
SENATE BILL 5861

State of Washington

68th Legislature

2024 Regular Session

By Senators Fortunato and J. Wilson

Prefiled 12/18/23. Read first time 01/08/24. Referred to Committee on Law & Justice.

1 AN ACT Relating to procedures and evidence in civil actions
2 involving domestic relations and protection orders; amending RCW
3 7.21.030, 9.73.030, 9.73.050, 11.76.110, 26.09.170, 26.12.177,
4 26.18.050, and 26.23.050; adding a new section to chapter 26.12 RCW;
5 and creating a new section.

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

7 **Sec. 1.** RCW 7.21.030 and 2019 c 312 s 6 are each amended to read
8 as follows:

9 (1) The court may initiate a proceeding to impose a remedial
10 sanction on its own motion or on the motion of a person aggrieved by
11 a contempt of court in the proceeding to which the contempt is
12 related. Except as provided in RCW 7.21.050, the court, after notice
13 and hearing, may impose a remedial sanction authorized by this
14 chapter.

15 (2) If the court finds that the person has failed or refused to
16 perform an act that is yet within the person's power to perform, the
17 court may find the person in contempt of court and impose one or more
18 of the following remedial sanctions:

19 (a) Imprisonment if the contempt of court is of a type defined in
20 RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so
21 long as it serves a coercive purpose.

1 (b) A forfeiture not to exceed two thousand dollars for each day
2 the contempt of court continues, except as provided in (f)(ii) of
3 this subsection.

4 (c) An order designed to ensure compliance with a prior order of
5 the court.

6 (d) Any other remedial sanction other than the sanctions
7 specified in (a) through (c) of this subsection if the court
8 expressly finds that those sanctions would be ineffectual to
9 terminate a continuing contempt of court.

10 (e)(i) In at-risk youth petition cases only under chapter 13.32A
11 RCW and subject to the requirements under RCW 13.32A.250, commitment
12 to a secure residential program with intensive wraparound services.

13 (ii) Beginning July 1, 2023, prior to committing any youth to a
14 secure residential program with intensive wraparound services as a
15 sanction for contempt in at-risk youth petition cases only under
16 chapter 13.32A RCW, or for failure to appear at a court hearing in
17 at-risk youth petition cases only under chapter 13.32A RCW, the court
18 must:

19 (A) Consider, on the record, the mitigating and aggravating
20 factors used to determine the appropriateness of detention for
21 enforcement of its order;

22 (B) Enter written findings affirming that it considered all less
23 restrictive options, that detention is the only appropriate
24 alternative, including its rationale and the clear, cogent, and
25 convincing evidence used to enforce the order;

26 (C) Afford the same due process considerations that it affords
27 all youth in criminal contempt proceedings; and

28 (D) Seek input from all relevant parties, including the youth.

29 (iii) Nothing in this subsection (2)(e) or in RCW 13.32A.250,
30 13.34.165, or 28A.225.090 shall be construed to limit the court's
31 inherent contempt power or curtail its exercise.

32 (f) In contempt proceedings initiated for nonpayment of support
33 pursuant to chapter 26.09 or 26.26A RCW:

34 (i) An adjustment of the order for support, without requiring a
35 petition to modify a child support order, to add a provision that the
36 division of child support will collect any arrearage and any future
37 amounts due; or

38 (ii) A forfeiture of \$100 for each day the nonpayment of support
39 continues.

1 (3) The court may, in addition to the remedial sanctions set
2 forth in subsection (2) of this section, order a person found in
3 contempt of court to pay a party for any losses suffered by the party
4 as a result of the contempt and any costs incurred in connection with
5 the contempt proceeding, including reasonable attorneys' fees.

6 (4) If the court finds that a person under the age of eighteen
7 years has willfully disobeyed the terms of an order issued under
8 chapter 10.14 RCW, the court may find the person in contempt of court
9 and may, as a sole sanction for such contempt, commit the person to
10 juvenile detention for a period of time not to exceed seven days.

11 **Sec. 2.** RCW 9.73.030 and 2021 c 329 s 21 are each amended to
12 read as follows:

13 (1) Except as otherwise provided in this chapter, it shall be
14 unlawful for any individual, partnership, corporation, association,
15 or the state of Washington, its agencies, and political subdivisions
16 to intercept, or record any:

17 (a) Private communication transmitted by telephone, telegraph,
18 radio, or other device between two or more individuals between points
19 within or without the state by any device electronic or otherwise
20 designed to record and/or transmit said communication regardless how
21 such device is powered or actuated, without first obtaining the
22 consent of all the participants in the communication;

23 (b) Private conversation, by any device electronic or otherwise
24 designed to record or transmit such conversation regardless how the
25 device is powered or actuated without first obtaining the consent of
26 all the persons engaged in the conversation.

