

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1916

Chapter 275, Laws of 2019

66th Legislature
2019 Regular Session

CHILD SUPPORT SERVICES--VARIOUS PROVISIONS

EFFECTIVE DATE: July 28, 2019

Passed by the House March 1, 2019
Yeas 93 Nays 1

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 13, 2019
Yeas 45 Nays 0

CYRUS HABIB

President of the Senate

Approved May 7, 2019 10:57 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1916** as passed by House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 13, 2019

**Secretary of State
State of Washington**

1 (b) The speaker of the house of representatives shall appoint one
2 member from each of the two largest caucuses of the house of
3 representatives;

4 (c) The governor, in consultation with the division of child
5 support, shall appoint the following members:

6 (i) The director of the division of child support;

7 (ii) A professor of law specializing in family law;

8 (iii) A representative from the Washington state bar
9 association's family law executive committee;

10 (iv) An economist;

11 (v) A representative of the tribal community;

12 (vi) Two representatives from the superior court judges'
13 association, including a superior court judge and a court
14 commissioner who is familiar with child support issues;

15 (vii) A representative from the administrative office of the
16 courts;

17 (viii) A prosecutor appointed by the Washington association of
18 prosecuting attorneys;

19 (ix) A representative from legal services;

20 (x) Three noncustodial parents, each of whom may be a
21 representative of an advocacy group, an attorney, or an individual,
22 with at least one representing the interests of low-income,
23 noncustodial parents;

24 (xi) Three custodial parents, each of whom may be a
25 representative of an advocacy group, an attorney, or an individual,
26 with at least one representing the interests of low-income, custodial
27 parents; and

28 (xii) An administrative law judge appointed by the office of
29 administrative hearings.

30 (2) Appointments to the work group shall be made by December 1,
31 2010, and every four years thereafter. The governor shall appoint the
32 chair from among the work group membership.

33 (3) The division of child support shall provide staff support to
34 the work group, and shall carefully consider all input received from
35 interested organizations and individuals during the review process.

36 (4) The work group may form an executive committee, create
37 subcommittees, designate alternative representatives, and define
38 other procedures, as needed, for operation of the work group.

39 (5) Legislative members of the work group shall be reimbursed for
40 travel expenses under RCW 44.04.120. Nonlegislative members, except

1 those representing an employee or organization, are entitled to be
2 reimbursed for travel expenses in accordance with RCW 43.03.050 and
3 43.03.060.

4 (6) By October 1, 2011, and every four years thereafter, the work
5 group shall report its findings and recommendations to the
6 legislature, including recommendations for legislative action, if
7 necessary.

8 (7) The division of child support must prepare a child support
9 review report for the use of each quadrennial work group. This
10 report, along with the data described in subsection (8) of this
11 section, must be used in the review of the child support guidelines
12 to ensure that deviations from the guidelines are limited and
13 guideline amounts are appropriate based on criteria established by
14 the division of child support, as directed by relevant state and
15 federal law.

16 (8) During the quadrennial review, the data considered by the
17 work group must include:

18 (a) Economic data on the cost of raising children; labor market
19 data by occupation and skill level for the state and local job
20 markets including, but not limited to, unemployment rates, employment
21 rates, hours worked, and earnings; the impact of the guidelines'
22 policies and amounts on parents who have family incomes below two
23 hundred percent of the federal poverty level; and factors that
24 influence employment rates and compliance with child support orders
25 among parents who are obligated to pay support; and

26 (b) Case data, gathered through sampling or other methods, on the
27 application of, and deviations from, the child support guidelines, as
28 well as the rates of default and imputed child support orders and
29 orders determined using the low-income adjustment. The analysis must
30 also include a comparison of payments on child support orders by case
31 characteristics, including whether the order was entered by default,
32 based on imputed income, or determined using the low-income
33 adjustment.

34 PART II

35 CRITERIA FOR MODIFICATION OR ADJUSTMENT OF CHILD SUPPORT ORDERS

36 **Sec. 2.** RCW 26.09.170 and 2010 c 279 s 1 are each amended to
37 read as follows:

1 (1) Except as otherwise provided in RCW 26.09.070(7), the
2 provisions of any decree respecting maintenance or support may be
3 modified: (a) Only as to installments accruing subsequent to the
4 petition for modification or motion for adjustment except motions to
5 compel court-ordered adjustments, which shall be effective as of the
6 first date specified in the decree for implementing the adjustment;
7 and, (b) except as otherwise provided in this section, only upon a
8 showing of a substantial change of circumstances. The provisions as
9 to property disposition may not be revoked or modified, unless the
10 court finds the existence of conditions that justify the reopening of
11 a judgment under the laws of this state.

