnings under this
36 chapter. The secretary shall be released from liability for improper
37 receipt of moneys under an assignment of earnings upon return of any
38 moneys so received.

1 An assignment of earnings presented by the secretary in accordance
2 with this section has priority over any other wage assignment ~~((or))~~,
3 garnishment, attachment, or other legal process except for another wage
4 assignment ~~((or))~~, garnishment, attachment, or other legal process for
5 support moneys.

6 The employer may deduct a processing fee from the remainder of the
7 debtor's earnings, even if the remainder would be exempt under RCW
8 74.20A.090. The processing fee shall not exceed ten dollars from the
9 first disbursement to the department and one dollar for each subsequent
10 disbursement under the assignment of earnings.

11 **Sec. 22.** RCW 74.20A.300 and 1989 c 416 s 6 are each amended to
12 read as follows:

13 (1) Whenever a support order is entered or modified under this
14 chapter, the department shall require the responsible parent to
15 maintain or provide health insurance coverage for any dependent child
16 as provided under RCW 26.09.105.

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

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

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

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Passed the Senate March 1, 1994.

Approved by the Governor April 1, 1994.

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