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HOUSE BILL 1648

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State of Washington                      58th Legislature                      2003 Regular Session

By Representatives McMahan, Mielke, Condotta and Carrell

Read first time 02/03/2003.      Referred to Committee on Juvenile Justice & Family Law.

1            AN ACT Relating to the collection of child support; amending RCW  
2 26.18.070, 26.18.080, 26.18.100, 26.18.140, 26.23.050, and 26.23.100;  
3 and reenacting and amending RCW 26.23.060.

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

5            **Sec. 1.** RCW 26.18.070 and 1994 c 230 s 3 are each amended to read  
6 as follows:

7            (1) A petition or motion seeking a mandatory wage assignment in an  
8 action under RCW 26.18.040 may be filed by an obligee if the obligor  
9 is:

10            (a) Subject to a support order allowing immediate income  
11 withholding and does not have a history of timely payments of court  
12 ordered or administratively ordered child support; or

13            (b) More than fifteen days past due in child support or spousal  
14 maintenance payments in an amount equal to or greater than the  
15 obligation payable for one month.

16            (2) The petition or motion shall include a sworn statement by the  
17 obligee, stating the facts authorizing the issuance of the wage  
18 assignment order, including:

19            (a) That the obligor, stating his or her name and residence, is:

1 (i) Subject to a support order allowing immediate income  
2 withholding and does not have a history of timely payments of court  
3 ordered or administratively ordered child support; or

4 (ii) More than fifteen days past due in child support or spousal  
5 maintenance payments in an amount equal to or greater than the  
6 obligation payable for one month;

7 (b) A description of the terms of the order requiring payment of  
8 support or spousal maintenance, and the amount past due, if any;

9 (c) The name and address of the obligor's employer;

10 (d) That notice by personal service or any form of mail requiring  
11 a return receipt, has been provided to the obligor at least fifteen  
12 days prior to the obligee seeking a mandatory wage assignment, unless  
13 the order for support or maintenance states that the obligee may seek  
14 a mandatory wage assignment without notice to the obligor; and

15 (e) In cases not filed by the state, whether the obligee has  
16 received public assistance from any source and, if the obligee has  
17 received public assistance, that the department of social and health  
18 services has been notified in writing of the pending action.

19 (3) If the court in which a mandatory wage assignment is sought  
20 does not already have a copy of the support or maintenance order in the  
21 court file, then the obligee shall attach a copy of the support or  
22 maintenance order to the petition or motion seeking the wage  
23 assignment.

24 **Sec. 2.** RCW 26.18.080 and 1987 c 435 s 19 are each amended to read  
25 as follows:

26 (1) Upon receipt of a petition or motion seeking a mandatory wage  
27 assignment that complies with RCW 26.18.070, the court shall issue a  
28 wage assignment order, unless the obligor has a history of timely  
29 payment of previously ordered child support. The court may enter a  
30 wage assignment order, even if the obligor has a history of timely  
31 payment of previously ordered support, if the obligor is subject to a  
32 restraining order, no-contact order, or protection order with respect  
33 to the obligee or a child of the obligee. The order shall: (a) Be  
34 issued as provided in RCW 26.18.100 (~~(and including)~~); (b) include the  
35 information required in RCW 26.18.090(1)(~~(τ)~~); (c) be directed to the  
36 employer(~~(τ)~~); and (~~(commanding)~~)(d) command the employer to answer the

1 order on the forms served with the order that comply with RCW 26.18.120  
2 within twenty days after service of the order upon the employer.

3 (2) The clerk of the court shall forward a copy of the mandatory  
4 wage assignment order, a true and correct copy of the support orders in  
5 the court file, and a statement containing the obligee's address and  
6 social security number shall be forwarded to the Washington state  
7 support registry within five days of the entry of the order.

8 **Sec. 3.** RCW 26.18.100 and 1998 c 77 s 1 are each amended to read  
9 as follows:

10 (1) The wage assignment order shall be substantially in the  
11 following form:

12 IN THE SUPERIOR COURT OF THE  
13 STATE OF WASHINGTON IN AND FOR THE  
14 COUNTY OF .....

15 .....  
16 Obligee No. ....  
17 vs.  
18 ..... WAGE ASSIGNMENT  
19 Obligor ORDER  
20 .....  
21 Employer  
22 THE STATE OF WASHINGTON TO: .....  
23 Employer  
24 AND TO: .....  
25 Obligor

26 The above-named obligee claims that the above-named obligor is  
27 subject to a support order requiring immediate income withholding or is  
28 more than fifteen days past due in either child support or spousal  
29 maintenance payments, or both, in an amount equal to or greater than  
30 the child support or spousal maintenance payable for one month. The  
31 amount of the accrued child support or spousal maintenance debt as of  
32 this date is . . . . . dollars, the amount of arrearage payments  
33 specified in the support or spousal maintenance order (if applicable)  
34 is . . . . . dollars per . . . . ., and the amount of the current  
35 and continuing support or spousal maintenance obligation under the  
36 order is . . . . . dollars per . . . . .

