
SUBSTITUTE SENATE BILL 6155

State of Washington

56th Legislature

2000 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senator Costa)

Read first time 02/04/2000.

1 AN ACT Relating to reports filed under dissolution of marriage
2 proceedings; and amending RCW 26.09.020, 26.09.173, 26.18.210,
3 26.23.033, 26.23.045, and 26.23.050.

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

5 **Sec. 1.** RCW 26.09.020 and 1997 c 58 s 945 are each amended to read
6 as follows:

7 (1) A petition in a proceeding for dissolution of marriage, legal
8 separation, or for a declaration concerning the validity of a marriage,
9 shall allege the following:

10 (a) The last known residence of each party;

11 (b) ~~((The social security number of each party;~~

12 ~~(c)))~~ The date and place of the marriage;

13 ~~((d)))~~ (c) If the parties are separated the date on which the
14 separation occurred;

15 ~~((e)))~~ (d) The names, ages, and addresses of any child dependent
16 upon either or both spouses and whether the wife is pregnant;

17 ~~((f)))~~ (e) Any arrangements as to the residential schedule of,
18 decision making for, dispute resolution for, and support of the
19 children and the maintenance of a spouse;

1 ~~((g))~~ (f) A statement specifying whether there is community or
2 separate property owned by the parties to be disposed of; and

3 ~~((h))~~ (g) The relief sought.

4 (2) Either or both parties to the marriage may initiate the
5 proceeding.

6 (3) The petitioner shall complete and file with the petition a
7 certificate ~~((under RCW 70.58.200))~~ on the form provided by the
8 department of health.

9 **Sec. 2.** RCW 26.09.173 and 1990 1st ex.s. c 2 s 23 are each amended
10 to read as follows:

11 The party seeking the establishment or modification of a child
12 support order shall file with the clerk of the court the child support
13 order summary report. The summary report shall be on the form
14 developed by the administrator for the courts pursuant to RCW 26.18.210
15 and shall include the social security numbers and driver's license
16 numbers of the parties to the action. The party must complete the form
17 and file the form with the court order. The clerk of the court must
18 forward the original of the form to the ~~((administrator for the courts~~
19 ~~on at least a monthly basis))~~ Washington state support registry within
20 five days of the entry of the order. The clerk of the court shall not
21 retain a copy of the form in the court file or otherwise.

22 **Sec. 3.** RCW 26.18.210 and 1990 1st ex.s. c 2 s 22 are each amended
23 to read as follows:

24 (1) The administrator for the courts shall develop a child support
25 order summary report form to provide for the reporting of summary
26 information in every case in which a child support order is entered or
27 modified either judicially or administratively. The administrator for
28 the courts shall attempt to the greatest extent possible to make the
29 form simple and understandable by the parties. The form shall indicate
30 the following:

31 (a) The county in which the order was entered and the cause number;

32 (b) Whether it was a judicial or administrative order;

33 (c) Whether the order is an original order or from a modification;

34 (d) The number of children of the parties and the ~~((children's~~
35 ~~ages))~~ name, date of birth, and social security number, if any, of each
36 child;

37 (e) The name of the obligee;

1 ~~(f)~~ (f) The combined monthly net income of parties;
2 ~~((f))~~ (g) The ~~((monthly))~~ social security number of the father
3 and his net income ~~((of the father))~~ as determined by the court;
4 ~~((g))~~ (h) The ~~((monthly))~~ social security number of the mother
5 and her net income ~~((of the mother))~~ as determined by the court;
6 ~~((h))~~ (i) The basic child support obligation for each child as
7 determined from the economic table;
8 ~~((i))~~ (j) Whether or not the court deviated from the child
9 support for each child;
10 ~~((j))~~ (k) The reason or reasons stated by the court for the
11 deviation;
12 ~~((k))~~ (l) The amount of child support after the deviation;
13 ~~((l))~~ (m) Any amount awarded for day care;
14 ~~((m))~~ (n) Any other extraordinary amounts in the order;
15 ~~((n))~~ (o) Any amount ordered for postsecondary education;
16 ~~((o))~~ (p) The total amount of support ordered;
17 ~~((p))~~ (q) In the case of a modification, the amount of support in
18 the previous order;
19 ~~((q))~~ (r) If the change in support was in excess of thirty
20 percent, whether the change was phased in;
21 ~~((r))~~ (s) The amount of the transfer payment ordered;
22 ~~((s))~~ (t) Which parent was ordered to make the transfer payment;
23 ~~((and~~
24 ~~(t))~~ (u) The date of the entry of the order; and
25 (v) Whether the order requires payment to be made to the Washington
26 state support registry and payment services are required.
27 (2) The administrator for the courts shall make the form available
28 to the parties.

