
SENATE BILL 6155

State of Washington

56th Legislature

2000 Regular Session

By Senator Costa

Read first time . Referred to Committee on .

1 AN ACT Relating to reports filed under dissolution of marriage
2 proceedings; and amending RCW 26.09.020, 26.09.173, 26.18.210,
3 26.23.033, 26.23.045, and 26.23.050.

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

5 **Sec. 1.** RCW 26.09.020 and 1997 c 58 s 945 are each amended to read
6 as follows:

7 (1) A petition in a proceeding for dissolution of marriage, legal
8 separation, or for a declaration concerning the validity of a marriage,
9 shall allege the following:

10 (a) The last known residence of each party;

11 (b) ~~((The social security number of each party;~~

12 ~~(c))~~ The date and place of the marriage;

13 ~~((d))~~ (c) If the parties are separated the date on which the
14 separation occurred;

15 ~~((e))~~ (d) The names, ages, and addresses of any child dependent
16 upon either or both spouses and whether the wife is pregnant;

17 ~~((f))~~ (e) Any arrangements as to the residential schedule of,
18 decision making for, dispute resolution for, and support of the
19 children and the maintenance of a spouse;

1 (~~(g)~~) (f) A statement specifying whether there is community or
2 separate property owned by the parties to be disposed of; and

3 (~~(h)~~) (g) The relief sought.

4 (2) Either or both parties to the marriage may initiate the
5 proceeding.

6 (3) The petitioner shall complete and file with the petition a
7 certificate (~~(under RCW 70.58.200)~~) on the form provided by the
8 department of health.

9 **Sec. 2.** RCW 26.09.173 and 1990 1st ex.s. c 2 s 23 are each amended
10 to read as follows:

11 The party seeking the establishment or modification of a child
12 support order shall file with the clerk of the court the child support
13 order summary report. The summary report shall be on the form
14 developed by the administrator for the courts pursuant to RCW 26.18.210
15 and shall include the social security numbers of the parties to the
16 action. The party must complete the form and file the form with the
17 court order. The clerk of the court must forward the form to the
18 (~~(administrator for the courts on at least a monthly basis)~~) Washington
19 state support registry within five days of the entry of the order.

20 **Sec. 3.** RCW 26.18.210 and 1990 1st ex.s. c 2 s 22 are each amended
21 to read as follows:

22 (1) The administrator for the courts shall develop a child support
23 order summary report form to provide for the reporting of summary
24 information in every case in which a child support order is entered or
25 modified either judicially or administratively. The administrator for
26 the courts shall attempt to the greatest extent possible to make the
27 form simple and understandable by the parties. The form shall indicate
28 the following:

29 (a) The county in which the order was entered and the cause number;

30 (b) Whether it was a judicial or administrative order;

31 (c) Whether the order is an original order or from a modification;

32 (d) The number of children of the parties and the (~~(children's~~
33 ~~ages)~~) name, date of birth, and social security number, if any, of each
34 child;

35 (e) The physical custodian of each child;

36 (f) The combined monthly net income of parties;

1 ~~((f))~~ (g) The (monthly) social security number of the father
2 and his net income (of the father) as determined by the court;
3 ~~((g))~~ (h) The (monthly) social security number of the mother
4 and her net income (of the mother) as determined by the court;
5 ~~((h))~~ (i) The basic child support obligation for each child as
6 determined from the economic table;
7 ~~((i))~~ (j) Whether or not the court deviated from the child
8 support for each child;
9 ~~((j))~~ (k) The reason or reasons stated by the court for the
10 deviation;
11 ~~((k))~~ (l) The amount of child support after the deviation;
12 ~~((l))~~ (m) Any amount awarded for day care;
13 ~~((m))~~ (n) Any other extraordinary amounts in the order;
14 ~~((n))~~ (o) Any amount ordered for postsecondary education;
15 ~~((o))~~ (p) The total amount of support ordered;
16 ~~((p))~~ (q) In the case of a modification, the amount of support in
17 the previous order;
18 ~~((q))~~ (r) If the change in support was in excess of thirty
19 percent, whether the change was phased in;
20 ~~((r))~~ (s) The amount of the transfer payment ordered;
21 ~~((s))~~ (t) Which parent was ordered to make the transfer payment;
22 ~~((and~~
23 ~~(t))~~ (u) The date of the entry of the order;
24 (v) Whether the order requires payment to be made to the Washington
25 state support registry and payment services are required; and
26 (w) In the case that the order does not require support payments be
27 made to the Washington state support registry, but is submitted for
28 inclusion in the state case registry.
29 (2) The administrator for the courts shall make the form available
30 to the parties.

