
SUBSTITUTE HOUSE BILL 2302

State of Washington 66th Legislature 2020 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representative Kilduff)

READ FIRST TIME 02/04/20.

1 AN ACT Relating to child support, but only with respect to
2 standards for determination of income, abatement of child support for
3 incarcerated obligors, modification of administrative orders, and
4 notices of support owed; amending RCW 26.19.011, 26.19.071,
5 26.23.050, 74.20A.055, 74.20A.059, 26.09.170, and 26.23.110;
6 reenacting and amending RCW 74.20A.056; adding new sections to
7 chapter 26.09 RCW; creating a new section; and providing an effective
8 date.

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

10 **Sec. 1.** RCW 26.19.011 and 2005 c 282 s 35 are each amended to
11 read as follows:

12 Unless the context clearly requires otherwise, the definitions in
13 this section apply throughout this chapter.

14 (1) "Basic child support obligation" means the monthly child
15 support obligation determined from the economic table based on the
16 parties' combined monthly net income and the number of children for
17 whom support is owed.

18 (2) "Child support schedule" means the standards, economic table,
19 worksheets, and instructions, as defined in this chapter.

1 (3) "Court" means a superior court judge, court commissioner, and
2 presiding and reviewing officers who administratively determine or
3 enforce child support orders.

4 (4) "Deviation" means a child support amount that differs from
5 the standard calculation.

6 (5) "Economic table" means the child support table for the basic
7 support obligation provided in RCW 26.19.020.

8 (6) "Full-time" means the customary number of maximum,
9 nonovertime hours worked in an individual's historical occupation,
10 industry, and labor market. "Full-time" does not necessarily mean
11 forty hours per week.

12 (7) "Instructions" means the instructions developed by the
13 administrative office of the courts pursuant to RCW 26.19.050 for use
14 in completing the worksheets.

15 (~~(7)~~) (8) "Standards" means the standards for determination of
16 child support as provided in this chapter.

17 (~~(8)~~) (9) "Standard calculation" means the presumptive amount
18 of child support owed as determined from the child support schedule
19 before the court considers any reasons for deviation.

20 (~~(9)~~) (10) "Support transfer payment" means the amount of money
21 the court orders one parent to pay to another parent or custodian for
22 child support after determination of the standard calculation and
23 deviations. If certain expenses or credits are expected to fluctuate
24 and the order states a formula or percentage to determine the
25 additional amount or credit on an ongoing basis, the term "support
26 transfer payment" does not mean the additional amount or credit.

27 (~~(10)~~) (11) "Worksheets" means the forms developed by the
28 administrative office of the courts pursuant to RCW 26.19.050 for use
29 in determining the amount of child support.

30 **Sec. 2.** RCW 26.19.071 and 2011 1st sp.s. c 36 s 14 are each
31 amended to read as follows:

32 (1) **Consideration of all income.** All income and resources of each
33 parent's household shall be disclosed and considered by the court
34 when the court determines the child support obligation of each
35 parent. Only the income of the parents of the children whose support
36 is at issue shall be calculated for purposes of calculating the basic
37 support obligation. Income and resources of any other person shall
38 not be included in calculating the basic support obligation.

1 (2) **Verification of income.** Tax returns for the preceding two
2 years and current paystubs shall be provided to verify income and
3 deductions. Other sufficient verification shall be required for
4 income and deductions which do not appear on tax returns or paystubs.

5 (3) **Income sources included in gross monthly income.** Except as
6 specifically excluded in subsection (4) of this section, monthly
7 gross income shall include income from any source, including:

- 8 (a) Salaries;
- 9 (b) Wages;
- 10 (c) Commissions;
- 11 (d) Deferred compensation;
- 12 (e) Overtime, except as excluded for income in subsection (4)(i)
13 of this section;
- 14 (f) Contract-related benefits;
- 15 (g) Income from second jobs, except as excluded for income in
16 subsection (4)(i) of this section;
- 17 (h) Dividends;
- 18 (i) Interest;
- 19 (j) Trust income;
- 20 (k) Severance pay;
- 21 (l) Annuities;
- 22 (m) Capital gains;
- 23 (n) Pension retirement benefits;
- 24 (o) Workers' compensation;
- 25 (p) Unemployment benefits;
- 26 (q) Maintenance actually received;
- 27 (r) Bonuses;
- 28 (s) Social security benefits;
- 29 (t) Disability insurance benefits; and
- 30 (u) Income from self-employment, rent, royalties, contracts,
31 proprietorship of a business, or joint ownership of a partnership or
32 closely held corporation.

33 (4) **Income sources excluded from gross monthly income.** The
34 following income and resources shall be disclosed but shall not be
35 included in gross income:

- 36 (a) Income of a new spouse or new domestic partner or income of
37 other adults in the household;
- 38 (b) Child support received from other relationships;
- 39 (c) Gifts and prizes;
- 40 (d) Temporary assistance for needy families;

- 1 (e) Supplemental security income;
- 2 (f) Aged, blind, or disabled assistance benefits;
- 3 (g) Pregnant women assistance benefits;
- 4 (h) Food stamps; and
- 5 (i) Overtime or income from second jobs beyond forty hours per
- 6 week averaged over a twelve-month period worked to provide for a
- 7 current family's needs, to retire past relationship debts, or to
- 8 retire child support debt, when the court finds the income will cease
- 9 when the party has paid off his or her debts.

10 Receipt of income and resources from temporary assistance for
11 needy families, supplemental security income, aged, blind, or
12 disabled assistance benefits, and food stamps shall not be a reason
13 to deviate from the standard calculation.

14 (5) **Determination of net income.** The following expenses shall be
15 disclosed and deducted from gross monthly income to calculate net
16 monthly income:

- 17 (a) Federal and state income taxes;
- 18 (b) Federal insurance contributions act deductions;
- 19 (c) Mandatory pension plan payments;
- 20 (d) Mandatory union or professional dues;
- 21 (e) State industrial insurance premiums;
- 22 (f) Court-ordered maintenance to the extent actually paid;
- 23 (g) Up to five thousand dollars per year in voluntary retirement
- 24 contributions actually made if the contributions show a pattern of
- 25 contributions during the one-year period preceding the action
- 26 establishing the child support order unless there is a determination
- 27 that the contributions were made for the purpose of reducing child
- 28 support; and
- 29 (h) Normal business expenses and self-employment taxes for self-
- 30 employed persons. Justification shall be required for any business
- 31 expense deduction about which there is disagreement.

32 Items deducted from gross income under this subsection shall not
33 be a reason to deviate from the standard calculation.

