
SENATE BILL 5166

State of Washington

61st Legislature

2009 Regular Session

By Senators Regala, Stevens, and Kline

Read first time 01/15/09. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to the child support license suspension program;
2 amending RCW 74.20A.320; and adding new sections to chapter 74.20A RCW.

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

4 **Sec. 1.** RCW 74.20A.320 and 1997 c 58 s 802 are each amended to
5 read as follows:

6 (1) The department may serve upon a responsible parent a notice
7 informing the responsible parent of the department's intent to submit
8 the parent's name to the department of licensing and any appropriate
9 licensing entity as a licensee who is not in compliance with a child
10 support order. The department shall attach a copy of the responsible
11 parent's child support order to the notice. Service of the notice must
12 be by certified mail, return receipt requested. If service by
13 certified mail is not successful, service shall be by personal service.

14 (2) The notice of noncompliance must include the ~~((address and~~
15 ~~telephone number of the department's division of child support office~~
16 ~~that issues the notice and must inform the responsible parent that))~~
17 following information:

18 ~~((a) The parent may request an adjudicative proceeding to contest~~
19 ~~the issue of compliance with the child support order. The only issues~~

1 that may be considered at the adjudicative proceeding are whether the
2 parent is required to pay child support under a child support order and
3 whether the parent is in compliance with that order;

4 (b) A request for an adjudicative proceeding shall be in writing
5 and must be received by the department within twenty days of the date
6 of service of the notice;

7 (c) If the parent requests an adjudicative proceeding within twenty
8 days of service, the department will stay action to certify the parent
9 to the department of licensing and any licensing entity for
10 noncompliance with a child support order pending entry of a written
11 decision after the adjudicative proceeding;

12 (d) If the parent does not request an adjudicative proceeding
13 within twenty days of service and remains in noncompliance with a child
14 support order, the department will certify the parent's name to the
15 department of licensing and any appropriate licensing entity for
16 noncompliance with a child support order;

17 (e) The department will stay action to certify the parent to the
18 department of licensing and any licensing entity for noncompliance if
19 the parent agrees to make timely payments of current support and agrees
20 to a reasonable payment schedule for payment of the arrears. It is the
21 parent's responsibility to contact in person or by mail the
22 department's division of child support office indicated on the notice
23 within twenty days of service of the notice to arrange for a payment
24 schedule. The department may stay certification for up to thirty days
25 after contact from a parent to arrange for a payment schedule;

26 (f) If the department certifies the responsible parent to the
27 department of licensing and a licensing entity for noncompliance with
28 a child support order, the licensing entity will suspend or not renew
29 the parent's license and the department of licensing will suspend or
30 not renew any driver's license that the parent holds until the parent
31 provides the department of licensing and the licensing entity with a
32 release from the department stating that the responsible parent is in
33 compliance with the child support order;

34 (g) If the department certifies the responsible parent as a person
35 who is in noncompliance with a child support order, the department of
36 fish and wildlife will suspend the fishing license, hunting license,
37 commercial fishing license, or any other license issued under chapters
38 77.32, 77.28 [75.28], and 75.25 RCW that the responsible parent may

1 possess.— Notice from the department of licensing that a responsible
2 parent's driver's license has been suspended shall serve as notice of
3 the suspension of a license issued under chapters 77.32 and 75.25 RCW;

4 (h) Suspension of a license will affect insurability if the
5 responsible parent's insurance policy excludes coverage for acts
6 occurring after the suspension of a license;

7 (i) If after receiving the notice of noncompliance with a child
8 support order, the responsible parent files a motion to modify support
9 with the court or requests the department to amend a support obligation
10 established by an administrative decision, or if a motion for
11 modification of a court or administrative order for child support is
12 pending, the department or the court may stay action to certify the
13 parent to the department of licensing and any licensing entity for
14 noncompliance with a child support order. A stay shall not exceed six
15 months unless the department finds good cause. The responsible parent
16 has the obligation to notify the department that a modification
17 proceeding is pending and provide a copy of the motion or request for
18 modification; and

19 (j)) (a) The address and telephone number of the department's
20 division of child support office that issued the notice;

