

2 **SHB 2488** - S COMM AMD

3 By Committee on Law & Justice

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 26.09.105 and 1989 c 416 s 1 are each amended to read
8 as follows:

9 (1) In entering or modifying a support order under this chapter,
10 the court shall require either or both parents to maintain or provide
11 health insurance coverage except as provided in subsection (2) of this
12 section, for any child named in the order if:

13 (a) Coverage that can be extended to cover the child is or becomes
14 available to that parent through employment or is union-related; and

15 (b) The cost of such coverage does not exceed twenty-five percent
16 of the obligated parent's basic child support obligation.

17 (2) The court shall consider the best interests of the child and
18 have discretion to order health insurance coverage when entering or
19 modifying a support order under this chapter if the cost of such
20 coverage exceeds twenty-five percent of the obligated parent's basic
21 support obligation.

22 (3) The parents shall maintain such coverage required under this
23 section until:

24 (a) Further order of the court;

25 (b) The child is emancipated, if there is no express language to
26 the contrary in the order; or

27 (c) Health insurance is no longer available through the parents'
28 employer or union and no conversion privileges exist to continue
29 coverage following termination of employment.

30 (4) A parent who is required to extend health insurance coverage to
31 a child under this section is liable for any covered health care costs
32 for which the parent receives direct payment from an insurer.

33 (5) This section shall not be construed to limit the authority of
34 the court to enter or modify support orders containing provisions for
35 payment of uninsured health expenses, health care costs, or insurance

1 premiums which are in addition to and not inconsistent with this
2 section.

3 (6) A parent ordered to provide health insurance coverage shall
4 provide proof of such coverage or proof that such coverage is
5 unavailable within twenty days of the entry of the order(~~(, or within~~
6 ~~twenty days of the date such coverage becomes available,)~~) to:

7 (a) The physical custodian; or

8 (b) The department of social and health services if the parent has
9 been notified or ordered to make support payments to the Washington
10 state support registry.

11 (7) Every order requiring a parent to provide health care or
12 insurance coverage shall be entered in compliance with RCW 26.23.050
13 and be subject to direct enforcement as provided under chapter 26.18
14 RCW.

15 (8) "Health insurance coverage" as used in this section does not
16 include medical assistance provided under chapter 74.09 RCW.

17 **Sec. 2.** RCW 26.09.120 and 1989 c 360 s 11 are each amended to read
18 as follows:

19 (1) The court shall order support payments, including spousal
20 maintenance if child support is ordered, to be made to the Washington
21 state support registry, or the person entitled to receive the payments
22 under an (~~alternate payment plan~~) order approved by the court as
23 provided in RCW 26.23.050.

24 (2) Maintenance payments, when ordered in an action where there is
25 no dependent child, may be ordered to be paid to the person entitled to
26 receive the payments, or the clerk of the court as trustee for
27 remittance to the persons entitled to receive the payments.

28 (3) If support or maintenance payments are made to the clerk of
29 court, the clerk:

30 (a) Shall maintain records listing the amount of payments, the date
31 when payments are required to be made, and the names and addresses of
32 the parties affected by the order;

33 (b) May by local court rule accept only certified funds or cash as
34 payment; and

35 (c) Shall accept only certified funds or cash for five years in all
36 cases after one check has been returned for nonsufficient funds or
37 account closure.

1 (4) The parties affected by the order shall inform the registry
2 through which the payments are ordered to be paid of any change of
3 address or of other conditions that may affect the administration of
4 the order.

5 **Sec. 3.** RCW 26.18.070 and 1993 c 426 s 6 are each amended to read
6 as follows:

7 (1) A petition or motion seeking a mandatory wage assignment in an
8 action under RCW 26.18.040 may be filed by an obligee if the obligor
9 is:

10 (a) Subject to a support order allowing immediate income
11 withholding; or

12 (b) More than fifteen days past due in child support or spousal
13 maintenance payments in an amount equal to or greater than the
14 obligation payable for one month.

15 (2) The petition or motion shall include a sworn statement by the
16 obligee, stating the facts authorizing the issuance of the wage
17 assignment order, including:

18 (a) That the obligor, stating his or her name and residence, is:

19 (i) Subject to a support order allowing immediate income
20 withholding; or

21 (ii) More than fifteen days past due in child support or spousal
22 maintenance payments in an amount equal to or greater than the
23 obligation payable for one month;

24 (b) A description of the terms of the order requiring payment of
25 support or spousal maintenance, and the amount past due, if any;

26 (c) The name and address of the obligor's employer;

27 (d) That notice by personal service or any form of mail requiring
28 a return receipt, has been provided to the obligor at least fifteen
29 days prior to the obligee seeking a mandatory wage assignment, unless
30 the order for support or maintenance states that the obligee may seek
31 a mandatory wage assignment without notice to the obligor; and

32 (e) In cases not filed by the state, whether the obligee has
33 received public assistance from any source and, if the obligee has
34 received public assistance, that the department of social and health
35 services has been notified in writing of the pending action.

36 ~~((+2+))~~ (3) If the court in which a mandatory wage assignment is
37 sought does not already have a copy of the support or maintenance order
38 in the court file, then the obligee shall attach a copy of the support

1 or maintenance order to the petition or motion seeking the wage
2 assignment.

3 **Sec. 4.** RCW 26.18.100 and 1993 c 426 s 8 are each amended to read
4 as follows:

5 The wage assignment order shall be substantially in the following
6 form:

7 IN THE SUPERIOR COURT OF THE
8 STATE OF WASHINGTON IN AND FOR THE
9 COUNTY OF

10 ,

11 Obligee

No.

12 vs.

13 ,

14 Obligor

WAGE ASSIGNMENT
ORDER

15 ,

16 Employer

17 THE STATE OF WASHINGTON TO:

18 Employer

19 AND TO:

20 Obligor

21 The above-named obligee claims that the above-named obligor is
22 subject to a support order requiring immediate income withholding or is
23 more than fifteen days past due in either child support or spousal
24 maintenance payments, or both, in an amount equal to or greater than
25 the child support or spousal maintenance payable for one month. The
26 amount of the accrued child support or spousal maintenance debt as of
27 this date is dollars, the amount of arrearage payments
28 specified in the support or spousal maintenance order (if applicable)
29 is dollars per , and the amount of the current
30 and continuing support or spousal maintenance obligation under the
31 order is dollars per

32 You are hereby commanded to answer this order by filling in the
33 attached form according to the instructions, and you must mail or
34 deliver the original of the answer to the court, one copy to the
35 Washington state support registry, one copy to the obligee or obligee's

1 attorney, and one copy to the obligor within twenty days after service
2 of this wage assignment order upon you.

3 If you possess any earnings or other remuneration for employment
4 due and owing to the obligor, then you shall do as follows:

5 (1) Withhold from the obligor's earnings or remuneration each
6 month, or from each regular earnings disbursement, the lesser of:

7 (a) The sum of the accrued support or spousal maintenance debt and
8 the current support or spousal maintenance obligation;

9 (b) The sum of the specified arrearage payment amount and the
10 current support or spousal maintenance obligation; or

11 (c) Fifty percent of the disposable earnings or remuneration of the
12 obligor.

13 (2) The total amount withheld above is subject to the wage
14 assignment order, and all other sums may be disbursed to the obligor.

15 (3) Upon receipt of this wage assignment order you shall make
16 immediate deductions from the obligor's earnings or remuneration and
17 remit to the Washington state support registry or other address
18 specified below the proper amounts at each regular pay interval.

19 You shall continue to withhold the ordered amounts from nonexempt
20 earnings or remuneration of the obligor until notified by:

21 (a) The court that the wage assignment has been modified or
22 terminated; or

23 (b) The ~~((Washington state support registry, office of support
24 enforcement))~~ addressee specified in the wage assignment order under
25 this section that the accrued child support or spousal maintenance debt
26 has been paid~~((; or~~

27 ~~((c) The court that has entered an order delaying, modifying, or
28 terminating the wage assignment order and has approved an alternate
29 payment plan as provided in RCW 26.23.050(2))~~)).

