

WAC 388-14A-3330 What are the procedures for the annual review of a notice of support owed? (1) RCW 26.23.110 provides for an annual review of the support order which was previously the subject of a notice of support owed under that statute if the division of child support (DCS), the noncustodial parent (NCP), or the custodial parent (CP) requests a review.

(a) Either the CP or the NCP may request an annual review of the support order.

(b) DCS may request an annual review of the support order but has no duty to do so.

(2) For purposes of chapter 388-14A WAC, an "annual review of a support order" is defined as:

(a) The collection by DCS of necessary information from CP and NCP;

(b) The service of a notice of support owed under WAC 388-14A-3310, 388-14A-3311, or 388-14A-3312; and

(c) The determination of arrears and current support amount with an effective date which is at least 12 months after the date the last notice of support owed, or the last administrative order or decision based on a notice of support owed, became a final administrative order.

(3) A notice of support owed may be prepared and served sooner than 12 months after the date the last notice of support owed, or the last administrative order or decision based on a notice of support owed, became a final administrative order, but the amounts determined under the notice of support owed may not be effective sooner than 12 months after that date unless the notice of support owed resulted from an accelerated review under WAC 388-14A-3331.

(4) For the purpose of this section, the terms "payee" and "CP" are interchangeable, and can mean either the payee under the order or the person with whom the child resides the majority of the time.

(5) For purposes of chapter 388-14A WAC, the following rules apply to an "annual review of a support order" for a notice of support owed served under WAC 388-14A-3312:

(a) Either the CP or the NCP may be the party seeking reimbursement, so long as the CP is both a party to the order and a parent of the child or children for whom the expenses were incurred.

(b) The party seeking reimbursement must provide proof of payment of at least 500 dollars in uninsured medical expenses for services provided in the last 24 months.

(c) At least 12 months must have passed since:

(i) The date the last notice of support owed for unreimbursed medical expenses on behalf of the party seeking reimbursement became a final order; or

(ii) The last administrative order or decision based on a notice of support owed for unreimbursed medical expenses on behalf of that party became a final administrative order.

(6) WAC 388-14A-3310(1) describes the different types of notice of support owed which are served by DCS. In the event that DCS has served more than one type of notice of support owed on the same case, each notice of support owed has its own 12 month cycle for annual review.

(7) For purposes of this section, the 12 month cycle for annual review runs separately for the NCP and for the CP, depending on which one is the party seeking reimbursement.

(8) DCS serves the notice for an annual review on both parties by regular mail to each party's last known address if the order resulting

from the prior notice of support owed included a statement that subsequent notices of support owed to review the amounts will be served by regular mail.

[Statutory Authority: RCW 26.09.105, 26.23.110, 74.04.055, 74.08.090, 74.20.040, and 74.20A.310. WSR 21-24-063, § 388-14A-3330, filed 11/29/21, effective 12/30/21. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3330, filed 5/19/11, effective 6/19/11.]