WSR 26-14-086
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Division of Child Support)
[Filed June 29, 2026, 4:05 p.m., effective July 30, 2026]

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

Purpose: The division of child support (DCS) is amending 17 sections in chapter 388-14A WAC to make nonsubstantive technical and housekeeping updates. DCS is: Updating contact information; correcting cross-references to other rules or statutes in RCW; correcting the amount of the annual fee from $25 to $35 to align with two other sections in this chapter; replacing references to obsolete programs and forms with references to their current equivalents, where applicable; aligning chapter 388-14A WAC with procedures related to requests for public records and the department of social and health services board of appeals; and making other technical changes as recommended in the office of the code reviser's drafting guidelines. These changes promote internal consistency and better align chapter 388-14A WAC with other agencies' rules and RCW.

Citation of Rules Affected by this Order: Amending WAC 388-14A-1000, 388-14A-2075, 388-14A-2085, 388-14A-2150, 388-14A-2155, 388-14A-3317, 388-14A-4020, 388-14A-4040, 388-14A-4126, 388-14A-4500, 388-14A-4515, 388-14A-4525, 388-14A-4530, 388-14A-5005, 388-14A-5100, 388-14A-5500, and 388-14A-6105.

Statutory Authority for Adoption: RCW 26.18.170, 26.23.035, 26.23.110, 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310, and 74.20A.328.

Adopted under notice filed as WSR 26-09-042 on April 9, 2026.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 17, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 17, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 17, Repealed 0.

Date Adopted: June 29, 2026.

Katherine I. Vasquez
Rules Coordinator

SHS-5126.4

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-1000 The DSHS division of child support is the Title IV-D child support enforcement agency for the state of Washington. (1) The division of child support (DCS) is the part of the department of social and health services that provides child support enforcement services for the state of Washington under Title IV-D of the federal Social Security Act. DCS acts as the Washington state support registry (WSSR) under chapter 26.23 RCW.

(2) DCS is the agency referred to in federal law as "the Title IV-D agency," and performs all duties assigned to the Title IV-D agency.

(3) DCS is responsible for the statewide administration of wage withholding under Title IV-D.

(4) If your support order requires you to make payments to DCS or to WSSR, send payments to: WSSR, P.O. Box 45868, Olympia WA 98504-5868.

((~~(3)~~)) (5) If you want to call DCS, you can call ((~~1-800-442-KIDS~~)) 1-800-442-5437, or call the local DCS field office.

((~~(4)~~)) (6) If you want to write to DCS, you can write to P.O. Box ((~~9162, Olympia WA 98507-9162 or to the local DCS field office~~)) 11520, Tacoma WA 98411-5520.

((~~(5) DCS is responsible for the statewide administration of wage withholding under Title IV-D.~~

~~(6) DCS is the agency referred to in federal law as "the Title IV-D agency," and performs all duties assigned to the Title IV-D agency.~~))

(7) You can find more information about DCS at its website. Visit https://www.dshs.wa.gov/esa/division-child-support.

AMENDATORY SECTION (Amending WSR 12-18-027, filed 8/27/12, effective 9/27/12)

WAC 388-14A-2075 What happens if the division of child support determines that I am not cooperating? (1) When the division of child support (DCS) or its representatives believe that a custodial parent (CP) who receives cash assistance or medical assistance is not cooperating as defined in WAC 388-14A-2040, DCS sends a notice to the CP and to the community services division (CSD) about the noncooperation.

(a) The notice contains the following information:

(i) How the noncooperation was determined, including what actions were required;

(ii) What actions the CP must take to resume cooperation;

(iii) That this notice was sent to CSD;

(iv) That the CP may contact CSD immediately if the CP disagrees with the notice, needs help in order to cooperate, or believes the actions required are unreasonable; and

(v) That CSD may sanction the CP by either reducing or terminating the grant.

(b) CSD sends a notice of planned action to the CP as provided by WAC 388-472-0005 ((~~(1)(i)~~)).

(c) Either the notice of alleged noncooperation or CSD's notice of planned action may serve as the basis for a sanction.

