

SHB 1845 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 04/08/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 26.09.105 and 1994 c 230 s 1 are each amended to read
4 as follows:

5 (1) (~~In entering or modifying~~) Whenever a child support order is
6 entered or modified under this chapter, the court shall require
7 (~~either or~~) both parents to provide medical support for any child
8 named in the order as provided in this section.

9 (a) Under appropriate circumstances, the court may excuse one
10 parent from the responsibility to provide health insurance or cash
11 medical support;

12 (b) The court shall always require both parents to contribute their
13 proportionate share of uninsured medical expenses.

14 (2) Both parents share the obligation to provide medical support
15 for the child or children specified in the order, by providing health
16 insurance coverage, contributing a cash medical support obligation when
17 appropriate, and paying a proportionate share of any uninsured medical
18 expenses.

19 (a) The court may specify priorities for enforcement under
20 subsection (4) of this section.

21 (b) If the court does not so specify, the provisions of subsection
22 (3) of this section shall apply.

23 (3) If neither parent provides proof that he or she is providing
24 health insurance for the child at the time the support order is
25 entered, the division of child support or one of the parents may
26 enforce a parent's obligation to provide health insurance coverage as
27 provided in RCW 26.18.170.

28 (4)(a) If there is sufficient evidence provided at the time the
29 order is entered, the court may make a determination of which parent
30 must provide coverage and which parent must contribute a sum certain

1 amount which represents his or her proportionate share of the premium
2 paid, not to exceed twenty-five percent of his or her basic child
3 support obligation.

4 (b) If both parents have available health insurance coverage that
5 is accessible to the child at the time the support order is entered,
6 the court has discretion to order the parent with better coverage to
7 provide the health insurance coverage for the child and the other
8 parent to pay as cash medical support his or her proportionate share of
9 the premium paid, but not to exceed twenty-five percent of his or her
10 basic child support obligation. In making the determination of which
11 coverage is better, the court shall consider the needs of the child,
12 the cost and extent of each parent's coverage, and the accessibility of
13 the coverage.

14 (c) Each parent shall remain responsible for his or her
15 proportionate share of uninsured medical expenses.

16 (d) The order must provide that if the parties' circumstances
17 change, the parties' medical support obligations will be enforced as
18 provided in RCW 26.18.170.

19 (5) A parent who is ordered to maintain or provide health insurance
20 coverage (~~(except as provided in subsection (2) of this section,~~) may
21 comply with that requirement by:

22 (a) Providing proof of accessible private insurance coverage for
23 any child named in the order (~~(if: (a))~~); or

24 (b) Providing coverage that can be extended to cover the child that
25 is (~~(or becomes)~~) available to that parent through employment or that
26 is union-related(~~(; and~~

27 (b)), if the cost of such coverage does not exceed twenty-five
28 percent of (~~(the obligated)~~) that parent's basic child support
29 obligation.

30 (~~(+2)~~) (6) The court (~~(shall consider the best interests of the~~
31 child and have discretion to)) may order a parent to provide health
32 insurance coverage (~~(when entering or modifying a support order under~~
33 this chapter if the cost of such coverage)) that exceeds twenty-five
34 percent of (~~(the obligated)~~) that parent's basic support obligation if
35 it is in the best interests of the child to provide coverage.

36 (~~(+3)~~) (7) If the child receives state-financed medical coverage
37 through the department under chapter 74.09 RCW for which there is an
38 assignment, the obligated parent shall pay cash medical support in an

1 amount equal to his or her proportionate share of the health insurance
2 premium, not to exceed twenty-five percent of his or her basic child
3 support obligation.

4 (8) Each parent is responsible for his or her proportionate share
5 of uninsured medical expenses for the child or children covered by the
6 support order.

7 (9) The parents ((shall)) must maintain ((such)) health insurance
8 coverage as required under this section until:

- 9 (a) Further order of the court;
- 10 (b) The child is emancipated, if there is no express language to
11 the contrary in the order; or
- 12 (c) Health insurance is no longer available through the parents'
13 employer or union and no conversion privileges exist to continue
14 coverage following termination of employment.

15 ~~((+4))~~ (10) A parent who is required to extend health insurance
16 coverage to a child under this section is liable for any covered health
17 care costs for which the parent receives direct payment from an
18 insurer.

19 ~~((+5))~~ (11) This section shall not be construed to limit the
20 authority of the court to enter or modify support orders containing
21 provisions for payment of uninsured health expenses, health care costs,
22 or insurance premiums which are in addition to and not inconsistent
23 with this section.

24 ~~((+6))~~ (12) A parent ordered to provide health insurance coverage
25 ~~((shall))~~ must provide proof of such coverage or proof that such
26 coverage is unavailable within twenty days of the entry of the order
27 to:

- 28 (a) The ~~((physical custodian))~~ other parent; or
- 29 (b) The department of social and health services if the parent has
30 been notified or ordered to make support payments to the Washington
31 state support registry.

32 ~~((+7))~~ (13) Every order requiring a parent to provide health care
33 or insurance coverage ~~((shall))~~ must be entered in compliance with RCW
34 26.23.050 and be subject to direct enforcement as provided under
35 chapter 26.18 RCW.

36 ~~((+8) "Health insurance coverage" as used in this section does not~~
37 ~~include medical assistance provided under chapter 74.09 RCW.))~~ (14)

1 When a parent is providing health insurance coverage at the time the
2 order is entered, the premium shall be included in the worksheets for
3 the calculation of child support under chapter 26.19 RCW.

4 (15) As used in this section:

5 (a) "Accessible" means health insurance coverage which provides
6 primary care services to the child or children with reasonable effort
7 by the custodian.

8 (b) "Cash medical support" means the amount that a parent must pay
9 to the other parent as a proportionate share of the cost of uninsured
10 medical expenses, state-financed medical coverage provided by the
11 department under chapter 74.09 RCW, or the cost of health insurance
12 coverage provided by another parent in an amount not to exceed twenty-
13 five percent of the obligated parent's basic support obligation.

14 (c) "Health insurance coverage" does not include medical assistance
15 provided under chapter 74.09 RCW.

16 (d) "Uninsured medical expenses" includes premiums, copays,
17 deductibles, along with other health care costs not covered by
18 insurance.

19 (e) "Obligated parent" means a parent ordered to provide health
20 insurance coverage for the children.

21 (f) "Proportionate share" means an amount equal to a parent's
22 percentage share of the combined monthly net income of both parents as
23 computed when determining a parent's child support obligation under
24 chapter 26.19 RCW.

25 (16) The department of social and health services has rule-making
26 authority to enact rules in compliance with 45 C.F.R. Parts 302, 303,
27 304, 305, and 308.

