

2 HB 1879 - S COMM AMD

3 By Committee on Human Services & Corrections

4 ADOPTED 4/12/95

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 13.40.220 and 1994 sp.s. c 7 s 529 are each amended
8 to read as follows:

9 (1) Whenever legal custody of a child is vested in someone other
10 than his or her parents, under this chapter, and not vested in the
11 department of social and health services, after due notice to the
12 parents or other persons legally obligated to care for and support the
13 child, and after a hearing, the court may order and decree that the
14 parent or other legally obligated person shall pay in such a manner as
15 the court may direct a reasonable sum representing in whole or in part
16 the costs of support, treatment, and confinement of the child after the
17 decree is entered.

18 (2) If the parent or other legally obligated person willfully fails
19 or refuses to pay such sum, the court may proceed against such person
20 for contempt.

21 (3) Whenever legal custody of a child is vested in the department
22 under this chapter, the parents or other persons legally obligated to
23 care for and support the child shall be liable for the costs of
24 support, treatment, and confinement of the child, in accordance with
25 the department's reimbursement of cost schedule. The department shall
26 adopt a reimbursement of cost schedule based on the costs of providing
27 such services, and shall determine an obligation based on the
28 responsible parents' or other legally obligated person's ability to
29 pay. The department is authorized to adopt additional rules as
30 appropriate to enforce this section.

31 (4) To enforce subsection (3) of this section, the department shall
32 serve on the parents or other person legally obligated to care for and
33 support the child a notice and finding of financial responsibility
34 requiring the parents or other legally obligated person to appear and
35 show cause in an adjudicative proceeding why the finding of
36 responsibility and/or the amount thereof is incorrect and should not be

1 ordered. This notice and finding shall relate to the costs of support,
2 treatment, and confinement of the child in accordance with the
3 department's reimbursement of cost schedule adopted under this section,
4 including periodic payments to be made in the future. The hearing
5 shall be held pursuant to chapter 34.05 RCW, the Administrative
6 Procedure Act, and the rules of the department.

7 (5) The notice and finding of financial responsibility shall be
8 served in the same manner prescribed for the service of a summons in a
9 civil action or may be served on the parent or legally obligated person
10 by certified mail, return receipt requested. The receipt shall be
11 prima facie evidence of service.

12 (6) If the parents or other legally obligated person objects to the
13 notice and finding of financial responsibility, then an application for
14 an adjudicative hearing may be filed within twenty days of the date of
15 service of the notice. If an application for an adjudicative
16 proceeding is filed, the presiding or reviewing officer shall determine
17 the past liability and responsibility, if any, of the parents or other
18 legally obligated person and shall also determine the amount of
19 periodic payments to be made in the future. If the parents or other
20 legally responsible person fails to file an application within twenty
21 days, the notice and finding of financial responsibility shall become
22 a final administrative order.

23 (7) Debts determined pursuant to this section are subject to
24 collection action without further necessity of action by a presiding or
25 reviewing officer. The department may collect the debt in accordance
26 with RCW 43.20B.635, 43.20B.640, 74.20A.060, and 74.20A.070. The
27 department shall exempt from payment parents receiving adoption support
28 under RCW 74.13.100 through 74.13.145, ~~((and))~~ parents eligible to
29 receive adoption support under RCW 74.13.150, and a parent or other
30 legally obligated person when the parent or other legally obligated
31 person, or such person's child, spouse, or spouse's child, was the
32 victim of the offense for which the child was committed.

33 (8) An administrative order entered pursuant to this section shall
34 supersede any court order entered prior to June 13, 1994.

35 (9) The department shall be subrogated to the right of the child
36 and his or her parents or other legally responsible person to receive
37 support payments for the benefit of the child from any parent or
38 legally obligated person pursuant to a support order established by a
39 superior court or pursuant to RCW 74.20A.055. The department's right

1 of subrogation under this section is limited to the liability
2 established in accordance with its cost schedule for support,
3 treatment, and confinement, except as addressed in subsection (10) of
4 this section.

5 (10) Nothing in this section precludes the department from
6 recouping such additional support payments from the child's parents or
7 other legally obligated person as required to qualify for receipt of
8 federal funds. The department may adopt such rules dealing with
9 liability for recoupment of support, treatment, or confinement costs as
10 may become necessary to entitle the state to participate in federal
11 funds unless such rules would be expressly prohibited by law. If any
12 law dealing with liability for recoupment of support, treatment, or
13 confinement costs is ruled to be in conflict with federal requirements
14 which are a prescribed condition of the allocation of federal funds,
15 such conflicting law is declared to be inoperative solely to the extent
16 of the conflict.

17 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and shall take
20 effect immediately."

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24 On page 1, line 1 of the title, after "offenders;" strike the
25 remainder of the title and insert "amending RCW 13.40.220; and
26 declaring an emergency."

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