
SENATE BILL 5369

State of Washington

57th Legislature

2001 Regular Session

By Senators Kline, Long and Costa; by request of Department of Social and Health Services

Read first time 01/19/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to jurisdiction in child support matters; amending
2 RCW 26.09.170, 26.09.175, 26.23.130, 74.20.065, 74.20A.055, and
3 74.20A.056; adding a new section to chapter 26.23 RCW; adding a new
4 section to chapter 74.20A RCW; and repealing RCW 74.20A.058.

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

6 **Sec. 1.** RCW 26.09.170 and 1997 c 58 s 910 are each amended to read
7 as follows:

8 (1) Except as otherwise provided in subsection (7) of RCW
9 26.09.070, the provisions of any decree respecting maintenance or
10 support may be modified: (a) Only as to installments accruing
11 subsequent to the petition for modification or motion for adjustment
12 except motions to compel court-ordered adjustments, which shall be
13 effective as of the first date specified in the decree for implementing
14 the adjustment; and, (b) except as otherwise provided in subsections
15 (~~((4), (5), (8), and (9))~~) (5), (6), (9), and (10) of this section,
16 only upon a showing of a substantial change of circumstances. The
17 provisions as to property disposition may not be revoked or modified,
18 unless the court finds the existence of conditions that justify the
19 reopening of a judgment under the laws of this state.

1 (2) Unless otherwise agreed in writing or expressly provided in the
2 decree the obligation to pay future maintenance is terminated upon the
3 death of either party or the remarriage of the party receiving
4 maintenance.

5 (3) Unless otherwise agreed in writing or expressly provided in the
6 decree, provisions for the support of a child are terminated by
7 emancipation of the child or by the death of the parent obligated to
8 support the child.

9 (4) Unless expressly provided by an order of the superior court or
10 a court of comparable jurisdiction, the support provisions of the order
11 are terminated upon the marriage to each other of parties to a
12 paternity order, or upon remarriage to each other of parties to a
13 decree of dissolution. The remaining provisions of the order,
14 including provisions establishing paternity, remain in effect.

15 (5) An order of child support may be modified one year or more
16 after it has been entered without showing a substantial change of
17 circumstances:

18 (a) If the order in practice works a severe economic hardship on
19 either party or the child;

20 (b) If a party requests an adjustment in an order for child support
21 which was based on guidelines which determined the amount of support
22 according to the child's age, and the child is no longer in the age
23 category on which the current support amount was based;

24 (c) If a child is still in high school, upon a finding that there
25 is a need to extend support beyond the eighteenth birthday to complete
26 high school; or

27 (d) To add an automatic adjustment of support provision consistent
28 with RCW 26.09.100.

29 ~~((+5+))~~ (6) An order or decree entered prior to June 7, 1984, may
30 be modified without showing a substantial change of circumstances if
31 the requested modification is to:

32 (a) Require health insurance coverage for a child named therein; or

33 (b) Modify an existing order for health insurance coverage.

34 ~~((+6+))~~ (7) An obligor's voluntary unemployment or voluntary
35 underemployment, by itself, is not a substantial change of
36 circumstances.

37 ~~((+7+))~~ (8) The department of social and health services may file
38 an action to modify an order of child support if public assistance
39 money is being paid to or for the benefit of the child and the child

1 support order is twenty-five percent or more below the appropriate
2 child support amount set forth in the standard calculation as defined
3 in RCW 26.19.011 and reasons for the deviation are not set forth in the
4 findings of fact or order. The determination of twenty-five percent or
5 more shall be based on the current income of the parties and the
6 department shall not be required to show a substantial change of
7 circumstances if the reasons for the deviations were not set forth in
8 the findings of fact or order.

9 ~~((+8))~~ (9)(a) All child support decrees may be adjusted once every
10 twenty-four months based upon changes in the income of the parents
11 without a showing of substantially changed circumstances. Either party
12 may initiate the adjustment by filing a motion and child support
13 worksheets.