31 **Sec. 4.** RCW 26.23.033 and 1997 c 58 s 903 are each amended to read
32 as follows:

33 (1) The division of child support, Washington state support
34 registry shall operate a state case registry containing records of all
35 orders establishing or modifying a support order that are entered after
36 October 1, 1998.

37 (2) The superior court clerk, the office of administrative
38 hearings, and the department of social and health services shall,

1 within five days of entry, forward to the Washington state support
2 registry(~~(, a true and correct copy of all superior court orders)~~)
3 child support summary reports or administrative orders establishing or
4 modifying a support obligation that provide that support payments shall
5 be made to the support registry. The superior court clerk may forward
6 a true and correct copy of superior court orders if it is necessary for
7 the enforcement of the order.

8 (3) The division of child support shall reimburse the clerk for the
9 reasonable costs of copying and sending copies of court orders to the
10 registry at the reimbursement rate provided in Title IV-D of the
11 federal social security act.

12 (4) (~~(Effective October 1, 1998,)~~) The superior court clerk, the
13 office of administrative hearings, and the department of social and
14 health services shall, within five days of entry, forward to the
15 Washington state support registry ((a true and correct copy)) child
16 support summary reports of all superior court orders or administrative
17 orders establishing or modifying a support obligation, and a true and
18 correct copy of all superior court orders that are necessary for the
19 enforcement of the order.

20 (5) Receipt of a child support summary report or support order by
21 the registry or other action under this section on behalf of a person
22 or persons who have not made a written application for support
23 enforcement services to the division of child support and who are not
24 recipients of public assistance is deemed to be:

25 (a) A request for payment services only if the child support
26 summary report or order requires payment to the Washington state
27 support registry;

28 (b) A submission for inclusion in the state case registry if the
29 child support summary report or order does not require that support
30 payments be made to the Washington state support registry.

31 **Sec. 5.** RCW 26.23.045 and 1997 c 58 s 902 are each amended to read
32 as follows:

33 (1) The division of child support, Washington state support
34 registry, shall provide support enforcement services under the
35 following circumstances:

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

37 (b) Whenever a request for support enforcement services under RCW
38 74.20.040 is received;

1 (c) When a support order or child support summary report which
2 contains language directing a responsible parent to make support
3 payments to the Washington state support registry under RCW 26.23.050
4 is submitted and the division of child support receives a written
5 application for services or is already providing services;

6 (d) When the obligor submits a support order or support payment,
7 and an application, to the Washington state support registry.

8 (2) The division of child support shall continue to provide support
9 enforcement services for so long as and under such conditions as the
10 department shall establish by regulation or until the superior court
11 enters an order removing the requirement that the obligor make support
12 payments to the Washington state support registry as provided for in
13 RCW 26.23.050.

14 **Sec. 6.** RCW 26.23.050 and 1998 c 160 s 2 are each amended to read
15 as follows:

16 (1) If the division of child support is providing support
17 enforcement services under RCW 26.23.045, or if a party is applying for
18 support enforcement services by signing the application form on the
19 bottom of the support order, the superior court shall include in all
20 court orders that establish or modify a support obligation:

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

23 (b) A statement that withholding action may be taken against wages,
24 earnings, assets, or benefits, and liens enforced against real and
25 personal property under the child support statutes of this or any other
26 state, without further notice to the responsible parent at any time
27 after entry of the court order, unless:

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

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

33 (c) A statement that the receiving parent might be required to
34 submit an accounting of how the support is being spent to benefit the
35 child; and

36 (d) A statement that the responsible parent's privileges to obtain
37 and maintain a license, as defined in RCW 74.20A.320, may not be

1 renewed, or may be suspended if the parent is not in compliance with a
2 support order as provided in RCW 74.20A.320.

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

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

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

15 (i) A statement that withholding action may be taken against wages,
16 earnings, assets, or benefits, and liens enforced against real and
17 personal property under the child support statutes of this or any other
18 state, without further notice to the responsible parent at any time
19 after entry of the court order, unless:

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

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

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

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

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

32 (i) Immediate income withholding may be ordered if the responsible
33 parent has earnings. If immediate income withholding is ordered under
34 this subsection, all support payments shall be paid to the Washington
35 state support registry. The superior court shall issue a mandatory
36 wage assignment order as set forth in chapter 26.18 RCW when the
37 support order is signed by the court. The parent entitled to receive
38 the transfer payment is responsible for serving the employer with the
39 order and for its enforcement as set forth in chapter 26.18 RCW.