(d) If the noncooperation was due to missing an interview without reasonable excuse, the CP will be considered to be cooperating when the CP appears for a rescheduled interview and either provides information or attests to the lack of information. DCS or its representative must reschedule the interview within seven business days from the date the CP contacts them to reschedule an interview.

(e) If the noncooperation was due to not taking a required action, cooperation resumes when the CP takes that action.

(2) There is no hearing right for a notice of noncooperation, but the CP may request a hearing on the sanction imposed by CSD.

(3) If the CP takes the actions required to resume cooperation within ((~~sixty~~)) 60 days, DCS leaves the case open and continues to establish or enforce the support obligation.

(4) The CP may request a hearing to contest case closure, as described in WAC 388-14A-2095.

AMENDATORY SECTION (Amending WSR 11-22-116, filed 11/2/11, effective 12/3/11)

WAC 388-14A-2085 Under what circumstances may DCS keep a support enforcement case open despite a request to close it? (1) The division of child support (DCS) may deny a request to close a support enforcement case when:

(a) There is a current assignment of support or medical rights on behalf of the children in the case;

(b) There is accrued debt under a support order ((~~which~~)) that has been assigned to the state;

(c) Support or medical rights on behalf of the children have previously been assigned to the state; or

(d) The person who requests closure is not the recipient of support enforcement services.

(2) If DCS is the responding jurisdiction in an intergovernmental case DCS cannot deny a request from the initiating jurisdiction to close the intergovernmental portion of a DCS case.

(3) If there is no current assignment of support or medical rights, DCS may close the portion of the case ((~~which~~)) that is owed to the custodial parent (CP), but if there is accrued debt under a support order ((~~which~~)) that has been assigned to the state, DCS keeps that portion of the case open.

(4) If a ((~~superior court~~)) support order specifies that the noncustodial parent (NCP) must make payments to the WSSR, but the CP does not want support enforcement services, DCS changes the case status to a payment services only (PSO) case, which means that:

(a) DCS provides payment processing and records maintenance((~~,~~))*;* and

(b) DCS does not provide enforcement services.

AMENDATORY SECTION (Amending WSR 03-20-072, filed 9/29/03, effective 10/30/03)

WAC 388-14A-2150 How much does it cost to get copies of DCS records? (1) WAC 388-01-080 authorizes the division of child support

(DCS) to charge copying and postage costs for responses to requests for public ((~~disclosure~~)) records.

(2) The amount DCS charges ((~~fifteen cents per page for copies~~)) depends on the format requested and the method of delivery. See the DSHS website for more information at https://www.dshs.wa.gov/office-of-the-secretary/how-request-public-records.

(3) DCS may waive copy fees in appropriate circumstances.

AMENDATORY SECTION (Amending WSR 03-20-072, filed 9/29/03, effective 10/30/03)

WAC 388-14A-2155 Can I appeal a denial of ((~~public disclosure by the~~)) a request for division of child support records? (1) If ((~~the~~)) your request for division of child support (DCS) ((~~denies a request for public disclosure~~)) records is denied, you may file an appeal with ((~~DCS Public Disclosure Appeals~~)) the economic services administration (ESA) public disclosure unit, P.O. Box ((~~9162~~)) 45445, Olympia WA ((~~98507-9162~~)) 98504-5445.

(2) If ((~~DCS~~)) ESA denies your appeal, you may pursue the other options listed in WAC 388-01-130.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 11-12-006, filed 5/19/11, effective 6/19/11)

WAC 388-14A-3317 What happens if a party makes a timely request for hearing on a notice of support owed? (1) A party who has been served with a notice of support owed may make a timely or untimely objection to the notice.

(a) A timely request for hearing on a notice of support owed is an objection made within the time limits of WAC 388-14A-3316.

(b) WAC 388-14A-3318 describes what happens when the party files an untimely objection.

(2) When the division of child support (DCS) serves a notice of support owed, DCS sends a notice to payee as provided in WAC 388-14A-3115. The party who receives the notice to payee has the right to object to the notice of support owed.

(3) If either party makes a timely request for hearing, DCS submits the hearing request to the office of administrative hearings (OAH) for scheduling.