34 (6) **Imputation of income.** The court shall impute income to a
35 parent when the parent is voluntarily unemployed or voluntarily
36 underemployed. The court shall determine whether the parent is
37 voluntarily underemployed or voluntarily unemployed based upon that
38 parent's (~~work history, education,~~) assets, residence, employment
39 and earnings history, job skills, educational attainment, literacy,
40 health, (~~and~~) age, criminal record, dependency court obligations,

1 and other employment barriers, record of seeking work, the local job
2 market, the availability of employers willing to hire the parent, the
3 prevailing earnings level in the local community, or any other
4 relevant factors. A court shall not impute income to a parent who is
5 gainfully employed on a full-time basis, unless the court finds that
6 the parent is voluntarily underemployed and finds that the parent is
7 purposely underemployed to reduce the parent's child support
8 obligation. Income shall not be imputed for an unemployable parent.
9 Income shall not be imputed to a parent to the extent the parent is
10 unemployed or significantly underemployed due to the parent's efforts
11 to comply with court-ordered reunification efforts under chapter
12 13.34 RCW or under a voluntary placement agreement with an agency
13 supervising the child. ((In))

14 (a) Except as provided in (b) of this subsection, in the absence
15 of records of a parent's actual earnings, the court shall impute a
16 parent's income in the following order of priority:

17 ~~((a))~~ (i) Full-time earnings at the current rate of pay;

18 ~~((b))~~ (ii) Full-time earnings at the historical rate of pay
19 based on reliable information, such as employment security department
20 data;

21 ~~((c))~~ (iii) Full-time earnings at a past rate of pay where
22 information is incomplete or sporadic;

23 ~~((d))~~ (iv) Earnings of thirty-two hours per week at minimum
24 wage in the jurisdiction where the parent resides if the parent is on
25 or recently coming off temporary assistance for needy families or
26 recently coming off aged, blind, or disabled assistance benefits,
27 pregnant women assistance benefits, essential needs and housing
28 support, supplemental security income, or disability, has recently
29 been released from incarceration, or is a recent high school
30 graduate. Imputation of earnings at thirty-two hours per week under
31 this subsection is a rebuttable presumption;

32 (v) Full-time earnings at minimum wage in the jurisdiction where
33 the parent resides if the parent has a recent history of minimum wage
34 earnings, ~~((is recently coming off public assistance, aged, blind, or~~
35 ~~disabled assistance benefits, pregnant women assistance benefits,~~
36 ~~essential needs and housing support, supplemental security income, or~~
37 ~~disability, has recently been released from incarceration, or is a~~
38 ~~high school student))~~ has never been employed and has no earnings
39 history, or has no significant earnings history;

1 (~~(e)~~) (vi) Median net monthly income of year-round full-time
2 workers as derived from the United States bureau of census, current
3 population reports, or such replacement report as published by the
4 bureau of census.

5 (b) When a parent is currently enrolled in high school full-time,
6 the court shall consider the totality of the circumstances of both
7 parents when determining whether each parent is voluntarily
8 unemployed or voluntarily underemployed. If a parent who is currently
9 enrolled in high school is determined to be voluntarily unemployed or
10 voluntarily underemployed, the court shall impute income at earnings
11 of twenty hours per week at minimum wage in the jurisdiction where
12 that parent resides. Imputation of earnings at twenty hours per week
13 under this subsection is a rebuttable presumption.

14 NEW SECTION. **Sec. 3.** (1) The legislature finds that a large
15 number of justice-involved individuals owe significant child support
16 debts when they are released from incarceration.

17 (2) The legislature finds that these child support debts are
18 often uncollectible and unduly burdensome on a recently released
19 justice-involved individual, and that such debts severely impact the
20 ability of the person required to pay support to have a successful
21 reentry and reintegration into society.

22 (3) The legislature finds that there is case law in Washington,
23 *In re Marriage of Blickenstaff*, 71 Wn. App. 489, 859 P.2d 646 (1993),
24 providing that incarceration does not equate to voluntary
25 unemployment or voluntary underemployment.

26 (4) The legislature finds that there is a statewide movement to
27 assist justice-involved individuals reenter and reintegrate into
28 society, and to reduce state-caused pressures which tend to lead to
29 recidivism and a return to jail or prison.

30 (5) The legislature finds that, although there is currently a
31 statutory process for modification of child support orders, it is in
32 the best interests of the children of the state of Washington to
33 create a process of abatement instead of making it the sole
34 responsibility of the justice-involved person to take action to deal
35 with his or her child support obligation while incarcerated.

36 (6) The legislature intends, therefore, to create a remedy
37 whereby court or administrative orders for child support entered in
38 Washington state may be abated when the person required to pay

1 support is incarcerated for at least six months and has no income or
2 assets available to pay support.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 26.09
4 RCW to read as follows:

5 (1) When a child support order contains language providing for
6 abatement based on incarceration of the person required to pay child
7 support, there is a rebuttable presumption that an incarcerated
8 person is unable to pay the child support obligation. Unless the
9 presumption is rebutted, the provisions of subsection (3) of this
10 section apply.

11 (2)(a) If the child support order does not contain language
12 providing for abatement based on incarceration of the person required
13 to pay support, the department, the person required to pay support,
14 the payee under the order, or the person entitled to receive support
15 may commence an action in the appropriate forum to:

16 (i) Modify the support order to contain abatement language; and

17 (ii) Abate the person's child support obligation due to current
18 incarceration for at least six months.

19 (b) In a proceeding brought under this subsection, there is a
20 rebuttable presumption that an incarcerated person is unable to pay
21 the child support obligation. The department, the payee under the
22 order, or the person entitled to receive support, may rebut the
23 presumption by demonstrating that the person required to pay support
24 has possession of, or access to, income or assets available to
25 provide support while incarcerated.

26 (c) Unless the presumption is rebutted, the provisions of
27 subsection (3) of this section apply.

28 (3) If the court or administrative forum determines that
29 abatement of support is appropriate:

30 (a) The child support obligation under that order will be abated
31 to ten dollars per month, without regard to the number of children
32 covered by that order, while the person required to pay support is
33 confined in a jail, prison, or correctional facility for at least six
34 months or is serving a sentence greater than six months in a jail,
35 prison, or correctional facility. Either the department, the payee
36 under the order, or the person entitled to receive support may rebut
37 the presumption by demonstrating the person required to pay support
38 has possession of, or access to, income or assets available to
39 provide support while incarcerated.

1 (b) If the incarcerated person's support obligation under the
2 order is abated as provided in (a) of this subsection, the obligation
3 will remain abated to ten dollars per month through the last day of
4 the third month after the person is released from confinement.

5 (c) After abatement, the support obligation of the person
6 required to pay support under the order is automatically reinstated
7 at fifty percent of the support amount provided in the underlying
8 order, but may not be less than the presumptive minimum obligation of
9 fifty dollars per month per child, effective the first day of the
10 fourth month after the person's release from confinement.

11 (i) Upon a showing of good cause by a party that the
12 circumstances of the case allow it, the court or administrative forum
13 may add specific provisions to the order abating the child support
14 obligation regarding when and how the abatement may terminate.

15 (ii) During the period of abatement, the department, the person
16 required to pay support, the payee under the order, or the person
17 entitled to receive support may commence an action to modify the
18 child support order under RCW 26.09.170 or 74.20A.059, in which case
19 the provision regarding reinstatement of the support amount at fifty
20 percent does not apply.

21 (d) If the incarcerated person's support obligation under the
22 order has been abated as provided in (a) of this subsection and then
23 has been reinstated under (c) of this subsection:

24 (i) Either the department, the person required to pay support,
25 the payee under the order, or the person entitled to receive support
26 may file an action to modify or adjust the order in the appropriate
27 forum, if:

28 (A) The provisions of (c)(i) and (ii) of this subsection do not
29 apply; and

30 (B) The person required to pay support has been released from
31 incarceration.

32 (ii) An action to modify or adjust the order based on the release
33 from incarceration of the person required to pay support may be filed
34 even if there is no other change of circumstances.

35 (4) If the incarcerated person's support obligation under the
36 order has been abated as provided in subsection (3)(a) of this
37 section and then reinstated under subsection (3)(c) of this section,
38 and the department receives information from employer new hire
39 reports or other sources that the person required to pay support has
40 been employed after release from incarceration, the department must

1 conduct a review of the child support order to determine whether the
2 order should be modified or adjusted.

