
SUBSTITUTE HOUSE BILL 1576

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Brown, L. Johnson, Riley, Karahalios, Appelwick, Kessler, Veloria, Ogden, Dunshee, Miller, Ludwig, Cooke, Schmidt, Long, Eide, Cothorn, Romero, Johanson and G. Cole)

Read first time 03/03/93.

1 AN ACT Relating to contempt actions to enforce child support
2 obligations; amending RCW 26.18.040 and 26.18.050; adding a new section
3 to chapter 26.09 RCW; adding a new section to chapter 26.10 RCW; adding
4 a new section to chapter 26.19 RCW; and adding a new section to chapter
5 26.26 RCW.

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

7 **Sec. 1.** RCW 26.18.040 and 1984 c 260 s 4 are each amended to read
8 as follows:

9 (1) A proceeding to enforce a duty of support is commenced:

10 (a) By filing a petition for an original action; or

11 (b) By motion in an existing action or under an existing cause
12 number.

13 (2) Venue for the action is in the superior court of the county
14 where the dependent child resides or is present, where the obligor
15 resides, or where the prior support order was entered. The petition or
16 motion may be filed by the obligee, the state, or any agency providing
17 care or support to the dependent child. A filing fee shall not be
18 assessed in cases brought on behalf of the state of Washington.

1 (3) The court retains continuing jurisdiction under this chapter
2 until all duties of support of the obligor, including arrearages,
3 (~~with respect to the dependent child~~) have been satisfied.

4 **Sec. 2.** RCW 26.18.050 and 1989 c 373 s 22 are each amended to read
5 as follows:

6 (1) If an obligor fails to comply with a support order, a petition
7 or motion may be filed without notice under RCW 26.18.040 to initiate
8 a contempt action as provided in chapter 7.21 RCW.

9 (2) If the court finds there is reasonable cause to believe the
10 obligor has failed to comply with a support order, the court may issue
11 an order to show cause requiring the obligor to appear at a certain
12 time and place for a hearing, at which time the obligor may appear to
13 show cause why the relief requested should not be granted. A copy of
14 the petition or motion shall be served on the obligor along with the
15 order to show cause.

16 (~~(3)~~) (3) Service of the order to show cause shall be by personal
17 service, or in the manner provided in the civil rules of superior court
18 or applicable statute.

19 (~~(4)~~) (4) If the order to show cause served upon the obligor
20 included a warning that an arrest warrant could be issued for failure
21 to appear, the court may issue a bench warrant for the arrest of the
22 obligor if the obligor fails to appear on the return date provided in
23 the order.

24 (~~(5)~~) (5) If the obligor contends at the hearing that he or she
25 lacked the means to comply with the support order, the obligor shall
26 establish that he or she exercised due diligence in seeking employment,
27 in conserving assets, or otherwise in rendering himself or herself able
28 to comply with the court's order.

29 (6) As provided in RCW 26.18.040, the court retains continuing
30 jurisdiction under this chapter and may use a contempt action to
31 enforce a support order until the obligor satisfies all duties of
32 support, including arrearages, that accrued pursuant to the support
33 order.

34 NEW SECTION. **Sec. 3.** A new section is added to chapter 26.09 RCW
35 to read as follows:

1 In addition to any other collection remedies provided by law, a
2 contempt action to collect a support obligation established under this
3 chapter may be commenced as provided in RCW 26.18.050.

4 NEW SECTION. **Sec. 4.** A new section is added to chapter 26.10 RCW
5 to read as follows:

6 In addition to any other collection remedies provided by law, a
7 contempt action to collect a support obligation established under this
8 chapter may be commenced as provided in RCW 26.18.050.

9 NEW SECTION. **Sec. 5.** A new section is added to chapter 26.19 RCW
10 to read as follows:

11 In addition to any other collection remedies provided by law, a
12 contempt action to collect a support obligation established under this
13 chapter may be commenced as provided in RCW 26.18.050.

14 NEW SECTION. **Sec. 6.** A new section is added to chapter 26.26 RCW
15 to read as follows:

16 In addition to any other collection remedies provided by law, a
17 contempt action to collect a support obligation established under this
18 chapter may be commenced as provided in RCW 26.18.050.

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