

**SHB 1845 - S AMD 475**

By Senators Hargrove, Carrell

ADOPTED 04/23/2009

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 26.09.105 and 1994 c 230 s 1 are each amended to read  
4 as follows:

5 (1) (~~In entering or modifying~~) Whenever a child support order is  
6 entered or modified under this chapter, the court shall require  
7 (~~either or~~) both parents to provide medical support for any child  
8 named in the order as provided in this section.

9 (a) Medical support consists of:

10 (i) Health insurance coverage; and

11 (ii) Cash medical support.

12 (b) Cash medical support consists of:

13 (i) A parent's monthly payment toward the premium paid for coverage  
14 by either the other parent or the state, which represents the obligated  
15 parent's proportionate share of the premium paid, but no more than  
16 twenty-five percent of the obligated parent's basic support obligation;  
17 and

18 (ii) A parent's proportionate share of uninsured medical expenses.

19 (c) Under appropriate circumstances, the court may excuse one  
20 parent from the responsibility to provide health insurance coverage or  
21 the monthly payment toward the premium.

22 (d) The court shall always require both parents to contribute their  
23 proportionate share of uninsured medical expenses.

24 (2) Both parents share the obligation to provide medical support  
25 for the child or children specified in the order, by providing health  
26 insurance coverage or contributing a cash medical support obligation  
27 when appropriate, and paying a proportionate share of any uninsured  
28 medical expenses.

29 (3)(a) The court may specify how medical support must be provided  
30 by each parent under subsection (4) of this section.

1 (b) If the court does not specify how medical support will be  
2 provided or if neither parent provides proof that he or she is  
3 providing health insurance coverage for the child at the time the  
4 support order is entered, the division of child support or either  
5 parent may enforce a parent's obligation to provide medical support  
6 under RCW 26.18.170.

7 (4)(a) If there is sufficient evidence provided at the time the  
8 order is entered, the court may make a determination of which parent  
9 must provide coverage and which parent must contribute a sum certain  
10 amount as his or her monthly payment toward the premium.

11 (b) If both parents have available health insurance coverage that  
12 is accessible to the child at the time the support order is entered,  
13 the court has discretion to order the parent with better coverage to  
14 provide the health insurance coverage for the child and the other  
15 parent to pay a monthly payment toward the premium. In making the  
16 determination of which coverage is better, the court shall consider the  
17 needs of the child, the cost and extent of each parent's coverage, and  
18 the accessibility of the coverage.

19 (c) Each parent shall remain responsible for his or her  
20 proportionate share of uninsured medical expenses.

21 (5) The order must provide that if the parties' circumstances  
22 change, the parties' medical support obligations will be enforced as  
23 provided in RCW 26.18.170.

24 (6) A parent who is ordered to maintain or provide health insurance  
25 coverage (~~(except as provided in subsection (2) of this section,~~) may  
26 comply with that requirement by:

27 (a) Providing proof of accessible private insurance coverage for  
28 any child named in the order (~~(if: (a))~~); or

29 (b) Providing coverage that can be extended to cover the child that  
30 is (~~(or becomes)~~) available to that parent through employment or that  
31 is union-related(~~(+ and~~

32 ~~(b))~~, if the cost of such coverage does not exceed twenty-five  
33 percent of (~~(the obligated)~~) that parent's basic child support  
34 obligation.

35 (~~(+2)) (7) The court (~~(shall consider the best interests of the~~~~  
36 child and have discretion to)) may order a parent to provide health  
37 insurance coverage (~~(when entering or modifying a support order under~~

1 ~~this chapter if the cost of such coverage))~~ that exceeds twenty-five  
2 percent of ~~((the obligated))~~ that parent's basic support obligation if  
3 it is in the best interests of the child to provide coverage.

4 ~~((+3))~~ (8) If the child receives state-financed medical coverage  
5 through the department under chapter 74.09 RCW for which there is an  
6 assignment, the obligated parent shall pay a monthly payment toward the  
7 premium.

8 (9) Each parent is responsible for his or her proportionate share  
9 of uninsured medical expenses for the child or children covered by the  
10 support order.

11 (10) The parents ~~((shall))~~ must maintain ~~((such))~~ health insurance  
12 coverage as required under this section until:

13 (a) Further order of the court;

14 (b) The child is emancipated, if there is no express language to  
15 the contrary in the order; or

16 (c) Health insurance is no longer available through the parents'  
17 employer or union and no conversion privileges exist to continue  
18 coverage following termination of employment.

19 ~~((+4))~~ (11) A parent who is required to extend health insurance  
20 coverage to a child under this section is liable for any covered health  
21 care costs for which the parent receives direct payment from an  
22 insurer.

23 ~~((+5))~~ (12) This section shall not be construed to limit the  
24 authority of the court to enter or modify support orders containing  
25 provisions for payment of uninsured health expenses, health care costs,  
26 or insurance premiums which are in addition to and not inconsistent  
27 with this section.

28 ~~((+6))~~ (13) A parent ordered to provide health insurance coverage  
29 ~~((shall))~~ must provide proof of such coverage or proof that such  
30 coverage is unavailable within twenty days of the entry of the order  
31 to:

32 (a) The ~~((physical custodian))~~ other parent; or

33 (b) The department of social and health services if the parent has  
34 been notified or ordered to make support payments to the Washington  
35 state support registry.

36 ~~((+7))~~ (14) Every order requiring a parent to provide health care  
37 or insurance coverage ~~((shall))~~ must be entered in compliance with RCW

1 26.23.050 and be subject to direct enforcement as provided under  
2 chapter 26.18 RCW.

3 ~~((8) "Health insurance coverage" as used in this section does not~~  
4 ~~include medical assistance provided under chapter 74.09 RCW.)) (15)~~  
5 When a parent is providing health insurance coverage at the time the  
6 order is entered, the premium shall be included in the worksheets for  
7 the calculation of child support under chapter 26.19 RCW.

8 (16) As used in this section:

9 (a) "Accessible" means health insurance coverage which provides  
10 primary care services to the child or children with reasonable effort  
11 by the custodian.