3 (5) The effective date of abatement of a child support obligation
4 based on incarceration to ten dollars per month per order is the date
5 on which the person required to pay support is confined in a jail,
6 prison, or correctional facility for at least six months or begins
7 serving a sentence greater than six months in a jail, prison, or
8 correctional facility, regardless of when the department is notified
9 of the incarceration. However:

10 (a) The person required to pay support is not entitled to a
11 refund of any support collections or payments that were received by
12 the department prior to the date on which the department is notified
13 of the incarceration; and

14 (b) The department, the payee under the order, or the person
15 entitled to receive support is not required to refund any support
16 collections or payments that were received by the department prior to
17 the date on which the department is notified of the incarceration.

18 (6) Abatement of a child support obligation based on
19 incarceration of the person required to pay support does not
20 constitute modification or adjustment of the order.

21 NEW SECTION. **Sec. 5.** A new section is added to chapter 26.09
22 RCW to read as follows:

23 Either the department, the person required to pay support, the
24 payee under the order, or the person entitled to receive support may
25 make a request for abatement of child support to ten dollars per
26 month under an order for child support when the person required to
27 pay support is currently confined in a jail, prison, or correctional
28 facility for at least six months, or is serving a sentence greater
29 than six months in a jail, prison, or correctional facility.

30 (1) A request for the abatement of child support owed under one
31 child support order does not automatically qualify as a request for
32 abatement of support owed under every order that may exist requiring
33 that person to pay support. However, the request applies to any
34 support order which is being enforced by the department at the time
35 of the request.

36 (2) If there are multiple orders requiring the incarcerated
37 person to pay child support, the issue of whether abatement of
38 support due to incarceration is appropriate must be considered for
39 each order.

1 (a) The payee or person entitled to receive support under each
2 support order is entitled to notice and an opportunity to be heard
3 regarding the potential abatement of support under that order.

4 (b) If the child or children covered by a support order are not
5 residing with the payee under the order, any other person entitled to
6 receive support for the child or children must be provided notice and
7 an opportunity to be heard regarding the potential abatement of
8 support under that order.

9 NEW SECTION. **Sec. 6.** A new section is added to chapter 26.09
10 RCW to read as follows:

11 (1) When a child support order contains language regarding
12 abatement to ten dollars per month per order based on incarceration
13 of the person required to pay support, and that person is currently
14 confined in a jail, prison, or correctional facility for at least six
15 months, or is serving a sentence greater than six months in a jail,
16 prison, or correctional facility, the department must:

17 (a) Review the support order for abatement once the department
18 receives notice from the person required to pay support or someone
19 acting on his or her behalf that the person may qualify for abatement
20 of support;

21 (b) Review its records and other available information to
22 determine if the person required to pay support has possession of, or
23 access to, income or assets available to provide support while
24 incarcerated; and

25 (c) Decide whether abatement of the person's support obligation
26 is appropriate.

27 (2) If the department decides that abatement of the person's
28 support obligation is appropriate, the department must notify the
29 person required to pay support, and the payee under the order or the
30 person entitled to receive support, that the incarcerated person's
31 support obligation has been abated and that the abatement will
32 continue until the first day of the fourth month after the person is
33 released from confinement. The notification must include the
34 following information:

35 (a) The payee under the order or the person entitled to receive
36 support may object to the abatement of support due to incarceration;

37 (i) An objection must be received within twenty days of the
38 notification of abatement;

1 (ii) Any objection will be forwarded to the office of
2 administrative hearings for an adjudicative proceeding under chapter
3 34.05 RCW;

4 (iii) The department, the person required to pay support, and the
5 payee under the order or the person entitled to receive support, all
6 have the right to participate in the administrative hearing as
7 parties; and

8 (iv) The burden of proof is on the party objecting to the
9 abatement of support to show that the person required to pay support
10 has possession of, or access to, income or assets available to
11 provide support while incarcerated;

12 (b) The effective date of the abatement of support;

13 (c) The estimated date of release;

14 (d) The estimated date that the abatement will end;

15 (e) That the person required to pay support, the payee under the
16 order, the person entitled to receive support, or the department may
17 file an action to modify the underlying support order once the person
18 required to pay support is released from incarceration, as provided
19 under section 4(3)(d) of this act; and

20 (f) That, if the abated obligation was established by a court
21 order, the department will file a copy of the notification in the
22 court file.

23 (3) If the department decides that abatement of the incarcerated
24 person's support obligation is not appropriate, the department must
25 notify the person required to pay support and the payee under the
26 order or the person entitled to receive support, that the department
27 does not believe that abatement of the support obligation should
28 occur. The notification must include the following information:

29 (a) The reasons why the department decided that abatement of the
30 support obligation is not appropriate;

31 (b) The person required to pay support and the payee under the
32 order or the person entitled to receive support may object to the
33 department's decision not to abate the support obligation;

34 (i) An objection must be received within twenty days of the
35 notification of abatement;

36 (ii) Any objection will be forwarded to the office of
37 administrative hearings for an adjudicative proceeding under chapter
38 34.05 RCW; and

1 (iii) The department, the incarcerated person, and the payee
2 under the order or the person entitled to receive support all have
3 the right to participate in the administrative hearing as parties;

4 (c) That, if the administrative law judge enters an order
5 providing that abatement is appropriate, the department will take
6 appropriate steps to document the abatement and will provide
7 notification to the parties as required in subsection (2) of this
8 section.

9 NEW SECTION. **Sec. 7.** A new section is added to chapter 26.09
10 RCW to read as follows:

11 (1) When a court or administrative order does not contain
12 language regarding abatement based on incarceration of the person
13 required to pay support and the department receives notice that the
14 person is currently confined in a jail, prison, or correctional
15 facility for at least six months or is serving a sentence greater
16 than six months in a jail, prison, or correctional facility, the
17 department must refer the case to the appropriate forum for a
18 determination of whether the order should be modified to:

19 (a) Contain abatement language as provided in section 4 of this
20 act; and

21 (b) Abate the person's child support obligation due to current
22 incarceration.

23 (2) In a proceeding brought under this section, there is a
24 rebuttable presumption that an incarcerated person is unable to pay
25 the child support obligation. The department, the payee under the
26 order, or the person entitled to receive support may rebut the
27 presumption by demonstrating that the incarcerated person has
28 possession of, or access to, income or assets available to provide
29 support while incarcerated.

30 (3) Unless the presumption is rebutted, the court or
31 administrative forum must enter an order providing that the child
32 support obligation under the order is abated to ten dollars per
33 month, without regard to the number of children covered by the order,
34 if the person required to pay support is confined in a jail, prison,
35 or correctional facility for at least six months, or is serving a
36 sentence greater than six months in a jail, prison, or correctional
37 facility.

38 (4) The order must:

1 (a) Include the appropriate language required by section 4 of
2 this act in order to provide for a rebuttable presumption of
3 abatement to ten dollars per month per order;

4 (b) Provide that the order must be reinstated at fifty percent of
5 the previously ordered support amount but not less than the
6 presumptive minimum obligation of fifty dollars per month per child,
7 effective on the first day of the fourth month after the person's
8 release from confinement; and

9 (c) Include language regarding an action to modify or adjust the
10 underlying order as provided under section 4(3) of this act.

11 NEW SECTION. **Sec. 8.** A new section is added to chapter 26.09
12 RCW to read as follows:

13 (1) At any time during the period of incarceration, the
14 department, the payee under the order, or the person entitled to
15 receive support may file a request to reverse or terminate the
16 abatement of support by demonstrating that the incarcerated person
17 has possession of, or access to, income or assets available to
18 provide support while incarcerated.