1 (ii) If immediate income withholding is not ordered, the court
2 shall require that income withholding be delayed until a payment is
3 past due. The support order shall contain a statement that withholding
4 action may be taken against wages, earnings, assets, or benefits, and
5 liens enforced against real and personal property under the child
6 support statutes of this or any other state, without further notice to
7 the responsible parent, after a payment is past due.

8 (c) If a mandatory wage withholding order under chapter 26.18 RCW
9 is issued under this subsection and the division of child support
10 provides support enforcement services under RCW 26.23.045, the existing
11 wage withholding assignment is prospectively superseded upon the
12 division of child support's subsequent service of an income withholding
13 notice.

14 (3) The office of administrative hearings and the department of
15 social and health services shall require that all support obligations
16 established as administrative orders include a provision which orders
17 and directs that the responsible parent shall make all support payments
18 to the Washington state support registry. All administrative orders
19 shall also state that the responsible parent's privileges to obtain and
20 maintain a license, as defined in RCW 74.20A.320, may not be renewed,
21 or may be suspended if the parent is not in compliance with a support
22 order as provided in RCW 74.20A.320. All administrative orders shall
23 also state that withholding action may be taken against wages,
24 earnings, assets, or benefits, and liens enforced against real and
25 personal property under the child support statutes of this or any other
26 state without further notice to the responsible parent at any time
27 after entry of the order, unless:

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

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

33 (4) If the support order does not include the provision ordering
34 and directing that all payments be made to the Washington state support
35 registry and a statement that withholding action may be taken against
36 wages, earnings, assets, or benefits if a support payment is past due
37 or at any time after the entry of the order, or that a parent's
38 licensing privileges may not be renewed, or may be suspended, the
39 division of child support may serve a notice on the responsible parent

1 stating such requirements and authorizations. Service may be by
2 personal service or any form of mail requiring a return receipt.

3 (5) Every support order shall state:

4 (a) The address where the support payment is to be sent;

5 (b) That withholding action may be taken against wages, earnings,
6 assets, or benefits, and liens enforced against real and personal
7 property under the child support statutes of this or any other state,
8 without further notice to the responsible parent at any time after
9 entry of a support order, unless:

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

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

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

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

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

18 (f) The (~~social security number,~~) residence address, date of
19 birth, telephone number, driver's license number, and name and address
20 of the employer of the responsible parent, except as provided under
21 subsection (6) of this section;

22 (g) The (~~social security number and~~) residence address of the
23 physical custodian except as provided in subsection (6) or (7) of this
24 section;

25 (h) The names(~~(,)~~) and dates of birth(~~(, and social security~~
26 ~~numbers, if any,)~~) of the dependent children;

27 (i) A provision requiring the responsible parent to keep the
28 Washington state support registry informed of whether he or she has
29 access to health insurance coverage at reasonable cost and, if so, the
30 health insurance policy information;

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

36 (k) That if proof of health insurance coverage or proof that the
37 coverage is unavailable is not provided within twenty days, the obligee
38 or the department may seek direct enforcement of the coverage through

1 the obligor's employer or union without further notice to the obligor
2 as provided under chapter 26.18 RCW;

3 (l) The reasons for not ordering health insurance coverage if the
4 order fails to require such coverage;

5 (m) That the responsible parent's privileges to obtain and maintain
6 a license, as defined in RCW 74.20A.320, may not be renewed, or may be
7 suspended if the parent is not in compliance with a support order as
8 provided in RCW 74.20A.320; and

9 (n) That each parent must:

10 (i) Provide the state case registry with the information required
11 by RCW 26.23.055; and

12 (ii) Update the information provided to the state case registry
13 when the information changes.

14 (6) The address and employer's name and address of either party may
15 be omitted from a support order if:

16 (a) There is reason to believe that release of the address
17 information may result in physical or emotional harm to the party or to
18 the child; or

19 (b) A restraining or protective order is in effect to protect one
20 party from the other party.

21 (7) The physical custodian's address shall be omitted from an order
22 entered under the administrative procedure act.

23 (8) When a party's employment or address is omitted from an order,
24 the order shall state that the information is known to the division of
25 child support, state case registry.

26 (9) After the responsible parent has been ordered or notified to
27 make payments to the Washington state support registry under this
28 section, the responsible parent shall be fully responsible for making
29 all payments to the Washington state support registry and shall be
30 subject to payroll deduction or other income-withholding action. The
31 responsible parent shall not be entitled to credit against a support
32 obligation for any payments made to a person or agency other than to
33 the Washington state support registry except as provided under RCW
34 74.20.101. A civil action may be brought by the payor to recover
35 payments made to persons or agencies who have received and retained
36 support moneys paid contrary to the provisions of this section.

--- END ---