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HOUSE BILL 1845

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State of Washington

61st Legislature

2009 Regular Session

By Representatives Rodne and Pedersen; by request of Department of Social and Health Services

Read first time 01/30/09. Referred to Committee on Judiciary.

1 AN ACT Relating to medical support obligations; amending RCW  
2 26.09.004, 26.09.105, 26.18.170, 26.23.050, 26.23.110, 74.20A.300,  
3 74.20A.055, 74.20A.056, and 74.20A.059; and providing an effective  
4 date.

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

6 **Sec. 1.** RCW 26.09.004 and 2008 c 6 s 1003 are each amended to read  
7 as follows:

8 The definitions in this section apply throughout this chapter.

9 (1) "Temporary parenting plan" means a plan for parenting of the  
10 child pending final resolution of any action for dissolution of  
11 marriage or domestic partnership, declaration of invalidity, or legal  
12 separation which is incorporated in a temporary order.

13 (2) "Permanent parenting plan" means a plan for parenting the  
14 child, including allocation of parenting functions, which plan is  
15 incorporated in any final decree or decree of modification in an action  
16 for dissolution of marriage or domestic partnership, declaration of  
17 invalidity, or legal separation.

18 (3) "Parenting functions" means those aspects of the parent-child

1 relationship in which the parent makes decisions and performs functions  
2 necessary for the care and growth of the child. Parenting functions  
3 include:

4 (a) Maintaining a loving, stable, consistent, and nurturing  
5 relationship with the child;

6 (b) Attending to the daily needs of the child, such as feeding,  
7 clothing, physical care and grooming, supervision, health care, and day  
8 care, and engaging in other activities which are appropriate to the  
9 developmental level of the child and that are within the social and  
10 economic circumstances of the particular family;

11 (c) Attending to adequate education for the child, including  
12 remedial or other education essential to the best interests of the  
13 child;

14 (d) Assisting the child in developing and maintaining appropriate  
15 interpersonal relationships;

16 (e) Exercising appropriate judgment regarding the child's welfare,  
17 consistent with the child's developmental level and the family's social  
18 and economic circumstances; and

19 (f) Providing for the financial support of the child.

20 (4) "Child support order" or "support order" means a superior court  
21 order or an administrative order establishing or modifying a child  
22 support obligation.

23 (5) "Court" means a superior court judge or court commissioner, and  
24 presiding and reviewing officers who administratively determine or  
25 enforce child support orders.

26 **Sec. 2.** RCW 26.09.105 and 1994 c 230 s 1 are each amended to read  
27 as follows:

28 (1) In entering or modifying a child support order under this  
29 chapter, the court (~~shall~~) may require either or both parents to  
30 (~~maintain or provide health insurance coverage except as provided in~~  
31 ~~subsection (2) of this section,~~) provide medical support for any child  
32 named in the order, in the nature of health insurance coverage or cash  
33 medical support, in the following order of priority:

34 (a) The court must require the obligated parent to maintain or  
35 provide health insurance coverage for the child if:

36 (~~(a)~~) (i) Coverage that can be extended to cover the child is or

1 becomes available to that parent through employment or is union-  
2 related; and

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

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

10 ~~((3))~~ (c) The court shall require that the obligated parent must  
11 pay to the other party as cash medical support an additional amount  
12 equal to the obligated parent's proportionate share of the health  
13 insurance premium paid by the other party or by the state that is  
14 indicated on line six of the Washington state child support schedule  
15 worksheet, if:

16 (i) The child is covered by private insurance provided by the other  
17 parent or by medicaid;

18 (ii) No coverage is available to the obligated parent under the  
19 conditions stated in (a) or (b) of this subsection; and

20 (iii) Such amount does not exceed twenty-five percent of the  
21 obligated parent's basic child support obligation.

22 (d) The court shall require each parent to pay his or her  
23 proportionate share of uninsured medical expenses for the child or  
24 children covered by the support order.

25 (2) The parents ~~((shall))~~ must maintain such coverage required  
26 under this section until:

27 (a) Further order of the court;

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

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

33 ~~((4))~~ (3) A parent who is required to extend health insurance  
34 coverage to a child under this section is liable for any covered health  
35 care costs for which the parent receives direct payment from an  
36 insurer.

