
ENGROSSED SENATE BILL 5344

State of Washington 54th Legislature 1995 Regular Session

By Senators Wojahn, Smith, Haugen and Kohl

Read first time 01/19/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to enhancing the child support enforcement program;
2 amending RCW 26.09.170 and 67.70.255; adding a new section to chapter
3 26.26 RCW; creating new sections; providing a contingent expiration
4 date; and declaring an emergency.

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

6 **Sec. 1.** RCW 26.09.170 and 1992 c 229 s 2 are each amended to read
7 as follows:

8 (1) Except as otherwise provided in subsection (7) of RCW
9 26.09.070, the provisions of any decree respecting maintenance or
10 support may be modified: (a) Only as to installments accruing
11 subsequent to the petition for modification or motion for adjustment
12 except motions to compel court-ordered adjustments, which shall be
13 effective as of the first date specified in the decree for implementing
14 the adjustment; and, (b) except as otherwise provided in subsections
15 (4), (5), (8), and (9) of this section, only upon a showing of a
16 substantial change of circumstances. The provisions as to property
17 disposition may not be revoked or modified, unless the court finds the
18 existence of conditions that justify the reopening of a judgment under
19 the laws of this state.

1 (2) Unless otherwise agreed in writing or expressly provided in the
2 decree the obligation to pay future maintenance is terminated upon the
3 death of either party or the remarriage of the party receiving
4 maintenance.

5 (3) Unless otherwise agreed in writing or expressly provided in the
6 decree, provisions for the support of a child are terminated by
7 emancipation of the child or by the death of the parent obligated to
8 support the child.

9 (4) An order of child support may be modified one year or more
10 after it has been entered without showing a substantial change of
11 circumstances:

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

14 (b) If a party requests an adjustment in an order for child support
15 which was based on guidelines which determined the amount of support
16 according to the child's age, and the child is no longer in the age
17 category on which the current support amount was based;

18 (c) If a child is still in high school, upon a finding that there
19 is a need to extend support beyond the eighteenth birthday to complete
20 high school; or

21 (d) To add an automatic adjustment of support provision consistent
22 with RCW 26.09.100.

23 (5) An order or decree entered prior to June 7, 1984, may be
24 modified without showing a substantial change of circumstances if the
25 requested modification is to:

26 (a) Require health insurance coverage for a child named therein; or

27 (b) Modify an existing order for health insurance coverage.

28 (6) An obligor's voluntary unemployment or voluntary
29 underemployment, by itself, is not a substantial change of
30 circumstances.

31 (7) The department of social and health services may file an action
32 to modify an order of child support if public assistance money is being
33 paid to or for the benefit of the child and the child support order is
34 (~~twenty-five~~) twenty percent or more below the appropriate child
35 support amount set forth in the standard calculation as defined in RCW
36 26.19.011 and reasons for the deviation are not set forth in the
37 findings of fact or order. The determination of (~~twenty-five~~) twenty
38 percent or more shall be based on the current income of the parties and
39 the department shall not be required to show a substantial change of

1 circumstances if the reasons for the deviations were not set forth in
2 the findings of fact or order.

3 (8)(a) All child support decrees may be adjusted once every twenty-
4 four months based upon changes in the income of the parents without a
5 showing of substantially changed circumstances. Either party may
6 initiate the adjustment by filing a motion and child support
7 worksheets.

8 (b) A party may petition for modification in cases of substantially
9 changed circumstances under subsection (1) of this section at any time.
10 However, if relief is granted under subsection (1) of this section,
11 twenty-four months must pass before a motion for an adjustment under
12 (a) of this subsection may be filed.

13 (c) If, pursuant to (a) of this subsection or subsection (9) of
14 this section, the court adjusts or modifies a child support obligation
15 by more than thirty percent and the change would cause significant
16 hardship, the court may implement the change in two equal increments,
17 one at the time of the entry of the order and the second six months
18 from the entry of the order. Twenty-four months must pass following
19 the second change before a motion for an adjustment under (a) of this
20 subsection may be filed.

21 (d) A parent who is receiving transfer payments who receives a wage
22 or salary increase may not bring a modification action pursuant to
23 subsection (1) of this section alleging that increase constitutes a
24 substantial change of circumstances.