30 You shall promptly notify the court and the ~~((Washington state
31 support registry))~~ addressee specified in the wage assignment order
32 under this section if and when the employee is no longer employed by
33 you, or if the obligor no longer receives earnings or remuneration from
34 you. If you no longer employ the employee, the wage assignment order
35 shall remain in effect for one year after the employee has left your
36 employment or you are no longer in possession of any earnings or
37 remuneration owed to the employee, whichever is later. You shall
38 continue to hold the wage assignment order during that period. If the
39 employee returns to your employment during the one-year period you

1 shall immediately begin to withhold the employee's earnings according
2 to the terms of the wage assignment order. If the employee has not
3 returned to your employment within one year, the wage assignment will
4 cease to have effect at the expiration of the one-year period, unless
5 you still owe the employee earnings or other remuneration.

6 You shall deliver the withheld earnings or remuneration to the
7 Washington state support registry or other address stated below at each
8 regular pay interval.

9 You shall deliver a copy of this order to the obligor as soon as is
10 reasonably possible. This wage assignment order has priority over any
11 other wage assignment or garnishment, except for another wage
12 assignment or garnishment for child support or spousal maintenance, or
13 order to withhold or deliver under chapter 74.20A RCW.

14 WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO
15 ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR OBLIGOR'S CLAIMED
16 SUPPORT OR SPOUSAL MAINTENANCE DEBT TO THE OBLIGEE OR SUBJECT
17 TO CONTEMPT OF COURT.

18 NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE
19 SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT
20 THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.

21 DATED THIS day of, 19. . . .

22
23 Obligee, Judge/Court Commissioner
24 or obligee's attorney
25 Send withheld payments to:
26
27
28

29 **Sec. 5.** RCW 26.18.110 and 1993 c 426 s 9 are each amended to read
30 as follows:

31 (1) An employer upon whom service of a wage assignment order has
32 been made shall answer the order by sworn affidavit within twenty days
33 after the date of service. The answer shall state whether the obligor
34 is employed by or receives earnings or other remuneration from the
35 employer, whether the employer will honor the wage assignment order,

1 and whether there are either multiple child support or spousal
2 maintenance attachments, or both, against the obligor.

3 (2) If the employer possesses any earnings or remuneration due and
4 owing to the obligor, the earnings subject to the wage assignment order
5 shall be withheld immediately upon receipt of the wage assignment
6 order. The withheld earnings shall be delivered to the Washington
7 state support registry or, if the wage assignment order is to satisfy
8 a duty of spousal maintenance, to the addressee specified in the
9 assignment at each regular pay interval.

10 (3) The employer shall continue to withhold the ordered amounts
11 from nonexempt earnings or remuneration of the obligor until notified
12 by:

13 (a) The court that the wage assignment has been modified or
14 terminated; or

15 (b) The Washington state support registry or obligee that the
16 accrued child support or spousal maintenance debt has been paid,
17 provided the wage assignment order contains the language set forth
18 under RCW 26.18.100(3)(b). The employer shall promptly notify the
19 (~~Washington state support registry~~) addressee specified in the
20 assignment when the employee is no longer employed. If the employer no
21 longer employs the employee, the wage assignment order shall remain in
22 effect for one year after the employee has left the employment or the
23 employer has been in possession of any earnings or remuneration owed to
24 the employee, whichever is later. The employer shall continue to hold
25 the wage assignment order during that period. If the employee returns
26 to the employer's employment during the one-year period the employer
27 shall immediately begin to withhold the employee's earnings or
28 remuneration according to the terms of the wage assignment order. If
29 the employee has not returned within one year, the wage assignment
30 shall cease to have effect at the expiration of the one-year period,
31 unless the employer continues to owe remuneration for employment to the
32 obligor(~~;~~ or

33 (~~c) The court that has entered an order delaying, modifying, or~~
34 ~~terminating the wage assignment order and has approved an alternate~~
35 ~~payment plan as provided in RCW 26.23.050(2))~~).

36 (4) The employer may deduct a processing fee from the remainder of
37 the employee's earnings after withholding under the wage assignment
38 order, even if the remainder is exempt under RCW 26.18.090. The
39 processing fee may not exceed (a) ten dollars for the first

1 disbursement made by the employer to the Washington state support
2 registry; and (b) one dollar for each subsequent disbursement to the
3 clerk.

4 (5) An order for wage assignment for support for a dependent child
5 entered under this chapter shall have priority over any other wage
6 assignment or garnishment, except for another wage assignment or
7 garnishment for child support, or order to withhold and deliver under
8 chapter 74.20A RCW. An order for wage assignment for spousal
9 maintenance entered under this chapter shall have priority over any
10 other wage assignment or garnishment, except for a wage assignment,
11 garnishment, or order to withhold and deliver under chapter 74.20A RCW
12 for support of a dependent child, and except for another wage
13 assignment or garnishment for spousal maintenance.

14 (6) An employer who fails to withhold earnings as required by a
15 wage assignment issued under this chapter may be held liable to the
16 obligee for one hundred percent of the support or spousal maintenance
17 debt, or the amount of support or spousal maintenance moneys that
18 should have been withheld from the employee's earnings whichever is the
19 lesser amount, if the employer:

20 (a) Fails or refuses, after being served with a wage assignment
21 order, to deduct and promptly remit from the unpaid earnings the
22 amounts of money required in the order;

23 (b) Fails or refuses to submit an answer to the notice of wage
24 assignment after being served; or

25 (c) Is unwilling to comply with the other requirements of this
26 section.

27 Liability may be established in superior court. Awards in superior
28 court shall include costs, interest under RCW 19.52.020 and 4.56.110,
29 and reasonable attorneys' fees.

30 (7) No employer who complies with a wage assignment issued under
31 this chapter may be liable to the employee for wrongful withholding.

32 (8) No employer may discharge, discipline, or refuse to hire an
33 employee because of the entry or service of a wage assignment issued
34 and executed under this chapter. If an employer discharges,
35 disciplines, or refuses to hire an employee in violation of this
36 section, the employee or person shall have a cause of action against
37 the employer. The employer shall be liable for double the amount of
38 damages suffered as a result of the violation and for costs and
39 reasonable attorneys' fees, and shall be subject to a civil penalty of

1 not more than two thousand five hundred dollars for each violation.
2 The employer may also be ordered to hire, rehire, or reinstate the
3 aggrieved individual.

4 (9) For wage assignments payable to the Washington state support
5 registry, an employer may combine amounts withheld from various
6 employees into a single payment to the Washington state support
7 registry, if the payment includes a listing of the amounts attributable
8 to each employee and other information as required by the registry.

9 (10) An employer shall deliver a copy of the wage assignment order
10 to the obligor as soon as is reasonably possible.

11 **Sec. 6.** RCW 26.18.140 and 1993 c 426 s 11 are each amended to read
12 as follows:

13 (1) Except as provided in subsection (2) of this section, in a
14 hearing to quash, modify, or terminate the wage assignment order, the
15 court may grant relief only upon a showing that the wage assignment
16 order causes extreme hardship or substantial injustice. Satisfaction
17 by the obligor of all past due payments subsequent to the issuance of
18 the wage assignment order is not grounds to quash, modify, or terminate
19 the wage assignment order. If a wage assignment order has been in
20 operation for twelve consecutive months and the obligor's support or
21 spousal maintenance obligation is current, the court may terminate the
22 order upon motion of the obligor unless the obligee can show good cause
23 as to why the wage assignment order should remain in effect.

24 (2) The court may enter an order delaying, modifying, or
25 terminating the wage assignment order and order the obligor to make
26 payments directly to the obligee (~~if the court approves an alternate~~
27 ~~payment plan~~) as provided in RCW 26.23.050(2).

28 **Sec. 7.** RCW 26.18.170 and 1993 c 426 s 14 are each amended to read
29 as follows:

30 (1) Whenever an obligor parent who has been ordered to provide
31 health insurance coverage for a dependent child fails to provide such
32 coverage or lets it lapse, the department or the obligee may seek
33 enforcement of the coverage order as provided under this section.