21 (b) That in order to prevent the department from certifying the
22 parent's name to the department of licensing or any other licensing
23 entity, the parent has twenty days from receipt of the notice to
24 contact the department and:

25 (i) Pay the overdue support amount in full;

26 (ii) Request an adjudicative proceeding as provided in section 2 of
27 this act;

28 (iii) Agree to a payment schedule with the department as provided
29 in section 4 of this act; or

30 (iv) File a motion to modify support with the court or request the
31 department amend a support obligation established by an administrative
32 decision as provided in section 3(1) of this act;

33 (c) That failure to contact the department within twenty days of
34 receipt of the notice will result in certification of the responsible
35 parent's name to the department of licensing and any other appropriate
36 licensing entity for noncompliance with a child support order. Upon
37 receipt of the notice:

1 (i) The licensing entity will suspend or not renew the parent's
2 license and the department of licensing will suspend or not renew any
3 driver's license that the parent holds until the parent provides the
4 department of licensing and the licensing entity with a release from
5 the department stating that the responsible parent is in compliance
6 with the child support order;

7 (ii) The department of fish and wildlife will suspend a fishing
8 license, hunting license, commercial fishing license, or any other
9 license issued under chapter 77.32 RCW that the responsible parent may
10 possess. Notice from the department of licensing that a responsible
11 parent's driver's license has been suspended shall serve as notice of
12 the suspension of a license issued under chapter 77.32 RCW;

13 (d) That suspension of a license will affect insurability if the
14 responsible parent's insurance policy excludes coverage for acts
15 occurring after the suspension of a license;

16 (e) If the responsible parent subsequently ((becomes-in)) comes
17 into compliance with the child support order, the department will
18 promptly provide the parent and the appropriate licensing entities with
19 a release stating that the parent is in compliance with the order((
20 and the parent may request that the licensing entity or the department
21 of licensing reinstate the suspended license)).

22 ~~(3) ((A responsible parent may request an adjudicative proceeding~~
23 ~~upon service of the notice described in subsection (1) of this section.~~
24 ~~The request for an adjudicative proceeding must be received by the~~
25 ~~department within twenty days of service. The request must be in~~
26 ~~writing and indicate the current mailing address and daytime phone~~
27 ~~number, if available, of the responsible parent. The proceedings under~~
28 ~~this subsection shall be conducted in accordance with the requirements~~
29 ~~of chapter 34.05 RCW. The issues that may be considered at the~~
30 ~~adjudicative proceeding are limited to whether:~~

31 ~~(a) The person named as the responsible parent is the responsible~~
32 ~~parent;~~

33 ~~(b) The responsible parent is required to pay child support under~~
34 ~~a child support order; and~~

35 ~~(c) The responsible parent is in compliance with the order.~~

36 ~~(4) The decision resulting from the adjudicative proceeding must be~~
37 ~~in writing and inform the responsible parent of his or her rights to~~

1 review. The parent's copy of the decision may be sent by regular mail
2 to the parent's most recent address of record.

3 (5) If a responsible parent contacts the department's division of
4 child support office indicated on the notice of noncompliance within
5 twenty days of service of the notice and requests arrangement of a
6 payment schedule, the department shall stay the certification of
7 noncompliance during negotiation of the schedule for payment of
8 arrears. In no event shall the stay continue for more than thirty days
9 from the date of contact by the parent. The department shall establish
10 a schedule for payment of arrears that is fair and reasonable, and that
11 considers the financial situation of the responsible parent and the
12 needs of all children who rely on the responsible parent for support.
13 At the end of the thirty days, if no payment schedule has been agreed
14 to in writing and the department has acted in good faith, the
15 department shall proceed with certification of noncompliance.

16 (6) If a responsible parent timely requests an adjudicative
17 proceeding pursuant to subsection (4) of this section, the department
18 may not certify the name of the parent to the department of licensing
19 or a licensing entity for noncompliance with a child support order
20 unless the adjudicative proceeding results in a finding that the
21 responsible parent is not in compliance with the order.