25 (9) An order of child support may be adjusted twenty-four months
26 from the date of the entry of the decree or the last adjustment or
27 modification, whichever is later, based upon changes in the economic
28 table or standards in chapter 26.19 RCW.

29 (10) If a child support order varies twenty percent or more from
30 the basic child support obligation as defined in RCW 26.19.011, the
31 variance shall constitute a rebuttable presumption that a substantial
32 change in the circumstances of the parties has occurred. This shall
33 not apply to orders that vary from the child support schedule as a
34 result of deviations from the schedule approved by the court or an
35 administrative hearings officer.

36 NEW SECTION. Sec. 2. (1) The office of support enforcement shall
37 establish a pilot project to enter into contracts with collection
38 agencies for collection of accounts that the office of support

1 enforcement is unsuccessful in collecting after twelve months. The
2 listing collection agency shall not assess the department any fee. All
3 fees collected shall be in addition to the amount of the debt owed by
4 the delinquent party and shall be assessed to the delinquent party not
5 to exceed twenty percent of the amount owed. All child support
6 collected by the collection agency shall be paid to the state.

7 (2) The department shall monitor each case that it refers to a
8 collection agency.

9 (3) The department shall evaluate the effectiveness of entering
10 into contracts for services under this section.

11 (4) The pilot project shall begin July 1, 1995, and end July 1,
12 1997.

13 (5) The department shall report to the legislature on the results
14 of its analysis under subsections (2) and (3) of this section by
15 December 1, 1998.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 26.26 RCW
17 to read as follows:

18 Upon the birth of a child to a woman unmarried at the time of birth
19 or conception, the administrator or person in charge of a hospital or
20 similar institution in which births occur, or the administrator's or
21 person's agent, shall:

22 (1) Provide an opportunity for the child's mother and putative
23 father to complete an acknowledgment of parentage under this chapter;
24 and

25 (2) Make available to the mother and putative father written
26 information, that the department of social and health services shall
27 furnish, regarding paternity establishment.

28 **Sec. 4.** RCW 67.70.255 and 1986 c 83 s 2 are each amended to read
29 as follows:

30 (1) Any state agency or political subdivision that maintains
31 records of debts owed to the state or political subdivision, or that
32 the state is authorized to enforce or collect, including past-due child
33 support, may submit data processing tapes containing debt information
34 to the lottery in a format specified by the lottery. State agencies or
35 political subdivisions submitting debt information tapes shall provide
36 updates on a regular basis at intervals not to exceed one month and

1 shall be solely responsible for the accuracy of the information
2 contained therein.

3 (2) The lottery shall include the debt information submitted by
4 state agencies or political subdivisions in its validation and prize
5 payment process. The lottery shall delay payment of a prize exceeding
6 six hundred dollars for a period not to exceed two working days, to any
7 person owing a debt to a state agency or political subdivision pursuant
8 to the information submitted in subsection (1) of this section. The
9 lottery shall contact the state agency or political subdivision that
10 provided the information to verify the debt. The prize shall be paid
11 to the claimant if the debt is not verified by the submitting state
12 agency or political subdivision within two working days. If the debt
13 is verified, the prize shall be disbursed pursuant to subsection (3) of
14 this section.

15 (3) Prior to disbursement, any lottery prize exceeding six hundred
16 dollars shall be set off against any debts owed by the prize winner to
17 a state agency or political subdivision, or that the state is
18 authorized to enforce or collect.

19 NEW SECTION. **Sec. 5.** The governor and the department of social
20 and health services shall seek all necessary exemptions and waivers
21 from and amendments to federal statutes, rules, and regulations and
22 shall report to the appropriate committees in the house of
23 representatives and senate quarterly on the efforts to secure the
24 federal changes to permit full implementation of section 3 of this act
25 at the earliest possible date.

26 NEW SECTION. **Sec. 6.** In the event that the department of social
27 and health services is not able to obtain the necessary exemptions,
28 waivers, or amendments referred to in section 5 of this act before
29 January 1, 1998, this act shall expire on that date and shall have no
30 further force or effect.

31 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of the
33 state government and its existing public institutions, and shall take
34 effect immediately.

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