27 (2) Notwithstanding subsection (1) of this section, wire
28 communications or conversations (a) of an emergency nature, such as
29 the reporting of a fire, medical emergency, crime, or disaster, or
30 (b) which convey threats of extortion, blackmail, bodily harm, or
31 other unlawful requests or demands, or (c) which occur anonymously or
32 repeatedly or at an extremely inconvenient hour, or (d) which relate
33 to communications by a hostage holder or barricaded person as defined
34 in RCW 70.85.100, whether or not conversation ensues, or (e) in
35 reasonable anticipation of any action pursuant to chapter 7.105 RCW,
36 may be recorded with the consent of one party to the conversation,
37 provided that any recording made pursuant to (e) of this subsection
38 must be used in a proceeding pursuant to chapter 7.105 RCW within 12
39 months of the date the recording was made.

1 (3) Where consent by all parties is needed pursuant to this
2 chapter, consent shall be considered obtained whenever one party has
3 announced to all other parties engaged in the communication or
4 conversation, in any reasonably effective manner, that such
5 communication or conversation is about to be recorded or transmitted:
6 PROVIDED, That if the conversation is to be recorded that said
7 announcement shall also be recorded.

8 (4) An employee of any regularly published newspaper, magazine,
9 wire service, radio station, or television station acting in the
10 course of bona fide news gathering duties on a full-time or
11 contractual or part-time basis, shall be deemed to have consent to
12 record and divulge communications or conversations otherwise
13 prohibited by this chapter if the consent is expressly given or if
14 the recording or transmitting device is readily apparent or obvious
15 to the speakers. Withdrawal of the consent after the communication
16 has been made shall not prohibit any such employee of a newspaper,
17 magazine, wire service, or radio or television station from divulging
18 the communication or conversation.

19 (5) This section does not apply to the recording of custodial
20 interrogations pursuant to RCW 10.122.040.

21 **Sec. 3.** RCW 9.73.050 and 1967 ex.s. c 93 s 3 are each amended to
22 read as follows:

23 Any information obtained in violation of RCW 9.73.030 or pursuant
24 to any order issued under the provisions of RCW 9.73.040 shall be
25 inadmissible in any civil or criminal case in all courts of general
26 or limited jurisdiction in this state, except: (1) If a recording is
27 made pursuant to RCW 9.73.030(2)(e) the recording may be used in any
28 proceeding under Title 26 RCW or chapter 7.105 RCW; (2) with the
29 permission of the person whose rights have been violated in an action
30 brought for damages under the provisions of RCW 9.73.030 through
31 9.73.080(~~(r)~~); or (3) in a criminal action in which the defendant is
32 charged with a crime, the commission of which would jeopardize
33 national security.

34 **Sec. 4.** RCW 11.76.110 and 2010 c 8 s 2068 are each amended to
35 read as follows:

36 After payment of costs of administration the debts of the estate
37 shall be paid in the following order:

38 (1) Funeral expenses in such amount as the court shall order.

1 (2) Expenses of the last sickness, in such amount as the court
2 shall order.

3 (3) Wages due for labor performed within sixty days immediately
4 preceding the death of decedent.

5 (4) Debts having preference by the laws of the United States.

6 (5) Taxes, or any debts or dues owing to the state.

7 (6) Judgments rendered against the deceased in his or her
8 lifetime which are liens upon real estate on which executions might
9 have been issued at the time of his or her death, and debts secured
10 by mortgages in the order of their priority.

11 (7) The amortized value of any child support obligation
12 established prior to death pursuant to Title 26 RCW.

13 (8) All other demands against the estate.

14 **Sec. 5.** RCW 26.09.170 and 2020 c 227 s 13 are each amended to
15 read as follows:

16 (1) Except as otherwise provided in RCW 26.09.070(7), the
17 provisions of any decree respecting maintenance or support may be
18 modified: (a) Only as to installments accruing subsequent to the
19 petition for modification or motion for adjustment except motions to
20 compel court-ordered adjustments, which shall be effective as of the
21 first date specified in the decree for implementing the adjustment;
22 and, (b) except as otherwise provided in this section, only upon a
23 showing of a substantial change of circumstances, or upon a showing
24 of contempt with respect to a support obligation limited to adding a
25 provision requesting that the division of child support collect any
26 future obligation and any amount currently in arrears. The provisions
27 as to property disposition may not be revoked or modified, unless the
28 court finds the existence of conditions that justify the reopening of
29 a judgment under the laws of this state.

