
SENATE BILL 6510

State of Washington

56th Legislature

2000 Regular Session

By Senators Winsley and Fairley; by request of Department of Social and Health Services

Read first time . Referred to Committee on .

1 AN ACT Relating to child support technical amendments necessary to
2 implement the federal personal responsibility and work opportunity
3 reconciliation act of 1996; amending RCW 26.18.055, 26.18.170,
4 26.18.180, 26.23.060, 67.16.020, 74.20.330, 74.20A.030, 74.20A.080,
5 74.20A.095, and 74.20A.180; and adding a new section to chapter 74.20A
6 RCW.

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

8 **Sec. 1.** RCW 26.18.055 and 1997 c 58 s 942 are each amended to read
9 as follows:

10 Child support debts, not paid when due, become liens by operation
11 of law against all property of the debtor with priority of a secured
12 creditor. This lien shall be separate and apart from, and in addition
13 to, any other lien created by, or provided for, in this title. The
14 lien attaches to all real and personal property of the debtor on the
15 date of filing with the county auditor of the county in which the
16 property is located. Liens filed by other states or jurisdictions that
17 comply with the procedural rules for filing liens under chapter 65.04
18 RCW shall be accorded full faith and credit and are enforceable without
19 judicial notice or hearing.

1 **Sec. 2.** RCW 26.18.170 and 1995 c 34 s 7 are each amended to read
2 as follows:

3 (1) Whenever an obligor parent who has been ordered to provide
4 health insurance coverage for a dependent child fails to provide such
5 coverage or lets it lapse, the department or the obligee may seek
6 enforcement of the coverage order as provided under this section.

7 (2)(a) If the obligor parent's order to provide health insurance
8 coverage contains language notifying the obligor that failure to
9 provide such coverage or proof that such coverage is unavailable may
10 result in direct enforcement of the order and orders payments through,
11 or has been submitted to, the Washington state support registry for
12 enforcement, then the department may, without further notice to the
13 obligor, send a notice of enrollment to the obligor's employer or union
14 (~~by certified mail, return receipt requested~~). The notice shall be
15 served:

16 (i) By regular mail;

17 (ii) In the manner prescribed for the service of a summons in a
18 civil action;

19 (iii) By certified mail, return receipt requested; or

20 (iv) By electronic means if there is an agreement between the
21 secretary of the department and the person, firm, corporation,
22 association, political subdivision, department of the state, or agency,
23 subdivision, or instrumentality of the United States to accept service
24 by electronic means.

25 (b) The notice shall require the employer or union to enroll the
26 child in the health insurance plan as provided in subsection (3) of
27 this section.

28 (~~(b)~~) (c) The returned answer to the division of child support by
29 the employer constitutes proof of service of the notice of enrollment
30 in the case where the notice was served by regular mail.

31 (d) The division of child support may use uniform interstate forms
32 adopted by the United States department of health and human services to
33 take insurance enrollment actions under this section.

34 (e) If the obligor parent's order to provide health insurance
35 coverage does not order payments through, and has not been submitted
36 to, the Washington state support registry for enforcement:

37 (i) The obligee may, without further notice to the obligor send a
38 certified copy of the order requiring health insurance coverage to the

1 obligor's employer or union by certified mail, return receipt
2 requested; and

3 (ii) The obligee shall attach a notarized statement to the order
4 declaring that the order is the latest order addressing coverage
5 entered by the court and require the employer or union to enroll the
6 child in the health insurance plan as provided in subsection (3) of
7 this section.

8 (3) Upon receipt of an order that provides for health insurance
9 coverage, or a notice of enrollment:

10 (a) The obligor's employer or union shall answer the party who sent
11 the order or notice within (~~thirty-five~~) twenty days and confirm that
12 the child:

13 (i) Has been enrolled in the health insurance plan;

14 (ii) Will be enrolled; or

15 (iii) Cannot be covered, stating the reasons why such coverage
16 cannot be provided;

17 (b) The employer or union shall withhold any required premium from
18 the obligor's income or wages;

19 (c) If more than one plan is offered by the employer or union, and
20 each plan may be extended to cover the child, then the child shall be
21 enrolled in the obligor's plan. If the obligor's plan does not provide
22 coverage which is accessible to the child, the child shall be enrolled
23 in the least expensive plan otherwise available to the obligor parent;

24 (d) The employer or union shall provide information about the name
25 of the health insurance coverage provider or issuer and the extent of
26 coverage available to the obligee or the department and shall make
27 available any necessary claim forms or enrollment membership cards.