34 (2)(a) If the obligor parent's order to provide health insurance
35 coverage contains language notifying the obligor that failure to
36 provide such coverage or proof that such coverage is unavailable may
37 result in direct enforcement of the order and orders payments through,

1 or has been submitted to, the Washington state support registry for
2 enforcement, then the department may, without further notice to the
3 obligor, send a notice of enrollment to the obligor's employer or union
4 by certified mail, return receipt requested.

5 The notice shall require the employer or union to enroll the child
6 in the health insurance plan as provided in subsection (3) of this
7 section.

8 (b) If the obligor parent's order to provide health insurance
9 coverage does not order payments through, and has not been submitted
10 to, the Washington state support registry for enforcement:

11 (i) The obligee may, without further notice to the obligor send a
12 certified copy of the order requiring health insurance coverage to the
13 obligor's employer or union by certified mail, return receipt
14 requested; and

15 (ii) The obligee shall attach a notarized statement to the order
16 declaring that the order is the latest order addressing coverage
17 entered by the court and require the employer or union to enroll the
18 child in the health insurance plan as provided in subsection (3) of
19 this section.

20 (3) Upon receipt of an order that provides for health insurance
21 coverage, or a notice of enrollment:

22 (a) The obligor's employer or union shall answer the party who sent
23 the order or notice within thirty-five days and confirm that the child:

24 (i) Has been enrolled in the health insurance plan;

25 (ii) Will be enrolled in the next open enrollment period; or

26 (iii) Cannot be covered, stating the reasons why such coverage
27 cannot be provided;

28 (b) The employer or union shall withhold any required premium from
29 the obligor's income or wages;

30 (c) If more than one plan is offered by the employer or union, and
31 each plan may be extended to cover the child, then the child shall be
32 enrolled in the obligor's plan. If the obligor's plan does not provide
33 coverage which is accessible to the child, the child shall be enrolled
34 in the least expensive plan otherwise available to the obligor parent;

35 (d) The employer or union shall provide information about the name
36 of the health insurance coverage provider or insurer and the extent of
37 coverage available to the obligee or the department and shall make
38 available any necessary claim forms or enrollment membership cards.

1 (4) If the order for coverage contains no language notifying the
2 obligor that failure to provide health insurance coverage or proof that
3 such coverage is unavailable may result in direct enforcement of the
4 order, the department or the obligee may serve a written notice of
5 intent to enforce the order on the obligor by certified mail, return
6 receipt requested, or by personal service. If the obligor fails to
7 provide written proof that such coverage has been obtained or applied
8 for or fails to provide proof that such coverage is unavailable within
9 twenty days of service of the notice, (~~or within twenty days of~~
10 ~~coverage becoming available~~)) the department or the obligee may proceed
11 to enforce the order directly as provided in subsection (2) of this
12 section.

13 (5) If the obligor ordered to provide health insurance coverage
14 elects to provide coverage that will not be accessible to the child
15 because of geographic or other limitations when accessible coverage is
16 otherwise available, the department or the obligee may serve a written
17 notice of intent to purchase health insurance coverage on the obligor
18 by certified mail, return receipt requested. The notice shall also
19 specify the type and cost of coverage.

20 (6) If the department serves a notice under subsection (5) of this
21 section the obligor shall, within twenty days of the date of service:

22 (a) File an application for an adjudicative proceeding; or

23 (b) Provide written proof to the department that the obligor has
24 either applied for, or obtained, coverage accessible to the child.

25 (7) If the obligee serves a notice under subsection (5) of this
26 section, within twenty days of the date of service the obligor shall
27 provide written proof to the obligee that the obligor has either
28 applied for, or obtained, coverage accessible to the child.

29 (8) If the obligor fails to respond to a notice served under
30 subsection (5) of this section to the party who served the notice, the
31 party who served the notice may purchase the health insurance coverage
32 specified in the notice directly. The amount of the monthly premium
33 shall be added to the support debt and be collectible without further
34 notice. The amount of the monthly premium may be collected or accrued
35 until the obligor provides proof of the required coverage.

36 (9) The signature of the obligee or of a department employee shall
37 be a valid authorization to the coverage provider or insurer for
38 purposes of processing a payment to the child's health services
39 provider. An order for health insurance coverage shall operate as an

1 assignment of all benefit rights to the obligee or to the child's
2 health services provider, and in any claim against the coverage
3 provider or insurer, the obligee or the obligee's assignee shall be
4 subrogated to the rights of the obligor. Notwithstanding the
5 provisions of this section regarding assignment of benefits, this
6 section shall not require a health care service contractor authorized
7 under chapter 48.44 RCW or a health maintenance organization authorized
8 under chapter 48.46 RCW to deviate from their contractual provisions
9 and restrictions regarding reimbursement for covered services. If the
10 coverage is terminated, the employer shall mail a notice of termination
11 to the department or the obligee at the obligee's last known address
12 within thirty days of the termination date.

13 (10) This section shall not be construed to limit the right of the
14 obligor or the obligee to bring an action in superior court at any time
15 to enforce, modify, or clarify the original support order.

16 (11) Nothing in this section shall be construed to require a health
17 maintenance organization, or health care service contractor, to extend
18 coverage to a child who resides outside its service area.

19 (12) If an obligor fails to pay his or her portion of any
20 deductible required under the health insurance coverage or fails to pay
21 his or her portion of medical expenses incurred in excess of the
22 coverage provided under the plan, the department or the obligee may
23 enforce collection of the obligor's portion of the deductible or the
24 additional medical expenses through a wage assignment order. The
25 amount of the deductible or additional medical expenses shall be added
26 to the support debt and be collectible without further notice if the
27 obligor's share of the amount of the deductible or additional expenses
28 is reduced to a sum certain in a court order.

29 **Sec. 8.** RCW 26.23.045 and 1989 c 360 s 33 are each amended to read
30 as follows:

31 (1) The office of support enforcement, Washington state support
32 registry, shall provide support enforcement services under the
33 following circumstances:

34 (a) Whenever public assistance under RCW 74.20.330 is paid;

35 (b) Whenever a request for nonassistance support enforcement
36 services under RCW 74.20.040(2) is received;

37 (c) Whenever a request for support enforcement services under RCW
38 74.20.040(3) is received;

1 (d) When a support order which contains language directing a
2 responsible parent to make support payments to the Washington state
3 support registry under RCW 26.23.050 is submitted;

4 (e) When a support order is forwarded to the Washington state
5 support registry by the clerk of a superior court under RCW
6 26.23.050(5);

7 (f) When the obligor submits a support order or support payment to
8 the Washington state support registry.

9 (2) The office of support enforcement shall continue to provide
10 support enforcement services for so long as and under such conditions
11 as the department shall establish by regulation or until the superior
12 court enters an order (~~(approving an alternate payment plan)~~) removing
13 the requirement that the obligor make support payments to the
14 Washington state support registry as provided for in RCW
15 26.23.050(~~(1)~~)(2).

16 **Sec. 9.** RCW 26.23.050 and 1993 c 207 s 1 are each amended to read
17 as follows:

18 (1) (~~Except as provided in subsection (2) of this section, the~~
19 ~~superior court shall include in all superior court orders which~~
20 ~~establish or modify a support obligation:~~

21 (a) ~~A provision which orders and directs that the responsible~~
22 ~~parent make all support payments to the Washington state support~~
23 ~~registry;~~

24 (b) ~~A statement that a notice of payroll deduction may be issued or~~
25 ~~other income withholding action under chapter 26.18 RCW or chapter~~
26 ~~74.20A RCW may be taken, without further notice to the responsible~~
27 ~~parent at any time after entry of the court order, unless:~~

28 (i) ~~One of the parties demonstrates, and the court finds, that~~
29 ~~there is good cause not to require immediate income withholding; or~~

30 (ii) ~~The parties reach a written agreement that is approved by the~~
31 ~~court that provides for an alternate arrangement; and~~

32 (c) ~~A statement that the receiving parent may be required to submit~~
33 ~~an accounting of how the support is being spent to benefit the child.~~

34 (2) ~~The court may order the responsible parent to make payments~~
35 ~~directly to the person entitled to receive the payments or, for orders~~
36 ~~entered on or after July 1, 1990, direct that the issuance of a notice~~
37 ~~of payroll deduction or other income withholding actions be delayed~~
38 ~~until a support payment is past due if the court approves an alternate~~