14 (b) A party may petition for modification in cases of substantially
15 changed circumstances under subsection (1) of this section at any time.
16 However, if relief is granted under subsection (1) of this section,
17 twenty-four months must pass before a motion for an adjustment under
18 (a) of this subsection may be filed.

19 (c) If, pursuant to (a) of this subsection or subsection ~~((+9))~~
20 (10) of this section, the court adjusts or modifies a child support
21 obligation by more than thirty percent and the change would cause
22 significant hardship, the court may implement the change in two equal
23 increments, one at the time of the entry of the order and the second
24 six months from the entry of the order. Twenty-four months must pass
25 following the second change before a motion for an adjustment under (a)
26 of this subsection may be filed.

27 (d) A parent who is receiving transfer payments who receives a wage
28 or salary increase may not bring a modification action pursuant to
29 subsection (1) of this section alleging that increase constitutes a
30 substantial change of circumstances.

31 (e) The department of social and health services may file an action
32 at any time to modify an order of child support in cases of
33 substantially changed circumstances if public assistance money is being
34 paid to or for the benefit of the child. The determination of the
35 existence of substantially changed circumstances by the department that
36 lead to the filing of an action to modify the order of child support is
37 not binding upon the court.

38 ~~((+9))~~ (10) An order of child support may be adjusted twenty-four
39 months from the date of the entry of the decree or the last adjustment

1 or modification, whichever is later, based upon changes in the economic
2 table or standards in chapter 26.19 RCW.

3 (11) The division of child support may suspend collection of the
4 current support obligation of the responsible parent under a support
5 order when:

6 (a) The child resides a majority of the time with the responsible
7 parent, even though the responsible parent is not designated the
8 primary residential parent under the parenting plan;

9 (b) The responsible parent resides and reconciles with the child
10 and the custodial parent; or

11 (c) The child is returned to live with the responsible parent,
12 after the child's foster care placement terminates.

13 The department may enact rules as necessary to implement this
14 subsection (11).

15 (12) The responsible parent may petition the court for an order
16 excusing the responsible parent from support payments which accrue
17 during a period of suspension as specified under subsection (11) of
18 this section. Suspension of collection under subsection (11) of this
19 section does not modify the court order or relieve the responsible
20 parent of the support obligation under the order.

21 **Sec. 2.** RCW 26.09.175 and 1992 c 229 s 3 are each amended to read
22 as follows:

23 (1) A proceeding for the modification of an order of child support
24 shall commence with the filing of a petition and worksheets. The
25 petition shall be in the form prescribed by the administrator for the
26 courts. There shall be a fee of twenty dollars for the filing of a
27 petition for modification of dissolution.

28 (2) The petitioner shall serve upon the other party the summons, a
29 copy of the petition, and the worksheets in the form prescribed by the
30 administrator for the courts. If the modification proceeding is the
31 first action filed in this state, service shall be made by personal
32 service. If the decree to be modified was entered in this state,
33 service shall be by personal service or by any form of mail requiring
34 a return receipt. If the support obligation has been assigned to the
35 state pursuant to RCW 74.20.330 or the state has a subrogated interest
36 under RCW 74.20A.030, the summons, petition, and worksheets shall also
37 be served on the attorney general; except that notice shall be given to
38 the office of the prosecuting attorney for the county in which the

1 action is filed in lieu of the office of the attorney general in those
2 counties and in the types of cases as designated by the office of the
3 attorney general by letter sent to the presiding superior court judge
4 of that county. Proof of service shall be filed with the court.

5 (3) The responding party's answer and worksheets shall be served
6 and the answer filed within twenty days after service of the petition
7 or sixty days if served out of state. The responding party's failure
8 to file an answer within the time required shall result in entry of a
9 default judgment for the petitioner.

10 (4) At any time after responsive pleadings are filed, either party
11 may schedule the matter for hearing.