1 You are hereby commanded to answer this order by filling in the  
2 attached form according to the instructions, and you must mail or  
3 deliver the original of the answer to the court, one copy to the  
4 Washington state support registry, one copy to the obligee or obligee's  
5 attorney, and one copy to the obligor within twenty days after service  
6 of this wage assignment order upon you.

7 (2) If you possess any earnings or other remuneration for  
8 employment due and owing to the obligor, then you shall do as follows:

9 ~~((1))~~ (a) Withhold from the obligor's earnings or remuneration  
10 each month, or from each regular earnings disbursement, the lesser of:

11 ~~((a))~~ (i) The sum of the accrued support or spousal maintenance  
12 debt and the current support or spousal maintenance obligation;

13 ~~((b))~~ (ii) The sum of the specified arrearage payment amount and  
14 the current support or spousal maintenance obligation; or

15 ~~((c))~~ (iii) Fifty percent of the disposable earnings or  
16 remuneration of the obligor.

17 ~~((2))~~ (b) The total amount withheld above is subject to the wage  
18 assignment order, and all other sums may be disbursed to the obligor.

19 ~~((3))~~ (c) Upon receipt of this wage assignment order you shall  
20 make immediate deductions from the obligor's earnings or remuneration  
21 and remit to the Washington state support registry or other address  
22 specified below the proper amounts within five working days of each  
23 regular pay interval.

24 You shall continue to withhold the ordered amounts from nonexempt  
25 earnings or remuneration of the obligor until notified by:

26 ~~((a))~~ (i) The court that the wage assignment has been modified or  
27 terminated; or

28 ~~((b))~~ (ii) The addressee specified in the wage assignment order  
29 under this section that the accrued child support or spousal  
30 maintenance debt has been paid.

31 (3) You shall promptly notify the court and the addressee specified  
32 in the wage assignment order under this section if and when the  
33 employee is no longer employed by you, or if the obligor no longer  
34 receives earnings or remuneration from you. If you no longer employ  
35 the employee, the wage assignment order shall remain in effect until  
36 you are no longer in possession of any earnings or remuneration owed to  
37 the employee.

1 You shall deliver the withheld earnings or remuneration to the  
2 Washington state support registry or other address stated below within  
3 five working days of each regular pay interval.

4 You shall deliver a copy of this order to the obligor as soon as is  
5 reasonably possible. This wage assignment order has priority over any  
6 other wage assignment or garnishment, except for another wage  
7 assignment or garnishment for child support or spousal maintenance, or  
8 order to withhold or deliver under chapter 74.20A RCW.

9 WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO  
10 ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR THE AMOUNT OF  
11 SUPPORT MONEYS THAT SHOULD HAVE BEEN WITHHELD FROM THE  
12 OBLIGOR'S EARNINGS OR SUBJECT TO CONTEMPT OF COURT.

13 NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE  
14 SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT  
15 THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.  
16 REGARDLESS OF THE FACT THAT YOUR WAGES ARE BEING WITHHELD PURSUANT TO  
17 THIS ORDER, YOU MAY HAVE SUSPENDED OR NOT RENEWED A PROFESSIONAL,  
18 DRIVER'S, OR OTHER LICENSE IF YOU ACCRUE CHILD SUPPORT ARREARAGES  
19 TOTALING MORE THAN SIX MONTHS OF CHILD SUPPORT PAYMENTS OR FAIL TO MAKE  
20 PAYMENTS TOWARDS A SUPPORT ARREARAGE IN AN AMOUNT THAT EXCEEDS SIX  
21 MONTHS OF PAYMENTS.

22 DATED THIS . . . . day of . . . ., 19. . .

23 .....  
24 Obligee, Judge/Court Commissioner  
25 or obligee's attorney  
26 Send withheld payments to: .....  
27 .....  
28 .....  
29 .....