19 (a) A request for reversal or termination of the abatement may be
20 filed with the department or with the office of administrative
21 hearings.

22 (b) The request must include documents or other evidence showing
23 that the incarcerated person has possession of, or access to, income
24 or assets available to provide support while incarcerated.

25 (c) If the request for a hearing does not include documents or
26 evidence showing that the incarcerated person has possession of, or
27 access to, income or assets, the department may file a motion asking
28 that the request for a hearing be dismissed before a hearing is
29 scheduled or held.

30 (d) The party seeking to reverse or terminate the abatement may
31 seek to vacate the dismissal order by filing a motion which includes
32 the required proof.

33 (e) Depending on the type of evidence provided at the hearing,
34 the administrative law judge may order that the abatement of the
35 support obligation be:

36 (i) Reversed, meaning that the determination that support should
37 be abated is vacated and all amounts owed under the support order are
38 reinstated; or

1 (ii) Terminated, meaning that the abatement of support ends as of
2 the date specified in the order.

3 (2) At any time during the period of incarceration, the person
4 required to pay support may file a request to reverse or terminate
5 the abatement of support.

6 (a) The request for reversal or termination of the abatement may
7 be filed with the department or with the office of administrative
8 hearings.

9 (b) The person required to pay support is not required to provide
10 any documents or other evidence to support the request.

11 (3) Abatement of a support obligation does not constitute
12 modification or adjustment of the order.

13 **Sec. 9.** RCW 26.23.050 and 2019 c 46 s 5026 are each amended to
14 read as follows:

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

20 (a) A provision that orders and directs the (~~responsible~~
21 ~~parent~~) person required to pay support to make all support payments
22 to the Washington state support registry;

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

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

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

34 (c) A statement that the (~~receiving parent~~) payee under the
35 order or the person entitled to receive support might be required to
36 submit an accounting of how the support, including any cash medical
37 support, is being spent to benefit the child;

38 (d) A statement that (~~any parent~~) a party to the support order
39 who is required to provide health care coverage for the child or

1 children covered by the order must notify the division of child
2 support and the other (~~(parent)~~) party to the support order when the
3 coverage terminates; (~~and~~)

4 (e) A statement that (~~(the responsible parent's privileges)~~) any
5 privilege of the person required to pay support to obtain and
6 maintain a license, as defined in RCW 74.20A.320, may not be renewed,
7 or may be suspended if the (~~(parent)~~) person is not in compliance
8 with a support order as provided in RCW 74.20A.320; and

9 (f) A statement that the support obligation under the order may
10 be abated as provided in section 4 of this act if the person required
11 to pay support is confined in a jail, prison, or correctional
12 facility for at least six months, or is serving a sentence greater
13 than six months in a jail, prison, or correctional facility.

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

19 (2) In all other cases not under subsection (1) of this section,
20 the court may order the (~~(responsible parent)~~) person required to pay
21 support to make payments directly to the person entitled to receive
22 the payments, to the Washington state support registry, or may order
23 that payments be made in accordance with an alternate arrangement
24 agreed upon by the parties.

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

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

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

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

38 (ii) A statement that the (~~(receiving parent)~~) payee under the
39 order or the person entitled to receive support may be required to

1 submit an accounting of how the support is being spent to benefit the
2 child;

3 (iii) A statement that any (~~parent~~) party to the order required
4 to provide health care coverage for the child or children covered by
5 the order must notify the division of child support and the other
6 (~~parent~~) party to the order when the coverage terminates; and

7 (iv) A statement that a (~~parent~~) party to the order seeking to
8 enforce the other party's obligation to provide health care coverage
9 may:

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

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

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

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

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

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

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

1 (3) The office of administrative hearings and the department of
2 social and health services shall require that all support obligations
3 established as administrative orders include a provision which orders
4 and directs that the (~~responsible parent~~) person required to pay
5 support shall make all support payments to the Washington state
6 support registry. All administrative orders shall also state that
7 (~~the responsible parent's privileges~~) any privilege of the person
8 required to pay support to obtain and maintain a license, as defined
9 in RCW 74.20A.320, may not be renewed, or may be suspended if the
10 (~~parent~~) person is not in compliance with a support order as
11 provided in RCW 74.20A.320. All administrative orders shall also
12 state that withholding action may be taken against wages, earnings,
13 assets, or benefits, and liens enforced against real and personal
14 property under the child support statutes of this or any other state
15 without further notice to the (~~responsible parent~~) person required
16 to pay support at any time after entry of the order, unless:

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

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

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

32 (5) Every support order shall state:

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

34 (b) That withholding action may be taken against wages, earnings,
35 assets, or benefits, and liens enforced against real and personal
36 property under the child support statutes of this or any other state,
37 without further notice to the (~~responsible parent~~) person required
38 to pay support at any time after entry of a support order, unless:

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

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

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

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

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

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

8 (g) A provision requiring both the (~~responsible parent~~) person
9 required to pay support, and the (~~eustodial parent~~) payee under the
10 order or the person entitled to receive support who is a parent of
11 the child or children covered by the order, to keep the Washington
12 state support registry informed of whether he or she has access to
13 health care coverage at reasonable cost and, if so, the health care
14 coverage information;

15 (h) That either or both the (~~responsible parent~~) person
16 required to pay support, and the (~~eustodial parent~~) payee under the
17 order or the person entitled to receive support who is a parent of
18 the child or children covered by the order, shall be obligated to
19 provide medical support for (~~his or her~~) a child or children
20 covered by the order through health care coverage if:

21 (i) The (~~obligated parent~~) person obligated to provide medical
22 support provides accessible coverage for the child or children
23 through private or public health care coverage; or

24 (ii) Coverage that can be extended to cover the child or children
25 is or becomes available to the (~~parent~~) person obligated to provide
26 medical support through employment or is union-related; or

27 (iii) In the absence of such coverage, through an additional sum
28 certain amount, as that (~~parent's~~) obligated person's monthly
29 payment toward the premium as provided under RCW 26.09.105;

30 (i) That a (~~parent~~) person obligated to provide medical support
31 who is providing health care coverage must notify both the division
32 of child support and the other (~~parent~~) party to the order when
33 coverage terminates;

34 (j) That if proof of health care coverage or proof that the
35 coverage is unavailable is not provided within twenty days, the
36 (~~parent~~) person seeking enforcement or the department may seek
37 direct enforcement of the coverage through the employer or union of
38 the (~~parent~~) person required to provide medical support without
39 further notice to the (~~parent~~) person as provided under chapter
40 26.18 RCW;

1 (k) The reasons for not ordering health care coverage if the
2 order fails to require such coverage;

3 (l) That (~~the responsible parent's privileges~~) any privilege of
4 the person required to pay support to obtain and maintain a license,
5 as defined in RCW 74.20A.320, may not be renewed, or may be suspended
6 if the (~~parent~~) person is not in compliance with a support order as
7 provided in RCW 74.20A.320;

8 (m) That each (~~parent~~) party to the support order must:

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

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

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

30 (6) After the (~~responsible parent~~) person required to pay
31 support has been ordered or notified to make payments to the
32 Washington state support registry under this section, (~~the~~
33 ~~responsible parent~~) that person shall be fully responsible for
34 making all payments to the Washington state support registry and
35 shall be subject to payroll deduction or other income-withholding
36 action. The (~~responsible parent~~) person required to pay support
37 shall not be entitled to credit against a support obligation for any
38 payments made to a person or agency other than to the Washington
39 state support registry except as provided under RCW 74.20.101. A
40 civil action may be brought by the (~~payer~~) person required to pay

1 support to recover payments made to persons or agencies who have
2 received and retained support moneys paid contrary to the provisions
3 of this section.