28 (4) If the order for coverage contains no language notifying the
29 obligor that failure to provide health insurance coverage or proof that
30 such coverage is unavailable may result in direct enforcement of the
31 order, the department or the obligee may serve a written notice of
32 intent to enforce the order on the obligor by certified mail, return
33 receipt requested, or by personal service. If the obligor fails to
34 provide written proof that such coverage has been obtained or applied
35 for or fails to provide proof that such coverage is unavailable within
36 twenty days of service of the notice, the department or the obligee may
37 proceed to enforce the order directly as provided in subsection (2) of
38 this section.

1 (5) If the obligor ordered to provide health insurance coverage
2 elects to provide coverage that will not be accessible to the child
3 because of geographic or other limitations when accessible coverage is
4 otherwise available, the department or the obligee may serve a written
5 notice of intent to purchase health insurance coverage on the obligor
6 by certified mail, return receipt requested. The notice shall also
7 specify the type and cost of coverage.

8 (6) If the department serves a notice under subsection (5) of this
9 section the obligor shall, within twenty days of the date of service:

10 (a) File an application for an adjudicative proceeding; or

11 (b) Provide written proof to the department that the obligor has
12 either applied for, or obtained, coverage accessible to the child.

13 (7) If the obligee serves a notice under subsection (5) of this
14 section, within twenty days of the date of service the obligor shall
15 provide written proof to the obligee that the obligor has either
16 applied for, or obtained, coverage accessible to the child.

17 (8) If the obligor fails to respond to a notice served under
18 subsection (5) of this section to the party who served the notice, the
19 party who served the notice may purchase the health insurance coverage
20 specified in the notice directly. The amount of the monthly premium
21 shall be added to the support debt and be collectible without further
22 notice. The amount of the monthly premium may be collected or accrued
23 until the obligor provides proof of the required coverage.

24 (9) The signature of the obligee or of a department employee shall
25 be a valid authorization to the coverage provider or issuer for
26 purposes of processing a payment to the child's health services
27 provider. An order for health insurance coverage shall operate as an
28 assignment of all benefit rights to the obligee or to the child's
29 health services provider, and in any claim against the coverage
30 provider or issuer, the obligee or the obligee's assignee shall be
31 subrogated to the rights of the obligor. Notwithstanding the
32 provisions of this section regarding assignment of benefits, this
33 section shall not require a health care service contractor authorized
34 under chapter 48.44 RCW or a health maintenance organization authorized
35 under chapter 48.46 RCW to deviate from their contractual provisions
36 and restrictions regarding reimbursement for covered services. If the
37 coverage is terminated, the employer shall mail a notice of termination
38 to the department or the obligee at the obligee's last known address
39 within thirty days of the termination date.

1 (10) This section shall not be construed to limit the right of the
2 obligor or the obligee to bring an action in superior court at any time
3 to enforce, modify, or clarify the original support order.

4 (11) Where a child does not reside in the issuer's service area, an
5 issuer shall cover no less than urgent and emergent care. Where the
6 issuer offers broader coverage, whether by policy or reciprocal
7 agreement, the issuer shall provide such coverage to any child
8 otherwise covered that does not reside in the issuer's service area.

9 (12) If an obligor fails to pay his or her portion of any
10 deductible required under the health insurance coverage or fails to pay
11 his or her portion of medical expenses incurred in excess of the
12 coverage provided under the plan, the department or the obligee may
13 enforce collection of the obligor's portion of the deductible or the
14 additional medical expenses through a wage assignment order. The
15 amount of the deductible or additional medical expenses shall be added
16 to the support debt and be collectible without further notice if the
17 obligor's share of the amount of the deductible or additional expenses
18 is reduced to a sum certain in a court order.