37 ~~((5))~~ (4) This section shall not be construed to limit the  
38 authority of the court to enter or modify support orders containing

1 provisions for payment of uninsured health expenses, health care costs,  
2 or insurance premiums which are in addition to and not inconsistent  
3 with this section.

4 ~~((+6+))~~ (5) A parent ordered to provide health insurance coverage  
5 ~~((shall))~~ must provide proof of such coverage or proof that such  
6 coverage is unavailable within twenty days of the entry of the order  
7 to:

- 8 (a) The physical custodian; or
- 9 (b) The department of social and health services if the parent has  
10 been notified or ordered to make support payments to the Washington  
11 state support registry.

12 ~~((+7+))~~ (6) Every order requiring a parent to provide health care  
13 or insurance coverage ~~((shall))~~ must be entered in compliance with RCW  
14 26.23.050 and be subject to direct enforcement as provided under  
15 chapter 26.18 RCW.

16 ~~((+8+))~~ (7) "Health insurance coverage" as used in this section  
17 does not include medical assistance provided under chapter 74.09 RCW.

18 (8) A "cash medical support obligation" refers to the amount that  
19 an obligated parent must pay to the other parent as a proportionate  
20 share of the premium for health insurance provided by the other parent.

21 (9) The department has rule-making authority to enact rules in  
22 compliance with 45 C.F.R. Parts 302, 303, 304, 305, and 308.

23 **Sec. 3.** RCW 26.18.170 and 2007 c 143 s 1 are each amended to read  
24 as follows:

25 (1) Whenever a parent who has been ordered to provide health  
26 insurance coverage for a dependent child fails to provide such coverage  
27 or lets it lapse, the department or a parent may seek enforcement of  
28 the coverage order as provided under this section.

29 (2) The department may first attempt to enforce the obligated  
30 parent's medical support obligation by enforcing the requirement to  
31 provide health insurance coverage for the dependent child. If health  
32 insurance coverage is not available through the obligated parent's  
33 employer or union at a cost not to exceed twenty-five percent of the  
34 basic support obligation, or as otherwise provided in the support  
35 order, the department may then enforce the obligated parent's medical  
36 support obligation by enforcing the cash medical support obligation, as

1 described in RCW 26.09.105(1)(c), if the support order contains  
2 language that includes the cash medical support obligation.

3 (3) A parent seeking to enforce the obligated parent's cash medical  
4 support obligation under RCW 26.09.105(1)(c) may initiate an action in  
5 superior court to determine the amount owed by the obligated parent.

6 (4) The department is authorized to serve a notice of support owed  
7 under RCW 26.23.110 on the obligated parent to determine the amount of  
8 that parent's cash medical support obligation.

9 (a) The cash medical support obligation is the obligated parent's  
10 proportionate share of a health insurance premium paid by the other  
11 parent. The proportionate share is found on line six of the Washington  
12 state child support schedule worksheet.

13 (b) Whether or not the child receives temporary assistance for  
14 needy families or medicaid, the department may enforce the obligated  
15 parent's cash medical support obligation on behalf of the other parent.  
16 When the child receives state-financed medical coverage through the  
17 department under chapter 74.09 RCW for which there is an assignment,  
18 the department may disburse amounts collected to the other parent to be  
19 used for health insurance purposes as described in RCW 26.09.105(1)(c),  
20 or the department may retain amounts collected and apply them toward  
21 the cost of providing the child's state-financed medical coverage. The  
22 department of social and health services may disregard cash medical  
23 support payments in accordance with federal law.

24 (5)(a) If the ((parent's)) order to provide health insurance  
25 coverage contains language notifying the obligated parent that failure  
26 to provide such coverage or proof that such coverage is unavailable may  
27 result in direct enforcement of the order and orders payments through,  
28 or has been submitted to, the Washington state support registry for  
29 enforcement, then the department may, without further notice to the  
30 obligated parent, send a national medical support notice pursuant to 42  
31 U.S.C. Sec. 666(a)(19), and sections 401 (e) and (f) of the federal  
32 child support and performance incentive act of 1998 to the obligated  
33 parent's employer or union. The notice shall be served:

34 (i) By regular mail;

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

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

1 (iv) By electronic means if there is an agreement between the  
2 secretary of the department and the person, firm, corporation,  
3 association, political subdivision, department of the state, or agency,  
4 subdivision, or instrumentality of the United States to accept service  
5 by electronic means.