30 **Sec. 4.** RCW 26.18.140 and 1994 c 230 s 6 are each amended to read  
31 as follows:

32 (1) Except as provided in subsection (2) of this section, in a  
33 hearing to quash, modify, or terminate the wage assignment order, the  
34 court may grant relief (~~only~~) upon a showing that the wage assignment  
35 order causes extreme hardship or substantial injustice or upon a

1 showing that the obligor has a history of timely payments of previously  
2 ordered support. The court shall not quash, modify, or terminate the  
3 wage assignment order if the obligor is subject to a restraining order,  
4 no-contact order, or protection order with respect to the obligee or a  
5 child of the obligee. Satisfaction by the obligor of all past due  
6 payments subsequent to the issuance of the wage assignment order is not  
7 grounds to quash, modify, or terminate the wage assignment order. If  
8 a wage assignment order has been in operation for twelve consecutive  
9 months and the obligor's support or spousal maintenance obligation is  
10 current, the court may terminate the order upon motion of the obligor  
11 unless the obligee can show good cause as to why the wage assignment  
12 order should remain in effect.

13 (2) The court may enter an order delaying, modifying, or  
14 terminating the wage assignment order and order the obligor to make  
15 payments directly to the obligee as provided in RCW 26.23.050(2).

16 **Sec. 5.** RCW 26.23.050 and 2001 c 42 s 3 are each amended to read  
17 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 As used in this subsection, "good cause not to require immediate  
31 income withholding" is any reason that the court finds appropriate,  
32 and, in modification hearings, includes a finding that the obligor has  
33 a history of timely payment of previously ordered support.

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

36 (i) Immediate income withholding may be ordered if the responsible  
37 parent has earnings. If immediate income withholding is ordered under  
38 this subsection, all support payments shall be paid to the Washington

1 state support registry. The superior court shall issue a mandatory  
2 wage assignment order as set forth in chapter 26.18 RCW when the  
3 support order is signed by the court. The parent entitled to receive  
4 the transfer payment is responsible for serving the employer with the  
5 order and for its enforcement as set forth in chapter 26.18 RCW.

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

13 (c) If a mandatory wage withholding order under chapter 26.18 RCW  
14 is issued under this subsection and the division of child support  
15 provides support enforcement services under RCW 26.23.045, the existing  
16 wage withholding assignment is prospectively superseded upon the  
17 division of child support's subsequent service of an income withholding  
18 notice.

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

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

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



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

10 (5) Every support order shall state:

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

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

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

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

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

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

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

25 (f) The names and ages of the dependent children;

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

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

35 (i) That if proof of health insurance coverage or proof that the  
36 coverage is unavailable is not provided within twenty days, the obligee  
37 or the department may seek direct enforcement of the coverage through

1 the obligor's employer or union without further notice to the obligor  
2 as provided under chapter 26.18 RCW;

3 (j) The reasons for not ordering health insurance coverage if the  
4 order fails to require such coverage;

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

9 (l) That each parent must:

10 (i) Promptly file with the court and update as necessary the  
11 confidential information form required by subsection (7) of this  
12 section; and

13 (ii) Provide the state case registry and update as necessary the  
14 information required by subsection (7) of this section; and

15 (m) That parties to administrative support orders shall provide to  
16 the state case registry and update as necessary their residential  
17 addresses and the address of the responsible parent's employer. The  
18 division of child support may adopt rules that govern the collection of  
19 parties' current residence and mailing addresses, telephone numbers,  
20 dates of birth, social security numbers, the names of the children,  
21 social security numbers of the children, dates of birth of the  
22 children, driver's license numbers, and the names, addresses, and  
23 telephone numbers of the parties' employers to enforce an  
24 administrative support order. The division of child support shall not  
25 release this information if the division of child support determines  
26 that there is reason to believe that release of the information may  
27 result in physical or emotional harm to the party or to the child, or  
28 a restraining order or protective order is in effect to protect one  
29 party from the other party.

30 (6) After the responsible parent has been ordered or notified to  
31 make payments to the Washington state support registry under this  
32 section, the responsible parent shall be fully responsible for making  
33 all payments to the Washington state support registry and shall be  
34 subject to payroll deduction or other income-withholding action. The  
35 responsible parent shall not be entitled to credit against a support  
36 obligation for any payments made to a person or agency other than to  
37 the Washington state support registry except as provided under RCW

1 74.20.101. A civil action may be brought by the payor to recover  
2 payments made to persons or agencies who have received and retained  
3 support moneys paid contrary to the provisions of this section.