12 (b) "Cash medical support" means a combination of: (i) A parent's  
13 monthly payment toward the premium paid for coverage by either the  
14 other parent or the state, which represents the obligated parent's  
15 proportionate share of the premium paid, but no more than twenty-five  
16 percent of the obligated parent's basic support obligation; and (ii) a  
17 parent's proportionate share of uninsured medical expenses.

18 (c) "Health insurance coverage" does not include medical assistance  
19 provided under chapter 74.09 RCW.

20 (d) "Uninsured medical expenses" includes premiums, copays,  
21 deductibles, along with other health care costs not covered by  
22 insurance.

23 (e) "Obligated parent" means a parent ordered to provide health  
24 insurance coverage for the children.

25 (f) "Proportionate share" means an amount equal to a parent's  
26 percentage share of the combined monthly net income of both parents as  
27 computed when determining a parent's child support obligation under  
28 chapter 26.19 RCW.

29 (g) "Monthly payment toward the premium" means a parent's  
30 contribution toward premiums paid by the other parent or the state for  
31 insurance coverage for the child, which is based on the obligated  
32 parent's proportionate share of the premium paid, but no more than  
33 twenty-five percent of the obligated parent's basic support obligation.

34 (17) The department of social and health services has rule-making  
35 authority to enact rules in compliance with 45 C.F.R. Parts 302, 303,  
36 304, 305, and 308.

1       **Sec. 2.** RCW 26.18.170 and 2007 c 143 s 1 are each amended to read  
2 as follows:

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

8       (a) If the obligated parent provides proof that he or she provides  
9 accessible coverage for the child through private insurance, that  
10 parent has satisfied his or her obligation to provide health insurance  
11 coverage.

12       (b) If the obligated parent does not provide proof of coverage,  
13 either the department or the other parent may take appropriate action  
14 as provided in this section to enforce the obligation.

15       (2) The department may attempt to enforce a parent's obligation to  
16 provide health insurance coverage for the dependent child. If health  
17 insurance coverage is not available through the parent's employment or  
18 union at a cost not to exceed twenty-five percent of the parent's basic  
19 support obligation, or as otherwise provided in the support order, the  
20 department may enforce any monthly payment toward the premium ordered  
21 to be provided under RCW 26.09.105 or 74.20A.300.

22       (3) A parent seeking to enforce another parent's monthly payment  
23 toward the premium under RCW 26.09.105 may:

24       (a) Apply for support enforcement services from the division of  
25 child support as provided by rule; or

26       (b) Take action on his or her own behalf by:

27       (i) Filing a motion in the underlying superior court action; or

28       (ii) Initiating an action in superior court to determine the amount  
29 owed by the obligated parent, if there is not already an underlying  
30 superior court action.

31       (4)(a) The department may serve a notice of support owed under RCW  
32 26.23.110 on a parent to determine the amount of that parent's monthly  
33 payment toward the premium.

34       (b) Whether or not the child receives temporary assistance for  
35 needy families or medicaid, the department may enforce the responsible  
36 parent's monthly payment toward the premium. When the child receives  
37 state-financed medical coverage through the department under chapter  
38 74.09 RCW for which there is an assignment, the department may disburse

1 amounts collected to the custodial parent to be used for the medical  
2 costs of the child or the department may retain amounts collected and  
3 apply them toward the cost of providing the child's state-financed  
4 medical coverage. The department may disregard monthly payments toward  
5 the premium which are passed through to the family in accordance with  
6 federal law.

7 (5)(a) If the ((parent's)) order to provide health insurance  
8 coverage contains language notifying the parent ordered to provide  
9 coverage that failure to provide such coverage or proof that such  
10 coverage is unavailable may result in direct enforcement of the order  
11 and orders payments through, or has been submitted to, the Washington  
12 state support registry for enforcement, then the department may,  
13 without further notice to the parent, send a national medical support  
14 notice pursuant to 42 U.S.C. Sec. 666(a)(19), and sections 401 (e) and  
15 (f) of the federal child support and performance incentive act of 1998  
16 to the parent's employer or union. The notice shall be served:

- 17 (i) By regular mail;
- 18 (ii) In the manner prescribed for the service of a summons in a  
19 civil action;
- 20 (iii) By certified mail, return receipt requested; or
- 21 (iv) By electronic means if there is an agreement between the  
22 secretary of the department and the person, firm, corporation,  
23 association, political subdivision, department of the state, or agency,  
24 subdivision, or instrumentality of the United States to accept service  
25 by electronic means.

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

29 (c) The returned part A of the national medical support notice to  
30 the division of child support by the employer constitutes proof of  
31 service of the notice in the case where the notice was served by  
32 regular mail.

33 ((+d)) (6) Upon receipt of a national medical support notice from  
34 a child support agency operating under Title IV-D of the federal social  
35 security act:

36 (a) The parent's employer or union shall comply with the provisions  
37 of the notice, including meeting response time frames and withholding  
38 requirements required under part A of the notice;

1        (b) The parent's employer or union shall also be responsible for  
2 complying with forwarding part B of the notice to the child's plan  
3 administrator, if required by the notice;

4        (c) The plan administrator is responsible for complying with the  
5 provisions of the notice.

6        (7) If the parent's order to provide health insurance coverage does  
7 not order payments through, and has not been submitted to, the  
8 Washington state support registry for enforcement:

9        ~~((+i))~~ (a) The parent seeking enforcement may, without further  
10 notice to the ~~((other))~~ obligated parent, send a certified copy of the  
11 order requiring health insurance coverage to the ~~((obligor's))~~ parent's  
12 employer or union by certified mail, return receipt requested; and

13        ~~((+ii))~~ (b) The parent seeking enforcement shall attach a  
14 notarized statement to the order declaring that the order is the latest  
15 order addressing coverage entered by the court and require the employer  
16 or union to enroll the child in the health insurance plan as provided  
17 in subsection ~~((+3))~~ (8) of this section.