19 **Sec. 3.** RCW 26.18.180 and 1989 c 416 s 9 are each amended to read
20 as follows:

21 (1) An obligated parent's employer or union shall be liable for a
22 fine of up to one thousand dollars per occurrence, if the employer or
23 union fails or refuses, within (~~thirty-five~~) twenty days of receiving
24 the order or notice for health insurance coverage to:

25 (a) Promptly enroll the obligated parent's child in the health
26 insurance plan; or

27 (b) Make a written answer to the person or entity who sent the
28 order or notice for health insurance coverage stating that the child:

29 (i) Will be enrolled in the next available open enrollment period;
30 or

31 (ii) Cannot be covered and explaining the reasons why coverage
32 cannot be provided.

33 (2) Liability may be established and the fine may be collected by
34 the office of support enforcement under chapter 74.20A or 26.23 RCW
35 using any of the remedies contained in those chapters.

36 (3) Any employer or union who enrolls a child in a health insurance
37 plan in compliance with chapter 26.18 RCW shall be exempt from
38 liability resulting from such enrollment.

1 **Sec. 4.** RCW 26.23.060 and 1998 c 160 s 8 are each amended to read
2 as follows:

3 (1) The division of child support may issue a notice of payroll
4 deduction:

5 (a) As authorized by a support order that contains a notice clearly
6 stating that child support may be collected by withholding from
7 earnings, wages, or benefits without further notice to the obligated
8 parent; or

9 (b) After service of a notice containing an income-withholding
10 provision under this chapter or chapter 74.20A RCW.

11 (2) The division of child support shall serve a notice of payroll
12 deduction upon a responsible parent's employer or upon the employment
13 security department for the state in possession of or owing any
14 benefits from the unemployment compensation fund to the responsible
15 parent pursuant to Title 50 RCW:

16 (a) In the manner prescribed for the service of a summons in a
17 civil action;

18 (b) By certified mail, return receipt requested;

19 (c) By electronic means if there is an agreement between the
20 secretary and the person, firm, corporation, association, political
21 subdivision, department of the state, or agency, subdivision, or
22 instrumentality of the United States to accept service by electronic
23 means; or

24 (d) By regular mail to a responsible parent's employer unless the
25 division of child support reasonably believes that service of process
26 in the manner prescribed in (a) or (b) of this subsection is required
27 for initiating an action to ensure employer compliance with the
28 withholding requirement.

29 (3) Service of a notice of payroll deduction upon an employer or
30 employment security department requires the employer or employment
31 security department to immediately make a mandatory payroll deduction
32 from the responsible parent's unpaid disposable earnings or
33 unemployment compensation benefits. The employer or employment
34 security department shall thereafter deduct each pay period the amount
35 stated in the notice divided by the number of pay periods per month.
36 The payroll deduction each pay period shall not exceed fifty percent of
37 the responsible parent's disposable earnings.

1 (4) A notice of payroll deduction for support shall have priority
2 over any wage assignment, garnishment, attachment, or other legal
3 process.

4 (5) The notice of payroll deduction shall be in writing and
5 include:

6 (a) The name and social security number of the responsible parent;

7 (b) The amount to be deducted from the responsible parent's
8 disposable earnings each month, or alternate amounts and frequencies as
9 may be necessary to facilitate processing of the payroll deduction;

10 (c) A statement that the total amount withheld shall not exceed
11 fifty percent of the responsible parent's disposable earnings;

12 (d) The address to which the payments are to be mailed or
13 delivered; and

14 (e) A notice to the responsible parent warning the responsible
15 parent that, despite the payroll deduction, the responsible parent's
16 privileges to obtain and maintain a license, as defined in RCW
17 74.20A.320, may not be renewed, or may be suspended if the parent is
18 not in compliance with a support order as defined in RCW 74.20A.320.

19 (6) An informational copy of the notice of payroll deduction shall
20 be mailed to the last known address of the responsible parent by
21 regular mail.

22 (7) An employer or employment security department that receives a
23 notice of payroll deduction shall make immediate deductions from the
24 responsible parent's unpaid disposable earnings and remit proper
25 amounts to the Washington state support registry within seven working
26 days of the date the earnings are payable to the responsible parent.