29 **Sec. 4.** RCW 26.23.033 and 1997 c 58 s 903 are each amended to read
30 as follows:

31 (1) The division of child support, Washington state support
32 registry shall operate a state case registry containing records of all
33 orders establishing or modifying a support order that are entered after
34 October 1, 1998.

35 (2) The superior court clerk, the office of administrative
36 hearings, and the department of social and health services shall,
37 within five days of entry, forward to the Washington state support
38 registry~~((r))~~ a true and correct copy of all superior court orders and

1 the originals of child support summary reports or administrative orders
2 establishing or modifying a support obligation that provide that
3 support payments shall be made to the support registry. The clerk of
4 the court shall not retain a copy of the form in the court file or
5 otherwise.

6 (3) The division of child support shall reimburse the clerk for the
7 reasonable costs of copying and sending copies of court orders to the
8 registry at the reimbursement rate provided in Title IV-D of the
9 federal social security act.

10 (4) (~~Effective October 1, 1998,~~) The superior court clerk, the
11 office of administrative hearings, and the department of social and
12 health services shall, within five days of entry, forward to the
13 Washington state support registry a true and correct copy of all
14 superior court orders and the originals of child support summary
15 reports or administrative orders establishing or modifying a support
16 obligation. The clerk of the court shall not retain a copy of the form
17 in the court file or otherwise.

18 (5) Receipt of a child support summary report or support order by
19 the registry or other action under this section on behalf of a person
20 or persons who have not made a written application for support
21 enforcement services to the division of child support and who are not
22 recipients of public assistance is deemed to be:

23 (a) A request for payment services only if the child support
24 summary report or order requires payment to the Washington state
25 support registry;

26 (b) A submission for inclusion in the state case registry if the
27 child support summary report or order does not require that support
28 payments be made to the Washington state support registry.

29 **Sec. 5.** RCW 26.23.045 and 1997 c 58 s 902 are each amended to read
30 as follows:

31 (1) The division of child support, 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 support enforcement services under RCW
36 74.20.040 is received;

37 (c) When a support order or child support summary report which
38 contains language directing a responsible parent to make support

1 payments to the Washington state support registry under RCW 26.23.050
2 is submitted and the division of child support receives a written
3 application for services or is already providing services;

4 (d) When the obligor submits a support order or support payment,
5 and an application, to the Washington state support registry.

6 (2) The division of child support shall continue to provide support
7 enforcement services for so long as and under such conditions as the
8 department shall establish by regulation or until the superior court
9 enters an order removing the requirement that the obligor make support
10 payments to the Washington state support registry as provided for in
11 RCW 26.23.050.

12 **Sec. 6.** RCW 26.23.050 and 1998 c 160 s 2 are each amended to read
13 as follows:

14 (1) If the division of child support is providing support
15 enforcement services under RCW 26.23.045, or if a party is applying for
16 support enforcement services by signing the application form on the
17 bottom of the support order, the superior court shall include in all
18 court orders that establish or modify a support obligation:

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

21 (b) A statement that withholding action may be taken against wages,
22 earnings, assets, or benefits, and liens enforced against real and
23 personal property under the child support statutes of this or any other
24 state, without further notice to the responsible parent at any time
25 after entry of the court order, unless:

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

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

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

34 (d) A statement that the responsible parent's privileges to obtain
35 and maintain a license, as defined in RCW 74.20A.320, may not be
36 renewed, or may be suspended if the parent is not in compliance with a
37 support order as provided in RCW 74.20A.320.