28 **Sec. 2.** RCW 26.18.170 and 2007 c 143 s 1 are each amended to read
29 as follows:

30 (1) Whenever a parent (~~who~~) has been ordered to provide (~~health~~
31 ~~insurance coverage~~) medical support for a dependent child (~~fails to~~
32 ~~provide such coverage or lets it lapse~~), the department or (~~a~~) the
33 other parent may seek enforcement of the (~~coverage order~~) medical
34 support as provided under this section.

35 (a) If the obligated parent provides proof that he or she provides
36 accessible coverage for the child through private insurance, that

1 parent has satisfied his or her obligation to provide health insurance
2 coverage.

3 (b) If the obligated parent does not provide proof of coverage,
4 either the department or the other parent may take appropriate action
5 as provided in this section to enforce the obligation.

6 (2) The department may attempt to enforce a parent's requirement to
7 provide health insurance coverage for the dependent child. If health
8 insurance coverage is not available through the parent's employment or
9 union at a cost not to exceed twenty-five percent of the parent's basic
10 support obligation, or as otherwise provided in the support order, the
11 department may enforce any cash medical support obligation ordered to
12 be provided under RCW 26.09.105 or 74.20A.300.

13 (3) A parent seeking to enforce another parent's cash medical
14 support obligation under RCW 26.09.105 may:

15 (a) Apply for support enforcement services from the division of
16 child support as provided by rule; or

17 (b) Take action on his or her own behalf by:

18 (i) Filing a motion in the underlying superior court action; or

19 (ii) Initiating an action in superior court to determine the amount
20 owed by the obligated parent, if there is not already an underlying
21 superior court action.

22 (4)(a) The department may serve a notice of support owed under RCW
23 26.23.110 on a parent to determine the amount of that parent's cash
24 medical support obligation.

25 (b) Whether or not the child receives temporary assistance for
26 needy families or medicaid, the department may enforce the responsible
27 parent's cash medical support obligation. When the child receives
28 state-financed medical coverage through the department under chapter
29 74.09 RCW for which there is an assignment, the department may disburse
30 amounts collected to the custodial parent to be used for the medical
31 costs of the child or the department may retain amounts collected and
32 apply them toward the cost of providing the child's state-financed
33 medical coverage. The department may disregard cash medical support
34 payments in accordance with federal law.

35 (5)(a) If the ((parent's)) order to provide health insurance
36 coverage contains language notifying the parent ordered to provide
37 coverage that failure to provide such coverage or proof that such
38 coverage is unavailable may result in direct enforcement of the order

1 and orders payments through, or has been submitted to, the Washington
2 state support registry for enforcement, then the department may,
3 without further notice to the parent, send a national medical support
4 notice pursuant to 42 U.S.C. Sec. 666(a)(19), and sections 401 (e) and
5 (f) of the federal child support and performance incentive act of 1998
6 to the parent's employer or union. The notice shall be served:

7 (i) By regular mail;

8 (ii) In the manner prescribed for the service of a summons in a
9 civil action;

10 (iii) By certified mail, return receipt requested; or

11 (iv) By electronic means if there is an agreement between the
12 secretary of the department and the person, firm, corporation,
13 association, political subdivision, department of the state, or agency,
14 subdivision, or instrumentality of the United States to accept service
15 by electronic means.

16 (b) The notice shall require the employer or union to enroll the
17 child in the health insurance plan as provided in subsection ~~((3))~~
18 (8) of this section.

19 (c) The returned part A of the national medical support notice to
20 the division of child support by the employer constitutes proof of
21 service of the notice in the case where the notice was served by
22 regular mail.

23 ~~((d))~~ (6) Upon receipt of a national medical support notice from
24 a child support agency operating under Title IV-D of the federal social
25 security act:

26 (a) The parent's employer or union shall comply with the provisions
27 of the notice, including meeting response time frames and withholding
28 requirements required under part A of the notice;

29 (b) The parent's employer or union shall also be responsible for
30 complying with forwarding part B of the notice to the child's plan
31 administrator, if required by the notice;

32 (c) The plan administrator is responsible for complying with the
33 provisions of the notice.

34 (7) If the parent's order to provide health insurance coverage does
35 not order payments through, and has not been submitted to, the
36 Washington state support registry for enforcement:

37 ~~((i))~~ (a) The parent seeking enforcement may, without further

1 notice to the ~~((other))~~ obligated parent, send a certified copy of the
2 order requiring health insurance coverage to the ~~((obligor's))~~ parent's
3 employer or union by certified mail, return receipt requested; and

4 ~~((+ii))~~ (b) The parent seeking enforcement shall attach a
5 notarized statement to the order declaring that the order is the latest
6 order addressing coverage entered by the court and require the employer
7 or union to enroll the child in the health insurance plan as provided
8 in subsection ~~((+3))~~ (8) of this section.

9 ~~((+3))~~ (8) Upon receipt of an order that provides for health
10 insurance coverage:

11 (a) The parent's employer or union shall answer the party who sent
12 the order within twenty days and confirm that the child:

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

14 (ii) Will be enrolled; or

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

17 (b) The employer or union shall withhold any required premium from
18 the parent's income or wages;

19 (c) If more than one plan is offered by the employer or union, and
20 each plan may be extended to cover the child, then the child shall be
21 enrolled in the parent's plan. If the parent's plan does not provide
22 coverage which is accessible to the child, the child shall be enrolled
23 in the least expensive plan otherwise available to the parent;

24 (d) The employer or union shall provide information about the name
25 of the health insurance coverage provider or issuer and the extent of
26 coverage available to the parent and shall make available any necessary
27 claim forms or enrollment membership cards.

28 ~~((+4) Upon receipt of a national medical support notice from a
29 child support agency operating under Title IV-D of the federal social
30 security act:~~

31 ~~(a) The parent's employer or union shall comply with the provisions
32 of the notice, including meeting response time frames and withholding
33 requirements required under part A of the notice;~~

34 ~~(b) The parent's employer or union shall also be responsible for
35 complying with forwarding part B of the notice to the child's plan
36 administrator, if required by the notice;~~

37 ~~(c) The plan administrator shall be responsible for complying with
38 the provisions of the notice.~~

1 ~~(+5+)~~ (9) If the order for coverage contains no language notifying
2 either or both parents that failure to provide health insurance
3 coverage or proof that such coverage is unavailable may result in
4 direct enforcement of the order, the department or the parent seeking
5 enforcement may serve a written notice of intent to enforce the order
6 on the ~~((other))~~ obligated parent by certified mail, return receipt
7 requested, or by personal service. If the parent required to provide
8 medical support fails to provide written proof that such coverage has
9 been obtained or applied for or fails to provide proof that such
10 coverage is unavailable within twenty days of service of the notice,
11 the department or the parent seeking enforcement may proceed to enforce
12 the order directly as provided in subsection ~~((+2+))~~ (5) of this
13 section.