27 (8) An employer, or the employment security department, upon whom
28 a notice of payroll deduction is served, shall make an answer to the
29 division of child support within twenty days after the date of service.
30 The answer shall confirm compliance and institution of the payroll
31 deduction or explain the circumstances if no payroll deduction is in
32 effect. The answer shall also state whether the responsible parent is
33 employed by or receives earnings from the employer or receives
34 unemployment compensation benefits from the employment security
35 department, whether the employer or employment security department
36 anticipates paying earnings or unemployment compensation benefits and
37 the amount of earnings. If the responsible parent is no longer
38 employed, or receiving earnings from the employer, the answer shall
39 state the present employer's name and address, if known. If the

1 responsible parent is no longer receiving unemployment compensation
2 benefits from the employment security department, the answer shall
3 state the present employer's name and address, if known.

4 The returned answer or a payment remitted to the division of child
5 support by the employer constitutes proof of service of the notice of
6 payroll deduction in the case where the notice was served by regular
7 mail.

8 (9) The employer or employment security department may deduct a
9 processing fee from the remainder of the responsible parent's earnings
10 after withholding under the notice of payroll deduction, even if the
11 remainder is exempt under RCW 26.18.090. The processing fee may not
12 exceed: (a) Ten dollars for the first disbursement made to the
13 Washington state support registry; and (b) one dollar for each
14 subsequent disbursement to the registry.

15 (10) The notice of payroll deduction shall remain in effect until
16 released by the division of child support, the court enters an order
17 terminating the notice and approving an alternate arrangement under RCW
18 26.23.050, or until the employer no longer employs the responsible
19 parent and is no longer in possession of or owing any earnings to the
20 responsible parent. The employer shall promptly notify the office of
21 support enforcement when the employer no longer employs the parent
22 subject to the notice. For the employment security department, the
23 notice of payroll deduction shall remain in effect until released by
24 the division of child support or until the court enters an order
25 terminating the notice.

26 (11) The division of child support may use uniform interstate
27 withholding forms adopted by the United States department of health and
28 human services to take withholding actions under this section (~~when~~)
29 whether the responsible parent is receiving earnings or unemployment
30 compensation in this state or in another state.

31 **Sec. 5.** RCW 67.16.020 and 1989 c 385 s 5 are each amended to read
32 as follows:

33 (1) It shall be the duty of the commission, as soon as it is
34 possible after its organization, to prepare and promulgate a complete
35 set of rules and regulations to govern the race meets in this state.
36 It shall determine and announce the place, time and duration of race
37 meets for which license fees are exacted; and it shall be the duty of
38 each person holding a license under the authority of this chapter, and

1 every owner, trainer, jockey, and attendant at any race course in this
2 state, to comply with all rules and regulations promulgated and all
3 orders issued by the commission. It shall be unlawful for any person
4 to hold any race meet without having first obtained and having in force
5 and effect a license issued by the commission as in this chapter
6 provided; and it shall be unlawful for any owner, trainer or jockey to
7 participate in race meets in this state without first securing a
8 license therefor from the state racing commission, the fee for which
9 shall be set by the commission which shall offset the cost of
10 administration and shall not be for a period exceeding one year.

11 (2) The commission shall immediately suspend the license of a
12 person who has been certified under RCW 74.20A.320 by the department of
13 social and health services as a person who is not in compliance with a
14 support order. If the person has continued to meet all other
15 requirements for a license under this chapter during the suspension,
16 reissuance of the license shall be automatic upon the department's
17 receipt of a release issued by the department of social and health
18 services stating that the licensee is in compliance with the support
19 order. The procedure in RCW 74.20A.320 is the exclusive administrative
20 remedy for contesting the establishment of noncompliance with a child
21 support order, and suspension of a license under this subsection, and
22 satisfies the requirements of RCW 34.05.422.

23 **Sec. 6.** RCW 74.20.330 and 1997 c 58 s 936 are each amended to read
24 as follows:

25 (1) Whenever public assistance is paid under a state program funded
26 under Title IV-A of the federal social security act as amended by the
27 personal responsibility and work opportunity reconciliation act of
28 1996, each applicant or recipient is deemed to have made assignment to
29 the department of any rights to a support obligation from any other
30 person the applicant or recipient may have in his or her own behalf or
31 in behalf of any other family member for whom the applicant or
32 recipient is applying for or receiving public assistance, including any
33 unpaid support obligation or support debt which has accrued at the time
34 the assignment is made.