(4) OAH sends a notice of hearing electronically or by first class mail to all parties at their addresses last known to DCS, notifying each party of the date, time, and place of the hearing.

(5) DCS, the noncustodial parent (NCP), and the custodial parent (CP) are all parties to a hearing on a notice of support owed.

(6) A timely request for hearing stops the notice from becoming a final order, but DCS may still enforce those parts of the support obligation listed in WAC 388-14A-3310((~~(12)~~)) (15). In addition, any party may request that the administrative law judge (ALJ) enter a temporary support order under WAC 388-14A-3850.

(7) See WAC 388-14A-3320 for general information regarding a hearing on a notice of support owed.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-4020 What collection tools does the division of child support use? The division of child support (DCS) uses any remedies available under state and federal law to enforce support obligations. These include, but are not limited to:

(1) ((~~Payroll deduction notice~~)) Income withholding order under RCW 26.23.060;

(2) Order to withhold and deliver under RCW 74.20A.080;

(3) Wage assignment;

(4) License suspension (((~~see~~)) under WAC 388-14A-4500((~~.~~));

(5) ((~~The DCS most wanted internet site (see WAC 388-14A-4600);~~ ~~(6)~~)) Federal income tax offset;

((~~(7)~~)) (6) Asset seizure;

((~~(8)~~)) (7) Liens;

((~~(9)~~)) (8) Medical insurance enrollment; and

((~~(10)~~)) (9) Contempt referral.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 04-17-119, filed 8/17/04, effective 9/17/04)

WAC 388-14A-4040 DCS can serve some collection actions by electronic service. (1) An employer, or any other person, firm, corporation, or political subdivision, or any department of the state or federal government may agree with the division of child support (DCS) to accept electronic data transmission (EDT) as service of the following documents:

(a) ((~~Notice of payroll deduction~~)) Income withholding order under RCW 26.23.060;

(b) Order to withhold and deliver under RCW 74.20A.080;

(c) Assignment of earnings under RCW 74.20A.240;

(d) ((~~Notice of enrollment or~~)) National Medical Support Notice (NMSN) under RCW 26.18.170 ((~~(2)(a)(iv)~~));

(e) Releases of any of these collection documents; and

(f) Amendments in the amount to be withheld under any of these collection documents.

(2) Agreements for service by EDT must be in writing. The employer, person, firm, corporation, political subdivision, or department must agree to accept EDT as:

(a) Personal service of the withholding documents; and

(b) A written document for the purposes of chapters 26.23 and 74.20A RCW.

(3) DCS provides the party accepting EDT with copies of the current forms listed in subsection (2) ((~~above~~)) of this section, as well as any updates to those forms. If DCS fails to provide an updated form, this does not excuse noncompliance with withholding documents served under the EDT agreement.

(4) An agreement to accept service by EDT does not alter the rights, duties, and responsibilities related to income withholding action under chapters 26.23, 74.20, or 74.20A RCW.

AMENDATORY SECTION (Amending WSR 04-17-119, filed 8/17/04, effective 9/17/04)

WAC 388-14A-4126 What kind of help is available for an employer or plan administrator who has questions about the National Medical Support Notice? An employer or plan administrator who receives a National Medical Support Notice (NMSN) from the division of child support (DCS) may do one or more of the following to get help with the form:

(1) Visit the DCS ((~~internet~~)) website at ((~~http://www.dshs.wa.gov/dcs/employers.shtml~~)) https://dshs.wa.gov/esa/division-child-support/employer-resources;

(2) Call the DCS Employer Hotline at ((~~1-800-591-2760~~)) 1-800-562-0479; or

(3) Contact the DCS field office ((~~which~~)) that issued the NMSN.

AMENDATORY SECTION (Amending WSR 10-03-029, filed 1/12/10, effective 2/12/10)

WAC 388-14A-4500 What is the division of child support's license suspension program? (1) RCW 74.20A.320 ((~~and sections 2 through 4 of SSB 5166 (chapter 408, Laws of 2009)~~)) through 74.20A.326 provide that, in some circumstances, the division of child support (DCS) may certify for license suspension a noncustodial parent (NCP) who is not in compliance with a child support order. These statutes call the NCP "the responsible parent."