30 (2) Unless otherwise agreed in writing or expressly provided in
31 the decree the obligation to pay future maintenance is terminated
32 upon the death of either party or the remarriage of the party
33 receiving maintenance or registration of a new domestic partnership
34 of the party receiving maintenance.

35 (3) Unless otherwise agreed in writing or expressly provided in
36 the decree, provisions for the support of a child are terminated by
37 emancipation of the child (~~or by the death of the person required to~~
38 ~~pay support for the child~~)).

1 (4) Unless expressly provided by an order of the superior court
2 or a court of comparable jurisdiction, provisions for the support of
3 a child are terminated upon the marriage or registration of a
4 domestic partnership to each other of parties to a paternity or
5 parentage order, or upon the remarriage or registration of a domestic
6 partnership to each other of parties to a decree of dissolution. The
7 remaining provisions of the order, including provisions establishing
8 parentage, remain in effect.

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

12 (b) The voluntary unemployment or voluntary underemployment of
13 the person required to pay support, by itself, is not a substantial
14 change of circumstances.

15 (6) An order of child support may be modified at any time to add
16 language regarding abatement to ten dollars per month per order due
17 to the incarceration of the person required to pay support, as
18 provided in RCW 26.09.320.

19 (a) The department of social and health services, the person
20 entitled to receive support or the payee under the order, or the
21 person required to pay support may petition for a prospective
22 modification of a child support order if the person required to pay
23 support is currently confined in a jail, prison, or correctional
24 facility for at least six months or is serving a sentence greater
25 than six months in a jail, prison, or correctional facility, and the
26 support order does not contain language regarding abatement due to
27 incarceration.

28 (b) The petition may only be filed if the person required to pay
29 support is currently incarcerated.

30 (c) As part of the petition for modification, the petitioner may
31 also request that the support obligation be abated to ten dollars per
32 month per order due to incarceration, as provided in RCW 26.09.320.

33 (7) An order of child support may be modified without showing a
34 substantial change of circumstances if the requested modification is
35 to modify an existing order when the person required to pay support
36 has been released from incarceration, as provided in RCW
37 26.09.320(3)(d).

38 (8) An order of child support may be modified one year or more
39 after it has been entered without a showing of substantially changed
40 circumstances:

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

3 (b) If a child is still in high school, upon a finding that there
4 is a need to extend support beyond the eighteenth birthday to
5 complete high school; or

6 (c) To add an automatic adjustment of support provision
7 consistent with RCW 26.09.100.

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

12 (i) Changes in the income of the person required to pay support,
13 or of the payee under the order or the person entitled to receive
14 support who is a parent of the child or children covered by the
15 order; or

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

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

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

27 (10)(a) The department of social and health services may file an
28 action to modify or adjust an order of child support if public
29 assistance money is being paid to or for the benefit of the child and
30 the department has determined that the child support order is at
31 least fifteen percent above or below the appropriate child support
32 amount set forth in the standard calculation as defined in RCW
33 26.19.011.

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 fifteen percent above or below the appropriate child support
39 amount set forth in the standard calculation as defined in RCW
40 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 person required to pay support is the
6 basis for the difference between the existing child support order
7 amount and the proposed amount of support determined as a result of a
8 review, the department may file an action to modify or adjust an
9 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 whether the child support order is at
14 least fifteen percent above or below the appropriate child support
15 amount must be based on the current income of the parties.

16 (11) The department of social and health services may file an
17 action to modify or adjust an order of child support under
18 subsections (5) through (9) of this section if:

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

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

23 (c) Another state or jurisdiction has requested a modification of
24 the order.

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

30 **Sec. 6.** RCW 26.12.177 and 2011 c 292 s 7 are each amended to
31 read as follows:

32 (1) All guardians ad litem and any other court-appointed
33 investigator appointed under this title must comply with the training
34 requirements established under RCW 2.56.030(15), prior to their
35 appointment in cases under Title 26 RCW, except that volunteer
36 guardians ad litem or court-appointed special advocates may comply
37 with alternative training requirements approved by the administrative
38 office of the courts that meet or exceed the statewide requirements.
39 In cases involving allegations of limiting factors under RCW

1 26.09.191, the guardians ad litem and any other court-appointed
2 investigator appointed under this title must have additional relevant
3 training under RCW 2.56.030(15) when it is available.