1 payment plan. The parties to the order must agree to such a plan and
2 the plan must contain reasonable assurances that payments will be made
3 in a regular and timely manner. The court may approve such a plan and
4 modify or terminate the payroll deduction or other income withholding
5 action at the time of entry of the order or at a later date upon motion
6 and agreement of the parties. If the order directs payment to the
7 person entitled to receive the payments instead of to the Washington
8 state support registry, the order shall include a statement that the
9 order may be submitted to the registry if a support payment is past
10 due. If the order directs delayed issuance of the notice of payroll
11 deduction or other income withholding action, the order shall include
12 a statement that such action may be taken, without further notice, at
13 any time after a support payment is past due. The provisions of this
14 subsection do not apply if the department is providing public
15 assistance under Title 74 RCW.) If the office of support enforcement
16 is providing support enforcement services under RCW 26.23.045, or if a
17 party is applying for support enforcement services by signing the
18 application form on the bottom of the support order, the superior court
19 shall include in all court orders that establish or modify a support
20 obligation:

21 (a) A provision that orders and directs the responsible parent to
22 make all support payments to the Washington state support registry;

23 (b) A statement that a notice of payroll deduction may be issued,
24 or other income withholding action under chapter 26.18 or 74.20A RCW
25 may be taken, without further notice to the responsible parent at any
26 time after entry of the court order, unless:

27 (i) One of the parties demonstrates, and the court finds, that
28 there is good cause not to require immediate income withholding and
29 that withholding should be delayed until a payment is past due; or

30 (ii) The parties reach a written agreement that is approved by the
31 court that provides for an alternate arrangement; and

32 (c) A statement that the receiving parent might be required to
33 submit an accounting of how the support is being spent to benefit the
34 child.

35 As used in this subsection and subsection (3) of this section,
36 "good cause not to require immediate income withholding" means a
37 written determination of why implementing immediate wage withholding
38 would not be in the child's best interests and, in modification cases,
39 proof of timely payment of previously ordered support.

1 (2) In all other cases not under subsection (1) of this section,
2 the court may order the responsible parent to make payments directly to
3 the person entitled to receive the payments, to the Washington state
4 support registry, or may order that payments be made in accordance with
5 an alternate arrangement agreed upon by the parties.

6 (a) The superior court shall include in all orders under this
7 subsection that establish or modify a support obligation:

8 (i) A statement that a notice of payroll deduction may be issued or
9 other income withholding action under chapter 26.18 or 74.20A RCW may
10 be taken, without further notice to the responsible parent at any time
11 after entry of the court order, unless:

12 (A) One of the parties demonstrates, and the court finds, that
13 there is good cause not to require immediate income withholding and
14 that withholding should be delayed until a payment is past due; or

15 (B) The parties reach a written agreement that is approved by the
16 court that provides for an alternate arrangement; and

17 (ii) A statement that the receiving parent may be required to
18 submit an accounting of how the support is being spent to benefit the
19 child.

20 As used in this subsection, "good cause not to require immediate
21 income withholding" is any reason that the court finds appropriate.

22 (b) The superior court may order immediate or delayed income
23 withholding as follows:

24 (i) Immediate income withholding may be ordered if the responsible
25 parent has earnings. If immediate income withholding is ordered under
26 this subsection, all support payments shall be paid to the Washington
27 state support registry. The superior court shall issue a mandatory
28 wage assignment order as set forth in chapter 26.18 RCW when the
29 support order is signed by the court. The parent entitled to receive
30 the transfer payment is responsible for serving the employer with the
31 order and for its enforcement as set forth in chapter 26.18 RCW.

32 (ii) If immediate income withholding is not ordered, the court
33 shall require that income withholding be delayed until a payment is
34 past due. The support order shall contain a statement that a notice of
35 payroll deduction may be issued, or other income-withholding action
36 under chapter 26.18 or 74.20A RCW may be taken, without further notice
37 to the responsible parent, after a payment is past due.

38 (c) If a mandatory wage withholding order under chapter 26.18 RCW
39 is issued under this subsection and the office of support enforcement

1 provides support enforcement services under RCW 26.23.045, the existing
2 wage withholding assignment is prospectively superseded upon the office
3 of support enforcement's subsequent service of an income withholding
4 notice.

5 (3) The office of administrative hearings and the department of
6 social and health services shall require that all support obligations
7 established as administrative orders include a provision which orders
8 and directs that the responsible parent shall make all support payments
9 to the Washington state support registry. All administrative orders
10 shall also state that a notice of payroll deduction may be issued, or
11 other income withholding action taken without further notice to the
12 responsible parent at any time after entry of the order, unless:

13 (a) One of the parties demonstrates, and the presiding officer
14 finds, that there is good cause not to require immediate income
15 withholding; or

16 (b) The parties reach a written agreement that is approved by the
17 presiding officer that provides for an alternate agreement.

18 (4) If the support order does not include the provision ordering
19 and directing that all payments be made to the Washington state support
20 registry and a statement that a notice of payroll deduction may be
21 issued if a support payment is past due or at any time after the entry
22 of the order, the office of support enforcement may serve a notice on
23 the responsible parent stating such requirements and authorizations.
24 Service may be by personal service or any form of mail requiring a
25 return receipt.

26 (5) Every support order shall state:

27 ~~(a) ((That payment shall be made to the Washington state support~~
28 ~~registry or in accordance with the alternate payment plan approved by~~
29 ~~the court))~~ The address where the support payment is to be sent;

30 (b) That a notice of payroll deduction may be issued or other
31 income withholding action under chapter 26.18 ((RCW)) or ((chapter))
32 74.20A RCW may be taken, without further notice to the responsible
33 parent at any time after entry of an order by the court, unless:

34 ~~(i) ((The court approves an alternate payment plan under subsection~~
35 ~~(2) of this section;~~

36 ~~(ii))~~ One of the parties demonstrates, and the court finds, that
37 there is good cause not to require immediate income withholding; or

1 (~~(iii)~~) (ii) The parties reach (~~(an alternate)~~) a written
2 agreement that is approved by the court that provides for an alternate
3 arrangement;

4 (c) The income of the parties, if known, or that their income is
5 unknown and the income upon which the support award is based;

6 (d) The support award as a sum certain amount;

7 (e) The specific day or date on which the support payment is due;

8 (f) The social security number, residence address, and name and
9 address of the employer of the responsible parent;

10 (g) The social security number and residence address of the
11 physical custodian except as provided in subsection (6) of this
12 section;

13 (h) The names, dates of birth, and social security numbers, if any,
14 of the dependent children;

15 (i) In cases requiring payment to the Washington state support
16 registry, that the parties are to notify the Washington state support
17 registry of any change in residence address. The responsible parent
18 shall notify the registry of the name and address of his or her current
19 employer, whether he or she has access to health insurance coverage at
20 reasonable cost and, if so, the health insurance policy information;

21 (j) That any parent owing a duty of child support shall be
22 obligated to provide health insurance coverage for his or her child if
23 coverage that can be extended to cover the child is or becomes
24 available to that parent through employment or is union-related as
25 provided under RCW 26.09.105;

26 (k) That if proof of health insurance coverage or proof that the
27 coverage is unavailable is not provided within twenty days, the obligee
28 or the department may seek direct enforcement of the coverage through
29 the obligor's employer or union without further notice to the obligor
30 as provided under chapter 26.18 RCW; and

31 (l) The reasons for not ordering health insurance coverage if the
32 order fails to require such coverage.

33 (6) The physical custodian's address:

34 (a) Shall be omitted from an order entered under the administrative
35 procedure act. When the physical custodian's address is omitted from
36 an order, the order shall state that the custodian's address is known
37 to the office of support enforcement.

38 (b) A responsible parent (~~(whose support obligation has been~~
39 determined by such administrative order)) may request the physical

1 custodian's residence address by submission of a request for disclosure
2 under RCW 26.23.120 to the office of support enforcement.