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

31 (8) The department has rule-making authority to enact rules
32 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19)
33 as amended by section 7307 of the deficit reduction act of 2005.
34 Additionally, the department has rule-making authority to implement
35 regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and
36 308.

37 **Sec. 10.** RCW 74.20A.055 and 2019 c 46 s 5052 are each amended to
38 read as follows:

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

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

1 be in the same manner as for the (~~responsible parent~~) person
2 required to pay support.

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

8 (a) A statement of the name of the (~~eustodial parent~~) person
9 entitled to receive support and the name of the child or children for
10 whom support is sought;

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

13 (c) A statement that the (~~responsible parent~~) person required
14 to pay support or (~~eustodial parent~~) the person entitled to receive
15 support may object to all or any part of the notice and finding, and
16 file an application for an adjudicative proceeding to show cause why
17 the terms set forth in the notice should not be ordered;

18 (d) A statement that, if neither the (~~responsible parent~~)
19 person required to pay support nor the (~~eustodial parent~~) person
20 entitled to receive support files in a timely fashion an application
21 for an adjudicative proceeding, the support debt and payments stated
22 in the notice and finding, including periodic support payments in the
23 future, shall be assessed and determined and ordered by the
24 department and that this debt and amounts due under the notice shall
25 be subject to collection action;

26 (e) A statement that the property of the (~~debtor~~) person
27 required to pay support, without further advance notice or hearing,
28 will be subject to lien and foreclosure, distraint, seizure and sale,
29 order to withhold and deliver, notice of payroll deduction or other
30 collection action to satisfy the debt and enforce the support
31 obligation established under the notice;

32 (f) A statement that (~~one or both parents~~) the person required
33 to pay support, and the payee under the order or the person entitled
34 to receive support who is a parent of the child or children covered
35 by the order, are responsible for either:

36 (i) Providing health care coverage for the child if accessible
37 coverage that can cover the child:

38 (A) Is available through health insurance or public health care
39 coverage; or

1 (B) Is or becomes available to the (~~parent~~) obligated person
2 through that (~~parent's~~) person's employment or union; or

3 (ii) Paying a monthly payment toward the premium if no such
4 coverage is available, as provided under RCW 26.09.105; and

5 (g) A statement that the support obligation under the order may
6 be abated to ten dollars per month per order as provided in section 4
7 of this act if the person required to pay support is confined in a
8 jail, prison, or correctional facility for at least six months, or is
9 -serving a sentence greater than six months in a jail, prison, or
10 correctional facility.

11 (4) A (~~responsible parent~~) person required to pay support or
12 (~~eustodial parent~~) a person entitled to receive support who objects
13 to the notice and finding of financial responsibility may file an
14 application for an adjudicative proceeding within twenty days of the
15 date of service of the notice or thereafter as provided under this
16 subsection.

17 (a) If the (~~responsible parent~~) person required to pay support
18 or (~~eustodial parent~~) the person entitled to receive support files
19 the application within twenty days, the office of administrative
20 hearings shall schedule an adjudicative proceeding to hear the
21 (~~parent's~~) party's or (~~parents'~~) parties' objection and determine
22 the support obligation for the entire period covered by the notice
23 and finding of financial responsibility. The filing of the
24 application stays collection action pending the entry of a final
25 administrative order;

26 (b) If both the (~~responsible parent~~) person required to pay
27 support and the (~~eustodial parent~~) person entitled to receive
28 support fail to file an application within twenty days, the notice
29 and finding shall become a final administrative order. The amounts
30 for current and future support and the support debt stated in the
31 notice are final and subject to collection, except as provided under
32 (c) and (d) of this subsection;

33 (c) If the (~~responsible parent~~) person required to pay support
34 or (~~eustodial parent~~) the person entitled to receive support files
35 the application more than twenty days after, but within one year of
36 the date of service, the office of administrative hearings shall
37 schedule an adjudicative proceeding to hear the (~~parent's~~) party's
38 or (~~parents'~~) parties' objection and determine the support
39 obligation for the entire period covered by the notice and finding of
40 financial responsibility. The filing of the application does not stay

1 further collection action, pending the entry of a final
2 administrative order, and does not affect any prior collection
3 action;

4 (d) If the (~~responsible parent~~) person required to pay support
5 or (~~eustodial parent~~) the person entitled to receive support files
6 the application more than one year after the date of service, the
7 office of administrative hearings shall schedule an adjudicative
8 proceeding at which the (~~parent~~) party who requested the late
9 hearing must show good cause for failure to file a timely
10 application. The filing of the application does not stay future
11 collection action and does not affect prior collection action:

12 (i) If the presiding officer finds that good cause exists, the
13 presiding officer shall proceed to hear the (~~parent's~~) party's
14 objection to the notice and determine the support obligation;

15 (ii) If the presiding officer finds that good cause does not
16 exist, the presiding officer shall treat the application as a
17 petition for prospective modification of the amount for current and
18 future support established under the notice and finding. In the
19 modification proceeding, the presiding officer shall set current and
20 future support under chapter 26.19 RCW. The petitioning (~~parent~~)
21 party need show neither good cause nor a substantial change of
22 circumstances to justify modification of current and future support;

23 (e) If the (~~responsible parent's~~) support obligation was based
24 upon imputed median net income, the grant standard, or the family
25 need standard, the division of child support may file an application
26 for adjudicative proceeding more than twenty days after the date of
27 service of the notice. The office of administrative hearings shall
28 schedule an adjudicative proceeding and provide notice of the hearing
29 to the (~~responsible parent~~) person required to pay support and the
30 (~~eustodial parent~~) person entitled to receive support. The
31 presiding officer shall determine the support obligation for the
32 entire period covered by the notice, based upon credible evidence
33 presented by the division of child support, the (~~responsible~~
34 ~~parent~~) person required to pay support, or the (~~eustodial parent~~)
35 person entitled to receive support, or may determine that the support
36 obligation set forth in the notice is correct. The division of child
37 support demonstrates good cause by showing that the (~~responsible~~
38 ~~parent's~~) support obligation was based upon imputed median net
39 income, the grant standard, or the family need standard. The filing
40 of the application by the division of child support does not stay

1 further collection action, pending the entry of a final
2 administrative order, and does not affect any prior collection
3 action.

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

9 (5) If an application for an adjudicative proceeding is filed,
10 the presiding or reviewing officer shall determine the past liability
11 and responsibility, if any, of the ((~~alleged responsible parent~~))
12 person required to pay support and shall also determine the amount of
13 periodic payments to be made in the future, which amount is not
14 limited by the amount of any public assistance payment made to or for
15 the benefit of the child. If deviating from the child support
16 schedule in making these determinations, the presiding or reviewing
17 officer shall apply the standards contained in the child support
18 schedule and enter written findings of fact supporting the deviation.

19 (6) If either the ((~~responsible parent~~)) person required to pay
20 support or the ((~~eustodial parent~~)) person entitled to receive
21 support fails to attend or participate in the hearing or other stage
22 of an adjudicative proceeding, upon a showing of valid service, the
23 presiding officer shall enter an order of default against each party
24 who did not appear and may enter an administrative order declaring
25 the support debt and payment provisions stated in the notice and
26 finding of financial responsibility to be assessed and determined and
27 subject to collection action. The parties who appear may enter an
28 agreed settlement or consent order, which may be different than the
29 terms of the department's notice. Any party who appears may choose to
30 proceed to the hearing, after the conclusion of which the presiding
31 officer or reviewing officer may enter an order that is different
32 than the terms stated in the notice, if the obligation is supported
33 by credible evidence presented by any party at the hearing.