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

9 (c) The returned part A of the national medical support notice to  
10 the division of child support by the employer constitutes proof of  
11 service of the notice in the case where the notice was served by  
12 regular mail.

13 (d) If the parent's order to provide health insurance coverage does  
14 not order payments through, and has not been submitted to, the  
15 Washington state support registry for enforcement:

16 (i) The parent seeking enforcement may, without further notice to  
17 the ~~((other))~~ obligated parent, send a certified copy of the order  
18 requiring health insurance coverage to the ~~((obligor's))~~ obligated  
19 parent's employer or union by certified mail, return receipt requested;  
20 and

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

26 ~~((+3))~~ (6) Upon receipt of an order that provides for health  
27 insurance coverage:

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

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

31 (ii) Will be enrolled; or

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

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

36 (c) If more than one plan is offered by the employer or union, and  
37 each plan may be extended to cover the child, then the child shall be  
38 enrolled in the obligated parent's plan. If the obligated parent's

1 plan does not provide coverage which is accessible to the child, the  
2 child shall be enrolled in the least expensive plan otherwise available  
3 to the obligated parent;

4 (d) The employer or union shall provide information about the name  
5 of the health insurance coverage provider or issuer and the extent of  
6 coverage available to the obligated parent and shall make available any  
7 necessary claim forms or enrollment membership cards.

8 ((+4)) (7) Upon receipt of a national medical support notice from  
9 a child support agency operating under Title IV-D of the federal social  
10 security act:

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

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

17 (c) The plan administrator shall be responsible for complying with  
18 the provisions of the notice.

19 ((+5)) (8) If the order for coverage contains no language  
20 notifying either or both parents that failure to provide health  
21 insurance coverage or proof that such coverage is unavailable may  
22 result in direct enforcement of the order, the department or the parent  
23 seeking enforcement may serve a written notice of intent to enforce the  
24 order on the ((~~other~~)) obligated parent by certified mail, return  
25 receipt requested, or by personal service. If the parent required to  
26 provide medical support fails to provide written proof that such  
27 coverage has been obtained or applied for or fails to provide proof  
28 that such coverage is unavailable within twenty days of service of the  
29 notice, the department or the parent seeking enforcement may proceed to  
30 enforce the order directly as provided in subsection ((+2)) (5) of  
31 this section.

32 ((+6)) (9) If the parent ordered to provide health insurance  
33 coverage elects to provide coverage that will not be accessible to the  
34 child because of geographic or other limitations when accessible  
35 coverage is otherwise available, the department or the parent seeking  
36 enforcement may serve a written notice of intent to purchase health  
37 insurance coverage on the obligated parent ((~~required to provide~~

1 ~~medical support~~) by certified mail, return receipt requested. The  
2 notice shall also specify the type and cost of coverage.

3 ((+7)) (10) If the department serves a notice under subsection  
4 ((+6)) (9) of this section the parent required to provide medical  
5 support shall, within twenty days of the date of service:

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

7 (b) Provide written proof to the department that the obligated  
8 parent has either applied for, or obtained, coverage accessible to the  
9 child.

10 ((+8)) (11) If the parent seeking enforcement serves a notice  
11 under subsection ((+6)) (9) of this section, within twenty days of the  
12 date of service the parent required to provide medical support shall  
13 provide written proof to the parent seeking enforcement that the parent  
14 required to provide medical support has either applied for, or  
15 obtained, coverage accessible to the child.

16 ((+9)) (12) If the parent required to provide medical support  
17 fails to respond to a notice served under subsection ((+6)) (9) of  
18 this section to the party who served the notice, the party who served  
19 the notice may purchase the health insurance coverage specified in the  
20 notice directly. The amount of the monthly premium shall be added to  
21 the support debt and be collectible without further notice. The amount  
22 of the monthly premium may be collected or accrued until the parent  
23 required to provide medical support provides proof of the required  
24 coverage.