4 (2)(a) Each guardian ad litem program for compensated guardians
5 ad litem shall establish a rotational registry system for the
6 appointment of guardians ad litem under this title. If a judicial
7 district does not have a program the court shall establish the
8 rotational registry system. Guardians ad litem under this title shall
9 be selected from the registry except in exceptional circumstances as
10 determined and documented by the court. The parties may make a joint
11 recommendation for the appointment of a guardian ad litem from the
12 registry.

13 (b) In judicial districts with a population over one hundred
14 thousand, a list of three names shall be selected from the registry
15 and given to the parties along with the background information record
16 as specified in RCW 26.12.175(3), including their hourly rate for
17 services. Each party may, within three judicial days, strike one name
18 from the list. If more than one name remains on the list, the court
19 shall make the appointment from the names on the list. In the event
20 all three names are stricken the person whose name appears next on
21 the registry shall be appointed.

22 (c) If a party reasonably believes that the appointed guardian ad
23 litem is inappropriate or unqualified, charges an hourly rate higher
24 than what is reasonable for the particular proceeding, or has a
25 conflict of interest, the party may, within three judicial days from
26 the appointment, move for substitution of the appointed guardian ad
27 litem by filing a motion with the court.

28 (d) Under this section, within either registry referred to in (a)
29 of this subsection, a subregistry may be created that consists of
30 guardians ad litem under contract with the department of social and
31 health services' division of child support. Guardians ad litem on
32 such a subregistry shall be selected and appointed in state-initiated
33 paternity cases only.

34 (e) The superior court shall remove any person from the guardian
35 ad litem registry who has been found to have misrepresented his or
36 her qualifications.

37 (3) The rotational registry system shall not apply to court-
38 appointed special advocate programs.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 26.12
2 RCW to read as follows:

3 As used in this chapter, "guardian ad litem" means any person
4 other than a volunteer who is appointed by the court in any
5 proceeding under this chapter or any proceeding pursuant to chapter
6 7.105, 26.09, 26.18, or 26.26A RCW.

7 **Sec. 8.** RCW 26.18.050 and 2008 c 6 s 1030 are each amended to
8 read as follows:

9 (1) If an obligor fails to comply with a support or maintenance
10 order, a petition or motion may be filed without notice under RCW
11 26.18.040 to initiate a contempt action as provided in chapter 7.21
12 RCW. If the court finds there is reasonable cause to believe the
13 obligor has failed to comply with a support or maintenance order, the
14 court may issue an order to show cause requiring the obligor to
15 appear at a certain time and place for a hearing, at which time the
16 obligor may appear to show cause why the relief requested should not
17 be granted. A copy of the petition or motion shall be served on the
18 obligor along with the order to show cause.

19 (2) Service of the order to show cause shall be by personal
20 service, or in the manner provided in the civil rules of superior
21 court or applicable statute.

22 (3) If the order to show cause served upon the obligor included a
23 warning that an arrest warrant could be issued for failure to appear,
24 the court may issue a bench warrant for the arrest of the obligor if
25 the obligor fails to appear on the return date provided in the order.

26 (4) There is a rebuttable presumption that an obligor has the
27 means to comply with the support or maintenance order. If the obligor
28 contends at the hearing that he or she lacked the means to comply
29 with the support or maintenance order, the obligor (~~shall~~) must
30 establish by clear and convincing evidence that he or she exercised
31 due diligence in seeking employment, in conserving assets, or
32 otherwise in rendering himself or herself able to comply with the
33 court's order.

34 (5) As provided in RCW 26.18.040, the court retains continuing
35 jurisdiction under this chapter and may use a contempt action to
36 enforce a support or maintenance order until the obligor satisfies
37 all duties of support, including arrearages, that accrued pursuant to
38 the support or maintenance order.