4 (7) All petitioners and parties to all court actions under chapters  
5 26.09, 26.10, 26.12, 26.18, 26.21, 26.23, 26.26, and 26.27 RCW shall  
6 complete to the best of their knowledge a verified and signed  
7 confidential information form or equivalent that provides the parties'  
8 current residence and mailing addresses, telephone numbers, dates of  
9 birth, social security numbers, driver's license numbers, and the  
10 names, addresses, and telephone numbers of the parties' employers. The  
11 clerk of the court shall not accept petitions, except in parentage  
12 actions initiated by the state, orders of child support, decrees of  
13 dissolution, or paternity orders for filing in such actions unless  
14 accompanied by the confidential information form or equivalent, or  
15 unless the confidential information form or equivalent is already on  
16 file with the court clerk. In lieu of or in addition to requiring the  
17 parties to complete a separate confidential information form, the clerk  
18 may collect the information in electronic form. The clerk of the court  
19 shall transmit the confidential information form or its data to the  
20 division of child support with a copy of the order of child support or  
21 paternity order, and may provide copies of the confidential information  
22 form or its data and any related findings, decrees, parenting plans,  
23 orders, or other documents to the state administrative agency that  
24 administers Title IV-A, IV-D, or IV-E of the federal social security  
25 act. In state initiated paternity actions, the parties adjudicated the  
26 parents of the child or children shall complete the confidential  
27 information form or equivalent or the state's attorney of record may  
28 complete that form to the best of the attorney's knowledge.

29 **Sec. 6.** RCW 26.23.060 and 2000 c 86 s 4 and 2000 c 29 s 1 are each  
30 reenacted and amended to read as follows:

31 (1) The division of child support may issue a notice of payroll  
32 deduction:

33 (a) As authorized by a support order that contains a notice clearly  
34 stating that child support may be collected by withholding from  
35 earnings, wages, or benefits without further notice to the obligated  
36 parent; or

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

3 The office of support enforcement shall not issue a notice of  
4 payroll deduction if the obligor has a history of timely payment of  
5 previously ordered child support. The department may issue a notice of  
6 payroll deduction, even if the obligor has a history of timely payment  
7 of previously ordered support, if the obligor is subject to a  
8 restraining order, no-contact order, or protection order with respect  
9 to the obligee or a child of the obligee.

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

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

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

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

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

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

37 (4) A notice of payroll deduction for support shall have priority

1 over any wage assignment, garnishment, attachment, or other legal  
2 process.

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

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

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

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

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

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

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

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

26 (8) An employer, or the employment security department, upon whom  
27 a notice of payroll deduction is served, shall make an answer to the  
28 division of child support within twenty days after the date of service.  
29 The answer shall confirm compliance and institution of the payroll  
30 deduction or explain the circumstances if no payroll deduction is in  
31 effect. The answer shall also state whether the responsible parent is  
32 employed by or receives earnings from the employer or receives  
33 unemployment compensation benefits from the employment security  
34 department, whether the employer or employment security department  
35 anticipates paying earnings or unemployment compensation benefits and  
36 the amount of earnings. If the responsible parent is no longer  
37 employed, or receiving earnings from the employer, the answer shall  
38 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 may deduct a processing fee from the remainder of  
9 the responsible parent's earnings after withholding under the notice of  
10 payroll deduction, even if the remainder is exempt under RCW 26.18.090.  
11 The processing fee may not exceed: (a) Ten dollars for the first  
12 disbursement made to the Washington state support registry; and (b) one  
13 dollar for each subsequent disbursement to the registry.

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

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

30 **Sec. 7.** RCW 26.23.100 and 1994 c 230 s 11 are each amended to read  
31 as follows:

32 (1) The responsible parent subject to a payroll deduction pursuant  
33 to this chapter, may file a motion in superior court to quash, modify,  
34 or terminate the payroll deduction.

35 (2) Except as provided in subsections (4) and (5) of this section,  
36 the court may grant relief only upon a showing: (a) That the payroll  
37 deduction causes extreme hardship or substantial injustice; or (b) that

1 the support payment was not past due under the terms of the order when  
2 the notice of payroll deduction was served on the employer and the  
3 obligor has a history of timely payment of previously ordered child  
4 support. The court shall not quash, modify, or terminate the wage  
5 assignment order if the obligor is subject to a restraining order, no-  
6 contact order, or protection order with respect to the obligee or a  
7 child of the obligee.

8 (3) Satisfaction by the obligor of all past due payments subsequent  
9 to the issuance of the notice of payroll deduction is not grounds to  
10 quash, modify, or terminate the notice of payroll deduction.

11 (4) If a notice of payroll deduction has been in operation for  
12 twelve consecutive months and the obligor's support obligation is  
13 current, upon motion of the obligor, the court may order the office of  
14 support enforcement to terminate the payroll deduction, unless the  
15 obligee can show good cause as to why the payroll deduction should  
16 remain in effect.

17 (5) Subsection (2) of this section shall not prevent the court from  
18 ordering an alternative arrangement as provided under RCW 26.23.050(2).

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