18        ~~((+3))~~ (8) Upon receipt of an order that provides for health  
19 insurance coverage:

20        (a) The parent's employer or union shall answer the party who sent  
21 the order within twenty days and confirm that the child:

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

23        (ii) Will be enrolled; or

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

26        (b) The employer or union shall withhold any required premium from  
27 the parent's income or wages;

28        (c) If more than one plan is offered by the employer or union, and  
29 each plan may be extended to cover the child, then the child shall be  
30 enrolled in the parent's plan. If the parent's plan does not provide  
31 coverage which is accessible to the child, the child shall be enrolled  
32 in the least expensive plan otherwise available to the parent;

33        (d) The employer or union shall provide information about the name  
34 of the health insurance coverage provider or issuer and the extent of  
35 coverage available to the parent and shall make available any necessary  
36 claim forms or enrollment membership cards.

37        ~~((+4) Upon receipt of a national medical support notice from a~~

1 ~~child support agency operating under Title IV-D of the federal social~~  
2 ~~security act:~~

3 ~~(a) The parent's employer or union shall comply with the provisions~~  
4 ~~of the notice, including meeting response time frames and withholding~~  
5 ~~requirements required under part A of the notice;~~

6 ~~(b) The parent's employer or union shall also be responsible for~~  
7 ~~complying with forwarding part B of the notice to the child's plan~~  
8 ~~administrator, if required by the notice;~~

9 ~~(c) The plan administrator shall be responsible for complying with~~  
10 ~~the provisions of the notice.~~

11 ~~(5))~~ (9) If the order for coverage contains no language notifying  
12 either or both parents that failure to provide health insurance  
13 coverage or proof that such coverage is unavailable may result in  
14 direct enforcement of the order, the department or the parent seeking  
15 enforcement may serve a written notice of intent to enforce the order  
16 on the ~~((other))~~ obligated parent by certified mail, return receipt  
17 requested, or by personal service. If the parent required to provide  
18 medical support fails to provide written proof that such coverage has  
19 been obtained or applied for or fails to provide proof that such  
20 coverage is unavailable within twenty days of service of the notice,  
21 the department or the parent seeking enforcement may proceed to enforce  
22 the order directly as provided in subsection ~~((+2))~~ (5) of this  
23 section.

24 ~~((+6))~~ (10) If the parent ordered to provide health insurance  
25 coverage elects to provide coverage that will not be accessible to the  
26 child because of geographic or other limitations when accessible  
27 coverage is otherwise available, the department or the parent seeking  
28 enforcement may serve a written notice of intent to purchase health  
29 insurance coverage on the obligated parent ~~((required to provide~~  
30 ~~medical support))~~ by certified mail, return receipt requested. The  
31 notice shall also specify the type and cost of coverage.

32 ~~((+7))~~ (11) If the department serves a notice under subsection  
33 ~~((+6))~~ (10) of this section the parent required to provide medical  
34 support shall, within twenty days of the date of service:

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

36 (b) Provide written proof to the department that the obligated  
37 parent has either applied for, or obtained, coverage accessible to the  
38 child.



1        ~~((+8))~~ (12) If the parent seeking enforcement serves a notice  
2 under subsection ~~((+6))~~ (10) of this section, within twenty days of  
3 the date of service the parent required to provide medical support  
4 shall provide written proof to the parent seeking enforcement that  
5 ~~((the parent required to provide medical support))~~ he or she has either  
6 applied for, or obtained, coverage accessible to the child.

7        ~~((+9))~~ (13) If the parent required to provide medical support  
8 fails to respond to a notice served under subsection ~~((+6))~~ (10) of  
9 this section to the party who served the notice, the party who served  
10 the notice may purchase the health insurance coverage specified in the  
11 notice directly.

12        (a) If the obligated parent is the responsible parent, the amount  
13 of the monthly premium shall be added to the support debt and be  
14 collectible without further notice.

15        (b) If the obligated parent is the custodial parent, the  
16 responsible parent may file an application for enforcement services and  
17 ask the department to establish and enforce the custodial parent's  
18 obligation.

19        (c) The amount of the monthly premium may be collected or accrued  
20 until the parent required to provide medical support provides proof of  
21 the required coverage.

22        ~~((+10))~~ (14) The signature of the parent seeking enforcement or of  
23 a department employee shall be a valid authorization to the coverage  
24 provider or issuer for purposes of processing a payment to the child's  
25 health services provider. An order for health insurance coverage shall  
26 operate as an assignment of all benefit rights to the parent seeking  
27 enforcement or to the child's health services provider, and in any  
28 claim against the coverage provider or issuer, the parent seeking  
29 enforcement or his or her assignee shall be subrogated to the rights of  
30 the parent obligated to provide medical support for the child.  
31 Notwithstanding the provisions of this section regarding assignment of  
32 benefits, this section shall not require a health care service  
33 contractor authorized under chapter 48.44 RCW or a health maintenance  
34 organization authorized under chapter 48.46 RCW to deviate from their  
35 contractual provisions and restrictions regarding reimbursement for  
36 covered services. If the coverage is terminated, the employer shall  
37 mail a notice of termination to the department or the parent seeking

1 enforcement at that parent's last known address within thirty days of  
2 the termination date.

3 ~~((+11+))~~ (15) This section shall not be construed to limit the  
4 right of the parents or parties to the support order to bring an action  
5 in superior court at any time to enforce, modify, or clarify the  
6 original support order.

7 ~~((+12+))~~ (16) Where a child does not reside in the issuer's service  
8 area, an issuer shall cover no less than urgent and emergent care.  
9 Where the issuer offers broader coverage, whether by policy or  
10 reciprocal agreement, the issuer shall provide such coverage to any  
11 child otherwise covered that does not reside in the issuer's service  
12 area.

13 ~~((+13+))~~ (17) If a parent required to provide medical support fails  
14 to pay his or her portion, determined under RCW 26.19.080, of any  
15 premium, deductible, copay, or uninsured medical expense incurred on  
16 behalf of the child, pursuant to a child support order, the department  
17 or the ~~((obligee))~~ parent seeking reimbursement of medical expenses may  
18 enforce collection of ~~((that))~~ the obligated parent's portion of the  
19 premium, deductible, copay, or uninsured medical expense incurred on  
20 behalf of the child.