1 **Sec. 9.** RCW 26.23.050 and 2022 c 243 s 4 are each amended to
2 read as follows:

3 (1) Unless the petitioner otherwise requests, a petition for a
4 support order constitutes a written application for support
5 enforcement services by the division of child support. If the
6 division of child support is providing support enforcement services
7 under RCW 26.23.045, or if a party (~~(is applying)~~) has applied for
8 support enforcement services (~~((by signing the application form on the~~
9 ~~bottom of the support order))~~), the superior court shall include in
10 all court orders that establish or modify a support obligation:

11 (a) A provision that orders and directs the person required to
12 pay support to make all support payments to the Washington state
13 support registry;

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

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

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

24 (c) A statement that the payee under the order or the person
25 entitled to receive support might be required to submit an accounting
26 of how the support, including any cash medical support, is being
27 spent to benefit the child;

28 (d) A statement that a party to the support order who is required
29 to provide health care coverage for the child or children covered by
30 the order must notify the division of child support and the other
31 party to the support order when the coverage terminates;

32 (e) A statement that any privilege of the person required to pay
33 support to obtain and maintain a license, as defined in RCW
34 74.20A.320, may not be renewed, or may be suspended if the person is
35 not in compliance with a support order as provided in RCW 74.20A.320;
36 and

37 (f) A statement that the support obligation under the order may
38 be abated as provided in RCW 26.09.320 if the person required to pay
39 support is confined in a jail, prison, or correctional facility for

1 at least six months, or is serving a sentence greater than six months
2 in a jail, prison, or correctional facility.

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

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

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

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

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

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

26 (ii) A statement that the payee under the order or the person
27 entitled to receive support may be required to submit an accounting
28 of how the support is being spent to benefit the child;

29 (iii) A statement that any party to the order required to provide
30 health care coverage for the child or children covered by the order
31 must notify the division of child support and the other party to the
32 order when the coverage terminates; and

33 (iv) A statement that a party to the order seeking to enforce the
34 other party's obligation to provide health care coverage may:

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

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

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

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

3 (i) Immediate income withholding may be ordered if the person
4 required to pay support has earnings. If immediate income withholding
5 is ordered under this subsection, all support payments shall be paid
6 to the Washington state support registry. The superior court shall
7 issue a mandatory wage assignment order as set forth in chapter 26.18
8 RCW when the support order is signed by the court. The payee under
9 the order or the person entitled to receive the transfer payment is
10 responsible for serving the employer with the order and for its
11 enforcement as set forth in chapter 26.18 RCW.

12 (ii) If immediate income withholding is not ordered, the court
13 shall require that income withholding be delayed until a payment is
14 past due. The support order shall contain a statement that
15 withholding action may be taken against wages, earnings, assets, or
16 benefits, and liens enforced against real and personal property under
17 the child support statutes of this or any other state, without
18 further notice to the person required to pay support, after a payment
19 is past due.

20 (c) If a mandatory income withholding order under chapter 26.18
21 RCW is issued under this subsection and the division of child support
22 provides support enforcement services under RCW 26.23.045, the
23 existing wage withholding assignment is prospectively superseded upon
24 the division of child support's subsequent service of an income
25 withholding order.

26 (3) The office of administrative hearings and the department of
27 social and health services shall require that all support obligations
28 established as administrative orders include a provision which orders
29 and directs that the person required to pay support shall make all
30 support payments to the Washington state support registry. All
31 administrative orders shall also state that any privilege of the
32 person required to pay support to obtain and maintain a license, as
33 defined in RCW 74.20A.320, may not be renewed, or may be suspended if
34 the person is not in compliance with a support order as provided in
35 RCW 74.20A.320. All administrative orders shall also state that
36 withholding action may be taken against wages, earnings, assets, or
37 benefits, and liens enforced against real and personal property under
38 the child support statutes of this or any other state without further
39 notice to the person required to pay support at any time after entry
40 of the order, unless:

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

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

6 (4) If the support order does not include the provision ordering
7 and directing that all payments be made to the Washington state
8 support registry and a statement that withholding action may be taken
9 against wages, earnings, assets, or benefits if a support payment is
10 past due or at any time after the entry of the order, or that
11 licensing privileges of the person required to pay support may not be
12 renewed, or may be suspended, the division of child support may serve
13 a notice on the person stating such requirements and authorizations.
14 Service may be by personal service or any form of mail requiring a
15 return receipt.

16 (5) Every support order shall state:

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

18 (b) That withholding action may be taken against wages, earnings,
19 assets, or benefits, and liens enforced against real and personal
20 property under the child support statutes of this or any other state,
21 without further notice to the person required to pay support at any
22 time after entry of a support order, unless:

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

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

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

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

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

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

32 (g) A provision requiring both the person required to pay
33 support, and the payee under the order or the person entitled to
34 receive support who is a parent of the child or children covered by
35 the order, to keep the Washington state support registry informed of
36 whether he or she has access to health care coverage at reasonable
37 cost and, if so, the health care coverage information;

38 (h) That either or both the person required to pay support, and
39 the payee under the order or the person entitled to receive support
40 who is a parent of the child or children covered by the order, shall