12 (5) Unless both parties stipulate to arbitration or the presiding
13 judge authorizes oral testimony pursuant to subsection (6) of this
14 section, a petition for modification of an order of child support shall
15 be heard by the court on affidavits, the petition, answer, and
16 worksheets only.

17 (6) A party seeking authority to present oral testimony on the
18 petition to modify a support order shall file an appropriate motion not
19 later than ten days after the time of notice of hearing. Affidavits
20 and exhibits setting forth the reasons oral testimony is necessary to
21 a just adjudication of the issues shall accompany the petition. The
22 affidavits and exhibits must demonstrate the extraordinary features of
23 the case. Factors which may be considered include, but are not limited
24 to: (a) Substantial questions of credibility on a major issue; (b)
25 insufficient or inconsistent discovery materials not correctable by
26 further discovery; or (c) particularly complex circumstances requiring
27 expert testimony.

28 **Sec. 3.** RCW 26.23.130 and 1991 c 367 s 43 are each amended to read
29 as follows:

30 The department shall be given twenty calendar days prior notice of
31 the entry of any final order and five days prior notice of the entry of
32 any temporary order in any proceeding involving child support or
33 maintenance if the department has a financial interest based on an
34 assignment of support rights under RCW 74.20.330 or the state has a
35 subrogated interest under RCW 74.20A.030. Service of this notice upon
36 the department shall be by personal service on, or mailing by any form
37 of mail requiring a return receipt to, the office of the attorney
38 general; except that notice shall be given to the office of the

1 prosecuting attorney for the county in which the action is filed in
2 lieu of the office of the attorney general in those counties and in the
3 types of cases as designated by the office of the attorney general by
4 letter sent to the presiding superior court judge of that county. The
5 department shall not be entitled to terms for a party's failure to
6 serve the department within the time requirements for this section,
7 unless the department proves that the party knew that the department
8 had an assignment of support rights or a subrogated interest and that
9 the failure to serve the department was intentional.

10 **Sec. 4.** RCW 74.20.065 and 1983 1st ex.s. c 41 s 31 are each
11 amended to read as follows:

12 If the legal custodian has been wrongfully deprived of physical
13 custody, the department is authorized to excuse the custodian from
14 support payments for a child or children receiving or on whose behalf
15 public assistance was provided under chapter 74.12 RCW, or for a child
16 or children on behalf of whom the department is providing nonassistance
17 support enforcement services.

18 **Sec. 5.** RCW 74.20A.055 and 1997 c 58 s 940 are each amended to
19 read as follows:

20 (1) The secretary may, (~~in the absence of a superior court~~) if
21 there is no order((7)) that establishes the responsible parent's
22 support obligation or specifically relieves the responsible parent of
23 a support obligation or pursuant to an establishment of paternity under
24 chapter 26.26 RCW, serve on the responsible parent or parents and
25 custodial parent a notice and finding of financial responsibility
26 requiring (~~a responsible parent or~~) the parents to appear and show
27 cause in an adjudicative proceeding why the finding of responsibility
28 and/or the amount thereof is incorrect, should not be finally ordered,
29 but should be rescinded or modified. This notice and finding shall
30 relate to the support debt accrued and/or accruing under this chapter
31 and/or RCW 26.16.205, including periodic payments to be made in the
32 future. The hearing shall be held pursuant to this section, chapter
33 34.05 RCW, the Administrative Procedure Act, and the rules of the
34 department. A custodian who has physical custody of a child has the
35 same rights that a custodial parent has under this section.