14 ~~((+6+))~~ (10) If the parent ordered to provide health insurance
15 coverage elects to provide coverage that will not be accessible to the
16 child because of geographic or other limitations when accessible
17 coverage is otherwise available, the department or the parent seeking
18 enforcement may serve a written notice of intent to purchase health
19 insurance coverage on the obligated parent ~~((required to provide
20 medical support))~~ by certified mail, return receipt requested. The
21 notice shall also specify the type and cost of coverage.

22 ~~((+7+))~~ (11) If the department serves a notice under subsection
23 ~~((+6+))~~ (10) of this section the parent required to provide medical
24 support shall, within twenty days of the date of service:

- 25 (a) File an application for an adjudicative proceeding; or
26 (b) Provide written proof to the department that the obligated
27 parent has either applied for, or obtained, coverage accessible to the
28 child.

29 ~~((+8+))~~ (12) If the parent seeking enforcement serves a notice
30 under subsection ~~((+6+))~~ (10) of this section, within twenty days of
31 the date of service the parent required to provide medical support
32 shall provide written proof to the parent seeking enforcement that
33 ~~((the parent required to provide medical support))~~ he or she has either
34 applied for, or obtained, coverage accessible to the child.

35 ~~((+9+))~~ (13) If the parent required to provide medical support
36 fails to respond to a notice served under subsection ~~((+6+))~~ (10) of
37 this section to the party who served the notice, the party who served

1 the notice may purchase the health insurance coverage specified in the
2 notice directly.

3 (a) If the obligated parent is the responsible parent, the amount
4 of the monthly premium shall be added to the support debt and be
5 collectible without further notice.

6 (b) If the obligated parent is the custodial parent, the
7 responsible parent may file an application for enforcement services and
8 ask the department to establish and enforce the custodial parent's
9 obligation.

10 (c) The amount of the monthly premium may be collected or accrued
11 until the parent required to provide medical support provides proof of
12 the required coverage.

13 ~~((+10+))~~ (14) The signature of the parent seeking enforcement or of
14 a department employee shall be a valid authorization to the coverage
15 provider or issuer for purposes of processing a payment to the child's
16 health services provider. An order for health insurance coverage shall
17 operate as an assignment of all benefit rights to the parent seeking
18 enforcement or to the child's health services provider, and in any
19 claim against the coverage provider or issuer, the parent seeking
20 enforcement or his or her assignee shall be subrogated to the rights of
21 the parent obligated to provide medical support for the child.
22 Notwithstanding the provisions of this section regarding assignment of
23 benefits, this section shall not require a health care service
24 contractor authorized under chapter 48.44 RCW or a health maintenance
25 organization authorized under chapter 48.46 RCW to deviate from their
26 contractual provisions and restrictions regarding reimbursement for
27 covered services. If the coverage is terminated, the employer shall
28 mail a notice of termination to the department or the parent seeking
29 enforcement at that parent's last known address within thirty days of
30 the termination date.

31 ~~((+11+))~~ (15) This section shall not be construed to limit the
32 right of the parents or parties to the support order to bring an action
33 in superior court at any time to enforce, modify, or clarify the
34 original support order.

35 ~~((+12+))~~ (16) Where a child does not reside in the issuer's service
36 area, an issuer shall cover no less than urgent and emergent care.
37 Where the issuer offers broader coverage, whether by policy or

1 reciprocal agreement, the issuer shall provide such coverage to any
2 child otherwise covered that does not reside in the issuer's service
3 area.

4 ~~((+13))~~ (17) If a parent required to provide medical support fails
5 to pay his or her portion, determined under RCW 26.19.080, of any
6 premium, deductible, copay, or uninsured medical expense incurred on
7 behalf of the child, pursuant to a child support order, the department
8 or the (~~obligee~~) parent seeking reimbursement of medical expenses may
9 enforce collection of (~~that~~) the obligated parent's portion of the
10 deductible, copay, or uninsured medical expense incurred on behalf of
11 the child.

12 (a) If the department is enforcing the order(~~, the parent required~~
13 to provide medical support shall have his or her)) and the responsible
14 parent is the obligated parent, the obligated parent's portion of the
15 deductible, copay, or uninsured medical expenses incurred on behalf of
16 the child added to the support debt and be collectible without further
17 notice, following the reduction of the expenses to a sum certain either
18 in a court order or by the department, pursuant to RCW 26.23.110.

19 ~~((+14))~~ (b) If the custodial parent is the obligated parent, the
20 responsible parent may file an application for enforcement services and
21 ask the department to establish and enforce the custodial parent's
22 obligation.

23 (18) As used in this section:

24 (a) "Accessible" means health insurance coverage which provides
25 primary care services to the child or children with reasonable effort
26 by the custodian.

27 (b) "Cash medical support" means the amount that a parent must pay
28 to the other parent as a proportionate share of the cost of uninsured
29 medical expenses, state-financed medical coverage provided by the
30 department under chapter 74.09 RCW, or the cost of health insurance
31 coverage provided by another parent in an amount not to exceed twenty-
32 five percent of the obligated parent's basic support obligation.

33 (c) "Health insurance coverage" does not include medical assistance
34 provided under chapter 74.09 RCW.

35 (d) "Uninsured medical expenses" includes premiums, copays,
36 deductibles, along with other health care costs not covered by
37 insurance.

1 (e) "Obligated parent" means a parent ordered to provide health
2 insurance coverage for the children.

3 (19) The department has rule-making authority to enact rules
4 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as
5 amended by section 7307 of the deficit reduction act of 2005.
6 Additionally, the department has rule-making authority to implement
7 regulations required under (~~(parts)~~) 45 C.F.R. Parts 302, 303, 304,
8 305, and 308.

9 **Sec. 3.** RCW 26.18.180 and 2000 c 86 s 3 are each amended to read
10 as follows:

11 (1) (~~(An obligated parent's)~~) The employer or union of a parent who
12 has been ordered to provide health insurance coverage shall be liable
13 for a fine of up to one thousand dollars per occurrence, if the
14 employer or union fails or refuses, within twenty days of receiving the
15 order or notice for health insurance coverage to:

16 (a) Promptly enroll the (~~(obligated)~~) parent's child in the health
17 insurance plan; or

18 (b) Make a written answer to the person or entity who sent the
19 order or notice for health insurance coverage stating that the child:

20 (i) Will be enrolled in the next available open enrollment period;
21 or

22 (ii) Cannot be covered and explaining the reasons why coverage
23 cannot be provided.