(a) "Certify" means to notify the department of licensing or other state licensing entities that the NCP is not in compliance with a child support order and to ask them to take appropriate action against licenses held by the NCP. Before DCS can certify an NCP, DCS serves a notice on the NCP as described in WAC 388-14A-4505 and 388-14A-4510. This notice is called the notice of noncompliance and intent to suspend licenses((~~,~~)) and is sometimes called the notice of noncompliance.

(b) "Responsible parent" is defined in 388-14A-1020. The responsible parent is also called the "noncustodial parent."

(2) "Noncompliance with a child support order" is defined in RCW 74.20A.020(18) and in WAC 388-14A-4510(3).

(3) When DCS certifies the NCP, the department of licensing or other licensing entities take action to deny, suspend, or refuse to renew the NCP's license, according to the terms of RCW 74.20A.320(4) and ((~~section 3 of SSB 5166 (chapter 408, Laws of 2009)~~)) 74.20A.324.

(4) This section and sections WAC 388-14A-4505 through 388-14A-4530 cover the DCS license suspension program.

(5) DCS may certify an NCP who is not in compliance with a child support order to the department of licensing or any appropriate licensing entity. In determining which licensing entity receives the certification, DCS considers:

(a) The number and kind of licenses held by the parent; and

(b) The effect that suspension of a particular license will have in motivating the parent to pay support or to contact DCS to make appropriate arrangements for other relief.

(6) DCS may certify a parent to any licensing agency through which it believes the parent has obtained a license. DCS may certify a

parent to as many licensing agencies as DCS feels necessary to accomplish the goals of the license suspension program.

(7) In certain circumstances spelled out in WAC 388-14A-4510 (2) and (3), DCS may serve the notice of noncompliance on a noncustodial parent but may stay the commencement of the objection period in WAC 388-14A-4505 (4)(b).

AMENDATORY SECTION (Amending WSR 10-03-029, filed 1/12/10, effective 2/12/10)

WAC 388-14A-4515 How do I avoid having my license suspended for failure to pay child support? (1) After service of the notice of noncompliance, the division of child support (DCS) stays (delays) certification action if the noncustodial parent (NCP) takes one of the following actions within ((~~twenty~~)) 20 days of service, or within ((~~sixty~~)) 60 days of service if the notice was served outside of Washington:

(a) Contacts DCS and makes arrangements to pay the support debt in full;

(b) Requests an administrative hearing as provided in WAC 388-14A-4527;

(c) Provides proof that the NCP receives ((~~TANF, GAU, GAX or SSI;~~)):

(i) Temporary assistance for needy families (TANF);

(ii) Aged, blind, or disabled cash assistance (ABD);

(iii) Housing and essential needs (HEN);

(iv) Pregnant women's assistance (PWA); or

(v) Supplemental security income (SSI);

(d) Provides proof that the NCP is currently incarcerated at a state or federal correctional facility;

(e) Provides proof that NCP has filed a proceeding to modify the support order; or

(f) Contacts DCS to negotiate and sign a written payment agreement as described in WAC 388-14A-4520.

(i) The stay for negotiation and obtaining signatures may last a maximum of ((~~thirty~~)) 30 calendar days from the date the NCP contacts DCS; and

(ii) If no written payment agreement has been signed within ((~~thirty~~)) 30 calendar days from the date the NCP contacted DCS, DCS schedules the matter for administrative hearing under WAC 388-14A-4530.

(2) If the NCP files a court or administrative action to modify the child support obligation, DCS stays the certification action.

(a) The stay for modification action may not exceed six months unless DCS finds good cause to extend the stay.

(b) The NCP must notify DCS that a modification proceeding is pending and must provide a copy of the motion or request for modification to DCS.

(3) A stay of certification does not require DCS to withdraw the notice of noncompliance.

(4) A stay of certification granted because the NCP is incarcerated, or because the NCP receives TANF, ((~~GAU, GAX~~)) ABD, HEN, PWA, or SSI is lifted ((~~thirty~~)) 30 days after the justification no longer applies to the NCP.