36 (2) The notice and finding of financial responsibility shall be
37 served in the same manner prescribed for the service of a summons in a

1 civil action or may be served on the responsible parent by certified
2 mail, return receipt requested. The receipt shall be prima facie
3 evidence of service. The notice shall be served upon the debtor within
4 sixty days from the date the state assumes responsibility for the
5 support of the dependent child or children on whose behalf support is
6 sought. If the notice is not served within sixty days from such date,
7 the department shall lose the right to reimbursement of payments made
8 after the sixty-day period and before the date of notification:
9 PROVIDED, That if the department exercises reasonable efforts to locate
10 the debtor and is unable to do so the entire sixty-day period is tolled
11 until such time as the debtor can be located. The notice may be served
12 upon the custodial parent who is the nonassistance applicant or public
13 assistance recipient by first class mail to the last known address. If
14 the custodial parent is not the nonassistance applicant or public
15 assistance recipient, service shall be in the same manner as for the
16 responsible parent.

17 (3) The notice and finding of financial responsibility shall set
18 forth the amount the department has determined the responsible parent
19 owes, the support debt accrued and/or accruing, and periodic payments
20 to be made in the future. The notice and finding shall also include:

21 (a) A statement of the name of the (~~recipient or custodian~~)
22 custodial parent and the name of the child or children for whom support
23 is sought;

24 (b) A statement of the amount of periodic future support payments
25 as to which financial responsibility is alleged;

26 (c) A statement that the responsible parent or custodial parent may
27 object to all or any part of the notice and finding, and file an
28 application for an adjudicative proceeding to show cause why (~~said~~
29 ~~responsible parent should not be determined to be liable for any or all~~
30 ~~of the debt, past and future~~) the terms set forth in the notice should
31 not be ordered;

32 (d) A statement that, if neither the responsible parent (~~fails~~)
33 nor the custodial parent files in a timely fashion (~~to file~~) an
34 application for an adjudicative proceeding, the support debt and
35 payments stated in the notice and finding, including periodic support
36 payments in the future, shall be assessed and determined and ordered by
37 the department and that this debt and amounts due under the notice
38 shall be subject to collection action;

1 (e) A statement that the property of the debtor, without further
2 advance notice or hearing, will be subject to lien and foreclosure,
3 distraint, seizure and sale, order to withhold and deliver, notice of
4 payroll deduction or other collection action to satisfy the debt and
5 enforce the support obligation established under the notice.

6 (4) A responsible parent or custodial parent who objects to the
7 notice and finding of financial responsibility may file an application
8 for an adjudicative proceeding within twenty days of the date of
9 service of the notice or thereafter as provided under this subsection.
10 (~~An adjudicative proceeding shall be held in the county of residence~~
11 ~~or other place convenient to the responsible parent.~~)

12 (a) If the responsible parent or custodial parent files the
13 application within twenty days, the ~~((department))~~ office of
14 administrative hearings shall schedule an adjudicative proceeding to
15 hear the parent's or parents' objection and determine the ~~((parents'))~~
16 support obligation for the entire period covered by the notice and
17 finding of financial responsibility. The filing of the application
18 stays collection action pending the entry of a final administrative
19 order;

20 (b) If both the responsible parent ~~((fails))~~ and the custodial
21 parent fail to file an application within twenty days, the notice and
22 finding shall become a final administrative order. The amounts for
23 current and future support and the support debt stated in the notice
24 are final and subject to collection, except as provided under (c) and
25 (d) of this subsection;

26 (c) If the responsible parent or custodial parent files the
27 application more than twenty days after, but within one year of the
28 date of service, the ~~((department))~~ office of administrative hearings
29 shall schedule an adjudicative proceeding to hear the parent's or
30 parents' objection and determine the ~~((parent's))~~ support obligation
31 for the entire period covered by the notice and finding of financial
32 responsibility. The filing of the application does not stay further
33 collection action, pending the entry of a final administrative order,
34 and does not affect any prior collection action;

35 (d) If the responsible parent or custodial parent files the
36 application more than one year after the date of service, the
37 ~~((department))~~ office of administrative hearings shall schedule an
38 adjudicative proceeding at which the ~~((responsible))~~ parent who
39 requested the late hearing must show good cause for failure to file a

1 timely application. The filing of the application does not stay future
2 collection action and does not affect prior collection action:

3 (i) If the presiding officer finds that good cause exists, the
4 presiding officer shall proceed to hear the parent's objection to the
5 notice and determine the ((parent's)) support obligation;

6 (ii) If the presiding officer finds that good cause does not exist,
7 the presiding officer shall treat the application as a petition for
8 prospective modification of the amount for current and future support
9 established under the notice and finding. In the modification
10 proceeding, the presiding officer shall set current and future support
11 under chapter 26.19 RCW. The ((responsible)) petitioning parent need
12 show neither good cause nor a substantial change of circumstances to
13 justify modification of current and future support;

14 (e) If the responsible parent's support obligation was based upon
15 imputed median net income, the grant standard, or the family need
16 standard, the division of child support may file an application for
17 adjudicative proceeding more than twenty days after the date of service
18 of the notice. The office of administrative hearings shall schedule an
19 adjudicative proceeding and provide notice of the hearing to the
20 responsible parent and the custodial parent. The presiding officer
21 shall determine the support obligation for the entire period covered by
22 the notice, based upon credible evidence presented by the division of
23 child support, the responsible parent, or the custodial parent, or may
24 determine that the support obligation set forth in the notice is
25 correct. The division of child support demonstrates good cause by
26 showing that the responsible parent's support obligation was based upon
27 imputed median net income, the grant standard, or the family need
28 standard. The filing of the application by the division of child
29 support does not stay further collection action, pending the entry of
30 a final administrative order, and does not affect any prior collection
31 action.

32 (f) The department shall retain and/or shall not refund support
33 money collected more than twenty days after the date of service of the
34 notice. Money withheld as the result of collection action shall be
35 delivered to the department. The department shall distribute such
36 money, as provided in published rules.

37 (5) If an application for an adjudicative proceeding is filed, the
38 presiding or reviewing officer shall determine the past liability and
39 responsibility, if any, of the alleged responsible parent and shall

1 also determine the amount of periodic payments to be made in the
2 future, which amount is not limited by the amount of any public
3 assistance payment made to or for the benefit of the child. If
4 deviating from the child support schedule in making these
5 determinations, the presiding or reviewing officer shall apply the
6 standards contained in the child support schedule and enter written
7 findings of fact supporting the deviation.

8 (6) If either the responsible parent or the custodial parent fails
9 to attend or participate in the hearing or other stage of an
10 adjudicative proceeding, upon a showing of valid service, the presiding
11 officer shall enter an order of default against each party who did not
12 appear and may enter an administrative order declaring the support debt
13 and payment provisions stated in the notice and finding of financial
14 responsibility to be assessed and determined and subject to collection
15 action. The parties who appear may enter an agreed settlement or
16 consent order, which may be different than the terms of the
17 department's notice. Any party who appears may choose to proceed to
18 the hearing, after the conclusion of which the presiding officer or
19 reviewing officer may enter an order that is different than the terms
20 stated in the notice, if the obligation is supported by credible
21 evidence presented by any party at the hearing.

22 (7) The final administrative order establishing liability and/or
23 future periodic support payments shall be superseded upon entry of a
24 superior court order for support to the extent the superior court order
25 is inconsistent with the administrative order.

26 (8) Debts determined pursuant to this section, accrued and not
27 paid, are subject to collection action under this chapter without
28 further necessity of action by a presiding or reviewing officer.

29 **Sec. 6.** RCW 74.20A.056 and 1997 c 58 s 941 are each amended to
30 read as follows:

31 (1) If an alleged father has signed an affidavit acknowledging
32 paternity which has been filed with the state registrar of vital
33 statistics before July 1, 1997, the division of child support may serve
34 a notice and finding of parental responsibility on him and the
35 custodial parent. Procedures for and responsibility resulting from
36 acknowledgments filed after July 1, 1997, are in subsections (8) and
37 (9) of this section. Service of the notice shall be in the same manner
38 as a summons in a civil action or by certified mail, return receipt