24 (2) Liability may be established and the fine may be collected by
25 the office of support enforcement under chapter 74.20A or 26.23 RCW
26 using any of the remedies contained in those chapters.

27 (3) Any employer or union who enrolls a child in a health insurance
28 plan in compliance with chapter 26.18 RCW shall be exempt from
29 liability resulting from such enrollment.

30 **Sec. 4.** RCW 26.23.050 and 2007 c 143 s 3 are each amended to read
31 as follows:

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

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

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

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

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

13 (c) A statement that the receiving parent might be required to
14 submit an accounting of how the support, including any cash medical
15 support, is being spent to benefit the child;

16 (d) A statement that any parent required to provide health
17 insurance coverage for the child or children covered by the order must
18 notify the division of child support and the other parent when the
19 coverage terminates; and

20 ~~((d))~~ (e) A statement that the responsible parent's privileges to
21 obtain and maintain a license, as defined in RCW 74.20A.320, may not be
22 renewed, or may be suspended if the parent is not in compliance with a
23 support order as provided in RCW 74.20A.320.

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

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

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

36 (i) A statement that withholding action may be taken against wages,
37 earnings, assets, or benefits, and liens enforced against real and

1 personal property under the child support statutes of this or any other
2 state, without further notice to the responsible parent at any time
3 after entry of the court order, unless:

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

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

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

12 (iii) A statement that any parent required to provide health
13 insurance coverage for the child or children covered by the order must
14 notify the division of child support and the other parent when the
15 coverage terminates; and

16 (iv) A statement that a parent seeking to enforce the obligation to
17 provide health insurance coverage may:

18 (A) File a motion in the underlying superior court action; or

19 (B) If there is not already an underlying superior court action,
20 initiate an action in the superior court.

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

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

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

33 (ii) If immediate income withholding is not ordered, the court
34 shall require that income withholding be delayed until a payment is
35 past due. The support order shall contain a statement that withholding
36 action may be taken against wages, earnings, assets, or benefits, and
37 liens enforced against real and personal property under the child

1 support statutes of this or any other state, without further notice to
2 the responsible parent, after a payment is past due.

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

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

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

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

28 (4) If the support order does not include the provision ordering
29 and directing that all payments be made to the Washington state support
30 registry and a statement that withholding action may be taken against
31 wages, earnings, assets, or benefits if a support payment is past due
32 or at any time after the entry of the order, or that a parent's
33 licensing privileges may not be renewed, or may be suspended, the
34 division of child support may serve a notice on the responsible parent
35 stating such requirements and authorizations. Service may be by
36 personal service or any form of mail requiring a return receipt.

37 (5) Every support order shall state:

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

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

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

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

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

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

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

14 (f) The names and ages of the dependent children;

15 (g) A provision requiring both the responsible parent and the
16 custodial parent to keep the Washington state support registry informed
17 of whether he or she has access to health insurance coverage at
18 reasonable cost and, if so, the health insurance policy information;

19 (h) That either or both the responsible parent and the custodial
20 parent shall be obligated to provide (~~health insurance coverage~~)
21 medical support for his or her child through health insurance coverage
22 if:

23 (i) The obligated parent provides accessible coverage for the child
24 through private insurance; or

25 (ii) Coverage that can be extended to cover the child is or becomes
26 available to the parent through employment or is union-related; or

27 (iii) In the absence of such coverage, through an additional sum
28 certain amount, as a cash medical support obligation as provided under
29 RCW 26.09.105;

30 (i) That a parent providing health insurance coverage must notify
31 both the division of child support and the other parent when coverage
32 terminates;

33 (j) That if proof of health insurance coverage or proof that the
34 coverage is unavailable is not provided within twenty days, the parent
35 seeking enforcement or the department may seek direct enforcement of
36 the coverage through the employer or union of the parent required to
37 provide medical support without further notice to the parent as
38 provided under chapter 26.18 RCW;

1 (~~(j)~~) (k) The reasons for not ordering health insurance coverage
2 if the order fails to require such coverage;

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

7 (~~(l)~~) (m) That each parent must:

8 (i) Promptly file with the court and update as necessary the
9 confidential information form required by subsection (7) of this
10 section; and

11 (ii) Provide the state case registry and update as necessary the
12 information required by subsection (7) of this section; and

13 (~~(m)~~) (n) That parties to administrative support orders shall
14 provide to the state case registry and update as necessary their
15 residential addresses and the address of the responsible parent's
16 employer. The division of child support may adopt rules that govern
17 the collection of parties' current residence and mailing addresses,
18 telephone numbers, dates of birth, social security numbers, the names
19 of the children, social security numbers of the children, dates of
20 birth of the children, driver's license numbers, and the names,
21 addresses, and telephone numbers of the parties' employers to enforce
22 an administrative support order. The division of child support shall
23 not release this information if the division of child support
24 determines that there is reason to believe that release of the
25 information may result in physical or emotional harm to the party or to
26 the child, or a restraining order or protective order is in effect to
27 protect one party from the other party.

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

1 (7) All petitioners and parties to all court actions under chapters
2 26.09, 26.10, 26.12, 26.18, 26.21A, 26.23, 26.26, and 26.27 RCW shall
3 complete to the best of their knowledge a verified and signed
4 confidential information form or equivalent that provides the parties'
5 current residence and mailing addresses, telephone numbers, dates of
6 birth, social security numbers, driver's license numbers, and the
7 names, addresses, and telephone numbers of the parties' employers. The
8 clerk of the court shall not accept petitions, except in parentage
9 actions initiated by the state, orders of child support, decrees of
10 dissolution, or paternity orders for filing in such actions unless
11 accompanied by the confidential information form or equivalent, or
12 unless the confidential information form or equivalent is already on
13 file with the court clerk. In lieu of or in addition to requiring the
14 parties to complete a separate confidential information form, the clerk
15 may collect the information in electronic form. The clerk of the court
16 shall transmit the confidential information form or its data to the
17 division of child support with a copy of the order of child support or
18 paternity order, and may provide copies of the confidential information
19 form or its data and any related findings, decrees, parenting plans,
20 orders, or other documents to the state administrative agency that
21 administers Title IV-A, IV-D, IV-E, or XIX of the federal social
22 security act. In state initiated paternity actions, the parties
23 adjudicated the parents of the child or children shall complete the
24 confidential information form or equivalent or the state's attorney of
25 record may complete that form to the best of the attorney's knowledge.