3 (7) The superior court clerk, the office of administrative
4 hearings, and the department of social and health services shall,
5 within five days of entry, forward to the Washington state support
6 registry, a true and correct copy of all superior court orders or
7 administrative orders establishing or modifying a support obligation
8 which provide that support payments shall be made to the support
9 registry. If a superior court order entered prior to January 1, 1988,
10 directs the responsible parent to make support payments to the clerk,
11 the clerk shall send a true and correct copy of the support order and
12 the payment record to the registry for enforcement action when the
13 clerk identifies that a payment is more than fifteen days past due.
14 The office of support enforcement shall reimburse the clerk for the
15 reasonable costs of copying and sending copies of court orders to the
16 registry at the reimbursement rate provided in Title IV-D of the social
17 security act.

18 (8) Receipt of a support order by the registry or other action
19 under this section on behalf of a person or persons who have not made
20 a written application for support enforcement services to the office of
21 support enforcement and who are not recipients of public assistance is
22 deemed to be a request for ~~((support enforcement))~~ payment services
23 ~~((under RCW 74.20.040 to the fullest extent permitted under federal~~
24 ~~law))~~ only.

25 (9) After the responsible parent has been ordered or notified to
26 make payments to the Washington state support registry ~~((in accordance~~
27 ~~with subsection (1), (3), or (4) of))~~ under this section, the
28 responsible parent shall be fully responsible for making all payments
29 to the Washington state support registry and shall be subject to
30 payroll deduction or other income withholding action. The responsible
31 parent shall not be entitled to credit against a support obligation for
32 any payments made to a person or agency other than to the Washington
33 state support registry except as provided under RCW 74.20.101. A civil
34 action may be brought by the payor to recover payments made to persons
35 or agencies who have received and retained support moneys paid contrary
36 to the provisions of this section.

37 ~~((10) As used in this section, "good cause not to require~~
38 ~~immediate income withholding" means a written determination of why~~
39 ~~implementing immediate income withholding would not be in the child's~~

1 ~~best interests and, in modification cases, proof of timely payment of~~
2 ~~previously ordered support.))~~

3 **Sec. 10.** RCW 26.23.060 and 1991 c 367 s 40 are each amended to
4 read as follows:

5 (1) The office of support enforcement may issue a notice of payroll
6 deduction:

7 (a) As authorized by a support order that contains the income
8 withholding notice provisions in RCW 26.23.050 or a substantially
9 similar notice; or

10 (b) After service of a notice containing an income withholding
11 provision under this chapter or chapter 74.20A RCW.

12 (2) The office of support enforcement shall serve a notice of
13 payroll deduction upon a responsible parent's employer or upon the
14 employment security department for the state in possession of or owing
15 any benefits from the unemployment compensation fund to the responsible
16 parent pursuant to Title 50 RCW by personal service or by any form of
17 mail requiring a return receipt.

18 (3) Service of a notice of payroll deduction upon an employer or
19 employment security department requires the employer or employment
20 security department to immediately make a mandatory payroll deduction
21 from the responsible parent's unpaid disposable earnings or
22 unemployment compensation benefits. The employer or employment
23 security department shall thereafter deduct each pay period the amount
24 stated in the notice divided by the number of pay periods per month.
25 The payroll deduction each pay period shall not exceed fifty percent of
26 the responsible parent's disposable earnings.

27 (4) A notice of payroll deduction for support shall have priority
28 over any wage assignment, garnishment, attachment, or other legal
29 process.

30 (5) The notice of payroll deduction shall be in writing and
31 include:

32 (a) The name and social security number of the responsible parent;

33 (b) The amount to be deducted from the responsible parent's
34 disposable earnings each month, or alternate amounts and frequencies as
35 may be necessary to facilitate processing of the payroll deduction;

36 (c) A statement that the total amount withheld shall not exceed
37 fifty percent of the responsible parent's disposable earnings; and

1 (d) The address to which the payments are to be mailed or
2 delivered.

3 (6) An informational copy of the notice of payroll deduction shall
4 be mailed to the last known address of the responsible parent by
5 regular mail.

6 (7) An employer or employment security department that receives a
7 notice of payroll deduction shall make immediate deductions from the
8 responsible parent's unpaid disposable earnings and remit proper
9 amounts to the Washington state support registry on each date the
10 responsible parent is due to be paid.

11 (8) An employer, or the employment security department, upon whom
12 a notice of payroll deduction is served, shall make an answer to the
13 office of support enforcement within twenty days after the date of
14 service. The answer shall confirm compliance and institution of the
15 payroll deduction or explain the circumstances if no payroll deduction
16 is in effect. The answer shall also state whether the responsible
17 parent is employed by or receives earnings from the employer or
18 receives unemployment compensation benefits from the employment
19 security department, whether the employer or employment security
20 department anticipates paying earnings or (~~employment~~ {~~unemployment~~})
21 unemployment compensation benefits and the amount of earnings. If the
22 responsible parent is no longer employed, or receiving earnings from
23 the employer, the answer shall state the present employer's name and
24 address, if known. If the responsible parent is no longer receiving
25 unemployment compensation benefits from the employment security
26 department, the answer shall state the present employer's name and
27 address, if known.

28 (9) The employer or employment security department may deduct a
29 processing fee from the remainder of the responsible parent's earnings
30 after withholding under the notice of payroll deduction, even if the
31 remainder is exempt under RCW 26.18.090. The processing fee may not
32 exceed: (a) Ten dollars for the first disbursement made to the
33 Washington state support registry; and (b) one dollar for each
34 subsequent disbursement to the registry.

35 (10) The notice of payroll deduction shall remain in effect until
36 released by the office of support enforcement, the court enters an
37 order terminating the notice and approving an alternate (~~payment~~
38 ~~plan~~) arrangement under RCW 26.23.050(2), or one year has expired
39 since the employer has employed the responsible parent or has been in

1 possession of or owing any earnings to the responsible parent or the
2 employment security department has been in possession of or owing any
3 unemployment compensation benefits to the responsible parent.

4 **Sec. 11.** RCW 26.23.100 and 1991 c 367 s 42 are each amended to
5 read as follows:

6 (1) The responsible parent subject to a payroll deduction pursuant
7 to this chapter, may file a motion in superior court to quash, modify,
8 or terminate the payroll deduction.

9 (2) Except as provided in subsections (4) and (5) of this section,
10 the court may grant relief only upon a showing: (a) That the payroll
11 deduction causes extreme hardship or substantial injustice; or (b) that
12 the support payment was not past due under the terms of the order when
13 the notice of payroll deduction was served on the employer.

14 (3) Satisfaction by the obligor of all past due payments subsequent
15 to the issuance of the notice of payroll deduction is not grounds to
16 quash, modify, or terminate the notice of payroll deduction.

17 (4) If a notice of payroll deduction has been in operation for
18 twelve consecutive months and the obligor's support obligation is
19 current, upon motion of the obligor, the court may order the office of
20 support enforcement to terminate the payroll deduction, unless the
21 obligee can show good cause as to why the payroll deduction should
22 remain in effect.

23 (5) Subsection (2) of this section shall not prevent the court from
24 ordering an alternative (~~payment plan~~) arrangement as provided under
25 RCW 26.23.050(2).

26 **Sec. 12.** RCW 26.23.120 and 1989 c 360 s 17 and 1989 c 175 s 78 are
27 each reenacted and amended to read as follows:

28 (1) Any information or records concerning individuals who owe a
29 support obligation or for whom support enforcement services are being
30 provided which are obtained or maintained by the Washington state
31 support registry, the office of support enforcement, or under chapter
32 74.20 RCW shall be private and confidential and shall only be subject
33 to public disclosure as provided in subsection (2) of this section.

