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SENATE BILL 5975

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State of Washington

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By Senators Costa and McCaslin

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1 AN ACT Relating to information requirements in family law court  
2 files; and amending RCW 26.09.020, 26.21.305, 26.23.050, 26.23.055, and  
3 26.26.130.

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  
9 marriage(~~(7)~~) shall allege (~~(the following)~~):

10 (a) The last known state of residence of each party, and if a  
11 party's last known state of residence is Washington, the last known  
12 county of residence;

13 (~~(The social security number of each party;~~  
14 ~~(e))~~) The date and place of the marriage;

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

17 (~~(e))~~) (d) The names(~~(7)~~) and ages(~~(7 and addresses)~~) of any child  
18 dependent upon either or both spouses and whether the wife is pregnant;

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

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

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

7       (2) Either or both parties to the marriage may initiate the  
8 proceeding.

9       (3) The petitioner shall complete and file with the petition a  
10 certificate under RCW (~~(70.58.200)~~) 43.70.150 on the form provided by  
11 the department of health and the confidential information form under  
12 RCW 26.23.050.

13       **Sec. 2.** RCW 26.21.305 and 1993 c 318 s 311 are each amended to  
14 read as follows:

15       (1) A petitioner seeking to establish or modify a support order or  
16 to determine parentage in a proceeding under this chapter must verify  
17 the petition. Unless otherwise ordered under RCW 26.21.315, the  
18 petition or accompanying documents must provide, so far as known, the  
19 name, residential address, and social security numbers of the obligor  
20 and the obligee, and the name, sex, residential address, social  
21 security number, and date of birth of each child for whom support is  
22 sought. The petition must be accompanied by a certified copy of any  
23 support order in effect. The petition may include any other  
24 information that may assist in locating or identifying the respondent.

25       (2) The petition must specify the relief sought. The petition and  
26 accompanying documents must conform substantially with the requirements  
27 imposed by the forms mandated by federal law for use in cases filed by  
28 a support enforcement agency.

29       (3) A petitioner seeking to establish or modify a support order or  
30 to determine parentage in a proceeding under this chapter shall file a  
31 properly completed confidential information form or equivalent as  
32 described in RCW 26.23.050 to satisfy the requirements of subsection  
33 (1) of this section. A completed confidential information form shall  
34 be deemed an "accompanying document" under subsection (1) of this  
35 section.

36       **Sec. 3.** RCW 26.23.050 and 1998 c 160 s 2 are each amended to read  
37 as follows:

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

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

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

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

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

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

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

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

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

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

37 (i) A statement that withholding action may be taken against wages,  
38 earnings, assets, or benefits, and liens enforced against real and  
39 personal property under the child support statutes of this or any other

1 state, without further notice to the responsible parent at any time  
2 after entry of the court order, unless:

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

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

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

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

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

15 (i) Immediate income withholding may be ordered if the responsible  
16 parent has earnings. If immediate income withholding is ordered under  
17 this subsection, all support payments shall be paid to the Washington  
18 state support registry. The superior court shall issue a mandatory  
19 wage assignment order as set forth in chapter 26.18 RCW when the  
20 support order is signed by the court. The parent entitled to receive  
21 the transfer payment is responsible for serving the employer with the  
22 order and for its enforcement as set forth in chapter 26.18 RCW.

23 (ii) If immediate income withholding is not ordered, the court  
24 shall require that income withholding be delayed until a payment is  
25 past due. The support order shall contain a statement that withholding  
26 action may be taken against wages, earnings, assets, or benefits, and  
27 liens enforced against real and personal property under the child  
28 support statutes of this or any other state, without further notice to  
29 the responsible parent, after a payment is past due.

30 (c) If a mandatory wage withholding order under chapter 26.18 RCW  
31 is issued under this subsection and the division of child support  
32 provides support enforcement services under RCW 26.23.045, the existing  
33 wage withholding assignment is prospectively superseded upon the  
34 division of child support's subsequent service of an income withholding  
35 notice.

36 (3) The office of administrative hearings and the department of  
37 social and health services shall require that all support obligations  
38 established as administrative orders include a provision which orders  
39 and directs that the responsible parent shall make all support payments

1 to the Washington state support registry. All administrative orders  
2 shall also state that the responsible parent's privileges to obtain and  
3 maintain a license, as defined in RCW 74.20A.320, may not be renewed,  
4 or may be suspended if the parent is not in compliance with a support  
5 order as provided in RCW 74.20A.320. All administrative orders shall  
6 also state that withholding action may be taken against wages,  
7 earnings, assets, or benefits, and liens enforced against real and  
8 personal property under the child support statutes of this or any other  
9 state without further notice to the responsible parent at any time  
10 after entry of the order, unless:

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

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

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

25 (5) Every support order shall state:

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

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

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

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

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

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

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

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

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

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

10 ((+i)) (g) A provision requiring the responsible parent to keep  
11 the Washington state support registry informed of whether he or she has  
12 access to health insurance coverage at reasonable cost and, if so, the  
13 health insurance policy information;

14 ((+j)) (h) That any parent owing a duty of child support shall be  
15 obligated to provide health insurance coverage for his or her child if  
16 coverage that can be extended to cover the child is or becomes  
17 available to that parent through employment or is union-related as  
18 provided under RCW 26.09.105;

19 ((+k)) (i) That if proof of health insurance coverage or proof  
20 that the coverage is unavailable is not provided within twenty days,  
21 the obligee or the department may seek direct enforcement of the  
22 coverage through the obligor's employer or union without further notice  
23 to the obligor as provided under chapter 26.18 RCW;

24 ((+l)) (j) The reasons for not ordering health insurance coverage  
25 if the order fails to require such coverage;

26 ((+m)) (k) That the responsible parent's privileges to obtain and  
27 maintain a license, as defined in RCW 74.20A.320, may not be renewed,  
28 or may be suspended if the parent is not in compliance with a support  
29 order as provided in RCW 74.20A.320; ((and

30 (n)) (l) That each parent must:

31 (i) ~~((Provide the state case registry with the information))~~  
32 Promptly file with the court and update as necessary the confidential  
33 information form required by ((RCW 26.23.055)) subsection (7) of this  
34 section; and

35 (ii) ~~((Update the information provided to))~~ Provide the state case  
36 registry ((when)) and update as necessary the information ((changes))  
37 required by subsection (7) of this section; and

38 (m) That parties to administrative support orders shall provide to  
39 the state case registry and update as necessary their residential

1 addresses and the address of the responsible parent's employer. The  
2 division of child support may adopt rules that govern the collection of  
3 parties' current residence and mailing addresses, telephone numbers,  
4 dates of birth, social security numbers, the names of the children,  
5 social security numbers of the children, dates of birth of the  
6 children, driver's license numbers, and the names, addresses, and  
7 telephone numbers of the parties' employers to enforce an  
8 administrative support order. The division of child support shall not  
9 release this information if the division of child support determines  
10 that there is reason to believe that release of the information may  
11 result in physical or emotional harm to the party or to the child, or  
12 a restraining order or protective order is in effect to protect one  
13 party from the other party.

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

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

19 ~~(b) A restraining or protective order is in effect to protect one~~  
20 ~~party from the other party.~~

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

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

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

37 (7) All petitioners and parties to all court actions under Chapters  
38 26.09, 26.10, 26.12, 26.18, 26.21, 26.23, 26.26, and 26.27 RCW shall  
39 complete to the best of their knowledge a verified and signed

1 confidential information form or equivalent that provides the parties'  
2 current residence and mailing addresses, telephone numbers, dates of  
3 birth, social security numbers, driver's license numbers, and the  
4 names, addresses, and telephone numbers of the parties' employers. The  
5 clerk of the court shall not accept petitions, except in parentage  
6 actions initiated by the state, orders of child support, decrees of  
7 dissolution, or paternity orders for filing in such actions unless  
8 accompanied by the confidential information form or equivalent, or  
9 unless the confidential information form or equivalent is already on  
10 file with the court clerk. In lieu of requiring the parties to  
11 complete a separate confidential information form, the court may  
12 combine the confidential information form with any other form, or may  
13 collect the information in electronic form. The clerk of the court  
14 shall transmit the confidential information form or its data to the  
15 division of child support with a copy of the order of child support,  
16 and may provide copies of the confidential information form or its data  
17 to the state administrative agency that administers Title IV-A, IV-D,  
18 or IV-E of the federal social security act. In state initiated  
19 paternity actions, the parties adjudicated the parents of the child or  
20 children shall complete the confidential information form or equivalent  
21 or the state's attorney of record may complete that form to the best of  
22 the attorney's knowledge.

23 **Sec. 4.** RCW 26.23.055 and 1998 c 160 s 3 are each amended to read  
24 as follows:

25 (1) Each party to a paternity or child support proceeding must  
26 provide the court and the Washington state child support registry with  
27 (~~his or her:~~

28 ~~(a) Social security number;~~

29 ~~(b) Current residential address;~~

30 ~~(c) Date of birth;~~

31 ~~(d) Telephone number;~~

32 ~~(e) Driver's license number; and~~

33 ~~(f) Employer's name, address, and telephone number))~~ the  
34 confidential information form as required under RCW 26.23.050.

35 (2) Each party to an order entered in a child support or paternity  
36 proceeding shall update the information required under subsection (1)  
37 of this section promptly after any change in the information. The duty

1 established under this section continues as long as any monthly support  
2 or support debt remains due under the support order.