21 (a) If the department is enforcing the order ~~((, the parent required~~  
22 ~~to provide medical support shall have his or her))~~ and the responsible  
23 parent is the obligated parent, the obligated parent's portion of the  
24 premium, deductible, copay, or uninsured medical expenses incurred on  
25 behalf of the child added to the support debt and be collectible  
26 without further notice, following the reduction of the expenses to a  
27 sum certain either in a court order or by the department, pursuant to  
28 RCW 26.23.110.

29 ~~((+14+))~~ (b) If the custodial parent is the obligated parent, the  
30 responsible parent may file an application for enforcement services and  
31 ask the department to establish and enforce the custodial parent's  
32 obligation.

33 (18) As used in this section:

34 (a) "Accessible" means health insurance coverage which provides  
35 primary care services to the child or children with reasonable effort  
36 by the custodian.

37 (b) "Cash medical support" means a combination of: (i) A parent's  
38 monthly payment toward the premium paid for coverage by either the

1 other parent or the state, which represents the obligated parent's  
2 proportionate share of the premium paid, but no more than twenty-five  
3 percent of the obligated parent's basic support obligation; and (ii) a  
4 parent's proportionate share of uninsured medical expenses.

5 (c) "Health insurance coverage" does not include medical assistance  
6 provided under chapter 74.09 RCW.

7 (d) "Uninsured medical expenses" includes premiums, copays,  
8 deductibles, along with other health care costs not covered by  
9 insurance.

10 (e) "Obligated parent" means a parent ordered to provide health  
11 insurance coverage for the children.

12 (f) "Monthly payment toward the premium" means a parent's  
13 contribution toward premiums paid by the other parent or the state for  
14 insurance coverage for the child, which is based on the obligated  
15 parent's proportionate share of the premium paid, but no more than  
16 twenty-five percent of the obligated parent's basic support obligation.

17 (19) The department has rule-making authority to enact rules  
18 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as  
19 amended by section 7307 of the deficit reduction act of 2005.  
20 Additionally, the department has rule-making authority to implement  
21 regulations required under (~~(parts)~~) 45 C.F.R. Parts 302, 303, 304,  
22 305, and 308.

23 **Sec. 3.** RCW 26.18.180 and 2000 c 86 s 3 are each amended to read  
24 as follows:

25 (1) (~~(An obligated parent's)~~) The employer or union of a parent who  
26 has been ordered to provide health insurance coverage shall be liable  
27 for a fine of up to one thousand dollars per occurrence, if the  
28 employer or union fails or refuses, within twenty days of receiving the  
29 order or notice for health insurance coverage to:

30 (a) Promptly enroll the (~~(obligated)~~) parent's child in the health  
31 insurance plan; or

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

34 (i) Will be enrolled in the next available open enrollment period;  
35 or

36 (ii) Cannot be covered and explaining the reasons why coverage  
37 cannot be provided.

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

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

7 **Sec. 4.** RCW 26.23.050 and 2007 c 143 s 3 are each amended to read  
8 as follows:

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

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

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

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

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

26 (c) A statement that the receiving parent might be required to  
27 submit an accounting of how the support, including any cash medical  
28 support, is being spent to benefit the child;

29 (d) A statement that any parent required to provide health  
30 insurance coverage for the child or children covered by the order must  
31 notify the division of child support and the other parent when the  
32 coverage terminates; and

33 ~~((d))~~ (e) A statement that the responsible parent's privileges to  
34 obtain and maintain a license, as defined in RCW 74.20A.320, may not be  
35 renewed, or may be suspended if the parent is not in compliance with a  
36 support order as provided in RCW 74.20A.320.

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

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

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

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

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

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

23 (ii) A statement that the receiving parent may be required to  
24 submit an accounting of how the support is being spent to benefit the  
25 child;

26 (iii) A statement that any parent required to provide health  
27 insurance coverage for the child or children covered by the order must  
28 notify the division of child support and the other parent when the  
29 coverage terminates; and

30 (iv) A statement that a parent seeking to enforce the obligation to  
31 provide health insurance coverage may:

32 (A) File a motion in the underlying superior court action; or

33 (B) If there is not already an underlying superior court action,  
34 initiate an action in the superior court.

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

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

1 (i) Immediate income withholding may be ordered if the responsible  
2 parent has earnings. If immediate income withholding is ordered under  
3 this subsection, all support payments shall be paid to the Washington  
4 state support registry. The superior court shall issue a mandatory  
5 wage assignment order as set forth in chapter 26.18 RCW when the  
6 support order is signed by the court. The parent entitled to receive  
7 the transfer payment is responsible for serving the employer with the  
8 order and for its enforcement as set forth in chapter 26.18 RCW.

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

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

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

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

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

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

12 (5) Every support order shall state:

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

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

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

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

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

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

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

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

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

32 (h) That either or both the responsible parent and the custodial  
33 parent shall be obligated to provide (~~health insurance coverage~~)  
34 medical support for his or her child through health insurance coverage  
35 if:

36 (i) The obligated parent provides accessible coverage for the child  
37 through private insurance; or

1        (ii) Coverage that can be extended to cover the child is or becomes  
2 available to the parent through employment or is union-related; or

3        (iii) In the absence of such coverage, through an additional sum  
4 certain amount, as that parent's monthly payment toward the premium as  
5 provided under RCW 26.09.105;

6        (i) That a parent providing health insurance coverage must notify  
7 both the division of child support and the other parent when coverage  
8 terminates;

9        (j) That if proof of health insurance coverage or proof that the  
10 coverage is unavailable is not provided within twenty days, the parent  
11 seeking enforcement or the department may seek direct enforcement of  
12 the coverage through the employer or union of the parent required to  
13 provide medical support without further notice to the parent as  
14 provided under chapter 26.18 RCW;

15        ~~((+j))~~ (k) The reasons for not ordering health insurance coverage  
16 if the order fails to require such coverage;

17        ~~((+k))~~ (l) That the responsible parent's privileges to obtain and  
18 maintain a license, as defined in RCW 74.20A.320, may not be renewed,  
19 or may be suspended if the parent is not in compliance with a support  
20 order as provided in RCW 74.20A.320;

21        ~~((+l))~~ (m) That each parent must:

22        (i) Promptly file with the court and update as necessary the  
23 confidential information form required by subsection (7) of this  
24 section; and

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

27        ~~((+m))~~ (n) That parties to administrative support orders shall  
28 provide to the state case registry and update as necessary their  
29 residential addresses and the address of the responsible parent's  
30 employer. The division of child support may adopt rules that govern  
31 the collection of parties' current residence and mailing addresses,  
32 telephone numbers, dates of birth, social security numbers, the names  
33 of the children, social security numbers of the children, dates of  
34 birth of the children, driver's license numbers, and the names,  
35 addresses, and telephone numbers of the parties' employers to enforce  
36 an administrative support order. The division of child support shall  
37 not release this information if the division of child support  
38 determines that there is reason to believe that release of the



1 information may result in physical or emotional harm to the party or to  
2 the child, or a restraining order or protective order is in effect to  
3 protect one party from the other party.