34 (2) The secretary of the department of social and health services
35 shall adopt rules which specify the individuals or agencies to whom
36 this information and these records may be disclosed, the purposes for
37 which the information may be disclosed, and the procedures to obtain

1 the information or records. The rules adopted under this section shall
2 provide for disclosure of the information and records, under
3 appropriate circumstances, which shall include, but not be limited to:

4 (a) When authorized or required by federal statute or regulation
5 governing the support enforcement program;

6 (b) To the person the subject of the records or information, unless
7 the information is exempt from disclosure under RCW 42.17.310;

8 (c) To government agencies, whether state, local, or federal, and
9 including federally recognized tribes, law enforcement agencies,
10 prosecuting agencies, and the executive branch, if the ~~((records or
11 information are needed))~~ disclosure is necessary for child support
12 enforcement purposes;

13 (d) To the parties in a judicial or adjudicative proceeding upon a
14 specific written finding by the presiding officer that the need for the
15 information outweighs any reason for maintaining the privacy and
16 confidentiality of the information or records;

17 (e) To private persons, federally recognized tribes, or
18 organizations if the disclosure is necessary to permit private
19 contracting parties to assist in the management and operation of the
20 department;

21 (f) Disclosure of address and employment information to the parties
22 to ~~((a court order for support))~~ an action for purposes relating to
23 ~~((the establishment, enforcement, or modification of the))~~ a child
24 support order;

25 (g) Disclosure of information or records when necessary to the
26 efficient administration of the support enforcement program or to the
27 performance of functions and responsibilities of the support registry
28 and the office of support enforcement as set forth in state and federal
29 statutes; or

30 (h) Disclosure of the information or records when authorized under
31 RCW 74.04.060.

32 (3) Prior to disclosing the physical custodian's address under
33 subsection ~~((+1))~~ (2)(f) of this section, a notice shall be mailed, if
34 appropriate under the circumstances, to the physical custodian at the
35 physical custodian's last known address. The notice shall advise the
36 physical custodian that a request for disclosure has been made and will
37 be complied with unless the department receives a copy of a court order
38 which enjoins the disclosure of the information or restricts or limits
39 the requesting party's right to contact or visit the physical custodian

1 or the child, or the custodial parent requests a hearing to contest the
2 disclosure. The administrative law judge shall determine whether the
3 address of the custodial parent should be disclosed based on the same
4 standard as a claim of "good cause" as defined in 42 U.S.C. Sec. 602
5 (a)(26)(c).

6 (4) Nothing in this section shall be construed as limiting or
7 restricting the effect of RCW 42.17.260(~~(+5)~~)(6). Nothing in this
8 section shall be construed to prevent the disclosure of information and
9 records if all details identifying an individual are deleted or the
10 individual consents to the disclosure.

11 (5) It shall be unlawful for any person or agency in violation of
12 this section to solicit, publish, disclose, receive, make use of, or to
13 authorize, knowingly permit, participate in or acquiesce in the use of
14 any lists of names for commercial or political purposes or the use of
15 any information for purposes other than those purposes specified in
16 this section. A violation of this section shall be a gross
17 misdemeanor as provided in chapter 9A.20 RCW.

18 NEW SECTION. **Sec. 13.** A new section is added to chapter 26.26 RCW
19 to read as follows:

20 In any action brought under this chapter, if the requirements of
21 civil rule 55 are met, the superior court shall enter an order of
22 default.

23 **Sec. 14.** RCW 26.26.040 and 1990 c 175 s 2 are each amended to read
24 as follows:

25 (1) A man is presumed to be the natural father of a child for all
26 intents and purposes if:

27 (a) He and the child's natural mother are or have been married to
28 each other and the child is born during the marriage, or within three
29 hundred days after the marriage is terminated by death, annulment,
30 declaration of invalidity, divorce, or dissolution, or after a decree
31 of separation is entered by a court; or

32 (b) Before the child's birth, he and the child's natural mother
33 have attempted to marry each other by a marriage solemnized in apparent
34 compliance with law, although the attempted marriage is or could be
35 declared invalid, and the child is born within three hundred days after
36 the termination of cohabitation;

1 (c) After the child's birth, he and the child's natural mother have
2 married, or attempted to marry, each other by a marriage solemnized in
3 apparent compliance with law, although the attempted marriage is or
4 could be declared invalid, and

5 (i) He has acknowledged his paternity of the child in writing filed
6 with the registrar of vital statistics,

7 (ii) With his consent, he is named as the child's father on the
8 child's birth certificate, or

9 (iii) He is obligated to support the child under a written
10 voluntary promise or by court order;

11 (d) While the child is under the age of majority, he receives the
12 child into his home and openly holds out the child as his child;

13 (e) He acknowledges his paternity of the child pursuant to RCW
14 70.58.080 or in a writing filed with the state office of vital
15 statistics, which shall promptly inform the mother of the filing of the
16 acknowledgment, if she does not dispute the acknowledgment within a
17 reasonable time after being informed thereof, in a writing filed with
18 the registrar of vital statistics. In order to enforce rights of
19 residential time, custody, and visitation, a man presumed to be the
20 father as a result of filing a written acknowledgement must seek
21 appropriate judicial orders under this title; ((or))

22 (f) The United States immigration and naturalization service made
23 or accepted a determination that he was the father of the child at the
24 time of the child's entry into the United States and he had the
25 opportunity at the time of the child's entry into the United States to
26 admit or deny the paternal relationship; or

27 (g) Genetic testing indicates a ninety-eight percent or greater
28 probability of paternity.

29 (2) A presumption under this section may be rebutted in an
30 appropriate action only by clear, cogent, and convincing evidence. If
31 two or more presumptions arise which conflict with each other, the
32 presumption which on the facts is founded on the weightier
33 considerations of policy and logic controls. The presumption is
34 rebutted by a court decree establishing paternity of the child by
35 another man.

36 **Sec. 15.** RCW 26.26.100 and 1984 c 260 s 32 are each amended to
37 read as follows:

1 (1) The court may, and upon request of a party shall, require the
2 child, mother, and any alleged father who has been made a party to
3 submit to blood tests or genetic tests of blood, tissues, or other
4 bodily fluids. If an alleged father objects to a proposed order
5 requiring him to submit to paternity blood or genetic tests, the court
6 may require the party making the allegation of possible paternity to
7 provide sworn testimony, by affidavit or otherwise, stating the facts
8 upon which the allegation is based. The court shall order blood or
9 genetic tests if it appears that a reasonable possibility exists that
10 the requisite sexual contact occurred. The tests shall be performed by
11 an expert in paternity blood or genetic testing appointed by the court.
12 The expert's verified report identifying the blood or genetic
13 characteristics observed is admissible in evidence in any hearing or
14 trial in the parentage action, if (a) the alleged or presumed father
15 has had the opportunity to gain information about the security,
16 validity, and interpretation of the tests and the qualifications of any
17 experts, and (b) the report is accompanied by an affidavit from the
18 expert which describes the expert's qualifications as an expert and
19 analyzes and interprets the results. Verified documentation of the
20 chain of custody of the blood or genetic samples tested is admissible
21 to establish the chain of custody. The court may consider published
22 sources as aids to interpretation of the test results.

23 (2)(a) Any objection to genetic testing results must be made in
24 writing and served upon the opposing party, within twenty days before
25 any hearing at which such results may be introduced into evidence.

26 (b) If an objection is not made as provided in this subsection, the
27 test results are admissible as evidence of paternity without the need
28 for foundation testimony or other proof of authenticity or accuracy.

29 (3) The court, upon request by a party, shall order that additional
30 blood or genetic tests be performed by the same or other experts
31 qualified in paternity blood or genetic testing, if the party
32 requesting additional tests advances the full costs of the additional
33 testing within a reasonable time. The court may order additional
34 testing without requiring that the requesting party advance the costs
35 only if another party agrees to advance the costs or if the court
36 finds, after hearing, that (a) the requesting party is indigent, and
37 (b) the laboratory performing the initial tests recommends additional
38 testing or there is substantial evidence to support a finding as to
39 paternity contrary to the initial blood or genetic test results. The

1 court may later order any other party to reimburse the party who
2 advanced the costs of additional testing for all or a portion of the
3 costs.

4 ~~((+3+))~~ (4) In all cases, the court shall determine the number and
5 qualifications of the experts.

6 **Sec. 16.** RCW 26.26.150 and 1987 c 435 s 28 are each amended to
7 read as follows:

8 (1) If existence of the father and child relationship is declared,
9 or paternity or a duty of support has been acknowledged or adjudicated
10 under this chapter or under prior law, the obligation of the father may
11 be enforced in the same or other proceedings by the mother, the child,
12 the state of Washington, the public authority that has furnished or may
13 furnish the reasonable expenses of pregnancy, confinement, education,
14 support, or funeral, or by any other person, including a private
15 agency, to the extent he has furnished or is furnishing these expenses.