26 (8) The department has rule-making authority to enact rules
27 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as
28 amended by section 7307 of the deficit reduction act of 2005.
29 Additionally, the department has rule-making authority to implement
30 regulations required under (~~parts~~) 45 C.F.R. Parts 302, 303, 304,
31 305, and 308.

32 **Sec. 5.** RCW 26.23.110 and 2007 c 143 s 4 are each amended to read
33 as follows:

34 (1) The department may serve a notice of support owed on a
35 responsible parent when a support order:

36 (a) Does not state the current and future support obligation as a
37 fixed dollar amount;

1 (b) Contains an escalation clause or adjustment provision for which
2 additional information not contained in the support order is needed to
3 determine the fixed dollar amount of the support debt or the fixed
4 dollar amount of the current and future support obligation, or both; or

5 (c) Provides that the responsible parent is responsible for paying
6 for a portion of uninsured medical costs, copayments, and/or
7 deductibles incurred on behalf of the child, but does not reduce the
8 costs to a fixed dollar amount.

9 (2) The department may serve a notice of support owed on a parent
10 who has been designated to pay per a support order a portion of
11 uninsured medical costs, copayments, or deductibles incurred on behalf
12 of the child, but only when the support order does not reduce the costs
13 to a fixed dollar amount.

14 (3) The department may serve a notice of support owed to determine
15 a parent's cash medical support obligation as defined in RCW 26.09.105,
16 if the support order does not set a fixed dollar amount for the cash
17 medical support obligation.

18 (4) The notice of support owed shall facilitate enforcement of the
19 support order and implement and effectuate the terms of the support
20 order, rather than modify those terms. When the office of support
21 enforcement issues a notice of support owed, the office shall inform
22 the payee under the support order.

23 ((+4)) (5) The notice of support owed shall be served on a
24 responsible parent by personal service or any form of mailing requiring
25 a return receipt. The notice shall be served on the applicant or
26 recipient of services by first-class mail to the last known address.
27 The notice of support owed shall contain an initial finding of the
28 fixed dollar amount of current and future support obligation that
29 should be paid or the fixed dollar amount of the support debt owed
30 under the support order, or both.

31 ((+5)) (6) A parent who objects to the fixed dollar amounts stated
32 in the notice of support owed has twenty days from the date of the
33 service of the notice of support owed to file an application for an
34 adjudicative proceeding or initiate an action in superior court.

35 ((+6)) (7) The notice of support owed shall state that the parent
36 may:

37 (a) File an application for an adjudicative proceeding governed by
38 chapter 34.05 RCW, the administrative procedure act, in which the

1 parent will be required to appear and show cause why the fixed dollar
2 amount of support debt or current and future support obligation, or
3 both, stated in the notice of support owed is incorrect and should not
4 be ordered; or

5 (b) Initiate an action in superior court.

6 (~~(7)~~) (8) If either parent does not file an application for an
7 adjudicative proceeding or initiate an action in superior court, the
8 fixed dollar amount of current and future support obligation or support
9 debt, or both, stated in the notice of support owed shall become final
10 and subject to collection action.

11 (~~(8)~~) (9) If an adjudicative proceeding is requested, the
12 department shall mail a copy of the notice of adjudicative proceeding
13 to the parties.

14 (~~(9)~~) (10) If either parent does not initiate an action in
15 superior court, and serve notice of the action on the department and
16 the other party to the support order within the twenty-day period, the
17 parent shall be deemed to have made an election of remedies and shall
18 be required to exhaust administrative remedies under this chapter with
19 judicial review available as provided for in RCW 34.05.510 through
20 34.05.598.

21 (~~(10)~~) (11) An adjudicative order entered in accordance with this
22 section shall state the basis, rationale, or formula upon which the
23 fixed dollar amounts established in the adjudicative order were based.
24 The fixed dollar amount of current and future support obligation or the
25 amount of the support debt, or both, determined under this section
26 shall be subject to collection under this chapter and other applicable
27 state statutes.

28 (~~(11)~~) (12) The department shall also provide for:

29 (a) An annual review of the support order if either the office of
30 support enforcement or the parent requests such a review; and

31 (b) A late adjudicative proceeding if the parent fails to file an
32 application for an adjudicative proceeding in a timely manner under
33 this section.

34 (~~(12)~~) (13) If an annual review or late adjudicative proceeding
35 is requested under subsection (~~(11)~~) (12) of this section, the
36 department shall mail a copy of the notice of adjudicative proceeding
37 to the parties' last known address.

1 (~~(13)~~) (14) The department has rule-making authority to enact
2 rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec.
3 666(a)(19) as amended by section 7307 of the deficit reduction act of
4 2005. Additionally, the department has rule-making authority to
5 implement regulations required under (~~(parts)~~) 45 C.F.R. Parts 302,
6 303, 304, 305, and 308.

7 **Sec. 6.** RCW 74.20A.300 and 1994 c 230 s 22 are each amended to
8 read as follows:

9 (1) Whenever a support order is entered or modified under this
10 chapter, the department shall require (~~(the responsible)~~) either or
11 both parents to (~~(maintain or provide health insurance coverage)~~)
12 provide medical support for any dependent child, in the nature of
13 health insurance coverage or cash medical support, as provided under
14 RCW 26.09.105.

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

17 (3) A parent ordered to provide health insurance coverage shall
18 provide proof of such coverage or proof that such coverage is
19 unavailable to the department within twenty days of the entry of the
20 order.

21 (4) A parent required to provide health insurance coverage must
22 notify the department and the other parent when coverage terminates.

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

26 **Sec. 7.** RCW 74.20A.055 and 2007 c 143 s 8 are each amended to read
27 as follows:

28 (1) The secretary may, if there is no order that establishes the
29 responsible parent's support obligation or specifically relieves the
30 responsible parent of a support obligation or pursuant to an
31 establishment of paternity under chapter 26.26 RCW, serve on the
32 responsible parent or parents and custodial parent a notice and finding
33 of financial responsibility requiring the parents to appear and show
34 cause in an adjudicative proceeding why the finding of responsibility
35 and/or the amount thereof is incorrect, should not be finally ordered,
36 but should be rescinded or modified. This notice and finding shall

1 relate to the support debt accrued and/or accruing under this chapter
2 and/or RCW 26.16.205, including periodic payments to be made in the
3 future. The hearing shall be held pursuant to this section, chapter
4 34.05 RCW, the Administrative Procedure Act, and the rules of the
5 department. A custodian who has physical custody of a child has the
6 same rights that a custodial parent has under this section.