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

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

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

7 **Sec. 11.** RCW 74.20A.056 and 2019 c 148 s 38 and 2019 c 46 s 5053
8 are each reenacted and amended to read as follows:

9 (1)(a) If an acknowledged parent has signed an acknowledgment of
10 parentage that has been filed with the state registrar of vital
11 statistics:

12 (i) The division of child support may serve a notice and finding
13 of financial responsibility under RCW 74.20A.055 based on the
14 acknowledgment. The division of child support shall attach a copy of
15 the acknowledgment or certification of the birth record information
16 advising of the existence of a filed acknowledgment of parentage to
17 the notice;

18 (ii) The notice shall include a statement that the acknowledged
19 parent or any other signatory may commence a proceeding in court to
20 rescind or challenge the acknowledgment or denial of parentage under
21 RCW 26.26A.235 and 26.26A.240;

22 (iii) A statement that (~~either or both parents~~) the person
23 required to pay support, and the payee under the order or the person
24 entitled to receive support who is a parent of the child or children
25 covered by the order, are responsible for providing health care
26 coverage for the child if accessible coverage that can be extended to
27 cover the child is or becomes available to the (~~parent~~) obligated
28 person through employment or is union-related as provided under RCW
29 26.09.105; (~~and~~)

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

37 (v) A statement that the support obligation under the order may
38 be abated to ten dollars per month per order as provided in section 4
39 of this act if the person required to pay support is confined in a

1 jail, prison, or correctional facility for at least six months, or is
2 serving a sentence greater than six months in a jail, prison, or
3 correctional facility.

4 (b) If neither (~~the acknowledged parent nor the other~~) party to
5 the notice files an application for an adjudicative proceeding or the
6 signatories to the acknowledgment or denial do not commence a
7 proceeding to rescind or challenge the acknowledgment of parentage,
8 the amount of support stated in the notice and finding of financial
9 responsibility becomes final, subject only to a subsequent
10 determination under RCW 26.26A.400 through 26.26A.515 that the
11 parent-child relationship does not exist. The division of child
12 support does not refund nor return any amounts collected under a
13 notice that becomes final under this section or RCW 74.20A.055, even
14 if a court later determines that the acknowledgment is void.

15 (c) An acknowledged parent or other party to the notice who
16 objects to the amount of support requested in the notice may file an
17 application for an adjudicative proceeding up to twenty days after
18 the date the notice was served. An application for an adjudicative
19 proceeding may be filed within one year of service of the notice and
20 finding of parental responsibility without the necessity for a
21 showing of good cause or upon a showing of good cause thereafter. An
22 adjudicative proceeding under this section shall be pursuant to RCW
23 74.20A.055. The only issues shall be the amount of the accrued debt
24 and the amount of the current and future support obligation.

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

28 (ii) If the application for an adjudicative proceeding is not
29 filed within twenty days of the service of the notice, any amounts
30 collected under the notice shall be neither refunded nor returned if
31 the (~~alleged genetic parent~~) person required to pay support under
32 the notice is later found not to be (~~a responsible parent~~) required
33 to pay support.

34 (d) If neither the acknowledged parent nor the (~~eustodial~~
35 ~~parent~~) person entitled to receive support requests an adjudicative
36 proceeding, or if no timely action is brought to rescind or challenge
37 the acknowledgment or denial after service of the notice, the notice
38 of financial responsibility becomes final for all intents and
39 purposes and may be overturned only by a subsequent superior court
40 order entered under RCW 26.26A.400 through 26.26A.515.

1 (2) Acknowledgments of parentage are subject to requirements of
2 chapters 26.26A, 26.26B, and 70.58A RCW.

3 (3) The department and the department of health may adopt rules
4 to implement the requirements under this section.

5 (4) The department has rule-making authority to enact rules
6 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19)
7 as amended by section 7307 of the deficit reduction act of 2005.
8 Additionally, the department has rule-making authority to implement
9 regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and
10 308.

11 **Sec. 12.** RCW 74.20A.059 and 2019 c 275 s 3 are each amended to
12 read as follows:

13 (1) The department, the (~~(physical custodian)~~) payee under the
14 order or the person entitled to receive support, or the (~~(responsible~~
15 ~~parent)~~) person required to pay support may petition for a
16 prospective modification of a final administrative order if:

17 (a) The administrative order has not been superseded by a
18 superior court order; and

19 (b) There has been a substantial change of circumstances, except
20 as provided under RCW 74.20A.055(4)(d) or subsection (2) of this
21 section.

22 (2) The department, the person entitled to receive support, the
23 payee under the order, or the person required to pay support may
24 petition for a prospective modification of a final administrative
25 order if the person required to pay support is currently confined in
26 a jail, prison, or correctional facility for at least six months or
27 is serving a sentence greater than six months in a jail, prison, or
28 correctional facility, and the support order does not contain
29 language regarding abatement due to incarceration.

30 (a) The petition may be filed at any time after the
31 administrative support order became a final order, as long as the
32 person required to pay support is currently incarcerated.

33 (b) As part of the petition for modification, the petitioner may
34 also request that the support obligation be abated to ten dollars per
35 month per order due to incarceration, as provided in section 4 of
36 this act.

37 (3) An order of child support may be modified at any time without
38 a showing of substantially changed circumstances if incarceration of
39 the (~~(parent who is obligated)~~) person required to pay support is the

1 basis for the inconsistency between the existing child support order
2 amount and the amount of support determined as a result of a review.

3 ~~((+3))~~ (4) An order of child support may be modified one year or
4 more after it has been entered without showing a substantial change
5 of circumstances:

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

8 (b) If a child is a full-time student and reasonably expected to
9 complete secondary school or the equivalent level of vocational or
10 technical training before the child becomes nineteen years of age
11 upon a finding that there is a need to extend support beyond the
12 eighteenth birthday.

13 ~~((+4))~~ (5) An order may be modified without showing a
14 substantial change of circumstances if the requested modification is
15 to:

16 (a) Require medical support under RCW 26.09.105 for a child
17 covered by the order; ~~((+))~~

18 (b) Modify an existing order for health care coverage; or

19 (c) Modify an existing order when the person required to pay
20 support has been released from incarceration, as provided in section
21 4(3)(d) of this act.

22 ~~((+5))~~ (6) Support orders may be adjusted once every twenty-four
23 months based upon changes in the income of the ~~((parents))~~ parties to
24 the order without a showing of substantially changed circumstances.
25 This provision does not mean that the income of a person entitled to
26 receive support who is not a parent of the child or children covered
27 by the order must be disclosed or be included in the calculations
28 under chapter 26.19 RCW when determining the support obligation.

29 ~~((+6))~~ (7)(a) All administrative orders entered on, before, or
30 after September 1, 1991, may be modified based upon changes in the
31 child support schedule established in chapter 26.19 RCW without a
32 substantial change of circumstances. The petition may be filed based
33 on changes in the child support schedule after twelve months has
34 expired from the entry of the administrative order or the most recent
35 modification order setting child support, whichever is later.
36 However, if a party is granted relief under this provision, twenty-
37 four months must pass before another petition for modification may be
38 filed pursuant to subsection ~~((+5))~~ (6) of this section.