16 (2) The court shall order support payments to be made to the
17 Washington state support registry, or the person entitled to receive
18 the payments under an alternate ~~((payment plan))~~ arrangement approved
19 by the court as provided in RCW 26.23.050(2).

20 (3) All remedies for the enforcement of judgments apply.

21 **Sec. 17.** RCW 26.26.165 and 1989 c 416 s 4 are each amended to read
22 as follows:

23 (1) In entering or modifying a support order under this chapter,
24 the court shall require either or both parents to maintain or provide
25 health insurance coverage for any dependent child as provided under RCW
26 26.09.105.

27 (2) This section shall not be construed to limit the authority of
28 the court to enter or modify support orders containing provisions for
29 payment of uninsured health expenses, health costs, or insurance
30 premiums which are in addition to and not inconsistent with this
31 section. "Health insurance coverage" as used in this section does not
32 include medical assistance provided under chapter 74.09 RCW.

33 (3) A parent ordered to provide health insurance coverage shall
34 provide proof of such coverage or proof that such coverage is
35 unavailable within twenty days of the entry of the order~~((, or within~~
36 ~~twenty days of the date such coverage becomes available,))~~ to:

37 (a) The physical custodian; or

1 (b) The department of social and health services if the parent has
2 been notified or ordered to make support payments to the Washington
3 state support registry.

4 (4) Every order requiring a parent to provide health insurance
5 coverage shall be entered in compliance with RCW 26.23.050 and be
6 subject to direct enforcement as provided under chapter 26.18 RCW.

7 NEW SECTION. **Sec. 18.** A new section is added to chapter 74.20 RCW
8 to read as follows:

9 When the department appears or participates in an adjudicative
10 proceeding under chapter 26.23 or 74.20A RCW it shall:

11 (1) Act in furtherance of the state's financial interest in the
12 matter;

13 (2) Act in the best interests of the children of the state;

14 (3) Facilitate the resolution of the controversy; and

15 (4) Make independent recommendations to ensure the integrity and
16 proper application of the law and process.

17 In the proceedings the department does not act on behalf or as an
18 agent or representative of an individual.

19 **Sec. 19.** RCW 74.20A.056 and 1989 c 55 s 3 are each amended to read
20 as follows:

21 (1) If an alleged father has signed an affidavit acknowledging
22 paternity which has been filed with the state office of vital
23 statistics, the office of support enforcement may serve a notice and
24 finding of parental responsibility on him. Service of the notice shall
25 be in the same manner as a summons in a civil action or by certified
26 mail, return receipt requested. The notice shall have attached to it
27 a copy of the affidavit or certification of birth record information
28 advising of the existence of a filed affidavit, provided by the center
29 for health statistics, and shall state that:

30 (a) The alleged father may file an application for an adjudicative
31 proceeding at which he will be required to appear and show cause why
32 the amount stated in the finding of financial responsibility as to
33 support is incorrect and should not be ordered;

34 (b) An alleged father may request that a blood test be administered
35 to determine whether such test would exclude him from being a natural
36 parent and, if not excluded, may subsequently request that the office

1 of support enforcement initiate an action in superior court to
2 determine the existence of the parent-child relationship; and

3 (c) If the alleged father does not request that a blood test be
4 administered or file an application for an adjudicative proceeding, the
5 amount of support stated in the notice and finding of parental
6 responsibility shall become final, subject only to a subsequent
7 determination under RCW 26.26.060 that the parent-child relationship
8 does not exist.

9 (2) An alleged father who objects to the amount of support
10 requested in the notice may file an application for an adjudicative
11 proceeding up to twenty days after the date the notice was served. An
12 application for an adjudicative proceeding may be filed within one year
13 of service of the notice and finding of parental responsibility without
14 the necessity for a showing of good cause or upon a showing of good
15 cause thereafter. An adjudicative proceeding under this section shall
16 be pursuant to RCW 74.20A.055. The only issues shall be the amount of
17 the accrued debt, the amount of the current and future support
18 obligation, and the reimbursement of the costs of blood tests if
19 advanced by the department.

20 (3) If the application for an adjudicative proceeding is filed
21 within twenty days of service of the notice, collection action shall be
22 stayed pending a final decision by the department. If no application
23 is filed within twenty days:

24 (a) The amounts in the notice shall become final and the debt
25 created therein shall be subject to collection action; and

26 (b) Any amounts so collected shall neither be refunded nor returned
27 if the ((parent)) alleged father is later found not to be ((the
28 father)) a responsible parent.

29 (4) An alleged father who denies being a responsible parent may
30 request that a blood test be administered at any time. The request for
31 testing shall be in writing and served on the office of support
32 enforcement personally or by registered or certified mail. If a
33 request for testing is made, the department shall arrange for the test
34 and, pursuant to rules adopted by the department, may advance the cost
35 of such testing. The department shall mail a copy of the test results
36 by certified mail, return receipt requested, to the alleged father's
37 last known address.

38 (5) If the test excludes the alleged father from being a natural
39 parent, the office of support enforcement shall file a copy of the

1 results with the state office of vital statistics and shall dismiss any
2 pending administrative collection proceedings based upon the affidavit
3 in issue. The state office of vital statistics shall remove the
4 alleged father's name from the birth certificate.

5 (6) The alleged father may, within twenty days after the date of
6 receipt of the test results, request the office of support enforcement
7 to initiate an action under RCW 26.26.060 to determine the existence of
8 the parent-child relationship. If the office of support enforcement
9 initiates a superior court action at the request of the alleged father
10 and the decision of the court is that the alleged father is a natural
11 parent, the alleged father shall be liable for court costs incurred.

12 (7) If the alleged father does not request the office of support
13 enforcement to initiate a superior court action, or if the alleged
14 father fails to appear and cooperate with blood testing, the notice of
15 parental responsibility shall become final for all intents and purposes
16 and may be overturned only by a subsequent superior court order entered
17 under RCW 26.26.060.

18 **Sec. 20.** RCW 74.20A.080 and 1989 c 360 s 10 and 1989 c 175 s 154
19 are each reenacted and amended to read as follows:

20 (1) The secretary may issue to any person, firm, corporation,
21 association, political subdivision, (~~(or)~~) department of the state, or
22 agency, subdivision, or instrumentality of the United States, an order
23 to withhold and deliver property of any kind, including but not
24 restricted to earnings which are or might become due, owing, or
25 belonging to the debtor, when the secretary has reason to believe that
26 there is in the possession of such person, firm, corporation,
27 association, political subdivision, (~~(or)~~) department of the state, or
28 agency, subdivision, or instrumentality of the United States property
29 which is or might become due, owing, or belonging to said debtor. Such
30 order to withhold and deliver may be issued:

31 (a) When a support payment is past due, if a responsible parent's
32 support order:

33 (i) Contains language directing the parent to make support payments
34 to the Washington state support registry; and

35 (ii) Includes a statement that other income-withholding action
36 under this chapter may be taken without further notice to the
37 responsible parent, as provided for in RCW 26.23.050(1);

1 (b) Twenty-one days after service of a notice of support debt under
2 RCW 74.20A.040;

3 (c) Twenty-one days after service of a notice and finding of
4 parental responsibility under RCW 74.20A.056;

5 (d) Twenty-one days after service of a notice of support owed under
6 RCW 26.23.110;

7 (e) Twenty-one days after service of a notice and finding of
8 financial responsibility under RCW 74.20A.055; or

9 (f) When appropriate under RCW 74.20A.270.

10 (2) The order to withhold and deliver shall:

11 (a) State the amount of the support debt accrued;

12 (b) State in summary the terms of RCW 74.20A.090 and 74.20A.100;

13 (c) Be served in the manner prescribed for the service of a summons
14 in a civil action or by certified mail, return receipt requested.

15 (3) Any person, firm, corporation, association, political
16 subdivision, ~~((or))~~ department of the state, or agency, subdivision, or
17 instrumentality of the United States upon whom service has been made is
18 hereby required to:

19 (a) Answer said order to withhold and deliver within twenty days,
20 exclusive of the day of service, under oath and in writing, and shall
21 make true answers to the matters inquired of therein; and

22 (b) Provide further and additional answers when requested by the
23 secretary.