35 (2) Payment of public assistance under a ~~((state))~~ state-funded
36 program, or a program funded under Title IV-A or IV-E of the federal
37 social security act as amended by the personal responsibility and work
38 opportunity reconciliation act of 1996 shall:

- 1 (a) Operate as an assignment by operation of law; and
- 2 (b) Constitute an authorization to the department to provide the
- 3 assistance recipient with support enforcement services.

4 **Sec. 7.** RCW 74.20A.030 and 1997 c 58 s 934 are each amended to
5 read as follows:

6 (1) The department shall be subrogated to the right of any
7 dependent child or children or person having the care, custody, and
8 control of said child or children, if public assistance money is paid
9 to or for the benefit of the child under a (~~state~~) state-funded
10 program, or a program funded under Title IV-A or IV-E of the federal
11 social security act as amended by the personal responsibility and work
12 opportunity reconciliation act of 1996, to prosecute or maintain any
13 support action or execute any administrative remedy existing under the
14 laws of the state of Washington to obtain reimbursement of moneys
15 expended, based on the support obligation of the responsible parent
16 established by a (~~superior court~~) child support order (~~or RCW~~
17 ~~74.20A.055~~). Distribution of any support moneys shall be made in
18 accordance with RCW 26.23.035.

19 (2) The department may initiate, continue, maintain, or execute an
20 action to establish, enforce, and collect a support obligation,
21 including establishing paternity and performing related services, under
22 this chapter and chapter 74.20 RCW, or through the attorney general or
23 prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, 26.23,
24 or 26.26 RCW or other appropriate statutes or the common law of this
25 state, for so long as and under such conditions as the department may
26 establish by regulation.

27 (3) Public assistance moneys shall be exempt from collection action
28 under this chapter except as provided in RCW 74.20A.270.

29 (4) No collection action shall be taken against parents of children
30 eligible for admission to, or children who have been discharged from a
31 residential habilitation center as defined by RCW 71A.10.020(~~(+7)~~)
32 (8). For the period July 1, 1993, through June 30, 1995, a collection
33 action may be taken against parents of children with developmental
34 disabilities who are placed in community-based residential care. The
35 amount of support the department may collect from the parents shall not
36 exceed one-half of the parents' support obligation accrued while the
37 child was in community-based residential care. The child support
38 obligation shall be calculated pursuant to chapter 26.19 RCW.

1 **Sec. 8.** RCW 74.20A.080 and 1998 c 160 s 1 are each amended to read
2 as follows:

3 (1) The secretary may issue to any person, firm, corporation,
4 association, political subdivision, department of the state, or agency,
5 subdivision, or instrumentality of the United States, an order to
6 withhold and deliver property of any kind, including but not restricted
7 to earnings which are or might become due, owing, or belonging to the
8 debtor, when the secretary has reason to believe that there is in the
9 possession of such person, firm, corporation, association, political
10 subdivision, department of the state, or agency, subdivision, or
11 instrumentality of the United States property which is or might become
12 due, owing, or belonging to said debtor. Such order to withhold and
13 deliver may be issued:

14 (a) At any time, if a responsible parent's support order:

15 (i) Contains notice that withholding action may be taken against
16 earnings, wages, or assets without further notice to the parent; or

17 (ii) Includes a statement that other income-withholding action
18 under this chapter may be taken without further notice to the
19 responsible parent;

20 (b) Twenty-one days after service of a notice of support debt under
21 RCW 74.20A.040;

22 (c) Twenty-one days after service of a notice and finding of
23 parental responsibility under RCW 74.20A.056;

24 (d) Twenty-one days after service of a notice of support owed under
25 RCW 26.23.110;

26 (e) Twenty-one days after service of a notice and finding of
27 financial responsibility under RCW 74.20A.055; or

28 (f) When appropriate under RCW 74.20A.270.

