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HOUSE BILL 1035

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State of Washington

53rd Legislature

1993 Regular Session

By Representatives Appelwick, Padden and Ludwig; by request of Law Revision Commission

Read first time 01/12/93. Referred to Committee on Judiciary.

1 AN ACT Relating to correction of double amendments relating to  
2 support obligations; and reenacting and amending RCW 26.23.110.

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

4 **Sec. 1.** RCW 26.23.110 and 1989 c 360 s 16 and 1989 c 175 s 77 are  
5 each reenacted and amended to read as follows:

6 (1) The department may serve a notice of support owed on a  
7 responsible parent when a support order:

8 (a) Does not state the current and future support obligation as a  
9 fixed dollar amount; or

10 (b) Contains an escalation clause or adjustment provision for which  
11 additional information not contained in the support order is needed to  
12 determine the fixed dollar amount of the (~~accrued~~) support debt  
13 (~~and~~) or the fixed dollar amount of the current and future support  
14 obligation, or both.

15 (2) The notice of support owed shall facilitate enforcement of the  
16 support order and implement and effectuate the terms of the support  
17 order, rather than modify those terms. When the office of support  
18 enforcement issues a notice of support owed, the office shall inform  
19 the payee under the support order.

1 (3) The notice of support owed shall be served on a responsible  
2 parent by personal service or any form of mailing requiring a return  
3 receipt. The notice of support owed shall contain an initial finding  
4 of the fixed dollar amount of current and future support obligation  
5 that should be paid ~~((and/))~~ or the fixed dollar amount of the support  
6 debt owed under the support order, or both.

7 (4) A responsible parent who objects to the fixed dollar amounts  
8 stated in the notice of support owed has twenty days from the date of  
9 the service of the notice of support owed to file an application for an  
10 adjudicative proceeding or initiate an action in superior court.

11 (5) The notice of support owed shall state that the responsible  
12 parent may:

13 (a) File an application for an adjudicative proceeding governed by  
14 chapter 34.05 RCW, the administrative procedure act, in which the  
15 responsible parent will be required to appear and show cause why the  
16 fixed dollar amount of support debt or current and future support  
17 obligation, or both, stated in the notice ~~((for current and future~~  
18 ~~support and/or the accrued support debt))~~ of support owed is incorrect  
19 and should not be ordered; or

20 (b) Initiate an action in superior court.

21 (6) If the responsible parent does not file an application for an  
22 adjudicative proceeding or initiate an action in superior court, the  
23 fixed dollar amount of current and future support ~~((and/))~~ obligation  
24 or ~~((the))~~ support debt, or both, stated in the notice of support owed  
25 shall become final and subject to collection action.

26 (7) If an adjudicative proceeding is requested, the department  
27 shall mail a copy of the notice of ~~((hearing))~~ adjudicative proceeding  
28 to the payee under the support order at the payee's last known address.  
29 A payee who appears for the ~~((hearing shall be allowed))~~ adjudicative  
30 proceeding is entitled to participate. Participation includes, but is  
31 not limited to, giving testimony, presenting evidence, being present  
32 for or listening to other testimony offered in the adjudicative  
33 proceeding, and offering rebuttal to other testimony. Nothing in this  
34 section shall preclude the administrative law judge from limiting  
35 participation to preserve the confidentiality of information protected  
36 by law.

37 (8) If the responsible parent does not initiate an action in  
38 superior court, and serve notice of the action on the department within  
39 the twenty-day period, the responsible parent shall be deemed to have

1 made an election of remedies and shall be required to exhaust  
2 administrative remedies under this chapter with judicial review  
3 available as provided for in RCW 34.05.510 through 34.05.598.

4 (9) An adjudicative order entered in accordance with this section  
5 shall state the basis, rationale, or formula upon which the fixed  
6 dollar amounts established in the adjudicative order were based. The  
7 fixed dollar amount of current and future support (~~(and/)~~) obligation  
8 or the amount of the support debt, or both, determined under this  
9 section shall be subject to collection under this chapter and other  
10 applicable state statutes.

11 (10) The department shall also provide for:

12 (a) An annual review of the support order if either the office of  
13 support enforcement or the responsible parent requests such a review;  
14 and

15 (b) A late (~~(hearing)~~) adjudicative proceeding if the responsible  
16 parent fails to file an application for an adjudicative proceeding in  
17 a timely manner under this section.

18 (11) If an annual review or late (~~(hearing)~~) adjudicative  
19 proceeding is requested under subsection (10) of this section, the  
20 department shall mail a copy of the notice of (~~(hearing)~~) adjudicative  
21 proceeding to the payee at the payee's last known address. A payee who  
22 appears for the adjudicative proceeding (~~(shall be allowed)~~) is  
23 entitled to participate. Participation includes, but is not limited  
24 to, giving testimony, presenting evidence, being present for or  
25 listening to other testimony offered in the adjudicative proceeding,  
26 and offering rebuttal to other testimony. (~~(Nothing in this section~~  
27 ~~shall preclude)~~) The administrative law judge (~~(from limiting)~~) may  
28 limit participation to preserve the confidentiality of information  
29 protected by law.

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