
HOUSE BILL 1576

State of Washington

53rd Legislature

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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 02/01/93. Referred to Committee on Judiciary.

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

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

7 **Sec. 1.** RCW 26.18.050 and 1989 c 373 s 22 are each amended to read
8 as follows:

9 (1) If an obligor fails to comply with a support order, a petition
10 or motion may be filed without notice under RCW 26.18.040 to initiate
11 a contempt action as provided in chapter 7.21 RCW. A contempt action
12 is a remedy to collect child support under any child support obligation
13 established pursuant to this chapter, chapter 26.09, 26.10, 26.19,
14 26.21, 26.26, 74.20, or 74.20A RCW, or other appropriate statutes or
15 common law of this or another state. A contempt action may be
16 commenced to collect court-ordered child support for a minor dependent
17 child, for an adult dependent child for whom a duty of support is owed
18 including child support for postsecondary education ordered pursuant to
19 RCW 26.19.090, and for delinquent support that accrued pursuant to a

1 court order while the child was a dependent child even if the child is
2 no longer dependent.

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

10 (~~(2)~~) (3) Service of the order to show cause shall be by personal
11 service, or in the manner provided in the civil rules of superior court
12 or applicable statute.

13 (~~(3)~~) (4) If the order to show cause served upon the obligor
14 included a warning that an arrest warrant could be issued for failure
15 to appear, the court may issue a bench warrant for the arrest of the
16 obligor if the obligor fails to appear on the return date provided in
17 the order.

18 (~~(4)~~) (5) If the obligor contends at the hearing that he or she
19 lacked the means to comply with the support order, the obligor shall
20 establish that he or she exercised due diligence in seeking employment,
21 in conserving assets, or otherwise in rendering himself or herself able
22 to comply with the court's order.

23 NEW SECTION. Sec. 2. A new section is added to chapter 26.09 RCW
24 to read as follows:

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

28 NEW SECTION. Sec. 3. A new section is added to chapter 26.10 RCW
29 to read as follows:

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

33 NEW SECTION. Sec. 4. A new section is added to chapter 26.19 RCW
34 to read as follows:

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

4 NEW SECTION. **Sec. 5.** A new section is added to chapter 26.26 RCW
5 to read as follows:

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

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