12 (2) Unless otherwise agreed in writing or expressly provided in
13 the decree the obligation to pay future maintenance is terminated
14 upon the death of either party or the remarriage of the party
15 receiving maintenance or registration of a new domestic partnership
16 of the party receiving maintenance.

17 (3) Unless otherwise agreed in writing or expressly provided in
18 the decree, provisions for the support of a child are terminated by
19 emancipation of the child or by the death of the parent obligated to
20 support the child.

21 (4) Unless expressly provided by an order of the superior court
22 or a court of comparable jurisdiction, provisions for the support of
23 a child are terminated upon the marriage or registration of a
24 domestic partnership to each other of parties to a paternity order,
25 or upon the remarriage or registration of a domestic partnership to
26 each other of parties to a decree of dissolution. The remaining
27 provisions of the order, including provisions establishing paternity,
28 remain in effect.

29 (5) (a) A party to an order of child support may petition for a
30 modification based upon a showing of substantially changed
31 circumstances at any time.

32 (b) An obligor's voluntary unemployment or voluntary
33 underemployment, by itself, is not a substantial change of
34 circumstances.

35 (6) An order of child support may be modified one year or more
36 after it has been entered without a showing of substantially changed
37 circumstances:

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

1 (b) (~~If a party requests an adjustment in an order for child~~
2 ~~support which was based on guidelines which determined the amount of~~
3 ~~support according to the child's age, and the child is no longer in~~
4 ~~the age category on which the current support amount was based;~~

5 ~~(e))~~ If a child is still in high school, upon a finding that
6 there is a need to extend support beyond the eighteenth birthday to
7 complete high school; or

8 (~~(d))~~ (c) To add an automatic adjustment of support provision
9 consistent with RCW 26.09.100.

10 (7) (a) If twenty-four months have passed from the date of the
11 entry of the order or the last adjustment or modification, whichever
12 is later, the order may be adjusted without a showing of
13 substantially changed circumstances based upon:

14 (i) Changes in the income of the parents; or

15 (ii) Changes in the economic table or standards in chapter 26.19
16 RCW.

17 (b) Either party may initiate the adjustment by filing a motion
18 and child support worksheets.

19 (c) If the court adjusts or modifies a child support obligation
20 pursuant to this subsection by more than thirty percent and the
21 change would cause significant hardship, the court may implement the
22 change in two equal increments, one at the time of the entry of the
23 order and the second six months from the entry of the order. Twenty-
24 four months must pass following the second change before a motion for
25 another adjustment under this subsection may be filed.

26 (8) (a) The department of social and health services may file an
27 action to modify or adjust an order of child support if public
28 assistance money is being paid to or for the benefit of the child and
29 the department has determined that the child support order is at
30 least (~~twenty-five~~) fifteen percent above or below the appropriate
31 child support amount set forth in the standard calculation as defined
32 in RCW 26.19.011 (~~and reasons for the deviation are not set forth in~~
33 ~~the findings of fact or order~~).

34 (b) The department of social and health services may file an
35 action to modify or adjust an order of child support in a
36 nonassistance case if:

37 (i) The department has determined that the child support order is
38 at least (~~twenty-five~~) fifteen percent above or below the
39 appropriate child support amount set forth in the standard
40 calculation as defined in RCW 26.19.011;

1 (ii) The department has determined the case meets the
2 department's review criteria; and

3 (iii) A party to the order or another state or jurisdiction has
4 requested a review.

5 (c) If incarceration of the parent who is obligated to pay
6 support is the basis for the difference between the existing child
7 support order amount and the proposed amount of support determined as
8 a result of a review, the department may file an action to modify or
9 adjust an order of child support even if:

10 (i) There is no other change of circumstances; and

11 (ii) The change in support does not meet the fifteen percent
12 threshold.

13 (d) The determination of (~~twenty-five percent or more shall~~)
14 whether the child support order is at least fifteen percent above or
15 below the appropriate child support amount must be based on the
16 current income of the parties (~~and the department shall not be~~
17 required to show a substantial change of circumstances if the reasons
18 for the deviations were not set forth in the findings of fact or
19 order)).