25 ((+10)) (13) The signature of the parent seeking enforcement or of  
26 a department employee shall be a valid authorization to the coverage  
27 provider or issuer for purposes of processing a payment to the child's  
28 health services provider. An order for health insurance coverage shall  
29 operate as an assignment of all benefit rights to the parent seeking  
30 enforcement or to the child's health services provider, and in any  
31 claim against the coverage provider or issuer, the parent seeking  
32 enforcement or his or her assignee shall be subrogated to the rights of  
33 the parent obligated to provide medical support for the child.  
34 Notwithstanding the provisions of this section regarding assignment of  
35 benefits, this section shall not require a health care service  
36 contractor authorized under chapter 48.44 RCW or a health maintenance  
37 organization authorized under chapter 48.46 RCW to deviate from their  
38 contractual provisions and restrictions regarding reimbursement for



1 covered services. If the coverage is terminated, the employer shall  
2 mail a notice of termination to the department or the parent seeking  
3 enforcement at that parent's last known address within thirty days of  
4 the termination date.

5 ~~((+11+))~~ (14) This section shall not be construed to limit the  
6 right of the parents or parties to the support order to bring an action  
7 in superior court at any time to enforce, modify, or clarify the  
8 original support order.

9 ~~((+12+))~~ (15) Where a child does not reside in the issuer's service  
10 area, an issuer shall cover no less than urgent and emergent care.  
11 Where the issuer offers broader coverage, whether by policy or  
12 reciprocal agreement, the issuer shall provide such coverage to any  
13 child otherwise covered that does not reside in the issuer's service  
14 area.

15 ~~((+13+))~~ (16) If a parent required to provide medical support fails  
16 to pay his or her portion, determined under RCW 26.19.080, of any  
17 deductible, copay, or uninsured medical expense incurred on behalf of  
18 the child, pursuant to a child support order, the department or the  
19 obligee parent may enforce collection of that parent's portion of the  
20 deductible, copay, or uninsured medical expense incurred on behalf of  
21 the child. If the department is enforcing the order, the parent  
22 required to provide medical support shall have his or her portion of  
23 the deductible, copay, or uninsured medical expenses incurred on behalf  
24 of the child added to the support debt and be collectible without  
25 further notice, following the reduction of the expenses to a sum  
26 certain either in a court order or by the department, pursuant to RCW  
27 26.23.110.

28 ~~((+14+))~~ (17) The department has rule-making authority to enact  
29 rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec.  
30 666(a)(19) as amended by section 7307 of the deficit reduction act of  
31 2005. Additionally, the department has rule-making authority to  
32 implement regulations required under ~~((parts))~~ 45 C.F.R. Parts 302,  
33 303, 304, 305, and 308.

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

36 (1) If the division of child support is providing support  
37 enforcement services under RCW 26.23.045, or if a party is applying for

1 support enforcement services by signing the application form on the  
2 bottom of the support order, the superior court shall include in all  
3 court orders that establish or modify a support obligation:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (iv) A statement that a parent seeking to enforce the other  
19 parent's obligation to provide health insurance coverage may initiate  
20 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 coverage that can be extended to cover the child is or becomes  
23 available to the parent through employment or is union-related, or, in  
24 the absence of such coverage, through an additional sum certain amount,  
25 as a cash medical support obligation as provided under RCW 26.09.105;

26 (i) That the obligated parent must notify both the division of  
27 child support and the other parent when coverage terminates;

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

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

36 (~~(+k)~~) (l) That the responsible parent's privileges to obtain and  
37 maintain a license, as defined in RCW 74.20A.320, may not be renewed,

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

3 ~~((+l+))~~ (m) That each parent must:

4 (i) Promptly file with the court and update as necessary the  
5 confidential information form required by subsection (7) of this  
6 section; and

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

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

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

35 (7) All petitioners and parties to all court actions under chapters  
36 26.09, 26.10, 26.12, 26.18, 26.21A, 26.23, 26.26, and 26.27 RCW shall  
37 complete to the best of their knowledge a verified and signed  
38 confidential information form or equivalent that provides the parties'

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

22 (8) 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. 5.** RCW 26.23.110 and 2007 c 143 s 4 are each amended to read  
29 as follows:

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

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

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

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

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

10 (3) The department may serve a notice of support owed on a parent  
11 who has been designated to pay per a support order a proportionate  
12 share of a health insurance premium incurred on behalf of a child, if  
13 the support order does not reduce the obligated parent's share of the  
14 premium to a fixed dollar amount.