4 (6) After the responsible parent has been ordered or notified to  
5 make payments to the Washington state support registry under this  
6 section, the responsible parent shall be fully responsible for making  
7 all payments to the Washington state support registry and shall be  
8 subject to payroll deduction or other income-withholding action. The  
9 responsible parent shall not be entitled to credit against a support  
10 obligation for any payments made to a person or agency other than to  
11 the Washington state support registry except as provided under RCW  
12 74.20.101. A civil action may be brought by the payor to recover  
13 payments made to persons or agencies who have received and retained  
14 support moneys paid contrary to the provisions of this section.

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

1 confidential information form or equivalent or the state's attorney of  
2 record may complete that form to the best of the attorney's knowledge.

3 (8) The department has rule-making authority to enact rules  
4 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as  
5 amended by section 7307 of the deficit reduction act of 2005.  
6 Additionally, the department has rule-making authority to implement  
7 regulations required under (~~(parts)~~) 45 C.F.R. Parts 302, 303, 304,  
8 305, and 308.

9 **Sec. 5.** RCW 26.23.110 and 2007 c 143 s 4 are each amended to read  
10 as follows:

11 (1) The department may serve a notice of support owed on a  
12 responsible parent when a support order:

13 (a) Does not state the current and future support obligation as a  
14 fixed dollar amount;

15 (b) Contains an escalation clause or adjustment provision for which  
16 additional information not contained in the support order is needed to  
17 determine the fixed dollar amount of the support debt or the fixed  
18 dollar amount of the current and future support obligation, or both; or

19 (c) Provides that the responsible parent is responsible for paying  
20 for a portion of uninsured medical costs, copayments, and/or  
21 deductibles incurred on behalf of the child, but does not reduce the  
22 costs to a fixed dollar amount.

23 (2) The department may serve a notice of support owed on a parent  
24 who has been designated to pay per a support order a portion of  
25 uninsured medical costs, copayments, or deductibles incurred on behalf  
26 of the child, but only when the support order does not reduce the costs  
27 to a fixed dollar amount.

28 (3) The department may serve a notice of support owed to determine  
29 a parent's monthly payment toward the premium as defined in RCW  
30 26.09.105, if the support order does not set a fixed dollar amount for  
31 the monthly payment toward the premium.

32 (4) The notice of support owed shall facilitate enforcement of the  
33 support order and implement and effectuate the terms of the support  
34 order, rather than modify those terms. When the office of support  
35 enforcement issues a notice of support owed, the office shall inform  
36 the payee under the support order.

1        ~~((4))~~ (5) The notice of support owed shall be served on a  
2 responsible parent by personal service or any form of mailing requiring  
3 a return receipt. The notice shall be served on the applicant or  
4 recipient of services by first-class mail to the last known address.  
5 The notice of support owed shall contain an initial finding of the  
6 fixed dollar amount of current and future support obligation that  
7 should be paid or the fixed dollar amount of the support debt owed  
8 under the support order, or both.

9        ~~((5))~~ (6) A parent who objects to the fixed dollar amounts stated  
10 in the notice of support owed has twenty days from the date of the  
11 service of the notice of support owed to file an application for an  
12 adjudicative proceeding or initiate an action in superior court.

13        ~~((6))~~ (7) The notice of support owed shall state that the parent  
14 may:

15        (a) File an application for an adjudicative proceeding governed by  
16 chapter 34.05 RCW, the administrative procedure act, in which the  
17 parent will be required to appear and show cause why the fixed dollar  
18 amount of support debt or current and future support obligation, or  
19 both, stated in the notice of support owed is incorrect and should not  
20 be ordered; or

21        (b) Initiate an action in superior court.

22        ~~((7))~~ (8) If either parent does not file an application for an  
23 adjudicative proceeding or initiate an action in superior court, the  
24 fixed dollar amount of current and future support obligation or support  
25 debt, or both, stated in the notice of support owed shall become final  
26 and subject to collection action.

27        ~~((8))~~ (9) If an adjudicative proceeding is requested, the  
28 department shall mail a copy of the notice of adjudicative proceeding  
29 to the parties.

30        ~~((9))~~ (10) If either parent does not initiate an action in  
31 superior court, and serve notice of the action on the department and  
32 the other party to the support order within the twenty-day period, the  
33 parent shall be deemed to have made an election of remedies and shall  
34 be required to exhaust administrative remedies under this chapter with  
35 judicial review available as provided for in RCW 34.05.510 through  
36 34.05.598.

37        ~~((10))~~ (11) An adjudicative order entered in accordance with this  
38 section shall state the basis, rationale, or formula upon which the

1 fixed dollar amounts established in the adjudicative order were based.  
2 The fixed dollar amount of current and future support obligation or the  
3 amount of the support debt, or both, determined under this section  
4 shall be subject to collection under this chapter and other applicable  
5 state statutes.

6 ~~((+11+))~~ (12) The department shall also provide for:

7 (a) An annual review of the support order if either the office of  
8 support enforcement or the parent requests such a review; and

9 (b) A late adjudicative proceeding if the parent fails to file an  
10 application for an adjudicative proceeding in a timely manner under  
11 this section.