24 (4) Any such person, firm, corporation, association, political
25 subdivision, ~~((or))~~ department of the state, or agency, subdivision, or
26 instrumentality of the United States in possession of any property
27 which may be subject to the claim of the department of social and
28 health services shall:

29 (a)(i) Immediately withhold such property upon receipt of the order
30 to withhold and deliver; and

31 (ii) Deliver the property to the secretary as soon as the twenty-
32 day answer period expires;

33 (iii) Continue to withhold earnings payable to the debtor at each
34 succeeding disbursement interval as provided for in RCW 74.20A.090, and
35 deliver amounts withheld from earnings to the ~~((obligee within ten days~~
36 ~~of))~~ secretary on the date earnings are payable to the debtor;

37 (iv) Inform the secretary of the date the amounts were withheld as
38 requested under this section; or

1 (b) Furnish to the secretary a good and sufficient bond,
2 satisfactory to the secretary, conditioned upon final determination of
3 liability.

4 (5) An order to withhold and deliver served under this section
5 shall not expire until:

6 (a) Released in writing by the office of support enforcement;

7 (b) Terminated by court order; or

8 (c) The person or entity receiving the order to withhold and
9 deliver does not possess property of or owe money to the debtor for any
10 period of twelve consecutive months following the date of service of
11 the order to withhold and deliver.

12 (6) Where money is due and owing under any contract of employment,
13 express or implied, or is held by any person, firm, corporation, or
14 association, political subdivision, or department of the state, or
15 agency, subdivision, or instrumentality of the United States subject to
16 withdrawal by the debtor, such money shall be delivered by remittance
17 payable to the order of the secretary.

18 ~~((+6))~~ (7) Delivery to the secretary of the money or other
19 property held or claimed shall satisfy the requirement and serve as
20 full acquittance of the order to withhold and deliver.

21 ~~((+7) The state warrants and represents that:~~

22 ~~(a) It shall defend and hold harmless for such actions persons~~
23 ~~delivering money or property to the secretary pursuant to this chapter;~~
24 ~~and~~

25 ~~(b) It shall defend and hold harmless for such actions persons~~
26 ~~withholding money or property pursuant to this chapter)) (8) A person,~~
27 firm, corporation, or association, political subdivision, department of
28 the state, or agency, subdivision, or instrumentality of the United
29 States that complies with the order to withhold and deliver under this
30 chapter is not civilly liable to the debtor for complying with the
31 order to withhold and deliver under this chapter.

32 ~~((+8))~~ (9) The secretary may hold the money or property delivered
33 under this section in trust for application on the indebtedness
34 involved or for return, without interest, in accordance with final
35 determination of liability or nonliability.

36 ~~((+9))~~ (10) Exemptions contained in RCW 74.20A.090 apply to orders
37 to withhold and deliver issued under this section.

38 ~~((+10))~~ (11) The secretary shall also, on or before the date of
39 service of the order to withhold and deliver, mail or cause to be

1 mailed by certified mail a copy of the order to withhold and deliver to
2 the debtor at the debtor's last known post office address, or, in the
3 alternative, a copy of the order to withhold and deliver shall be
4 served on the debtor in the same manner as a summons in a civil action
5 on or before the date of service of the order or within two days
6 thereafter. The copy of the order shall be mailed or served together
7 with a concise explanation of the right to petition for judicial
8 review. This requirement is not jurisdictional, but, if the copy is
9 not mailed or served as in this section provided, or if any
10 irregularity appears with respect to the mailing or service, the
11 superior court, in its discretion on motion of the debtor promptly made
12 and supported by affidavit showing that the debtor has suffered
13 substantial injury due to the failure to mail the copy, may set aside
14 the order to withhold and deliver and award to the debtor an amount
15 equal to the damages resulting from the secretary's failure to serve on
16 or mail to the debtor the copy.

17 ~~((11))~~ (12) An order to withhold and deliver issued in accordance
18 with this section has priority over any other wage assignment ~~((or))~~,
19 garnishment, attachment, or other legal process, except for another
20 wage assignment, garnishment, attachment, or other legal process for
21 child support.

22 ~~((12))~~ (13) The office of support enforcement shall notify any
23 person, firm, corporation, association, or political subdivision,
24 ~~((or))~~ department of the state, or agency, subdivision, or
25 instrumentality of the United States required to withhold and deliver
26 the earnings of a debtor under this action that they may deduct a
27 processing fee from the remainder of the debtor's earnings, even if the
28 remainder would otherwise be exempt under RCW 74.20A.090. The
29 processing fee shall not exceed ten dollars for the first disbursement
30 to the department and one dollar for each subsequent disbursement under
31 the order to withhold and deliver.

32 **Sec. 21.** RCW 74.20A.240 and 1985 c 276 s 12 are each amended to
33 read as follows:

34 Any person, firm, corporation, association, political subdivision
35 ~~((or))~~, department of the state, or agency, subdivision, or
36 instrumentality of the United States employing a person owing a support
37 debt or obligation, shall honor, according to its terms, a duly
38 executed assignment of earnings presented by the secretary as a plan to

1 satisfy or retire a support debt or obligation. This requirement to
2 honor the assignment of earnings and the assignment of earnings itself
3 shall be applicable whether said earnings are to be paid presently or
4 in the future and shall continue in force and effect until released in
5 writing by the secretary. Payment of moneys pursuant to an assignment
6 of earnings presented by the secretary shall serve as full acquittance
7 under any contract of employment(~~(, and the state warrants and~~
8 ~~represents it shall defend and hold harmless such action taken pursuant~~
9 ~~to said assignment of earnings)~~). A person, firm, corporation,
10 association, political subdivision, department of the state, or agency,
11 subdivision, or instrumentality of the United States that complies with
12 the assignment of earnings under this chapter is not civilly liable to
13 the debtor for complying with the assignment of earnings under this
14 chapter. The secretary shall be released from liability for improper
15 receipt of moneys under an assignment of earnings upon return of any
16 moneys so received.

17 An assignment of earnings presented by the secretary in accordance
18 with this section has priority over any other wage assignment (~~(or)~~),
19 garnishment, attachment, or other legal process except for another wage
20 assignment (~~(or)~~), garnishment, attachment, or other legal process for
21 support moneys.

22 The employer may deduct a processing fee from the remainder of the
23 debtor's earnings, even if the remainder would be exempt under RCW
24 74.20A.090. The processing fee shall not exceed ten dollars from the
25 first disbursement to the department and one dollar for each subsequent
26 disbursement under the assignment of earnings.

27 **Sec. 22.** RCW 74.20A.300 and 1989 c 416 s 6 are each amended to
28 read as follows:

29 (1) Whenever a support order is entered or modified under this
30 chapter, the department shall require the responsible parent to
31 maintain or provide health insurance coverage for any dependent child
32 as provided under RCW 26.09.105.

33 (2) "Health insurance coverage" as used in this section does not
34 include medical assistance provided under chapter 74.09 RCW.

35 (3) A parent ordered to provide health insurance coverage shall
36 provide proof of such coverage or proof that such coverage is
37 unavailable to the department within twenty days of the entry of the

1 order(~~(, or within fifteen days of the date such coverage becomes~~
2 available)).

3 (4) Every order requiring a parent to provide health insurance
4 coverage shall be entered in compliance with RCW 26.23.050 and be
5 subject to direct enforcement as provided under chapter 26.18 RCW."

6 **SHB 2488** - S COMM AMD
7 By Committee on Law & Justice

8

9 On page 1, line 1 of the title, after "operations;" strike the
10 remainder of the title and insert "amending RCW 26.09.105, 26.09.120,
11 26.18.070, 26.18.100, 26.18.110, 26.18.140, 26.18.170, 26.23.045,
12 26.23.050, 26.23.060, 26.23.100, 26.26.040, 26.26.100, 26.26.150,
13 26.26.165, 74.20A.056, 74.20A.240, and 74.20A.300; reenacting and
14 amending RCW 26.23.120 and 74.20A.080; adding a new section to chapter
15 26.26 RCW; adding a new section to chapter 74.20 RCW; and prescribing
16 penalties."

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