29 (2) The order to withhold and deliver shall:

30 (a) State the amount to be withheld on a periodic basis if the
31 order to withhold and deliver is being served to secure payment of
32 monthly current support;

33 (b) State the amount of the support debt accrued;

34 (c) State in summary the terms of RCW 74.20A.090 and 74.20A.100;

35 (d) Be served:

36 (i) In the manner prescribed for the service of a summons in a
37 civil action;

38 (ii) By certified mail, return receipt requested;

1 (iii) By electronic means if there is an agreement between the
2 secretary and the person, firm, corporation, association, political
3 subdivision, department of the state, or agency, subdivision, or
4 instrumentality of the United States to accept service by electronic
5 means; or

6 (iv) By regular mail to a responsible parent's employer unless the
7 division of child support reasonably believes that service of process
8 in the manner prescribed in (d)(i) or (ii) of this subsection is
9 required for initiating an action to ensure employer compliance with
10 the withholding requirement.

11 (3) The division of child support may use uniform interstate
12 withholding forms adopted by the United States department of health and
13 human services to take withholding actions under this section when the
14 responsible parent is owed money or property that is located in this
15 state or in another state.

16 (4) Any person, firm, corporation, association, political
17 subdivision, department of the state, or agency, subdivision, or
18 instrumentality of the United States upon whom service has been made is
19 hereby required to:

20 (a) Answer said order to withhold and deliver within twenty days,
21 exclusive of the day of service, under oath and in writing, and shall
22 make true answers to the matters inquired of therein; and

23 (b) Provide further and additional answers when requested by the
24 secretary.

25 (5) The returned answer or a payment remitted to the division of
26 child support by the employer constitutes proof of service of the
27 (~~notice of payroll deduction~~) order to withhold and deliver in the
28 case where the (~~notice~~) order was served by regular mail.

29 (6) Any such person, firm, corporation, association, political
30 subdivision, department of the state, or agency, subdivision, or
31 instrumentality of the United States in possession of any property
32 which may be subject to the claim of the department shall:

33 (a)(i) Immediately withhold such property upon receipt of the order
34 to withhold and deliver; and

35 (ii) Within seven working days deliver the property to the
36 secretary;

37 (iii) Continue to withhold earnings payable to the debtor at each
38 succeeding disbursement interval as provided for in RCW 74.20A.090, and

1 deliver amounts withheld from earnings to the secretary within seven
2 working days of the date earnings are payable to the debtor;

3 (iv) Deliver amounts withheld from periodic payments to the
4 secretary within seven working days of the date the payments are
5 payable to the debtor;

6 (v) Inform the secretary of the date the amounts were withheld as
7 requested under this section; or

8 (b) Furnish to the secretary a good and sufficient bond,
9 satisfactory to the secretary, conditioned upon final determination of
10 liability.

11 (7) An order to withhold and deliver served under this section
12 shall not expire until:

13 (a) Released in writing by the division of child support;

14 (b) Terminated by court order; (~~(or)~~)

15 (c) (~~(The)~~) A person or entity (~~(receiving)~~), other than an
16 employer as defined in Title 50 RCW, who has received the order to
17 withhold and deliver does not possess property of or owe money to the
18 debtor; or

19 (d) An employer who has received the order to withhold and deliver
20 no longer employs, contracts, or owes money to the debtor under a
21 contract of employment, express or implied.

22 (8) Where money is due and owing under any contract of employment,
23 express or implied, or is held by any person, firm, corporation, or
24 association, political subdivision, or department of the state, or
25 agency, subdivision, or instrumentality of the United States subject to
26 withdrawal by the debtor, such money shall be delivered by remittance
27 payable to the order of the secretary.

28 (9) Delivery to the secretary of the money or other property held
29 or claimed shall satisfy the requirement and serve as full acquittance
30 of the order to withhold and deliver.

31 (10) A person, firm, corporation, or association, political
32 subdivision, department of the state, or agency, subdivision, or
33 instrumentality of the United States that complies with the order to
34 withhold and deliver under this chapter is not civilly liable to the
35 debtor for complying with the order to withhold and deliver under this
36 chapter.

37 (11) The secretary may hold the money or property delivered under
38 this section in trust for application on the indebtedness involved or

1 for return, without interest, in accordance with final determination of
2 liability or nonliability.