12 ~~((+12+))~~ (13) If an annual review or late adjudicative proceeding  
13 is requested under subsection ~~((+11+))~~ (12) of this section, the  
14 department shall mail a copy of the notice of adjudicative proceeding  
15 to the parties' last known address.

16 ~~((+13+))~~ (14) The department has rule-making authority to enact  
17 rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec.  
18 666(a)(19) as amended by section 7307 of the deficit reduction act of  
19 2005. Additionally, the department has rule-making authority to  
20 implement regulations required under ~~((parts))~~ 45 C.F.R. Parts 302,  
21 303, 304, 305, and 308.

22 **Sec. 6.** RCW 74.20A.300 and 1994 c 230 s 22 are each amended to  
23 read as follows:

24 (1) Whenever a support order is entered or modified under this  
25 chapter, the department shall require ~~((the responsible))~~ either or  
26 both parents to ~~((maintain or provide health insurance coverage))~~  
27 provide medical support for any dependent child, in the nature of  
28 health insurance coverage or a monthly payment toward the premium, as  
29 provided under RCW 26.09.105.

30 (2) "Health insurance coverage" as used in this section does not  
31 include medical assistance provided under chapter 74.09 RCW.

32 (3) A parent ordered to provide health insurance coverage shall  
33 provide proof of such coverage or proof that such coverage is  
34 unavailable to the department within twenty days of the entry of the  
35 order.

36 (4) A parent required to provide health insurance coverage must  
37 notify the department and the other parent when coverage terminates.

1       (5) Every order requiring a parent to provide health insurance  
2 coverage shall be entered in compliance with RCW 26.23.050 and be  
3 subject to direct enforcement as provided under chapter 26.18 RCW.

4       **Sec. 7.** RCW 74.20A.055 and 2007 c 143 s 8 are each amended to read  
5 as follows:

6       (1) The secretary may, if there is no order that establishes the  
7 responsible parent's support obligation or specifically relieves the  
8 responsible parent of a support obligation or pursuant to an  
9 establishment of paternity under chapter 26.26 RCW, serve on the  
10 responsible parent or parents and custodial parent a notice and finding  
11 of financial responsibility requiring the parents to appear and show  
12 cause in an adjudicative proceeding why the finding of responsibility  
13 and/or the amount thereof is incorrect, should not be finally ordered,  
14 but should be rescinded or modified. This notice and finding shall  
15 relate to the support debt accrued and/or accruing under this chapter  
16 and/or RCW 26.16.205, including periodic payments to be made in the  
17 future. The hearing shall be held pursuant to this section, chapter  
18 34.05 RCW, the Administrative Procedure Act, and the rules of the  
19 department. A custodian who has physical custody of a child has the  
20 same rights that a custodial parent has under this section.

21       (2) The notice and finding of financial responsibility shall be  
22 served in the same manner prescribed for the service of a summons in a  
23 civil action or may be served on the responsible parent by certified  
24 mail, return receipt requested. The receipt shall be prima facie  
25 evidence of service. The notice shall be served upon the debtor within  
26 sixty days from the date the state assumes responsibility for the  
27 support of the dependent child or children on whose behalf support is  
28 sought. If the notice is not served within sixty days from such date,  
29 the department shall lose the right to reimbursement of payments made  
30 after the sixty-day period and before the date of notification:  
31 PROVIDED, That if the department exercises reasonable efforts to locate  
32 the debtor and is unable to do so the entire sixty-day period is tolled  
33 until such time as the debtor can be located. The notice may be served  
34 upon the custodial parent who is the nonassistance applicant or public  
35 assistance recipient by first-class mail to the last known address. If  
36 the custodial parent is not the nonassistance applicant or public

1 assistance recipient, service shall be in the same manner as for the  
2 responsible parent.

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

7 (a) A statement of the name of the custodial parent and the name of  
8 the child or children for whom support is sought;

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

11 (c) A statement that the responsible parent or custodial parent may  
12 object to all or any part of the notice and finding, and file an  
13 application for an adjudicative proceeding to show cause why the terms  
14 set forth in the notice should not be ordered;

15 (d) A statement that, if neither the responsible parent nor the  
16 custodial parent files in a timely fashion an application for an  
17 adjudicative proceeding, the support debt and payments stated in the  
18 notice and finding, including periodic support payments in the future,  
19 shall be assessed and determined and ordered by the department and that  
20 this debt and amounts due under the notice shall be subject to  
21 collection action;

22 (e) A statement that the property of the debtor, without further  
23 advance notice or hearing, will be subject to lien and foreclosure,  
24 distraint, seizure and sale, order to withhold and deliver, notice of  
25 payroll deduction or other collection action to satisfy the debt and  
26 enforce the support obligation established under the notice;

27 (f) A statement that either or both parents are responsible for  
28 providing health insurance for his or her child if coverage that can be  
29 extended to cover the child either through private health insurance  
30 which is accessible to the child or through coverage that is or becomes  
31 available to the parent through employment or is union-related, or for  
32 paying a monthly payment toward the premium if no such coverage is  
33 available, as provided under RCW 26.09.105.

34 (4) A responsible parent or custodial parent who objects to the  
35 notice and finding of financial responsibility may file an application  
36 for an adjudicative proceeding within twenty days of the date of  
37 service of the notice or thereafter as provided under this subsection.

1 (a) If the responsible parent or custodial parent files the  
2 application within twenty days, the office of administrative hearings  
3 shall schedule an adjudicative proceeding to hear the parent's or  
4 parents' objection and determine the support obligation for the entire  
5 period covered by the notice and finding of financial responsibility.  
6 The filing of the application stays collection action pending the entry  
7 of a final administrative order;

8 (b) If both the responsible parent and the custodial parent fail to  
9 file an application within twenty days, the notice and finding shall  
10 become a final administrative order. The amounts for current and  
11 future support and the support debt stated in the notice are final and  
12 subject to collection, except as provided under (c) and (d) of this  
13 subsection;

14 (c) If the responsible parent or custodial parent files the  
15 application more than twenty days after, but within one year of the  
16 date of service, the office of administrative hearings shall schedule  
17 an adjudicative proceeding to hear the parent's or parents' objection  
18 and determine the support obligation for the entire period covered by  
19 the notice and finding of financial responsibility. The filing of the  
20 application does not stay further collection action, pending the entry  
21 of a final administrative order, and does not affect any prior  
22 collection action;