20 (9) The department of social and health services may file an
21 action to modify or adjust an order of child support under
22 subsections (5) through (7) of this section if:

23 (a) Public assistance money is being paid to or for the benefit
24 of the child;

25 (b) A party to the order in a nonassistance case has requested a
26 review; or

27 (c) Another state or jurisdiction has requested a modification of
28 the order.

29 (10) If testimony other than affidavit is required in any
30 proceeding under this section, a court of this state shall permit a
31 party or witness to be deposed or to testify under penalty of perjury
32 by telephone, audiovisual means, or other electronic means, unless
33 good cause is shown.

34 **Sec. 3.** RCW 74.20A.059 and 2018 c 150 s 109 are each amended to
35 read as follows:

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

1 (a) The administrative order has not been superseded by a
2 superior court order; and

3 (b) There has been a substantial change of circumstances, except
4 as provided under RCW 74.20A.055(4)(d) or subsection (2) of this
5 section.

6 (2) An order of child support may be modified at any time without
7 a showing of substantially changed circumstances if incarceration of
8 the parent who is obligated to pay support is the basis for the
9 inconsistency between the existing child support order amount and the
10 amount of support determined as a result of a review.

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

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

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

20 ~~(e))~~ If a child is a full-time student and reasonably expected
21 to complete secondary school or the equivalent level of vocational or
22 technical training before the child becomes nineteen years of age
23 upon a finding that there is a need to extend support beyond the
24 eighteenth birthday.

25 ~~((3))~~ (4) An order may be modified without showing a
26 substantial change of circumstances if the requested modification is
27 to:

28 (a) Require medical support under RCW 26.09.105 for a child
29 covered by the order; or

30 (b) Modify an existing order for health care coverage.

31 ~~((4))~~ (5) Support orders may be adjusted once every twenty-four
32 months based upon changes in the income of the parents without a
33 showing of substantially changed circumstances.

34 ~~((5))~~ (6)(a) All administrative orders entered on, before, or
35 after September 1, 1991, may be modified based upon changes in the
36 child support schedule established in chapter 26.19 RCW without a
37 substantial change of circumstances. The petition may be filed based
38 on changes in the child support schedule after twelve months has
39 expired from the entry of the administrative order or the most recent
40 modification order setting child support, whichever is later.

1 However, if a party is granted relief under this provision, twenty-
2 four months must pass before another petition for modification may be
3 filed pursuant to subsection (~~((4))~~) (5) of this section.

4 (b) If, pursuant to subsection (~~((4))~~) (5) of this section or (a)
5 of this subsection, the order modifies a child support obligation by
6 more than thirty percent and the change would cause significant
7 hardship, the change may be implemented in two equal increments, one
8 at the time of the entry of the order and the second six months from
9 the entry of the order. Twenty-four months must pass following the
10 second change before a petition for modification under subsection
11 (~~((4))~~) (5) of this section may be filed.

12 (~~((6))~~) (7) An increase in the wage or salary of the parent or
13 custodian who is receiving the support transfer payments is not a
14 substantial change in circumstances for purposes of modification
15 under subsection (1)(b) of this section. An obligor's voluntary
16 unemployment or voluntary underemployment, by itself, is not a
17 substantial change of circumstances.

18 (~~((7))~~) (8) The department shall file the petition and a
19 supporting affidavit with the secretary or the secretary's designee
20 when the department petitions for modification.

21 (~~((8))~~) (9) The responsible parent or the physical custodian
22 shall follow the procedures in this chapter for filing an application
23 for an adjudicative proceeding to petition for modification.

24 (~~((9))~~) (10) Upon the filing of a proper petition or application,
25 the secretary or the secretary's designee shall issue an order
26 directing each party to appear and show cause why the order should
27 not be modified.

28 (~~((10))~~) (11) If the presiding or reviewing officer finds a
29 modification is appropriate, the officer shall modify the order and
30 set current and future support under chapter 26.19 RCW.

31 PART III

32 ANNUAL FEE FOR SUPPORT ENFORCEMENT SERVICES

33 **Sec. 4.** RCW 74.20.040 and 2012 1st sp.s. c 4 s 1 are each
34 amended to read as follows:

35 (1) Whenever the department receives an application for public
36 assistance on behalf of a child, the department shall take
37 appropriate action under the provisions of this chapter, chapter
38 74.20A RCW, or other appropriate statutes of this state to establish

1 or enforce support obligations against the parent or other persons
2 owing a duty to pay support moneys.