AMENDATORY SECTION (Amending WSR 10-03-029, filed 1/12/10, effective 2/12/10)

WAC 388-14A-4525 How to obtain a release of certification for noncompliance. (1) After the division of child support (DCS) has certified a noncustodial parent (NCP) to a licensing entity for noncompliance, the NCP may obtain a release from DCS if one of the following occurs:

(a) NCP pays the support debt in full, in which case DCS withdraws the notice of noncompliance;

(b) NCP enters into a payment agreement under WAC 388-14A-4520;

(c) DCS confirms that the NCP receives ((~~GAU, GAX, TANF or SSI;~~)):

(i) Temporary assistance for needy families;

(ii) Aged, blind, or disabled cash assistance;

(iii) Housing and essential needs;

(iv) Pregnant women's assistance; or

(v) Supplemental security income;

(d) DCS confirms that the NCP is currently incarcerated at a state or federal correctional facility;

(e) The prosecuting attorney determines that the NCP is substantially complying with a contempt repayment agreement and recommends release;

(f) DCS receives any type of recurring payment, including but not limited to:

(i) Employer payments;

(ii) Unemployment compensation;

(iii) Labor and industries benefits;

(iv) Social security benefits;

(v) Retirement account garnishments;

(g) DCS believes that release of the certification for noncompliance will facilitate the NCP seeking employment, modification of the child support order((~~(s)~~)), or compliance with the current order((~~(s)~~));

(h) DCS certified the NCP because the NCP failed to make a timely objection to the notice of noncompliance and:

(i) The NCP filed a late request for hearing; and

(ii) The final administrative order entered under WAC 388-14A-4530 contains a finding that the NCP made a good faith effort to comply with the order and establishes a payment schedule.

(2) If the NCP and DCS are unable to reach a payment agreement that would lead to release of the certification, the NCP may request a conference board under WAC 388-14A-6400.

(3) By signing a payment agreement with DCS, the NCP waives the administrative hearing right associated with any notice of noncompliance under WAC 388-14A-4505 ((~~which~~)) that was served before the agreement was signed.

(4) DCS retains the right to reinstate the suspension action if the NCP meets the conditions of reinstatement but:

(a) Fails to follow through in a timely fashion with any verbal or written agreement made with DCS; or

(b) Fails to comply with the payment schedule contained in an administrative order entered under WAC 388-14A-4530.

(5) DCS may reinstate the suspension action at any time after releasing the certification, as long as the NCP's case still meets qualifications for certification.

(6) Unless the NCP pays the support debt in full, DCS is not required to withdraw the notice of noncompliance.

(7) DCS must provide a copy of the release to any licensing entity to which DCS has certified the NCP.

(8) The NCP must comply with any requirements of the licensing entity to get the license reinstated or reissued.

AMENDATORY SECTION (Amending WSR 10-03-029, filed 1/12/10, effective 2/12/10)

WAC 388-14A-4530 What can happen at an administrative hearing regarding license suspension? (1) An administrative hearing on a notice of noncompliance under WAC 388-14A-4505 is limited to the following issues:

(a) Whether the person named in the child support order is the noncustodial parent (NCP);

(b) Whether the NCP is required to pay child support under a child support order;

(c) Whether the NCP is more than six months in arrears; and

(d) Whether the NCP has made a good faith effort to comply with the order.

(2) When determining whether the NCP has made a good faith effort to comply with the order, the administrative law judge (ALJ) must consider whether the NCP:

(a) Kept DCS informed of any changes in address or employment;

(b) Provided employer information when employed so that DCS could institute income withholding;

(c) Paid at least one month's worth of current support by voluntary payment during a period when the NCP was not employed; or

(d) Can show any other relevant fact-based factors on which the ALJ may base a finding of good faith.

(3) If the ALJ finds that the NCP is not in compliance with the support order((~~,~~)) but has made a good faith effort to comply, the ALJ must formulate a payment schedule after considering:

(a) The amount of the arrearages owed;

(b) The amount of the current support order;

(c) The earnings of the NCP; and

(d) The needs of all children who rely on the NCP for support.

(4) The ALJ must:

(a) Consider the individual financial circumstances of the NCP in evaluating the parent's ability to pay; and

(b) Establish a fair and reasonable payment schedule tailored to the NCP's individual circumstances.