23 (d) If the responsible parent or custodial parent files the  
24 application more than one year after the date of service, the office of  
25 administrative hearings shall schedule an adjudicative proceeding at  
26 which the parent who requested the late hearing must show good cause  
27 for failure to file a timely application. The filing of the  
28 application does not stay future collection action and does not affect  
29 prior collection action:

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

33 (ii) If the presiding officer finds that good cause does not exist,  
34 the presiding officer shall treat the application as a petition for  
35 prospective modification of the amount for current and future support  
36 established under the notice and finding. In the modification  
37 proceeding, the presiding officer shall set current and future support

1 under chapter 26.19 RCW. The petitioning parent need show neither good  
2 cause nor a substantial change of circumstances to justify modification  
3 of current and future support;

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

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

27 (5) If an application for an adjudicative proceeding is filed, the  
28 presiding or reviewing officer shall determine the past liability and  
29 responsibility, if any, of the alleged responsible parent and shall  
30 also determine the amount of periodic payments to be made in the  
31 future, which amount is not limited by the amount of any public  
32 assistance payment made to or for the benefit of the child. If  
33 deviating from the child support schedule in making these  
34 determinations, the presiding or reviewing officer shall apply the  
35 standards contained in the child support schedule and enter written  
36 findings of fact supporting the deviation.

37 (6) If either the responsible parent or the custodial parent fails  
38 to attend or participate in the hearing or other stage of an



1 adjudicative proceeding, upon a showing of valid service, the presiding  
2 officer shall enter an order of default against each party who did not  
3 appear and may enter an administrative order declaring the support debt  
4 and payment provisions stated in the notice and finding of financial  
5 responsibility to be assessed and determined and subject to collection  
6 action. The parties who appear may enter an agreed settlement or  
7 consent order, which may be different than the terms of the  
8 department's notice. Any party who appears may choose to proceed to  
9 the hearing, after the conclusion of which the presiding officer or  
10 reviewing officer may enter an order that is different than the terms  
11 stated in the notice, if the obligation is supported by credible  
12 evidence presented by any party at the hearing.

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

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

20 (9) The department has rule-making authority to enact rules  
21 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as  
22 amended by section 7307 of the deficit reduction act of 2005.  
23 Additionally, the department has rule-making authority to implement  
24 regulations required under ((parts)) 45 C.F.R. Parts 302, 303, 304,  
25 305, and 308.

26 **Sec. 8.** RCW 74.20A.056 and 2007 c 143 s 9 are each amended to read  
27 as follows:

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

1 is not the nonassistance applicant or public assistance recipient,  
2 service shall be in the same manner as for the responsible parent. The  
3 notice shall have attached to it a copy of the affidavit or  
4 certification of birth record information advising of the existence of  
5 a filed affidavit, provided by the state registrar of vital statistics,  
6 and shall state that:

7 (a) Either or both parents are responsible for providing health  
8 insurance for their child either through private health insurance which  
9 is accessible to the child or through coverage that if coverage that  
10 can be extended to cover the child is or becomes available to the  
11 parent through employment or is union-related, or for paying a monthly  
12 payment toward the premium if no such coverage is available, as  
13 provided under RCW 26.09.105;

14 (b) The alleged father or custodial parent may file an application  
15 for an adjudicative proceeding at which they both will be required to  
16 appear and show cause why the amount stated in the notice as to support  
17 is incorrect and should not be ordered;

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

24 (d) If neither the alleged father nor the custodial parent requests  
25 that a blood or genetic test be administered or files an application  
26 for an adjudicative proceeding, the amount of support stated in the  
27 notice and finding of parental responsibility shall become final,  
28 subject only to a subsequent determination under RCW 26.26.500 through  
29 26.26.630 that the parent-child relationship does not exist.

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

1 current and future support obligation, and the reimbursement of the  
2 costs of blood or genetic tests if advanced by the department. A  
3 custodian who is not the parent of a child and who has physical custody  
4 of a child has the same notice and hearing rights that a custodial  
5 parent has under this section.

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

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

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

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

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

32 (6) The alleged father or mother, if she is also the custodial  
33 parent, may, within twenty days after the date of receipt of the test  
34 results, request the division of child support to initiate an action  
35 under RCW 26.26.500 through 26.26.630 to determine the existence of the  
36 parent-child relationship. If the division of child support initiates  
37 a superior court action at the request of the alleged father or mother

1 and the decision of the court is that the alleged father is a natural  
2 parent, the parent who requested the test shall be liable for court  
3 costs incurred.

4 (7) If the alleged father or mother, if she is also the custodial  
5 parent, does not request the division of child support to initiate a  
6 superior court action, or fails to appear and cooperate with blood or  
7 genetic testing, the notice of parental responsibility shall become  
8 final for all intents and purposes and may be overturned only by a  
9 subsequent superior court order entered under RCW 26.26.500 through  
10 26.26.630.

11 (8)(a) Subsections (1) through (7) of this section do not apply to  
12 acknowledgments of paternity filed with the state registrar of vital  
13 statistics after July 1, 1997.

14 (b) If an acknowledged father has signed an acknowledgment of  
15 paternity that has been filed with the state registrar of vital  
16 statistics after July 1, 1997:

17 (i) The division of child support may serve a notice and finding of  
18 financial responsibility under RCW 74.20A.055 based on the  
19 acknowledgment. The division of child support shall attach a copy of  
20 the acknowledgment or certification of the birth record information  
21 advising of the existence of a filed acknowledgment of paternity to the  
22 notice;

23 (ii) The notice shall include a statement that the acknowledged  
24 father or any other signatory may commence a proceeding in court to  
25 rescind or challenge the acknowledgment or denial of paternity under  
26 RCW 26.26.330 and 26.26.335;

27 (iii) A statement that either or both parents are responsible for  
28 providing health insurance for his or her child if coverage that can be  
29 extended to cover the child is or becomes available to the parent  
30 through employment or is union-related as provided under RCW 26.09.105;  
31 and

32 (iv) The party commencing the action to rescind or challenge the  
33 acknowledgment or denial must serve notice on the division of child  
34 support and the office of the prosecuting attorney in the county in  
35 which the proceeding is commenced. Commencement of a proceeding to  
36 rescind or challenge the acknowledgment or denial stays the  
37 establishment of the notice and finding of financial responsibility, if  
38 the notice has not yet become a final order.