3 (3) In any proceeding to establish, enforce, or modify the child  
4 support order between the parties, a party may demonstrate to the  
5 presiding officer that he or she has diligently attempted to locate the  
6 other party. Upon a showing of diligent efforts to locate, the  
7 presiding officer shall deem service of process for the action by  
8 delivery of written notice to the address most recently provided by the  
9 party under this section to be adequate notice of the action.

10 (4) All support orders shall contain notice to the parties of the  
11 obligations established by this section and possibility of service of  
12 process according to subsection (3) of this section.

13 **Sec. 5.** RCW 26.26.130 and 2000 c 119 s 10 are each amended to read  
14 as follows:

15 (1) The judgment and order of the court determining the existence  
16 or nonexistence of the parent and child relationship shall be  
17 determinative for all purposes.

18 (2) If the judgment and order of the court is at variance with the  
19 child's birth certificate, the court shall order that an amended birth  
20 certificate be issued.

21 (3) The judgment and order shall contain other appropriate  
22 provisions directed to the appropriate parties to the proceeding,  
23 concerning the duty of current and future support, the extent of any  
24 liability for past support furnished to the child if that issue is  
25 before the court, the furnishing of bond or other security for the  
26 payment of the judgment, or any other matter in the best interest of  
27 the child. The judgment and order may direct the father to pay the  
28 reasonable expenses of the mother's pregnancy and confinement. The  
29 judgment and order may include a continuing restraining order or  
30 injunction. In issuing the order, the court shall consider the  
31 provisions of RCW 9.41.800.

32 (4) The judgment and order shall contain (~~the social security~~  
33 ~~numbers of all parties to the order~~) a provision that each party must  
34 file with the court and the Washington state child support registry and  
35 update as necessary the information required in the confidential  
36 information form required by RCW 26.23.050.

37 (5) Support judgment and orders shall be for periodic payments  
38 which may vary in amount. The court may limit the father's liability

1 for the past support to the child to the proportion of the expenses  
2 already incurred as the court deems just. The court shall not limit or  
3 affect in any manner the right of nonparties including the state of  
4 Washington to seek reimbursement for support and other services  
5 previously furnished to the child.

6 (6) After considering all relevant factors, the court shall order  
7 either or both parents to pay an amount determined pursuant to the  
8 schedule and standards contained in chapter 26.19 RCW.

9 (7) On the same basis as provided in chapter 26.09 RCW, the court  
10 shall make residential provisions with regard to minor children of the  
11 parties, except that a parenting plan shall not be required unless  
12 requested by a party.

13 (8) In any dispute between the natural parents of a child and a  
14 person or persons who have (a) commenced adoption proceedings or who  
15 have been granted an order of adoption, and (b) pursuant to a court  
16 order, or placement by the department of social and health services or  
17 by a licensed agency, have had actual custody of the child for a period  
18 of one year or more before court action is commenced by the natural  
19 parent or parents, the court shall consider the best welfare and  
20 interests of the child, including the child's need for situation  
21 stability, in determining the matter of custody, and the parent or  
22 person who is more fit shall have the superior right to custody.

23 (9) In entering an order under this chapter, the court may issue  
24 any necessary continuing restraining orders, including the restraint  
25 provisions of domestic violence protection orders under chapter 26.50  
26 RCW or antiharassment protection orders under chapter 10.14 RCW.

27 (10) Restraining orders issued under this section restraining or  
28 enjoining the person from molesting or disturbing another party, from  
29 going onto the grounds of or entering the home, workplace, or school of  
30 the other party or the day care or school of any child, or prohibiting  
31 the person from knowingly coming within, or knowingly remaining within,  
32 a specified distance of a location, shall prominently bear on the front  
33 page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL  
34 NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.50 RCW AND  
35 WILL SUBJECT A VIOLATOR TO ARREST.

36 (11) The court shall order that any restraining order bearing a  
37 criminal offense legend, any domestic violence protection order, or any  
38 antiharassment protection order granted under this section be forwarded  
39 by the clerk of the court on or before the next judicial day to the

1 appropriate law enforcement agency specified in the order. Upon  
2 receipt of the order, the law enforcement agency shall forthwith enter  
3 the order into any computer-based criminal intelligence information  
4 system available in this state used by law enforcement agencies to list  
5 outstanding warrants. The order is fully enforceable in any county in  
6 the state.

7 (12) If a restraining order issued pursuant to this section is  
8 modified or terminated, the clerk of the court shall notify the law  
9 enforcement agency specified in the order on or before the next  
10 judicial day. Upon receipt of notice that an order has been  
11 terminated, the law enforcement agency shall remove the order from any  
12 computer-based criminal intelligence system.

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