(5) The payment schedule may:

(a) Include a graduated payment plan as described in WAC 388-14A-4520(8);

(b) Require the NCP to engage in employment-enhancing activities in order to attain a satisfactory payment level; and

(c) May be for the payment of less than current monthly support for a reasonable time.

(6) Unless the NCP shows an ability to pay immediately, the payment schedule is not required to include a lump sum payment for the amount of the arrears.

(7) The administrative order must contain a provision stating that:

(a) If the NCP does not comply with the payment schedule, DCS may proceed with the certification process with no further notice to the NCP;

(b) The payment schedule is for the limited purpose of avoiding license suspension; and

(c) DCS's authority to collect any and all amounts authorized under chapters 26.18, 26.23, ((~~47.20~~)) 74.20, and 74.20A RCW is not affected by the payment schedule.

(8) The administrative law judge (ALJ) is not required to calculate the outstanding support debt beyond determining whether the NCP is at least six months in arrears. Any debt calculation shall not be binding on the department or the NCP beyond the determination that there is at least six months of arrears.

(9) If the NCP requests a hearing on the notice of noncompliance under the circumstances spelled out in WAC 388-14A-4510 (1)(a) or (b), DCS asks the office of administrative hearings to schedule a hearing. If the hearing results in a finding that the NCP is not in compliance with the order, or that DCS is authorized to certify the NCP, DCS stays the certification process until ((~~thirty~~)) 30 days after the NCP:

(a) Is released from jail or prison; or

(b) Stops receiving cash public assistance.

AMENDATORY SECTION (Amending WSR 11-06-042, filed 2/28/11, effective 3/31/11)

WAC 388-14A-5005 How does DCS distribute federal tax refund offset collections? The division of child support (DCS) distributes federal tax refund offset collections in accordance with 42 U.S.C. Sec. 657 and 42 U.S.C. Sec. 654(34), as follows:

(1) DCS distributes federal tax refund offset collections to arrears only, and not to current support.

(2) DCS distributes federal tax refund offset collections within an individual case depending on the type of case to which the collection is distributed:

(a) In a never assistance case, all amounts are distributed to family arrears, meaning those arrears ((~~which~~)) that have never been assigned.

(b) In a former assistance case, all amounts are distributed first to permanently assigned arrears, then to conditionally assigned arrears, then to family arrears.

(c) In a current assistance case, all amounts are distributed first to permanently assigned arrears, then to temporarily assigned arrears ((~~(if they exist)~~)), then to conditionally assigned arrears, and then to family arrears.

(3) Federal tax refund offset collections distributed to assigned support are retained by the state to reimburse the cumulative amount of assistance ((~~which~~)) that has been paid to the family.

(4) DCS may distribute federal tax refund offset collections only to certified support debts. DCS must refund any excess to the noncustodial parent (NCP).

(5) DCS may retain the ((~~twenty-five dollar~~)) $35 annual fee required under ((~~the federal Deficit Reduction Act of 2005 and~~)) RCW 74.20.040 from federal tax refund offset collections distributed to nonassistance cases.

(6) When the Secretary of the Treasury, through the federal Office of Child Support Enforcement (OCSE), notifies DCS that a collection from a federal tax refund offset is from a tax refund based on a joint return, DCS follows the procedures set forth in WAC 388-14A-5010.

AMENDATORY SECTION (Amending WSR 21-12-003, filed 5/19/21, effective 6/19/21)

WAC 388-14A-5100 How does the division of child support notify the custodial parent about support collections? (1) The division of child support (DCS) mails a distribution and disbursement statement once each month to the last known address of a person for whom it received a support collection during the month, except as provided under subsection (6) of this section.

(2) DCS includes the following information in the distribution and disbursement statement:

(a) The amount of support collections DCS received and the date of collection;

(b) A description of how DCS distributed each support collection between current support and the support debt and any fees required by state or federal law;

(c) The amount DCS claims as reimbursement for public assistance paid, if applicable;

(d) The amount kept by the state to repay public assistance paid to the family;

(e) The amount disbursed to the family as a pass-through payment under WAC 388-14A-5015;

(f) The amount disbursed to the family as a payment on support owed to the family;

(g) The amount kept by the state to pay the ((~~twenty-five dollar~~)) $35 annual fee, if applicable; and

(h) The amount kept by the state to repay child support paid to the family in error.