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

20 ((+4)) (5) The notice of support owed shall be served on a  
21 responsible parent by personal service or any form of mailing requiring  
22 a return receipt. The notice shall be served on the applicant or  
23 recipient of services by first-class mail to the last known address.  
24 The notice of support owed shall contain an initial finding of the  
25 fixed dollar amount of current and future support obligation that  
26 should be paid or the fixed dollar amount of the support debt owed  
27 under the support order, or both.

28 ((+5)) (6) A parent who objects to the fixed dollar amounts stated  
29 in the notice of support owed has twenty days from the date of the  
30 service of the notice of support owed to file an application for an  
31 adjudicative proceeding or initiate an action in superior court.

32 ((+6)) (7) The notice of support owed shall state that the parent  
33 may:

34 (a) File an application for an adjudicative proceeding governed by  
35 chapter 34.05 RCW, the administrative procedure act, in which the  
36 parent will be required to appear and show cause why the fixed dollar  
37 amount of support debt or current and future support obligation, or



1 both, stated in the notice of support owed is incorrect and should not  
2 be ordered; or

3 (b) Initiate an action in superior court.

4 ~~((+7))~~ (8) If either parent does not file an application for an  
5 adjudicative proceeding or initiate an action in superior court, the  
6 fixed dollar amount of current and future support obligation or support  
7 debt, or both, stated in the notice of support owed shall become final  
8 and subject to collection action.

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

12 ~~((+9))~~ (10) If either parent does not initiate an action in  
13 superior court, and serve notice of the action on the department and  
14 the other party to the support order within the twenty-day period, the  
15 parent shall be deemed to have made an election of remedies and shall  
16 be required to exhaust administrative remedies under this chapter with  
17 judicial review available as provided for in RCW 34.05.510 through  
18 34.05.598.

19 ~~((+10))~~ (11) An adjudicative order entered in accordance with this  
20 section shall state the basis, rationale, or formula upon which the  
21 fixed dollar amounts established in the adjudicative order were based.  
22 The fixed dollar amount of current and future support obligation or the  
23 amount of the support debt, or both, determined under this section  
24 shall be subject to collection under this chapter and other applicable  
25 state statutes.

26 ~~((+11))~~ (12) The department shall also provide for:

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

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

32 ~~((+12))~~ (13) If an annual review or late adjudicative proceeding  
33 is requested under subsection ~~((+11))~~ (12) of this section, the  
34 department shall mail a copy of the notice of adjudicative proceeding  
35 to the parties' last known address.

36 ~~((+13))~~ (14) The department has rule-making authority to enact  
37 rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec.  
38 666(a)(19) as amended by section 7307 of the deficit reduction act of

1 2005. Additionally, the department has rule-making authority to  
2 implement regulations required under (~~parts~~) 45 C.F.R. Parts 302,  
3 303, 304, 305, and 308.

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

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

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

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

18 (4) A parent ordered to provide health insurance coverage must  
19 notify the department and the other parent when coverage terminates.

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

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

25 (1) The secretary may, if there is no order that establishes the  
26 responsible parent's support obligation or specifically relieves the  
27 responsible parent of a support obligation or pursuant to an  
28 establishment of paternity under chapter 26.26 RCW, serve on the  
29 responsible parent or parents and custodial parent a notice and finding  
30 of financial responsibility requiring the parents to appear and show  
31 cause in an adjudicative proceeding why the finding of responsibility  
32 and/or the amount thereof is incorrect, should not be finally ordered,  
33 but should be rescinded or modified. This notice and finding shall  
34 relate to the support debt accrued and/or accruing under this chapter  
35 and/or RCW 26.16.205, including periodic payments to be made in the  
36 future. The hearing shall be held pursuant to this section, chapter

1 34.05 RCW, the Administrative Procedure Act, and the rules of the  
2 department. A custodian who has physical custody of a child has the  
3 same rights that a custodial parent has under this section.