3 (2) The secretary may accept a request for support enforcement
4 services on behalf of persons who are not recipients of public
5 assistance and may take appropriate action to establish or enforce
6 support obligations against the parent or other persons owing a duty
7 to pay moneys. The secretary may condition requests accepted under
8 this subsection ((may be conditioned)) upon the payment of a fee as
9 required by subsection (6) of this section or through regulation
10 issued by the secretary. The secretary may establish by regulation,
11 reasonable standards and qualifications for support enforcement
12 services ((under this subsection)) provided to persons who are not
13 currently receiving public assistance.

14 (3) The secretary may accept requests for support enforcement
15 services from child support enforcement agencies in other states
16 operating child support programs under Title IV-D of the social
17 security act or from foreign countries, and may take appropriate
18 action to establish and enforce support obligations, or to enforce
19 subpoenas, information requests, orders for genetic testing, and
20 collection actions issued by the other agency against the parent or
21 other person owing a duty to pay support moneys, the parent or other
22 person's employer, or any other person or entity properly subject to
23 child support collection or information-gathering processes. The
24 request shall contain and be accompanied by such information and
25 documentation as the secretary may by rule require, and be signed by
26 an authorized representative of the agency. The secretary may adopt
27 rules setting forth the duration and nature of services provided
28 under this subsection.

29 (4) The department may take action to establish, enforce, and
30 collect a support obligation, including performing related services,
31 under this chapter and chapter 74.20A RCW, or through the attorney
32 general or prosecuting attorney for action under chapter 26.09,
33 26.18, 26.20, 26.21A, 26.26A, or ~~((26.26))~~ 26.26B RCW or other
34 appropriate statutes or the common law of this state.

35 (5) Whenever a support order is filed with the Washington state
36 support registry under chapter 26.23 RCW, the department may take
37 appropriate action under the provisions of this chapter, chapter
38 26.23 or 74.20A RCW, or other appropriate law of this state to
39 establish or enforce the support obligations contained in that order

1 against the responsible parent or other persons owing a duty to pay
2 support moneys.

3 (6) (a) Effective October 1, 2019, the secretary~~((, in the case of~~
4 ~~an individual who has never received assistance under a state program~~
5 ~~funded under part A and for whom the state has collected at least~~
6 ~~five hundred dollars of support,))~~ shall impose an annual fee of
7 ~~((twenty-five))~~ thirty-five dollars for each case in which support
8 enforcement services are furnished~~((, which))~~ where:

9 (i) The person entitled to receive support has never received
10 assistance under the temporary assistance for needy families program,
11 the aid for dependent families and children program, or a tribal
12 temporary assistance for needy families program; and

13 (ii) The state has collected at least five hundred fifty dollars
14 of support.

15 (b) The annual fee shall be retained by the state from support
16 collected on behalf of the ~~((individual))~~ person entitled to receive
17 support, but not from the first five hundred fifty dollars of
18 support.

19 (c) The secretary may, on showing of necessity, waive or defer
20 any such fee or cost.

21 (7) Fees, due and owing, may be retained from support payments
22 directly or collected as delinquent support moneys utilizing any of
23 the remedies in this chapter ~~((74.20 RCW)), chapter 74.20A ((RCW,~~
24 ~~chapter))~~ or 26.21A RCW, or any other remedy at law or equity
25 available to the department or any agencies with whom it has a
26 cooperative or contractual arrangement to establish, enforce, or
27 collect support moneys or support obligations.

28 (8) The secretary may waive the fee, or any portion thereof, as a
29 part of a compromise of disputed claims or may grant partial or total
30 charge off of said fee if the secretary finds there are no available,
31 practical, or lawful means by which said fee may be collected or to
32 facilitate payment of the amount of delinquent support moneys or fees
33 owed.

34 (9) The secretary shall adopt rules conforming to federal laws,
35 including but not limited to complying with section 7310 of the
36 federal deficit reduction act of 2005, 42 U.S.C. Sec. 654, and rules
37 and regulations required to be observed in maintaining the state
38 child support enforcement program required under Title IV-D of the
39 federal social security act. The adoption of these rules shall be
40 calculated to promote the cost-effective use of the agency's

1 resources and not otherwise cause the agency to divert its resources
2 from its essential functions.

Passed by the House March 1, 2019.

Passed by the Senate April 13, 2019.

Approved by the Governor May 7, 2019.

Filed in Office of Secretary of State May 13, 2019.

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