22 (7) The department may certify to the department of licensing and
23 any appropriate licensing entity the name of a responsible parent who
24 is not in compliance with a child support order or a residential or
25 visitation order if:

26 (a) The responsible parent does not timely request an adjudicative
27 proceeding upon service of a notice issued under subsection (1) of this
28 section and is not in compliance with a child support order twenty-one
29 days after service of the notice;

30 (b) An adjudicative proceeding results in a decision that the
31 responsible parent is not in compliance with a child support order;

32 (c) The court enters a judgment on a petition for judicial review
33 that finds the responsible parent is not in compliance with a child
34 support order;

35 (d) The department and the responsible parent have been unable to
36 agree on a fair and reasonable schedule of payment of the arrears;

37 (e) The responsible parent fails to comply with a payment schedule
38 established pursuant to subsection (5) of this section; or

1 ~~The department shall send by regular mail a copy of any~~
2 ~~certification of noncompliance filed with the department of licensing~~
3 ~~or a licensing entity to the responsible parent at the responsible~~
4 ~~parent's most recent address of record.~~

5 ~~(8) The department of licensing and a licensing entity shall,~~
6 ~~without undue delay, notify a responsible parent certified by the~~
7 ~~department under subsection (7) of this section that the parent's~~
8 ~~driver's license or other license has been suspended because the~~
9 ~~parent's name has been certified by the department as a responsible~~
10 ~~parent who is not in compliance with a child support order or a~~
11 ~~residential or visitation order.~~

12 ~~(9))~~ When a responsible parent who is served notice under
13 subsection (1) of this section subsequently complies with the child
14 support order, ~~((or when the department receives a court order under~~
15 ~~section 886 of this act stating that the parent is in compliance with~~
16 ~~a residential or visitation order, the department shall promptly~~
17 ~~provide the parent with))~~ a copy of a release stating that the
18 responsible parent is in compliance with the order~~((. A copy of the~~
19 ~~release))~~ shall be transmitted by the department to the appropriate
20 licensing entities.

21 ~~((10) The department may adopt rules to implement and enforce the~~
22 ~~requirements of this section. The department shall deliver a copy of~~
23 ~~rules adopted to implement and enforce this section to the legislature~~
24 ~~by June 30, 1998.~~

25 ~~(11))~~ (4) Nothing in this section prohibits a responsible parent
26 from filing a motion to modify support with the court or from
27 requesting the department to amend a support obligation established by
28 an administrative decision. If there is a reasonable likelihood that
29 a pending motion or request will significantly change the amount of the
30 child support obligation, the department or the court may stay action
31 to certify the responsible parent to the department of licensing and
32 any licensing entity for noncompliance with a child support order. A
33 stay shall not exceed six months unless the department finds good cause
34 to extend the stay. The responsible parent has the obligation to
35 notify the department that a modification proceeding is pending and
36 provide a copy of the motion or request for modification.

37 ~~((12))~~ (5) The department of licensing and a licensing entity may
38 renew, reinstate, or otherwise extend a license in accordance with the

1 licensing entity's or the department of licensing's rules after the
2 licensing entity or the department of licensing receives a copy of the
3 release specified in subsection ~~((+9))~~ (3) of this section. The
4 department of licensing and a licensing entity may waive any applicable
5 requirement for reissuance, renewal, or other extension if it
6 determines that the imposition of that requirement places an undue
7 burden on the person and that waiver of the requirement is consistent
8 with the public interest.

9 ~~((13) The procedures in chapter 58, Laws of 1997, constitute the
10 exclusive administrative remedy for contesting the establishment of
11 noncompliance with a child support order and suspension of a license
12 under this section, and satisfy the requirements of RCW 34.05.422.))~~

13 NEW SECTION. **Sec. 2.** (1) A responsible parent may request an
14 adjudicative proceeding upon service of the notice described in RCW
15 74.20A.320. The request for an adjudicative proceeding must be
16 received by the department within twenty days of service. The request
17 must be in writing and indicate the current mailing address and daytime
18 phone number, if available, of the responsible parent.

19 (2) If a responsible parent timely requests an adjudicative
20 proceeding, the department may not certify the name of the parent to
21 the department of licensing or a licensing entity for noncompliance
22 with a child support order unless the adjudicative proceeding results
23 in a finding that the responsible parent is not in compliance with the
24 order and has not made a good faith effort to comply.