39 (b) If, pursuant to subsection ~~((+5))~~ (6) of this section or (a)
40 of this subsection, the order modifies a child support obligation by

1 more than thirty percent and the change would cause significant
2 hardship, the change may be implemented in two equal increments, one
3 at the time of the entry of the order and the second six months from
4 the entry of the order. Twenty-four months must pass following the
5 second change before a petition for modification under subsection
6 ~~((5))~~ (6) of this section may be filed.

7 ~~((7))~~ (8) An increase in the wage or salary of the ~~((parent or~~
8 ~~custodian who is receiving))~~ person entitled to receive the support
9 transfer payments is not a substantial change in circumstances for
10 purposes of modification under subsection (1)(b) of this section.
11 ~~((An obligor's))~~ The voluntary unemployment or voluntary
12 underemployment of the person required to pay support, by itself, is
13 not a substantial change of circumstances. The income of the person
14 entitled to receive support is only disclosed or considered if that
15 person is a parent of the child or children covered by the order.

16 ~~((8))~~ (9) The department shall file the petition and a
17 supporting affidavit with the ~~((secretary or the secretary's~~
18 ~~designee))~~ office of administrative hearings when the department
19 petitions for modification.

20 ~~((9))~~ (10) The ~~((responsible parent))~~ person required to pay
21 support or the ~~((physical custodian))~~ payee under the order or the
22 person entitled to receive support shall follow the procedures in
23 this chapter for filing an application for an adjudicative proceeding
24 to petition for modification.

25 ~~((10))~~ (11) Upon the filing of a proper petition or
26 application, the ~~((secretary or the secretary's designee))~~ office of
27 administrative hearings shall issue an order directing each party to
28 appear and show cause why the order should not be modified.

29 ~~((11))~~ (12) If the presiding or reviewing officer finds a
30 modification is appropriate, the officer shall modify the order and
31 set current and future support under chapter 26.19 RCW.

32 **Sec. 13.** RCW 26.09.170 and 2019 c 275 s 2 are each amended to
33 read as follows:

34 (1) Except as otherwise provided in RCW 26.09.070(7), the
35 provisions of any decree respecting maintenance or support may be
36 modified: (a) Only as to installments accruing subsequent to the
37 petition for modification or motion for adjustment except motions to
38 compel court-ordered adjustments, which shall be effective as of the
39 first date specified in the decree for implementing the adjustment;

1 and, (b) except as otherwise provided in this section, only upon a
2 showing of a substantial change of circumstances. The provisions as
3 to property disposition may not be revoked or modified, unless the
4 court finds the existence of conditions that justify the reopening of
5 a judgment under the laws of this state.

6 (2) Unless otherwise agreed in writing or expressly provided in
7 the decree the obligation to pay future maintenance is terminated
8 upon the death of either party or the remarriage of the party
9 receiving maintenance or registration of a new domestic partnership
10 of the party receiving maintenance.

11 (3) Unless otherwise agreed in writing or expressly provided in
12 the decree, provisions for the support of a child are terminated by
13 emancipation of the child or by the death of the (~~parent obligated~~
14 ~~to~~) person required to pay support for the child.

15 (4) Unless expressly provided by an order of the superior court
16 or a court of comparable jurisdiction, provisions for the support of
17 a child are terminated upon the marriage or registration of a
18 domestic partnership to each other of parties to a paternity or
19 parentage order, or upon the remarriage or registration of a domestic
20 partnership to each other of parties to a decree of dissolution. The
21 remaining provisions of the order, including provisions establishing
22 (~~paternity~~) parentage, remain in effect.

23 (5) (a) A party to an order of child support may petition for a
24 modification based upon a showing of substantially changed
25 circumstances at any time.

26 (b) (~~An obligor's~~) The voluntary unemployment or voluntary
27 underemployment of the person required to pay support, by itself, is
28 not a substantial change of circumstances.

29 (6) An order of child support may be modified at any time to add
30 language regarding abatement to ten dollars per month per order due
31 to the incarceration of the person required to pay support, as
32 provided in section 4 of this act.

33 (a) The department of social and health services, the person
34 entitled to receive support or the payee under the order, or the
35 person required to pay support may petition for a prospective
36 modification of a child support order if the person required to pay
37 support is currently confined in a jail, prison, or correctional
38 facility for at least six months or is serving a sentence greater
39 than six months in a jail, prison, or correctional facility, and the

1 support order does not contain language regarding abatement due to
2 incarceration.

3 (b) The petition may only be filed if the person required to pay
4 support is currently incarcerated.

5 (c) As part of the petition for modification, the petitioner may
6 also request that the support obligation be abated to ten dollars per
7 month per order due to incarceration, as provided in section 4 of
8 this act.

9 (7) An order of child support may be modified without showing a
10 substantial change of circumstances if the requested modification is
11 to modify an existing order when the person required to pay support
12 has been released from incarceration, as provided in section 4(3)(d)
13 of this act.

14 (8) An order of child support may be modified one year or more
15 after it has been entered without a showing of substantially changed
16 circumstances:

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

19 (b) If a child is still in high school, upon a finding that there
20 is a need to extend support beyond the eighteenth birthday to
21 complete high school; or

22 (c) To add an automatic adjustment of support provision
23 consistent with RCW 26.09.100.

24 ~~((7))~~ (9) (a) If twenty-four months have passed from the date of
25 the entry of the order or the last adjustment or modification,
26 whichever is later, the order may be adjusted without a showing of
27 substantially changed circumstances based upon:

28 (i) Changes in the income of the ~~((parents))~~ person required to
29 pay support, or of the payee under the order or the person entitled
30 to receive support who is a parent of the child or children covered
31 by the order; or

32 (ii) Changes in the economic table or standards in chapter 26.19
33 RCW.

34 (b) Either party may initiate the adjustment by filing a motion
35 and child support worksheets.

36 (c) If the court adjusts or modifies a child support obligation
37 pursuant to this subsection by more than thirty percent and the
38 change would cause significant hardship, the court may implement the
39 change in two equal increments, one at the time of the entry of the
40 order and the second six months from the entry of the order. Twenty-

1 four months must pass following the second change before a motion for
2 another adjustment under this subsection may be filed.

3 ~~((+8))~~ (10)(a) The department of social and health services may
4 file an action to modify or adjust an order of child support if
5 public assistance money is being paid to or for the benefit of the
6 child and the department has determined that the child support order
7 is at least fifteen percent above or below the appropriate child
8 support amount set forth in the standard calculation as defined in
9 RCW 26.19.011.

10 (b) The department of social and health services may file an
11 action to modify or adjust an order of child support in a
12 nonassistance case if:

13 (i) The department has determined that the child support order is
14 at least fifteen percent above or below the appropriate child support
15 amount set forth in the standard calculation as defined in RCW
16 26.19.011;

17 (ii) The department has determined the case meets the
18 department's review criteria; and

19 (iii) A party to the order or another state or jurisdiction has
20 requested a review.

21 (c) If incarceration of the (~~parent who is obligated~~) person
22 required to pay support is the basis for the difference between the
23 existing child support order amount and the proposed amount of
24 support determined as a result of a review, the department may file
25 an action to modify or adjust an order of child support even if:

26 (i) There is no other change of circumstances; and

27 (ii) The change in support does not meet the fifteen percent
28 threshold.

29 (d) The determination of whether the child support order is at
30 least fifteen percent above or below the appropriate child support
31 amount must be based on the current income of the parties.

32 ~~((+9))~~ (11) The department of social and health services may
33 file an action to modify or adjust an order of child support under
34 subsections (5) through (~~((+7))~~) (9) of this section if:

35 (a) Public assistance money is being paid to or for the benefit
36 of the child;

37 (b) A party to the order in a nonassistance case has requested a
38 review; or

39 (c) Another state or jurisdiction has requested a modification of
40 the order.