7 (2) 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 responsible parent by certified
10 mail, return receipt requested. The receipt shall be prima facie
11 evidence of service. The notice shall be served upon the debtor within
12 sixty days from the date the state assumes responsibility for the
13 support of the dependent child or children on whose behalf support is
14 sought. If the notice is not served within sixty days from such date,
15 the department shall lose the right to reimbursement of payments made
16 after the sixty-day period and before the date of notification:
17 PROVIDED, That if the department exercises reasonable efforts to locate
18 the debtor and is unable to do so the entire sixty-day period is tolled
19 until such time as the debtor can be located. The notice may be served
20 upon the custodial parent who is the nonassistance applicant or public
21 assistance recipient by first-class mail to the last known address. If
22 the custodial parent is not the nonassistance applicant or public
23 assistance recipient, service shall be in the same manner as for the
24 responsible parent.

25 (3) The notice and finding of financial responsibility shall set
26 forth the amount the department has determined the responsible parent
27 owes, the support debt accrued and/or accruing, and periodic payments
28 to be made in the future. The notice and finding shall also include:

29 (a) A statement of the name of the custodial parent and the name of
30 the child or children for whom support is sought;

31 (b) A statement of the amount of periodic future support payments
32 as to which financial responsibility is alleged;

33 (c) A statement that the responsible parent or custodial parent may
34 object to all or any part of the notice and finding, and file an
35 application for an adjudicative proceeding to show cause why the terms
36 set forth in the notice should not be ordered;

37 (d) A statement that, if neither the responsible parent nor the
38 custodial parent files in a timely fashion an application for an

1 adjudicative proceeding, the support debt and payments stated in the
2 notice and finding, including periodic support payments in the future,
3 shall be assessed and determined and ordered by the department and that
4 this debt and amounts due under the notice shall be subject to
5 collection action;

6 (e) A statement that the property of the debtor, without further
7 advance notice or hearing, will be subject to lien and foreclosure,
8 distraint, seizure and sale, order to withhold and deliver, notice of
9 payroll deduction or other collection action to satisfy the debt and
10 enforce the support obligation established under the notice;

11 (f) A statement that either or both parents are responsible for
12 providing health insurance for his or her child if coverage that can be
13 extended to cover the child either through private health insurance
14 which is accessible to the child or through coverage that is or becomes
15 available to the parent through employment or is union-related, or for
16 paying a cash medical support obligation if no such coverage is
17 available, as provided under RCW 26.09.105.

18 (4) A responsible parent or custodial parent who objects to the
19 notice and finding of financial responsibility may file an application
20 for an adjudicative proceeding within twenty days of the date of
21 service of the notice or thereafter as provided under this subsection.

22 (a) If the responsible parent or custodial parent files the
23 application within twenty days, the office of administrative hearings
24 shall schedule an adjudicative proceeding to hear the parent's or
25 parents' objection and determine the support obligation for the entire
26 period covered by the notice and finding of financial responsibility.
27 The filing of the application stays collection action pending the entry
28 of a final administrative order;

29 (b) If both the responsible parent and the custodial parent fail to
30 file an application within twenty days, the notice and finding shall
31 become a final administrative order. The amounts for current and
32 future support and the support debt stated in the notice are final and
33 subject to collection, except as provided under (c) and (d) of this
34 subsection;

35 (c) If the responsible parent or custodial parent files the
36 application more than twenty days after, but within one year of the
37 date of service, the office of administrative hearings shall schedule
38 an adjudicative proceeding to hear the parent's or parents' objection

1 and determine the support obligation for the entire period covered by
2 the notice and finding of financial responsibility. The filing of the
3 application does not stay further collection action, pending the entry
4 of a final administrative order, and does not affect any prior
5 collection action;

6 (d) If the responsible parent or custodial parent files the
7 application more than one year after the date of service, the office of
8 administrative hearings shall schedule an adjudicative proceeding at
9 which the parent who requested the late hearing must show good cause
10 for failure to file a timely application. The filing of the
11 application does not stay future collection action and does not affect
12 prior collection action:

13 (i) If the presiding officer finds that good cause exists, the
14 presiding officer shall proceed to hear the parent's objection to the
15 notice and determine the support obligation;

16 (ii) If the presiding officer finds that good cause does not exist,
17 the presiding officer shall treat the application as a petition for
18 prospective modification of the amount for current and future support
19 established under the notice and finding. In the modification
20 proceeding, the presiding officer shall set current and future support
21 under chapter 26.19 RCW. The petitioning parent need show neither good
22 cause nor a substantial change of circumstances to justify modification
23 of current and future support;

24 (e) If the responsible parent's support obligation was based upon
25 imputed median net income, the grant standard, or the family need
26 standard, the division of child support may file an application for
27 adjudicative proceeding more than twenty days after the date of service
28 of the notice. The office of administrative hearings shall schedule an
29 adjudicative proceeding and provide notice of the hearing to the
30 responsible parent and the custodial parent. The presiding officer
31 shall determine the support obligation for the entire period covered by
32 the notice, based upon credible evidence presented by the division of
33 child support, the responsible parent, or the custodial parent, or may
34 determine that the support obligation set forth in the notice is
35 correct. The division of child support demonstrates good cause by
36 showing that the responsible parent's support obligation was based upon
37 imputed median net income, the grant standard, or the family need
38 standard. The filing of the application by the division of child

1 support does not stay further collection action, pending the entry of
2 a final administrative order, and does not affect any prior collection
3 action.

4 (f) The department shall retain and/or shall not refund support
5 money collected more than twenty days after the date of service of the
6 notice. Money withheld as the result of collection action shall be
7 delivered to the department. The department shall distribute such
8 money, as provided in published rules.

9 (5) If an application for an adjudicative proceeding is filed, the
10 presiding or reviewing officer shall determine the past liability and
11 responsibility, if any, of the alleged responsible parent and shall
12 also determine the amount of periodic payments to be made in the
13 future, which amount is not limited by the amount of any public
14 assistance payment made to or for the benefit of the child. If
15 deviating from the child support schedule in making these
16 determinations, the presiding or reviewing officer shall apply the
17 standards contained in the child support schedule and enter written
18 findings of fact supporting the deviation.

19 (6) If either the responsible parent or the custodial parent fails
20 to attend or participate in the hearing or other stage of an
21 adjudicative proceeding, upon a showing of valid service, the presiding
22 officer shall enter an order of default against each party who did not
23 appear and may enter an administrative order declaring the support debt
24 and payment provisions stated in the notice and finding of financial
25 responsibility to be assessed and determined and subject to collection
26 action. The parties who appear may enter an agreed settlement or
27 consent order, which may be different than the terms of the
28 department's notice. Any party who appears may choose to proceed to
29 the hearing, after the conclusion of which the presiding officer or
30 reviewing officer may enter an order that is different than the terms
31 stated in the notice, if the obligation is supported by credible
32 evidence presented by any party at the hearing.