25 (3) The issues that may be considered at the adjudicative
26 proceeding are limited to whether:

27 (a) The person named as the responsible parent is the responsible
28 parent;

29 (b) The responsible parent is required to pay child support under
30 a child support order;

31 (c) The responsible parent is in compliance with the order; and

32 (d) The responsible parent has made a good faith effort to comply
33 with the order.

34 (4) If the administrative law judge finds that the parent is not in
35 compliance with the support order, but has made a good faith effort to
36 comply, the administrative law judge shall formulate a payment schedule
37 as provided in section 4 of this act.

1 (5) The decision resulting from the adjudicative proceeding must be
2 in writing and inform the responsible parent of his or her rights to
3 review. The parent's copy of the decision may be sent by regular mail
4 to the parent's most recent address of record.

5 (6) The proceedings under this subsection shall be conducted in
6 accordance with the requirements of chapter 34.05 RCW, the
7 administrative procedure act.

8 (7) The procedures of this section constitute the exclusive
9 administrative remedy for contesting the establishment of noncompliance
10 with a child support order and suspension of a license under this
11 section, and satisfy the requirements of RCW 34.05.422.

12 NEW SECTION. **Sec. 3.** (1) The department may certify to the
13 department of licensing and any appropriate licensing entity the name
14 of a responsible parent who is not in compliance with a child support
15 order or a residential or visitation order if:

16 (a) The responsible parent does not timely request an adjudicative
17 proceeding upon service of a notice issued under RCW 74.20A.320 and is
18 not in compliance with a child support order twenty-one days after
19 service of the notice;

20 (b) An adjudicative proceeding results in a decision that the
21 responsible parent is not in compliance with a child support order and
22 has not made a good faith effort to comply;

23 (c) The court enters a judgment on a petition for judicial review
24 that finds the responsible parent is not in compliance with a child
25 support order and has not made a good faith effort to comply; or

26 (d) The responsible parent fails to comply with a payment schedule
27 established pursuant to section 4 of this act.

28 (2) The department shall send by regular mail a copy of any
29 certification of noncompliance filed with the department of licensing
30 or a licensing entity to the responsible parent at the responsible
31 parent's most recent address of record along with information as to how
32 the parent may get his or her license reinstated.

33 (3) The department of licensing and a licensing entity shall,
34 without undue delay, notify a responsible parent certified by the
35 department under subsection (1) of this section that the parent's
36 driver's license or other license has been suspended because the

1 parent's name has been certified by the department as a responsible
2 parent who is not in compliance with a child support order or a
3 residential or visitation order.

4 NEW SECTION. **Sec. 4.** (1) If a responsible parent contacts the
5 department's division of child support office indicated on the notice
6 of noncompliance within twenty days of service of the notice provided
7 in RCW 74.20A.320 and requests arrangement of a payment schedule, the
8 department shall stay the certification of noncompliance during
9 negotiation of the schedule for payment of arrears up to thirty days
10 from the date of contact by the responsible parent.

11 (2) In proposing or approving a written payment schedule, the
12 department or the administrative law judge shall take into
13 consideration the amount of the arrearages, the amount of the current
14 support order, the earnings of the responsible parent, and the needs of
15 all children who rely on the responsible parent for support. The
16 department or administrative law judge shall consider the individual
17 financial circumstances of each responsible parent in evaluating the
18 parent's ability to pay any proposed payment schedule and shall propose
19 a fair and reasonable payment schedule tailored to the individual
20 financial circumstances of the responsible parent. A payment schedule
21 may include a graduated payment plan and may require a responsible
22 parent to engage in employment-enhancing activities to attain a
23 satisfactory payment level.

24 (3) A payment schedule may be for the payment of less than current
25 monthly support for a reasonable time and is not required to include a
26 lump sum payment for the amount of arrears.

27 NEW SECTION. **Sec. 5.** The department may adopt rules to implement
28 and enforce the requirements of this act.

29 NEW SECTION. **Sec. 6.** Sections 2 through 5 of this act are each
30 added to chapter 74.20A RCW.

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