(3) The person to whom a distribution and disbursement statement is sent may file a request for a hearing under subsection (4) of this section within ((~~ninety~~)) 90 days of the date of the statement to contest how DCS distributed the support collections, and must make specific objections to the statement. The effective date of a hearing request is the date DCS receives the request.

(4) A hearing under this section is for the limited purpose of determining if DCS correctly distributed the support money described in the contested statement.

(a) There is no hearing right regarding fees that have been charged on a case.

(b) If a custodial parent (CP) wants to request a hardship waiver of the fee, the CP may request a conference board under WAC 388-14A-6400.

(5) A person who requests a late hearing must show good cause for being late.

(6) This section does not require DCS to send a distribution and disbursement statement to a recipient of payment services only.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-5500 How does the division of child support collect support debts owed by someone other than a noncustodial parent? (1) ((~~Sections 17 and 18, chapter 171, Laws of 1979 ex. sess. (~~))Under RCW 74.20.320 and 74.20A.270((~~)~~)), ((~~provide that~~)) a custodian of children or other person who receives support money ((~~which money was~~)) paid, in whole or in part, toward a support obligation under ((~~42 U.S.C. 602 (a)(26)(A), sections 17 and 22, chapter 171, Laws of 1979 ex. sess., or~~)) RCW 74.20.320, 74.20.330, or 74.20A.030 must remit that money to the division of child support (DCS) within eight days of receipt, and is indebted to the department for this amount of money.

(2) By not remitting support money described in subsection (1) of this section, a custodial parent (CP) or other person makes, without the necessity of signing any document, an irrevocable assignment to the department of an equal amount of any support debt not already assigned to the department, but owing to the CP or other person, or an equal amount of any support debt ((~~which~~)) that may accrue in the future. DCS may use the collection procedures of chapter 74.20A RCW to collect this assigned delinquency, to satisfy a debt owed under subsection (1) of this section.

(3) DCS may also make a set-off to pay the debt under subsection (1) of this section from support money in DCS' possession or in the possession of a county clerk or other forwarding agent if that money was paid to satisfy a support delinquency.

(4) DCS may take action alternatively or simultaneously under subsections (1), (2), and (3) of this section but the department may not collect and retain more money than the debt described under subsection (1) of this section, refunding the excess, without deducting fees, to the CP.

(5) DCS must give the CP or other person an account of actions taken under subsections (2) or (3) of this section.

AMENDATORY SECTION (Amending WSR 03-17-013, filed 8/12/03, effective 9/12/03)

WAC 388-14A-6105 What is the difference between an initial order and a final order in a hearing involving the division of child support? (1) In an administrative hearing involving the DSHS division of child support (DCS), the administrative law judge (ALJ) enters either an initial order, which is subject to review by the DSHS board of appeals (BOA), or a final order, which is not subject to review by BOA.

(2) The terms **"initial order((~~,~~))"**, **"final order"**, and **"review"** are defined in WAC 388-02-0010, and those definitions are ((~~repeated~~)) paraphrased here for ease of reference:

(a) **"Initial order"** is a hearing decision made by an ALJ that may be reviewed by a BOA review judge ((~~pursuant to~~)) under WAC 388-02-0215(4). An initial order is sometimes called an **"initial decision."**

(b) **"Final order"** means an order that is the final DSHS decision.

(c) **"Review"** means the act of reviewing initial orders and making the final agency decision as provided by RCW 34.05.464.

(3) WAC 388-14A-6110 and 388-14A-6115 describe how to determine what kind of order is entered. Whether the ALJ enters an initial order

or a final order does not depend on the date the hearing is held or the date the order is entered.

(4) WAC 388-14A-6120 describes what you can do if you disagree with an initial order or final order.

(5) WAC 388-14A-6125 describes when DCS may take enforcement action on an initial order or final order.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.