1 be obligated to provide medical support for a child or children
2 covered by the order through health care coverage if:

3 (i) The person obligated to provide medical support provides
4 accessible coverage for the child or children through private or
5 public health care coverage; or

6 (ii) Coverage that can be extended to cover the child or children
7 is or becomes available to the person obligated to provide medical
8 support through employment or is union-related; or

9 (iii) In the absence of such coverage, through an additional sum
10 certain amount, as that obligated person's monthly payment toward the
11 premium as provided under RCW 26.09.105;

12 (i) That a person obligated to provide medical support who is
13 providing health care coverage must notify both the division of child
14 support and the other party to the order when coverage terminates;

15 (j) That if proof of health care coverage or proof that the
16 coverage is unavailable is not provided within twenty days, the
17 person seeking enforcement or the department may seek direct
18 enforcement of the coverage through the employer or union of the
19 person required to provide medical support without further notice to
20 the person as provided under chapter 26.18 RCW;

21 (k) The reasons for not ordering health care coverage if the
22 order fails to require such coverage;

23 (l) That any privilege of the person required to pay support to
24 obtain and maintain a license, as defined in RCW 74.20A.320, may not
25 be renewed, or may be suspended if the person is not in compliance
26 with a support order as provided in RCW 74.20A.320;

27 (m) That each party to the support order must:

28 (i) Promptly file with the court and update as necessary the
29 confidential information form required by subsection (7) of this
30 section; and

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

33 (n) That parties to administrative support orders shall provide
34 to the state case registry and update as necessary their residential
35 addresses and the address of the employer of the person required to
36 pay support. The division of child support may adopt rules that
37 govern the collection of parties' current residence and mailing
38 addresses, telephone numbers, dates of birth, social security
39 numbers, the names of the children, social security numbers of the
40 children, dates of birth of the children, driver's license numbers,

1 and the names, addresses, and telephone numbers of the parties'
2 employers to enforce an administrative support order. The division of
3 child support shall not release this information if the division of
4 child support determines that there is reason to believe that release
5 of the information may result in physical or emotional harm to the
6 party or to the child, or a restraining order or protective order is
7 in effect to protect one party from the other party.

8 (6) After the person required to pay support has been ordered or
9 notified to make payments to the Washington state support registry
10 under this section, that person shall be fully responsible for making
11 all payments to the Washington state support registry and shall be
12 subject to payroll deduction or other income-withholding action. The
13 person required to pay support shall not be entitled to credit
14 against a support obligation for any payments made to a person or
15 agency other than to the Washington state support registry except as
16 provided under RCW 74.20.101. A civil action may be brought by the
17 person required to pay support to recover payments made to persons or
18 agencies who have received and retained support moneys paid contrary
19 to the provisions of this section.

20 (7) All petitioners and parties to all court actions under
21 chapters 26.09, 26.12, 26.18, 26.21A, 26.23, 26.26A, 26.26B, and
22 26.27 RCW and minor guardianships under chapter 11.130 RCW shall
23 complete to the best of their knowledge a verified and signed
24 confidential information form or equivalent that provides the
25 parties' current residence and mailing addresses, telephone numbers,
26 dates of birth, social security numbers, driver's license numbers,
27 and the names, addresses, and telephone numbers of the parties'
28 employers, to ensure that the parties' information is added to the
29 judicial information system's person database. The clerk of the court
30 shall not accept petitions, except in parentage actions initiated by
31 the state, orders of child support, decrees of dissolution, or
32 parentage orders for filing in such actions unless accompanied by the
33 confidential information form or equivalent, or unless the
34 confidential information form or equivalent is already on file with
35 the court clerk. In lieu of or in addition to requiring the parties
36 to complete a separate confidential information form, the clerk may
37 collect the information in electronic form. The clerk of the court
38 shall transmit the confidential information form or its data to the
39 division of child support with a copy of the order of child support
40 or parentage order, and may provide copies of the confidential

1 information form or its data and any related findings, decrees,
2 parenting plans, orders, or other documents to the state
3 administrative agency that administers Title IV-A, IV-D, IV-E, or XIX
4 of the federal social security act. In state initiated parentage
5 actions, the parties adjudicated the parents of the child or children
6 shall complete the confidential information form or equivalent or the
7 state's attorney of record may complete that form to the best of the
8 attorney's knowledge.

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

15 NEW SECTION. **Sec. 10.** This act may be known and cited as the
16 survivors and families empowerment and help act.

--- END ---