

WSR 21-22-071
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Division of Child Support)
[Filed October 29, 2021, 2:14 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-05-061.

Title of Rule and Other Identifying Information: Implements incarceration abatement and modification request/hearing notification service as enacted in SHB 2302 (chapter 227, Laws of 2020): WAC 388-14A-1020 What definitions apply to the rules regarding child support enforcement?, 388-14A-3900 Does DCS review my support order to see if it should be modified?, 388-14A-3901 Under what circumstances does DCS review a support order for modification?, 388-14A-3903 How does DCS decide whether to petition for modification of a support order?, 388-14A-3925 Who can ask to modify an administrative support order?, 388-14A-3935 What does DCS do with respect to abatement when it learns the noncustodial parent is an incarcerated parent?, 388-14A-3940 Who can ask to add abatement language to an administrative order?, 388-14A-3945 How does DCS administer abatement of an incarcerated person's child support order?, 388-14A-3950 What does DCS do to reinstate the support order when the NCP is released from confinement?, 388-14A-3955 What does DCS do when it determines an incarcerated person's support order should not be abated?, 388-14A-3960 What happens at a hearing on a notice regarding non-abatement of child support?, 388-14A-3965 What happens at a hearing on a notice of abatement?, 388-14A-3970 Who may request to terminate or reverse an abatement?, 388-14A-3975 What happens at a hearing to terminate or reverse an abatement?, and 388-14A-6100 The division of child support accepts oral requests for hearing or conference board.

Hearing Location(s): On December 21, 2021, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington [Street S.E.], Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/office-of-the-secretary/driving-directions-office-bldg-2>; or virtual. Due to the COVID-19 pandemic, hearings are being held virtually. Please see the DSHS website for the most current information.

Date of Intended Adoption: Not earlier than January 1, 2022.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, by 5:00 p.m., December 21, 2021.

Assistance for Persons with Disabilities: Contact Shelley Tencza, DSHS rules consultant, phone 360-664-6198, fax 360-664-6185, TTY 711 relay service, email tencza@dshs.wa.gov [tencza@dshs.wa.gov], by 5:00 p.m., on December 7, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Implements incarceration abatement and modification request/hearing notification service as enacted in SHB 2302 (chapter 227, Laws of 2020). Establishes the process by which qualifying incarcerated individuals have their child support obligations abated. Also clarifies under WAC 388-14A-3925 that the office of administrative hearings (OAH), not the division of child support

(DCS), serves copies of requests for modification and notice of hearings.

Reasons Supporting Proposal: This rule making is required to implement SHB 2302 (chapter 227, Laws of 2020). It will ensure sufficient processes exist for incarceration abatement. It also ensures the correct entity (OAH) serves certain notices as required by law.

Statutory Authority for Adoption: RCW 26.09.916, 74.08.090, 74.20A.055.

Statute Being Implemented: RCW 26.09.170, 26.09.320, 26.09.325, 26.09.330, 26.09.335, 26.09.340, 74.20A.059.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

Name of Proponent: DSHS, economic services administration, DCS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Brady Horenstein, DCS Rules Coordinator, DCS Headquarters, P.O. Box 9162, Olympia, WA 98507-9162, 360-664-5291.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. These rules are exempt under RCW 34.05.328 (5)(b)(vii) because they are rules of DSHS concerning liability for care of dependents.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

Is exempt under RCW 19.85.025(4) and 34.05.328 (5)(b)(vii).

Explanation of exemptions: This proposal does not affect small businesses. These rules are exempt under RCW 34.05.328 (5)(b)(vii) because they are concerning liability for care of dependents.

October 28, 2021
Katherine I. Vasquez
Rules Coordinator

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 21-23 issue of the Register.