

WSR 24-16-134

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

(Division of Child Support)

[Filed August 6, 2024, 3:19 p.m., effective September 6, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this proposal is to amend WAC 388-14A-4900 to implement SB 5842 (chapter 126, Laws of 2024). Under this legislation, the division of child support (DCS) is to minimize the use of Social Security numbers reported directly to DCS by insurance companies complying with RCW 26.23.037. The proposed amendment to the rule makes clear that DCS does not expect insurers reporting directly to DCS to submit a claimant's Social Security number unless the combination of full name, date of birth, and current address is insufficient for DCS to identify the individual. Nothing in the proposal prevents an insurance company from providing a Social Security number to DCS. It only impacts what DCS does with the Social Security number once received. This proposal is necessary to ensure that insurers have sufficient information about the process to fully comply with the statutory requirements.

Citation of Rules Affected by this Order: Amending WAC 388-14A-4900.

Statutory Authority for Adoption: RCW 26.23.037, 26.23.110, 74.08.090, and 74.20A.055.

Adopted under notice filed as WSR 24-12-018 on May 24, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: August 6, 2024.

Katherine I. Vasquez  
Rules Coordinator

**SHS-5035.1**

AMENDATORY SECTION (Amending WSR 21-24-077, filed 11/30/21, effective 12/31/21)

**WAC 388-14A-4900 Insurers must report claim information to the division of child support and withhold payments if directed.** (1) Insurers must report certain insurance claims to the division of child

support (DCS). Within 10 days after opening a tort liability claim for bodily injury or wrongful death, a workers' compensation claim, or a claim under a policy of life insurance, including an annuity, the insurer must report sufficient information to ~~((the division of child support))~~ DCS to enable it to verify whether the claimant or other beneficiary owes child support. A claim is deemed opened when an insurer has sufficient information to:

(a) Identify the claimant;

(b) Determine that the claimant is entitled to payment of the insurance claim proceeds; and

(c) Make such payment. In the case of a claim that will be paid through periodic payments, the insurer must only report the claim before issuing the initial payment.

(2) Insurers can report information:

(a) To the federal office of child support services (OCSS) or the child support lien network (CSLN);

(b) Through an insurance claim data collection organization, which submits the required information to OCSS, CSLN, or the DCS special collections unit within the timeframes and in the manner required by law; or

(c) Directly to the DCS special collections unit, in writing or electronically, if the insurer does not have the capability to report through the above methods.

(3) The information reporting requirements are satisfied so long as the insurer provides minimum identifying information. ~~((Minimum identifying information about the claimant includes:))~~

(a) OCSS and CSLN maintain their own standards for minimum identifying information.

(b) For the purposes of reporting directly to the DCS special collections unit, minimum identifying information about the claim includes:

(i) The claimant's full name and date of birth;

~~((b))~~ (ii) The claimant's ((Social Security number, or if that is unavailable, the claimant's)) current physical address ((and date of birth));

(iii) The claimant's Social Security number, if full name, date of birth, and current physical address are not sufficient for DCS to identify the individual;

~~((e))~~ (iv) The insurer's name;

~~((d))~~ (v) The insurer's claims department address for lien receipt;

~~((e))~~ (vi) The insurer's claim number in the proper format for identification of the claim;

~~((f))~~ (vii) The insurer's claim date of loss;

~~((g))~~ (viii) The adjustor's name;

~~((h))~~ (ix) The adjustor's telephone number;

~~((i))~~ (x) The adjustor's email address; and

~~((j))~~ (xi) The insurer's fax number for receiving lien notices, if one exists.

~~((3) Insurers can report information:~~

~~(a) To the federal office of child support enforcement or the child support lien network;~~

~~(b) Through an insurance claim data collection organization, which submits the required information to the federal office of child support enforcement, the child support lien network, or the division of child support within the timeframes and in the manner required by law; or~~

~~(c) To the division of child support special collections unit in writing or electronically, if the insurer does not have the capability to report through the above methods.)~~

(4) Upon receipt of claims information, ~~((the division of child support))~~ DCS will determine whether a child support debt exists. If so, ~~((the division of child support))~~ DCS will issue a notice to the insurer to withhold payment and remit to ~~((the division of child support))~~ DCS. An insurer is not required to remit payment to ~~((the division of child support))~~ DCS if the notice issued is received after the insurer has disbursed payment on the claim.

(5) ~~((The division of child support))~~ DCS will give any lien, claim, or demand for reasonable claim-related attorneys' fees, property damage, and medical costs priority over any withholding of payment. These costs must be final costs after all reductions have been pursued with interested parties.