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

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

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

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

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

34 (d) A statement that, if neither the responsible parent nor the  
35 custodial parent files in a timely fashion an application for an  
36 adjudicative proceeding, the support debt and payments stated in the  
37 notice and finding, including periodic support payments in the future,

1 shall be assessed and determined and ordered by the department and that  
2 this debt and amounts due under the notice shall be subject to  
3 collection action;

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

9 (f) 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, or for paying a cash medical  
13 support obligation if no such coverage is available, as provided under  
14 RCW 26.09.105.

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

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

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

32 (c) If the responsible parent or custodial parent files the  
33 application more than twenty days after, but within one year of the  
34 date of service, the office of administrative hearings shall schedule  
35 an adjudicative proceeding to hear the parent's or parents' objection  
36 and determine the support obligation for the entire period covered by  
37 the notice and finding of financial responsibility. The filing of the

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

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

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

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

22 (e) If the responsible parent's support obligation was based upon  
23 imputed median net income, the grant standard, or the family need  
24 standard, the division of child support may file an application for  
25 adjudicative proceeding more than twenty days after the date of service  
26 of the notice. The office of administrative hearings shall schedule an  
27 adjudicative proceeding and provide notice of the hearing to the  
28 responsible parent and the custodial parent. The presiding officer  
29 shall determine the support obligation for the entire period covered by  
30 the notice, based upon credible evidence presented by the division of  
31 child support, the responsible parent, or the custodial parent, or may  
32 determine that the support obligation set forth in the notice is  
33 correct. The division of child support demonstrates good cause by  
34 showing that the responsible parent's support obligation was based upon  
35 imputed median net income, the grant standard, or the family need  
36 standard. The filing of the application by the division of child  
37 support does not stay further collection action, pending the entry of

1 a final administrative order, and does not affect any prior collection  
2 action.

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

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

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

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

36 (8) Debts determined pursuant to this section, accrued and not  
37 paid, are subject to collection action under this chapter without  
38 further necessity of action by a presiding or reviewing officer.

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

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

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

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

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

34 (c) An alleged father or mother, if she is also the custodial  
35 parent, may request that a blood or genetic test be administered to  
36 determine whether such test would exclude him from being a natural

1 parent and, if not excluded, may subsequently request that the division  
2 of child support initiate an action in superior court to determine the  
3 existence of the parent-child relationship; and

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

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

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

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

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

32 (4) An alleged father or the mother, if she is also the custodial  
33 parent, may request that a blood or genetic test be administered at any  
34 time. The request for testing shall be in writing, or as the  
35 department may specify by rule, and served on the division of child  
36 support. If a request for testing is made, the department shall  
37 arrange for the test and, pursuant to rules adopted by the department,  
38 may advance the cost of such testing. The department shall mail a copy



1 of the test results by certified mail, return receipt requested, to the  
2 alleged father's and mother's, if she is also the custodial parent,  
3 last known address.

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

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

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

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

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

34 (i) The division of child support may serve a notice and finding of  
35 financial responsibility under RCW 74.20A.055 based on the  
36 acknowledgment. The division of child support shall attach a copy of  
37 the acknowledgment or certification of the birth record information

1 advising of the existence of a filed acknowledgment of paternity to the  
2 notice;

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

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

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

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

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

1 74.20A.055. The only issues shall be the amount of the accrued debt  
2 and the amount of the current and future support obligation.

3 (i) If the application for an adjudicative proceeding is filed  
4 within twenty days of service of the notice, collection action shall be  
5 stayed pending a final decision by the department.

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

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

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

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

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

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

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

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

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

36 (2) An order of child support may be modified one year or more

1 after it has been entered without showing a substantial change of  
2 circumstances:

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

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

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

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

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

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

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

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

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

1 a petition for modification under subsection (4) of this section may be  
2 filed.

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

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

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

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

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

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

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