3 (12) Exemptions contained in RCW 74.20A.090 apply to orders to
4 withhold and deliver issued under this section.

5 (13) The secretary shall also, on or before the date of service of
6 the order to withhold and deliver, mail or cause to be mailed a copy of
7 the order to withhold and deliver to the debtor at the debtor's last
8 known post office address, or, in the alternative, a copy of the order
9 to withhold and deliver shall be served on the debtor in the same
10 manner as a summons in a civil action on or before the date of service
11 of the order or within two days thereafter. The copy of the order
12 shall be mailed or served together with a concise explanation of the
13 right to petition for judicial review. This requirement is not
14 jurisdictional, but, if the copy is not mailed or served as in this
15 section provided, or if any irregularity appears with respect to the
16 mailing or service, the superior court, in its discretion on motion of
17 the debtor promptly made and supported by affidavit showing that the
18 debtor has suffered substantial injury due to the failure to mail the
19 copy, may set aside the order to withhold and deliver and award to the
20 debtor an amount equal to the damages resulting from the secretary's
21 failure to serve on or mail to the debtor the copy.

22 (14) An order to withhold and deliver issued in accordance with
23 this section has priority over any other wage assignment, garnishment,
24 attachment, or other legal process.

25 (15) The division of child support shall notify any person, firm,
26 corporation, association, or political subdivision, department of the
27 state, or agency, subdivision, or instrumentality of the United States
28 required to withhold and deliver the earnings of a debtor under this
29 action that they may deduct a processing fee from the remainder of the
30 debtor's earnings, even if the remainder would otherwise be exempt
31 under RCW 74.20A.090. The processing fee shall not exceed ten dollars
32 for the first disbursement to the department and one dollar for each
33 subsequent disbursement under the order to withhold and deliver.

34 **Sec. 9.** RCW 74.20A.095 and 1991 c 367 s 48 are each amended to
35 read as follows:

36 When providing support enforcement services, the office of support
37 enforcement may take action, under this chapter and chapter 26.23 RCW,
38 against a responsible parent's earnings or assets, located in, or

1 subject to the jurisdiction of, the state of Washington regardless of
2 the presence or residence of the responsible parent. If the
3 responsible parent resides in another state or country, the office of
4 support enforcement shall, unless otherwise authorized by state or
5 federal law, serve a notice under RCW 74.20A.040 more than sixty days
6 before taking collection action.

7 **Sec. 10.** RCW 74.20A.180 and 1985 c 276 s 9 are each amended to
8 read as follows:

9 If the secretary finds that the collection of any support debt,
10 accrued under a ((~~superior court~~)) support order, based upon
11 subrogation or an authorization to enforce and collect under RCW
12 74.20A.030, or assignment of, or a request for support enforcement
13 services to enforce and collect the amount of support ordered by any
14 ((~~superior court~~)) support order is in jeopardy, the secretary may make
15 a written demand under RCW 74.20A.040 for immediate payment of the
16 support debt and, upon failure or refusal immediately to pay said
17 support debt, may file and serve liens pursuant to RCW 74.20A.060 and
18 74.20A.070, without regard to the twenty day period provided for in RCW
19 74.20A.040: PROVIDED, That no further action under RCW 74.20A.080,
20 74.20A.130, and 74.20A.140 may be taken until the notice requirements
21 of RCW 74.20A.040 are met.

22 NEW SECTION. **Sec. 11.** A new section is added to chapter 74.20A
23 RCW to read as follows:

24 (1) Before the state may assist another state or jurisdiction with
25 a high-volume automated administrative enforcement of an interstate
26 case, the requesting state must certify that:

27 (a) The requesting state has met all due process requirements for
28 the establishment of the support order;

29 (b) The requesting state has met all due process requirements for
30 the enforcement of the support order, including that the obligor has
31 been notified that another state may take action against the obligor's
32 wages, earnings, assets, or benefits, and may enforce against the
33 obligor's real and personal property under the child support statutes
34 of this state or any other state without further notice; and

35 (c) The amount of arrears transmitted by the requesting state is
36 due under the support order.

1 (2) Receipt of a request for assistance on automated enforcement of
2 an interstate case by the state constitutes certification under this
3 section.

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