
SENATE BILL 5202

State of Washington 55th Legislature 1997 Regular Session

By Senators Roach, Fairley, Johnson, Winsley, Benton, Oke and Haugen

Read first time 01/20/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to child support enforcement; and reenacting and
2 amending RCW 74.20A.056.

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

4 **Sec. 1.** RCW 74.20A.056 and 1994 c 230 s 19 and 1994 c 146 s 5 are
5 each reenacted and amended to read as follows:

6 (1) If an alleged father has signed an affidavit acknowledging
7 paternity which has been filed with the state office of vital
8 statistics, the (~~office of support enforcement~~) division of child
9 support may serve a notice and finding of parental responsibility on
10 him. Service of the notice shall be in the same manner as a summons in
11 a civil action or by certified mail, return receipt requested. The
12 notice shall have attached to it a copy of the affidavit or
13 certification of birth record information advising of the existence of
14 a filed affidavit, provided by the center for health statistics, or
15 certification of birth record information advising of the existence of
16 a filed affidavit, provided by the center for health statistics, and
17 shall state that:

18 (a) The alleged father may file an application for an adjudicative
19 proceeding at which he will be required to appear and show cause why

1 the amount stated in the finding of financial responsibility as to
2 support is incorrect and should not be ordered;

3 (b) Pursuant to subsection (4) of this section, an alleged father
4 may request that a (~~blood- or~~) genetic test be administered to
5 determine whether such test would exclude him from being a natural
6 parent and, if not excluded, may subsequently request that the (~~office~~
7 ~~of support enforcement~~) division of child support initiate an action
8 in superior court to determine the existence of the parent-child
9 relationship; and

10 (c) If the alleged father does not request that a (~~blood- or~~)
11 genetic test be administered or file an application for an adjudicative
12 proceeding, the amount of support stated in the notice and finding of
13 parental responsibility shall become final, subject only to a
14 subsequent determination under RCW 26.26.060 that the parent-child
15 relationship does not exist.

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

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

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

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

35 (4) An alleged father who denies being a responsible parent may
36 request that a (~~blood- or~~) genetic test be administered (~~at any~~
37 ~~time~~) within one year from the date the notice and finding of parental
38 responsibility is served upon him. The request for testing shall be in
39 writing and served on the (~~office of support enforcement~~) division of

1 child support personally or by registered or certified mail. If a
2 timely request for testing is made, the department shall arrange for
3 the test and, pursuant to rules adopted by the department, may advance
4 the cost of such testing. The department shall mail a copy of the test
5 results by certified mail, return receipt requested, to the alleged
6 father's last known address.

7 (5) If the test excludes the alleged father from being a natural
8 parent, the (~~office of support enforcement~~) division of child support
9 shall file a copy of the results with the state office of vital
10 statistics and shall dismiss any pending administrative collection
11 proceedings based upon the affidavit in issue. The state office of
12 vital statistics shall remove the alleged father's name from the birth
13 certificate.

14 (6) The alleged father may, within twenty days after the date of
15 receipt of the test results, request the (~~office of support~~
16 ~~enforcement~~) division of child support to initiate an action under RCW
17 26.26.060 to determine the existence of the parent-child relationship.
18 If the (~~office of support enforcement~~) division of child support
19 initiates a superior court action at the request of the alleged father
20 and the decision of the court is that the alleged father is a natural
21 parent, the alleged father shall be liable for court costs incurred.

22 (7) If the alleged father does not request the (~~office of support~~
23 ~~enforcement~~) division of child support to initiate a superior court
24 action, or if the alleged father fails to appear and cooperate with
25 (~~blood or~~) genetic testing, the notice of parental responsibility
26 shall become final for all intents and purposes (~~and may be overturned~~
27 ~~only~~).

28 (8) The alleged father may, at any time, contest the issue of
29 parentage presumed under this section by ((a subsequent)) initiating a
30 superior court ((order entered)) action under RCW 26.26.060.

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