33 (7) The final administrative order establishing liability and/or
34 future periodic support payments shall be superseded upon entry of a
35 superior court order for support to the extent the superior court order
36 is inconsistent with the administrative order.

37 (8) Debts determined pursuant to this section, accrued and not

1 paid, are subject to collection action under this chapter without
2 further necessity of action by a presiding or reviewing officer.

3 (9) The department has rule-making authority to enact rules
4 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as
5 amended by section 7307 of the deficit reduction act of 2005.
6 Additionally, the department has rule-making authority to implement
7 regulations required under (~~parts~~) 45 C.F.R. Parts 302, 303, 304,
8 305, and 308.

9 **Sec. 8.** RCW 74.20A.056 and 2007 c 143 s 9 are each amended to read
10 as follows:

11 (1) If an alleged father has signed an affidavit acknowledging
12 paternity which has been filed with the state registrar of vital
13 statistics before July 1, 1997, the division of child support may serve
14 a notice and finding of parental responsibility on him and the
15 custodial parent. Procedures for and responsibility resulting from
16 acknowledgments filed after July 1, 1997, are in subsections (8) and
17 (9) of this section. Service of the notice shall be in the same manner
18 as a summons in a civil action or by certified mail, return receipt
19 requested, on the alleged father. The custodial parent shall be served
20 by first-class mail to the last known address. If the custodial parent
21 is not the nonassistance applicant or public assistance recipient,
22 service shall be in the same manner as for the responsible parent. The
23 notice shall have attached to it a copy of the affidavit or
24 certification of birth record information advising of the existence of
25 a filed affidavit, provided by the state registrar of vital statistics,
26 and shall state that:

27 (a) Either or both parents are responsible for providing health
28 insurance for their child either through private health insurance which
29 is accessible to the child or through coverage that if coverage that
30 can be extended to cover the child is or becomes available to the
31 parent through employment or is union-related, or for paying a cash
32 medical support obligation if no such coverage is available, as
33 provided under RCW 26.09.105;

34 (b) The alleged father or custodial parent may file an application
35 for an adjudicative proceeding at which they both will be required to
36 appear and show cause why the amount stated in the notice as to support
37 is incorrect and should not be ordered;

1 (c) An alleged father or mother, if she is also the custodial
2 parent, may request that a blood or genetic test be administered to
3 determine whether such test would exclude him from being a natural
4 parent and, if not excluded, may subsequently request that the division
5 of child support initiate an action in superior court to determine the
6 existence of the parent-child relationship; and

7 (d) If neither the alleged father nor the custodial parent requests
8 that a blood or genetic test be administered or files an application
9 for an adjudicative proceeding, the amount of support stated in the
10 notice and finding of parental responsibility shall become final,
11 subject only to a subsequent determination under RCW 26.26.500 through
12 26.26.630 that the parent-child relationship does not exist.

13 (2) An alleged father or custodial parent who objects to the amount
14 of support requested in the notice may file an application for an
15 adjudicative proceeding up to twenty days after the date the notice was
16 served. An application for an adjudicative proceeding may be filed
17 within one year of service of the notice and finding of parental
18 responsibility without the necessity for a showing of good cause or
19 upon a showing of good cause thereafter. An adjudicative proceeding
20 under this section shall be pursuant to RCW 74.20A.055. The only
21 issues shall be the amount of the accrued debt, the amount of the
22 current and future support obligation, and the reimbursement of the
23 costs of blood or genetic tests if advanced by the department. A
24 custodian who is not the parent of a child and who has physical custody
25 of a child has the same notice and hearing rights that a custodial
26 parent has under this section.

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

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

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

35 (4) An alleged father or the mother, if she is also the custodial
36 parent, may request that a blood or genetic test be administered at any
37 time. The request for testing shall be in writing, or as the
38 department may specify by rule, and served on the division of child

1 support. If a request for testing is made, the department shall
2 arrange for the test and, pursuant to rules adopted by the department,
3 may advance the cost of such testing. The department shall mail a copy
4 of the test results by certified mail, return receipt requested, to the
5 alleged father's and mother's, if she is also the custodial parent,
6 last known address.

7 (5) If the test excludes the alleged father from being a natural
8 parent, the division of child support shall file a copy of the results
9 with the state registrar of vital statistics and shall dismiss any
10 pending administrative collection proceedings based upon the affidavit
11 in issue. The state registrar of vital statistics shall remove the
12 alleged father's name from the birth certificate and change the child's
13 surname to be the same as the mother's maiden name as stated on the
14 birth certificate, or any other name which the mother may select.

15 (6) The alleged father or mother, if she is also the custodial
16 parent, may, within twenty days after the date of receipt of the test
17 results, request the division of child support to initiate an action
18 under RCW 26.26.500 through 26.26.630 to determine the existence of the
19 parent-child relationship. If the division of child support initiates
20 a superior court action at the request of the alleged father or mother
21 and the decision of the court is that the alleged father is a natural
22 parent, the parent who requested the test shall be liable for court
23 costs incurred.

24 (7) If the alleged father or mother, if she is also the custodial
25 parent, does not request the division of child support to initiate a
26 superior court action, or fails to appear and cooperate with blood or
27 genetic testing, the notice of parental responsibility shall become
28 final for all intents and purposes and may be overturned only by a
29 subsequent superior court order entered under RCW 26.26.500 through
30 26.26.630.

31 (8)(a) Subsections (1) through (7) of this section do not apply to
32 acknowledgments of paternity filed with the state registrar of vital
33 statistics after July 1, 1997.

34 (b) If an acknowledged father has signed an acknowledgment of
35 paternity that has been filed with the state registrar of vital
36 statistics after July 1, 1997:

37 (i) The division of child support may serve a notice and finding of
38 financial responsibility under RCW 74.20A.055 based on the

1 acknowledgment. The division of child support shall attach a copy of
2 the acknowledgment or certification of the birth record information
3 advising of the existence of a filed acknowledgment of paternity to the
4 notice;

5 (ii) The notice shall include a statement that the acknowledged
6 father or any other signatory may commence a proceeding in court to
7 rescind or challenge the acknowledgment or denial of paternity under
8 RCW 26.26.330 and 26.26.335;

9 (iii) A statement that either or both parents are responsible for
10 providing health insurance for his or her child if coverage that can be
11 extended to cover the child is or becomes available to the parent
12 through employment or is union-related as provided under RCW 26.09.105;
13 and

14 (iv) The party commencing the action to rescind or challenge the
15 acknowledgment or denial must serve notice on the division of child
16 support and the office of the prosecuting attorney in the county in
17 which the proceeding is commenced. Commencement of a proceeding to
18 rescind or challenge the acknowledgment or denial stays the
19 establishment of the notice and finding of financial responsibility, if
20 the notice has not yet become a final order.