1 (c) If neither the acknowledged father nor the other party to the  
2 notice files an application for an adjudicative proceeding or the  
3 signatories to the acknowledgment or denial do not commence a  
4 proceeding to rescind or challenge the acknowledgment of paternity, the  
5 amount of support stated in the notice and finding of financial  
6 responsibility becomes final, subject only to a subsequent  
7 determination under RCW 26.26.500 through 26.26.630 that the parent-  
8 child relationship does not exist. The division of child support does  
9 not refund nor return any amounts collected under a notice that becomes  
10 final under this section or RCW 74.20A.055, even if a court later  
11 determines that the acknowledgment is void.

12 (d) An acknowledged father or other party to the notice who objects  
13 to the amount of support requested in the notice may file an  
14 application for an adjudicative proceeding up to twenty days after the  
15 date the notice was served. An application for an adjudicative  
16 proceeding may be filed within one year of service of the notice and  
17 finding of parental responsibility without the necessity for a showing  
18 of good cause or upon a showing of good cause thereafter. An  
19 adjudicative proceeding under this section shall be pursuant to RCW  
20 74.20A.055. The only issues shall be the amount of the accrued debt  
21 and the amount of the current and future support obligation.

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

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

29 (e) If neither the acknowledged father nor the custodial parent  
30 requests an adjudicative proceeding, or if no timely action is brought  
31 to rescind or challenge the acknowledgment or denial after service of  
32 the notice, the notice of financial responsibility becomes final for  
33 all intents and purposes and may be overturned only by a subsequent  
34 superior court order entered under RCW 26.26.500 through 26.26.630.

35 (9) Acknowledgments of paternity that are filed after July 1, 1997,  
36 are subject to requirements of chapters 26.26, the uniform parentage  
37 act, and 70.58 RCW.

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

3 (11) The department has rule-making authority to enact rules  
4 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as  
5 amended by section 7307 of the deficit reduction act of 2005.  
6 Additionally, the department has rule-making authority to implement  
7 regulations required under (~~(parts)~~) 45 C.F.R. Parts 302, 303, 304,  
8 305, and 308.

9 **Sec. 9.** RCW 74.20A.059 and 1991 c 367 s 47 are each amended to  
10 read as follows:

11 (1) The department, the physical custodian, or the responsible  
12 parent may petition for a prospective modification of a final  
13 administrative order if:

14 (a) The administrative order has not been superseded by a superior  
15 court order; and

16 (b) There has been a substantial change of circumstances, except as  
17 provided under RCW 74.20A.055(4)(d).

18 (2) An order of child support may be modified one year or more  
19 after it has been entered without showing a substantial change of  
20 circumstances:

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

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

27 (c) If a child is a full-time student and reasonably expected to  
28 complete secondary school or the equivalent level of vocational or  
29 technical training before the child becomes nineteen years of age upon  
30 a finding that there is a need to extend support beyond the eighteenth  
31 birthday.

32 (3) An order may be modified without showing a substantial change  
33 of circumstances if the requested modification is to:

34 (a) Require (~~(health insurance coverage)~~) medical support under RCW  
35 26.09.105 for a child covered by the order; or

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

1 (4) Support orders may be adjusted once every twenty-four months  
2 based upon changes in the income of the parents without a showing of  
3 substantially changed circumstances.

4 (5)(a) All administrative orders entered on, before, or after  
5 September 1, 1991, may be modified based upon changes in the child  
6 support schedule established in chapter 26.19 RCW without a substantial  
7 change of circumstances. The petition may be filed based on changes in  
8 the child support schedule after twelve months has expired from the  
9 entry of the administrative order or the most recent modification order  
10 setting child support, whichever is later. However, if a party is  
11 granted relief under this provision, twenty-four months must pass  
12 before another petition for modification may be filed pursuant to  
13 subsection (4) of this section.

14 (b) If, pursuant to subsection (4) of this section or (a) of this  
15 subsection, the order modifies a child support obligation by more than  
16 thirty percent and the change would cause significant hardship, the  
17 change may be implemented in two equal increments, one at the time of  
18 the entry of the order and the second six months from the entry of the  
19 order. Twenty-four months must pass following the second change before  
20 a petition for modification under subsection (4) of this section may be  
21 filed.

22 (6) An increase in the wage or salary of the parent or custodian  
23 who is receiving the support transfer payments (~~as defined in section~~  
24 ~~24 of this act~~) is not a substantial change in circumstances for  
25 purposes of modification under subsection (1)(b) of this section. An  
26 obligor's voluntary unemployment or voluntary underemployment, by  
27 itself, is not a substantial change of circumstances.

28 (7) The department shall file the petition and a supporting  
29 affidavit with the secretary or the secretary's designee when the  
30 department petitions for modification.

31 (8) The responsible parent or the physical custodian shall follow  
32 the procedures in this chapter for filing an application for an  
33 adjudicative proceeding to petition for modification.

34 (9) Upon the filing of a proper petition or application, the  
35 secretary or the secretary's designee shall issue an order directing  
36 each party to appear and show cause why the order should not be  
37 modified.

1 (10) If the presiding or reviewing officer finds a modification is  
2 appropriate, the officer shall modify the order and set current and  
3 future support under chapter 26.19 RCW.

4 NEW SECTION. **Sec. 10.** This act takes effect October 1, 2009."

SHB 1845 - S AMD

By Senators Hargrove, Carrell

**ADOPTED 04/23/2009**

5 On page 1, line 1 of the title, after "obligations;" strike the  
6 remainder of the title and insert "amending RCW 26.09.105, 26.18.170,  
7 26.18.180, 26.23.050, 26.23.110, 74.20A.300, 74.20A.055, 74.20A.056,  
8 and 74.20A.059; and providing an effective date."

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