
SUBSTITUTE SENATE BILL 6200

State of Washington

59th Legislature

2006 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senator Rockefeller)

READ FIRST TIME 02/01/06.

1 AN ACT Relating to child support; amending RCW 26.23.050; adding a
2 new section to chapter 26.18 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** Washington spends significant resources each
5 year on child support services. The legislature intends to acknowledge
6 parents who are fulfilling their noncustodial child support obligation.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 26.18 RCW
8 to read as follows:

9 The department shall:

10 (1) Issue to an obligor or noncustodial parent a formal accounting
11 or financial statement, documenting payments and credits for child
12 support, and if applicable, spousal maintenance, at the end of each
13 year, or upon request;

14 (2) Award a certificate to those who are in satisfactory or
15 excellent compliance with their noncustodial financial obligations, at
16 the end of each year, or upon request; and

17 (3) Keep a record of the certificate, which may be admitted at the

1 court's discretion, as evidence in civil proceedings involving the
2 noncustodial parent.

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

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

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

12 (b) A statement that withholding action may be taken against wages,
13 earnings, assets, or benefits, and liens enforced against real and
14 personal property under the child support statutes of this or any other
15 state, without further notice to the responsible parent at any time
16 after entry of the court 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 and
19 that withholding should be delayed until a payment is past due; or

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

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

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

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

34 (2) In order to constitute an application for support enforcement
35 services, the application form on the bottom of the support order
36 referenced in subsection (1) of this section shall include:

1 (a) A statement explaining the differences in support services that
2 may be obtained through the division of child support and the option to
3 receive support payments directly from the responsible parent;

4 (b) A statement explaining how a party may discontinue receiving
5 support services from the division of child support, including a
6 statement that payments will be required to be made to the Washington
7 state support registry unless the order is changed; and

8 (c) The signed and notarized statement of the party stating that he
9 or she understands the level of support services being requested.

10 (3) 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 (b) The superior court may order immediate or delayed income
33 withholding as follows:

34 (i) Immediate income withholding may be ordered if the responsible
35 parent has earnings. If immediate income withholding is ordered under
36 this subsection, all support payments shall be paid to the Washington
37 state support registry. The superior court shall issue a mandatory
38 wage assignment order as set forth in chapter 26.18 RCW when the

1 support order is signed by the court. The parent entitled to receive
2 the transfer payment is responsible for serving the employer with the
3 order and for its enforcement as set forth in chapter 26.18 RCW.

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

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

17 (~~(3)~~) (4) The office of administrative hearings and the
18 department of social and health services shall require that all support
19 obligations established as administrative orders include a provision
20 which orders and directs that the responsible parent shall make all
21 support payments to the Washington state support registry. All
22 administrative orders shall also state that the responsible parent's
23 privileges to obtain and maintain a license, as defined in RCW
24 74.20A.320, may not be renewed, or may be suspended if the parent is
25 not in compliance with a support order as provided in RCW 74.20A.320.
26 All administrative orders shall also state that withholding action may
27 be taken against wages, earnings, assets, or benefits, and liens
28 enforced against real and personal property under the child support
29 statutes of this or any other state without further notice to the
30 responsible parent at any time after entry of the order, unless:

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

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

36 (~~(4)~~) (5) If the support order does not include the provision
37 ordering and directing that all payments be made to the Washington
38 state support registry and a statement that withholding action may be

1 taken against wages, earnings, assets, or benefits if a support payment
2 is past due or at any time after the entry of the order, or that a
3 parent's licensing privileges may not be renewed, or may be suspended,
4 the division of child support may serve a notice on the responsible
5 parent stating such requirements and authorizations. Service may be by
6 personal service or any form of mail requiring a return receipt.

7 ((+5)) (6) Every support order shall state:

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (l) That each parent must:

6 (i) Promptly file with the court and update as necessary the
7 confidential information form required by subsection ~~((+7))~~ (8) of
8 this section; and

9 (ii) Provide the state case registry and update as necessary the
10 information required by subsection ~~((+7))~~ (8) of this section; and

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

26 ~~((+6))~~ (7) After the responsible parent has been ordered or
27 notified to make payments to the Washington state support registry
28 under this section, the responsible parent shall be fully responsible
29 for making all payments to the Washington state support registry and
30 shall be subject to payroll deduction or other income-withholding
31 action. The responsible parent shall not be entitled to credit against
32 a support obligation for any payments made to a person or agency other
33 than to the Washington state support registry except as provided under
34 RCW 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))~~ (8) All petitioners and parties to all court actions under
38 chapters 26.09, 26.10, 26.12, 26.18, 26.21, 26.23, 26.26, and 26.27 RCW

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

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