1 requested, on the alleged father. The custodial parent shall be served
2 by first class mail to the last known address. If the custodial parent
3 is not the nonassistance applicant or public assistance recipient,
4 service shall be in the same manner as for the responsible parent. The
5 notice shall have attached to it a copy of the affidavit or
6 certification of birth record information advising of the existence of
7 a filed affidavit, provided by the state registrar of vital statistics,
8 and shall state that:

9 (a) The alleged father or custodial parent may file an application
10 for an adjudicative proceeding at which ((he)) they both will be
11 required to appear and show cause why the amount stated in the finding
12 of financial responsibility as to support is incorrect and should not
13 be ordered;

14 (b) An alleged father or mother, if she is also the custodial
15 parent, may request that a blood or genetic test be administered to
16 determine whether such test would exclude him from being a natural
17 parent and, if not excluded, may subsequently request that the division
18 of child support initiate an action in superior court to determine the
19 existence of the parent-child relationship; and

20 (c) If neither the alleged father ((does not request)) nor the
21 custodial parent requests that a blood or genetic test be administered
22 or file an application for an adjudicative proceeding, the amount of
23 support stated in the notice and finding of parental responsibility
24 shall become final, subject only to a subsequent determination under
25 RCW 26.26.060 that the parent-child relationship does not exist.

26 (2) An alleged father or custodial parent who objects to the amount
27 of support requested in the notice may file an application for an
28 adjudicative proceeding up to twenty days after the date the notice was
29 served. An application for an adjudicative proceeding may be filed
30 within one year of service of the notice and finding of parental
31 responsibility without the necessity for a showing of good cause or
32 upon a showing of good cause thereafter. An adjudicative proceeding
33 under this section shall be pursuant to RCW 74.20A.055. The only
34 issues shall be the amount of the accrued debt, the amount of the
35 current and future support obligation, and the reimbursement of the
36 costs of blood or genetic tests if advanced by the department. A
37 custodian who is not the parent of a child and who has physical custody
38 of a child has the same notice and hearing rights that a custodial
39 parent has under this section.

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

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

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

9 (4) An alleged father (~~((who denies being a responsible parent))~~) or
10 the mother, if she is also the custodial parent, may request that a
11 blood or genetic test be administered at any time. The request for
12 testing shall be in writing, or as the department may specify by rule,
13 and served on the division of child support (~~((personally or by~~
14 ~~registered or certified mail))~~). If a request for testing is made, the
15 department shall arrange for the test and, pursuant to rules adopted by
16 the department, may advance the cost of such testing. The department
17 shall mail a copy of the test results by certified mail, return receipt
18 requested, to the alleged father's and mother's, if she is also the
19 custodial parent, last known address.

20 (5) If the test excludes the alleged father from being a natural
21 parent, the division of child support shall file a copy of the results
22 with the state registrar of vital statistics and shall dismiss any
23 pending administrative collection proceedings based upon the affidavit
24 in issue. The state registrar of vital statistics shall remove the
25 alleged father's name from the birth certificate and change the child's
26 surname to be the same as the mother's maiden name as stated on the
27 birth certificate, or any other name which the mother may select.

28 (6) The alleged father or mother, if she is also the custodial
29 parent, may, within twenty days after the date of receipt of the test
30 results, request the division of child support to initiate an action
31 under RCW 26.26.060 to determine the existence of the parent-child
32 relationship. If the division of child support initiates a superior
33 court action at the request of the alleged father or mother and the
34 decision of the court is that the alleged father is a natural parent,
35 the (~~((alleged father))~~) parent who requested the test shall be liable
36 for court costs incurred.

37 (7) If the alleged father or mother, if she is also the custodial
38 parent, does not request the division of child support to initiate a
39 superior court action, or (~~((if the alleged father))~~) fails to appear and

1 cooperate with blood or genetic testing, the notice of parental
2 responsibility shall become final for all intents and purposes and may
3 be overturned only by a subsequent superior court order entered under
4 RCW 26.26.060.