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

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

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

13 (i) A statement that withholding action may be taken against wages,
14 earnings, assets, or benefits, and liens enforced against real and
15 personal property under the child support statutes of this or any other
16 state, without further notice to the responsible parent at any time
17 after entry of the court order, unless:

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

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

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

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

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

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

38 (ii) If immediate income withholding is not ordered, the court
39 shall require that income withholding be delayed until a payment is

1 past due. The support order shall contain a statement that withholding
2 action may be taken against wages, earnings, assets, or benefits, and
3 liens enforced against real and personal property under the child
4 support statutes of this or any other state, without further notice to
5 the responsible parent, after a payment is past due.

6 (c) If a mandatory wage withholding order under chapter 26.18 RCW
7 is issued under this subsection and the division of child support
8 provides support enforcement services under RCW 26.23.045, the existing
9 wage withholding assignment is prospectively superseded upon the
10 division of child support's subsequent service of an income withholding
11 notice.

12 (3) The office of administrative hearings and the department of
13 social and health services shall require that all support obligations
14 established as administrative orders include a provision which orders
15 and directs that the responsible parent shall make all support payments
16 to the Washington state support registry. All administrative orders
17 shall also state that the responsible parent's privileges to obtain and
18 maintain a license, as defined in RCW 74.20A.320, may not be renewed,
19 or may be suspended if the parent is not in compliance with a support
20 order as provided in RCW 74.20A.320. All administrative orders shall
21 also state that withholding action may be taken against wages,
22 earnings, assets, or benefits, and liens enforced against real and
23 personal property under the child support statutes of this or any other
24 state without further notice to the responsible parent at any time
25 after entry of the order, unless:

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

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

31 (4) If the support order does not include the provision ordering
32 and directing that all payments be made to the Washington state support
33 registry and a statement that withholding action may be taken against
34 wages, earnings, assets, or benefits if a support payment is past due
35 or at any time after the entry of the order, or that a parent's
36 licensing privileges may not be renewed, or may be suspended, the
37 division of child support may serve a notice on the responsible parent
38 stating such requirements and authorizations. Service may be by
39 personal service or any form of mail requiring a return receipt.

1 (5) Every support order shall state:

2 (a) The address where the support payment is to be sent;

3 (b) That withholding action may be taken against wages, earnings,
4 assets, or benefits, and liens enforced against real and personal
5 property under the child support statutes of this or any other state,
6 without further notice to the responsible parent at any time after
7 entry of a support order, unless:

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

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

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

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

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

16 (f) The ((~~social security number,~~) residence address, date of
17 birth, telephone number, ((~~driver's license number,~~) and name and
18 address of the employer of the responsible parent, except as provided
19 under subsection (6) of this section;

20 (g) The ((~~social security number and~~) residence address of the
21 physical custodian except as provided in subsection (6) or (7) of this
22 section;

23 (h) The names((~~,~~) and dates of birth(~~(, and social security~~
24 ~~numbers, if any,~~) of the dependent children;

25 (i) A provision requiring the responsible parent to keep the
26 Washington state support registry informed of whether he or she has
27 access to health insurance coverage at reasonable cost and, if so, the
28 health insurance policy information;

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

34 (k) That if proof of health insurance coverage or proof that the
35 coverage is unavailable is not provided within twenty days, the obligee
36 or the department may seek direct enforcement of the coverage through
37 the obligor's employer or union without further notice to the obligor
38 as provided under chapter 26.18 RCW;

1 (l) The reasons for not ordering health insurance coverage if the
2 order fails to require such coverage;

3 (m) That the responsible parent's privileges to obtain and maintain
4 a license, as defined in RCW 74.20A.320, may not be renewed, or may be
5 suspended if the parent is not in compliance with a support order as
6 provided in RCW 74.20A.320; and

7 (n) That each parent must:

8 (i) Provide the state case registry with the information required
9 by RCW 26.23.055; and

10 (ii) Update the information provided to the state case registry
11 when the information changes.

12 (6) The address and employer's name and address of either party may
13 be omitted from a support order if:

14 (a) There is reason to believe that release of the address
15 information may result in physical or emotional harm to the party or to
16 the child; or

17 (b) A restraining or protective order is in effect to protect one
18 party from the other party.

19 (7) The physical custodian's address shall be omitted from an order
20 entered under the administrative procedure act.

21 (8) When a party's employment or address is omitted from an order,
22 the order shall state that the information is known to the division of
23 child support, state case registry.

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

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