21 (c) If neither the acknowledged father nor the other party to the
22 notice files an application for an adjudicative proceeding or the
23 signatories to the acknowledgment or denial do not commence a
24 proceeding to rescind or challenge the acknowledgment of paternity, the
25 amount of support stated in the notice and finding of financial
26 responsibility becomes final, subject only to a subsequent
27 determination under RCW 26.26.500 through 26.26.630 that the parent-
28 child relationship does not exist. The division of child support does
29 not refund nor return any amounts collected under a notice that becomes
30 final under this section or RCW 74.20A.055, even if a court later
31 determines that the acknowledgment is void.

32 (d) An acknowledged father or other party to the notice who objects
33 to the amount of support requested in the notice may file an
34 application for an adjudicative proceeding up to twenty days after the
35 date the notice was served. An application for an adjudicative
36 proceeding may be filed within one year of service of the notice and
37 finding of parental responsibility without the necessity for a showing
38 of good cause or upon a showing of good cause thereafter. An

1 adjudicative proceeding under this section shall be pursuant to RCW
2 74.20A.055. The only issues shall be the amount of the accrued debt
3 and the amount of the current and future support obligation.

4 (i) 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.

7 (ii) If the application for an adjudicative proceeding is not filed
8 within twenty days of the service of the notice, any amounts collected
9 under the notice shall be neither refunded nor returned if the alleged
10 father is later found not to be a responsible parent.

11 (e) If neither the acknowledged father nor the custodial parent
12 requests an adjudicative proceeding, or if no timely action is brought
13 to rescind or challenge the acknowledgment or denial after service of
14 the notice, the notice of financial responsibility becomes final for
15 all intents and purposes and may be overturned only by a subsequent
16 superior court order entered under RCW 26.26.500 through 26.26.630.

17 (9) Acknowledgments of paternity that are filed after July 1, 1997,
18 are subject to requirements of chapters 26.26, the uniform parentage
19 act, and 70.58 RCW.

20 (10) The department and the department of health may adopt rules to
21 implement the requirements under this section.

22 (11) The department has rule-making authority to enact rules
23 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as
24 amended by section 7307 of the deficit reduction act of 2005.
25 Additionally, the department has rule-making authority to implement
26 regulations required under (~~parts~~) 45 C.F.R. Parts 302, 303, 304,
27 305, and 308.

28 **Sec. 9.** RCW 74.20A.059 and 1991 c 367 s 47 are each amended to
29 read as follows:

30 (1) The department, the physical custodian, or the responsible
31 parent may petition for a prospective modification of a final
32 administrative order if:

33 (a) The administrative order has not been superseded by a superior
34 court order; and

35 (b) There has been a substantial change of circumstances, except as
36 provided under RCW 74.20A.055(4)(d).

1 (2) An order of child support may be modified one year or more
2 after it has been entered without showing a substantial change of
3 circumstances:

4 (a) If the order in practice works a severe economic hardship on
5 either party or the child; or

6 (b) If a party requests an adjustment in an order for child support
7 that was based on guidelines which determined the amount of support
8 according to the child's age, and the child is no longer in the age
9 category on which the current support amount was based; or

10 (c) If a child is a full-time student and reasonably expected to
11 complete secondary school or the equivalent level of vocational or
12 technical training before the child becomes nineteen years of age upon
13 a finding that there is a need to extend support beyond the eighteenth
14 birthday.

15 (3) An order may be modified without showing a substantial change
16 of circumstances if the requested modification is to:

17 (a) Require (~~health insurance coverage~~) medical support under RCW
18 26.09.105 for a child covered by the order; or

19 (b) Modify an existing order for health insurance coverage.

20 (4) Support orders may be adjusted once every twenty-four months
21 based upon changes in the income of the parents without a showing of
22 substantially changed circumstances.

23 (5)(a) All administrative orders entered on, before, or after
24 September 1, 1991, may be modified based upon changes in the child
25 support schedule established in chapter 26.19 RCW without a substantial
26 change of circumstances. The petition may be filed based on changes in
27 the child support schedule after twelve months has expired from the
28 entry of the administrative order or the most recent modification order
29 setting child support, whichever is later. However, if a party is
30 granted relief under this provision, twenty-four months must pass
31 before another petition for modification may be filed pursuant to
32 subsection (4) of this section.

33 (b) If, pursuant to subsection (4) of this section or (a) of this
34 subsection, the order modifies a child support obligation by more than
35 thirty percent and the change would cause significant hardship, the
36 change may be implemented in two equal increments, one at the time of
37 the entry of the order and the second six months from the entry of the

1 order. Twenty-four months must pass following the second change before
2 a petition for modification under subsection (4) of this section may be
3 filed.

4 (6) An increase in the wage or salary of the parent or custodian
5 who is receiving the support transfer payments (~~as defined in section~~
6 ~~24 of this act~~) is not a substantial change in circumstances for
7 purposes of modification under subsection (1)(b) of this section. An
8 obligor's voluntary unemployment or voluntary underemployment, by
9 itself, is not a substantial change of circumstances.

10 (7) The department shall file the petition and a supporting
11 affidavit with the secretary or the secretary's designee when the
12 department petitions for modification.

13 (8) The responsible parent or the physical custodian shall follow
14 the procedures in this chapter for filing an application for an
15 adjudicative proceeding to petition for modification.

16 (9) Upon the filing of a proper petition or application, the
17 secretary or the secretary's designee shall issue an order directing
18 each party to appear and show cause why the order should not be
19 modified.

20 (10) If the presiding or reviewing officer finds a modification is
21 appropriate, the officer shall modify the order and set current and
22 future support under chapter 26.19 RCW.

23 NEW SECTION. **Sec. 10.** This act takes effect October 1, 2009."

SHB 1845 - S COMM AMD
By Committee on Human Services & Corrections

ADOPTED 04/08/2009

24 On page 1, line 1 of the title, after "obligations;" strike the
25 remainder of the title and insert "amending RCW 26.09.105, 26.18.170,
26 26.18.180, 26.23.050, 26.23.110, 74.20A.300, 74.20A.055, 74.20A.056,
27 and 74.20A.059; and providing an effective date."

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