5 (8)(a) If an alleged father has signed an affidavit acknowledging
6 paternity that has been filed with the state registrar of vital
7 statistics after July 1, 1997, within sixty days from the date of
8 filing of the acknowledgment:

9 (i) The division of child support may serve a notice and finding of
10 parental responsibility on him and the custodial parent as set forth
11 under this section; and

12 (ii) The alleged father or any other signatory may rescind his
13 acknowledgment of paternity. The rescission shall be notarized and
14 delivered to the state registrar of vital statistics personally or by
15 registered or certified mail. The state registrar shall remove the
16 father's name from the birth certificate and change the child's surname
17 to be the same as the mother's maiden name as stated on the birth
18 certificate or any other name that the mother may select. The state
19 registrar shall file rescission notices in a sealed file. All future
20 paternity actions on behalf of the child in question shall be performed
21 under court order.

22 (b) If neither the alleged father (~~((does not))~~) nor the custodial
23 parent files an application for an adjudicative proceeding or (~~((rescind~~
24 ~~his))~~) rescinds the acknowledgment of paternity, the amount of support
25 stated in the notice and finding of parental responsibility becomes
26 final, subject only to a subsequent determination under RCW 26.26.060
27 that the parent-child relationship does not exist.

28 (c) An alleged father or custodial parent who objects to the amount
29 of support requested in the notice may file an application for an
30 adjudicative proceeding up to twenty days after the date the notice was
31 served. An application for an adjudicative proceeding may be filed
32 within one year of service of the notice and finding of parental
33 responsibility without the necessity for a showing of good cause or
34 upon a showing of good cause thereafter. An adjudicative proceeding
35 under this section shall be pursuant to RCW 74.20A.055. The only
36 issues shall be the amount of the accrued debt and the amount of the
37 current and future support obligation.

1 (i) If the application for an adjudicative proceeding is filed
2 within twenty days of service of the notice, collection action shall be
3 stayed pending a final decision by the department.

4 (ii) If the application for an adjudicative proceeding is not filed
5 within twenty days of the service of the notice, any amounts collected
6 under the notice shall be neither refunded nor returned if the alleged
7 father is later found not to be a responsible parent.

8 (d) If an alleged father or mother, if she is also the custodial
9 parent, makes a request for genetic testing, the department shall
10 proceed as set forth under RCW 74.20.360.

11 (e) If neither the alleged father (~~((does not))~~) nor the custodial
12 parent requests an adjudicative proceeding, or if neither the alleged
13 father (~~((fails to rescind his))~~) nor the mother rescinds the filed
14 acknowledgment of paternity, the notice of parental responsibility
15 becomes final for all intents and purposes and may be overturned only
16 by a subsequent superior court order entered under RCW 26.26.060.

17 (9) Affidavits acknowledging paternity that are filed after July 1,
18 1997, are subject to requirements of chapters 26.26 and 70.58 RCW.

19 (10) The department and the department of health may adopt rules to
20 implement the requirements under this section.

21 NEW SECTION. Sec. 7. A new section is added to chapter 26.23 RCW
22 to read as follows:

23 If this chapter requires service in the manner prescribed for
24 service of a summons in a civil action or by certified mail, valid
25 service also includes delivery by a parcel delivery service that
26 returns the signature of the addressee on a return receipt.

27 NEW SECTION. Sec. 8. A new section is added to chapter 74.20A RCW
28 to read as follows:

29 If this chapter requires service in the manner prescribed for
30 service of a summons in a civil action or by certified mail, valid
31 service also includes delivery by a parcel delivery service that
32 returns the signature of the addressee on a return receipt.

1 NEW SECTION. **Sec. 9.** RCW 74.20A.058 (Adjudicative proceeding
2 contesting parental responsibility--Notice to mother) and 1989 c 55 s
3 5 are each repealed.

--- END ---