

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5791**

Chapter 207, Laws of 1993

53rd Legislature  
1993 Regular Session

CHILD SUPPORT ORDERS--REVISION OF REQUIRED CONTENTS

EFFECTIVE DATE: 7/25/93

Passed by the Senate March 16, 1993  
YEAS 48 NAYS 0

JOEL PRITCHARD

**President of the Senate**

Passed by the House April 17, 1993  
YEAS 96 NAYS 0

BRIAN EBERSOLE

**Speaker of the  
House of Representatives**

Approved May 6, 1993

MIKE LOWRY

**Governor of the State of Washington**

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5791** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

**Secretary**

FILED

May 6, 1993 - 1:25 p.m.

**Secretary of State  
State of Washington**

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**SENATE BILL 5791**

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Passed Legislature - 1993 Regular Session

**State of Washington                      53rd Legislature                      1993 Regular Session**

**By Senators A. Smith and Rinehart; by request of Attorney General**

Read first time 02/15/93. Referred to Committee on Law & Justice.

1            AN ACT Relating to mandatory provisions in child support orders;  
2 and amending RCW 26.23.050.

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

4            **Sec. 1.** RCW 26.23.050 and 1991 c 367 s 39 are each amended to read  
5 as follows:

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

9            (a) A provision which orders and directs that the responsible  
10 parent make all support payments to the Washington state support  
11 registry;

12            (b) A statement that a notice of payroll deduction may be issued or  
13 other income withholding action under chapter 26.18 RCW or chapter  
14 74.20A RCW may be taken, without further notice to the responsible  
15 parent at any time after entry of the court order, unless:

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

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

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

3 (2) The court may order the responsible parent to make payments  
4 directly to the person entitled to receive the payments or, for orders  
5 entered on or after July 1, 1990, direct that the issuance of a notice  
6 of payroll deduction or other income withholding actions be delayed  
7 until a support payment is past due if the court approves an alternate  
8 payment plan. The parties to the order must agree to such a plan and  
9 the plan must contain reasonable assurances that payments will be made  
10 in a regular and timely manner. The court may approve such a plan and  
11 modify or terminate the payroll deduction or other income withholding  
12 action at the time of entry of the order or at a later date upon motion  
13 and agreement of the parties. If the order directs payment to the  
14 person entitled to receive the payments instead of to the Washington  
15 state support registry, the order shall include a statement that the  
16 order may be submitted to the registry if a support payment is past  
17 due. If the order directs delayed issuance of the notice of payroll  
18 deduction or other income withholding action, the order shall include  
19 a statement that such action may be taken, without further notice, at  
20 any time after a support payment is past due. The provisions of this  
21 subsection do not apply if the department is providing public  
22 assistance under Title 74 RCW.

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

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

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

36 (4) If the support order does not include the provision ordering  
37 and directing that all payments be made to the Washington state support  
38 registry and a statement that a notice of payroll deduction may be  
39 issued if a support payment is past due or at any time after the entry

1 of the order, the office of support enforcement may serve a notice on  
2 the responsible parent stating such requirements and authorizations.  
3 Service may be by personal service or any form of mail requiring a  
4 return receipt.

5 (5) Every support order shall state:

6 (a) That payment shall be made to the Washington state support  
7 registry or in accordance with the alternate payment plan approved by  
8 the court;

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

13 (i) The court approves an alternate payment plan under subsection  
14 (2) of this section;

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

17 (iii) The parties reach an alternate agreement that is approved by  
18 the court that provides for an alternate arrangement;

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

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

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

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

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

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

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

36 (j) That any parent owing a duty of child support shall be  
37 obligated to provide health insurance coverage for his or her child if  
38 coverage that can be extended to cover the child is or becomes

1 available to that parent through employment or is union-related as  
2 provided under RCW 26.09.105;

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

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

10 (6) The physical custodian's address shall be omitted from an order  
11 entered under the administrative procedure act. A responsible parent  
12 whose support obligation has been determined by such administrative  
13 order may request the physical custodian's residence address by  
14 submission of a request for disclosure under RCW 26.23.120.

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

30 (8) Receipt of a support order by the registry or other action  
31 under this section on behalf of a person or persons who are not  
32 recipients of public assistance is deemed to be a request for support  
33 enforcement services under RCW 74.20.040 to the fullest extent  
34 permitted under federal law.

35 (9) After the responsible parent has been ordered or notified to  
36 make payments to the Washington state support registry in accordance  
37 with subsection (1), (3), or (4) of this section, the responsible  
38 parent shall be fully responsible for making all payments to the  
39 Washington state support registry and shall be subject to payroll

1 deduction or other income withholding action. The responsible parent  
2 shall not be entitled to credit against a support obligation for any  
3 payments made to a person or agency other than to the Washington state  
4 support registry. A civil action may be brought by the payor to  
5 recover payments made to persons or agencies who have received and  
6 retained support moneys paid contrary to the provisions of this  
7 section.

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

Passed the Senate March 16, 1993.

Passed the House April 17, 1993.

Approved by the Governor May 6, 1993.

Filed in Office of Secretary of State May 6, 1993.