1 (~~(10)~~) (12) If testimony other than affidavit is required in
2 any proceeding under this section, a court of this state shall permit
3 a party or witness to be deposed or to testify under penalty of
4 perjury by telephone, audiovisual means, or other electronic means,
5 unless good cause is shown.

6 NEW SECTION. **Sec. 14.** A new section is added to chapter 26.09
7 RCW to read as follows:

8 The department is granted rule-making authority to adopt rules
9 necessary for the implementation of this act.

10 **Sec. 15.** RCW 26.23.110 and 2009 c 476 s 5 are each amended to
11 read as follows:

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

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

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

21 (c) Provides that the person required by the order to make the
22 transfer payment must pay a portion of child care or day care
23 expenses for a child or children covered by the order; or

24 (d) Provides that (~~the responsible parent is responsible for~~
25 paying) either the person required to pay support or the person
26 entitled to receive support, or both, are obligated to pay for a
27 portion of uninsured medical costs, copayments, and/or deductibles
28 incurred on behalf of the child or children covered by the order, but
29 does not reduce the costs to a fixed dollar amount.

30 (2) The department may serve a notice of support owed for day
31 care or child care on the person required by the order to make the
32 transfer payment when:

33 (a) The underlying support order requires that person to pay his
34 or her proportionate share of day care or child care costs directly
35 to the person entitled to receive support; or

36 (b) The person entitled to receive support is seeking
37 reimbursement because he or she has paid the share of day care or

1 child care costs owed by the person required by the order to make the
2 transfer payment.

3 (3) The department may serve a notice of support owed for medical
4 support on ((a parent who has been designated to pay per a)) any
5 person obligated by a child support order to provide medical support
6 for the child or children covered by the order. There are two
7 different types of medical support obligations:

8 (a) Health care coverage: The department may serve a notice of
9 support owed to determine an obligated person's monthly payment
10 toward the premium as defined in RCW 26.09.105, if the support order
11 does not set a fixed dollar amount for the monthly payment toward the
12 premium.

13 (b) Uninsured medical expenses: The department may serve a notice
14 of support owed on any person who is obligated to pay a portion of
15 uninsured medical costs, copayments, or deductibles incurred on
16 behalf of the child or children covered by the order, ((but only))
17 when the support order does not reduce the costs to a fixed dollar
18 amount.

19 ((3) The department may serve a notice of support owed to
20 determine a parent's monthly payment toward the premium as defined in
21 RCW 26.09.105, if the support order does not set a fixed dollar
22 amount for the monthly payment toward the premium.)) (i) The notice
23 of support owed may be served for purposes of reimbursing a person
24 who has paid the share of uninsured medical expenses owed by any
25 person obligated to contribute to those costs;

26 (ii) The notice of support owed may be served to establish a
27 monthly amount to be paid by a person obligated to contribute to
28 uninsured medical expenses when the underlying support order requires
29 that person to pay his or her proportionate share of uninsured
30 medical expenses directly to another party to the order; or

31 (iii) The notice of support owed may be served for both purposes
32 listed in this subsection.

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

39 (5) Service of the notice of support owed ((shall)) must be as
40 follows:

1 (a) An initial notice of support owed must be served on ((a
2 responsible parent)) the person required by the order to pay support
3 or contribute to costs by personal service or any form of mailing
4 requiring a return receipt. ((The notice shall be served on the
5 applicant or recipient of services by first-class mail to the last
6 known address.)) The initial notice may be served on the person who
7 is entitled to receive the support covered by the notice, as well as
8 the payee under the order if appropriate, by regular mail.

9 (b) A notice of support owed created for purposes of reviewing an
10 ongoing support obligation established by a prior notice of support
11 owed may be served on the person required by the order to pay support
12 or contribute to costs by regular mail to that person's last known
13 address.

14 (c) An initial notice of support owed, as well as any notice
15 created for purposes of reviewing an ongoing support obligation
16 established by a prior notice of support owed may be served on the
17 person entitled to receive the support by regular mail to that
18 person's last known address.

19 (6) The notice of support owed (~~shall~~) must contain:

20 (a) An initial finding of the fixed dollar amount of current and
21 future support obligation that should be paid or the fixed dollar
22 amount of the support debt owed under the support order, or both; and

23 (b) A statement that any subsequent notice of support owed
24 created for purposes of reviewing the amounts established by the
25 current notice may be served on any party to the order by regular
26 mail to that person's last known address.

27 ((+6)) (7) A ((parent)) person who objects to the fixed dollar
28 amounts stated in the notice of support owed has twenty days from the
29 date of the service of the notice of support owed to file an
30 application for an adjudicative proceeding or initiate an action in
31 superior court.

32 ((+7)) (8) The notice of support owed (~~shall~~) must state that
33 the ((parent)) person may:

34 (a) File an application for an adjudicative proceeding governed
35 by chapter 34.05 RCW, the administrative procedure act, in which the
36 ((parent)) person will be required to appear and show cause why the
37 fixed dollar amount of support debt or current and future support
38 obligation, or both, stated in the notice of support owed is
39 incorrect and should not be ordered; or

40 (b) Initiate an action in superior court.

1 ~~((8))~~ (9) If ~~((either parent does not file))~~ no person included
2 in the notice files an application for an adjudicative proceeding or
3 ~~((initiate))~~ initiates an action in superior court, the fixed dollar
4 amount of current and future support obligation or support debt, or
5 both, stated in the notice of support owed ~~((shall become))~~ becomes
6 final and subject to collection action.

7 ~~((9))~~ (10) If an adjudicative proceeding is requested, the
8 ~~((department shall mail a copy of the notice of adjudicative~~
9 ~~proceeding to the parties))~~ office of administrative hearings must
10 schedule a hearing. All persons included in the notice are entitled
11 to participate in the hearing with full party rights.

12 ~~((10))~~ (11) If ~~((either parent does not initiate))~~ no person
13 included in the notice initiates an action in superior court, and
14 ~~((serve))~~ serves notice of the action on the department and the other
15 party to the support order within the twenty-day period, ~~((the parent~~
16 ~~shall))~~ all persons included in the notice must be deemed to have
17 made an election of remedies and ~~((shall be required to))~~ must
18 exhaust administrative remedies under this chapter with judicial
19 review available as provided for in RCW 34.05.510 through 34.05.598.

20 ~~((11))~~ (12) An ~~((adjudicative))~~ administrative order entered in
21 accordance with this section ~~((shall))~~ must state:

22 (a) The basis, rationale, or formula upon which the fixed dollar
23 amounts established in the ((adjudicative)) order were based((-));

24 (b) The fixed dollar amount of current and future support
25 obligation or the amount of the support debt, or both, determined
26 under this section ((shall be)) is subject to collection under this
27 chapter and other applicable state statutes; and

28 (c) That any subsequent notice of support owed created for
29 purposes of reviewing the amounts established by the current notice
30 may be served on any party to the order by regular mail to that
31 person's last known address.

32 ~~((12))~~ (13) The department ~~((shall))~~ must also provide for:

33 (a) An annual review of the support order if ~~((either))~~ the
34 ~~((office of support enforcement))~~ department, the person required to
35 pay support, the payee under the order, or the ((parent)) person
36 entitled to receive support requests such a review; and

37 (b) A late ~~((adjudicative proceeding))~~ hearing if ~~((the parent))~~
38 a person included in the notice fails to file an application for an
39 adjudicative proceeding in a timely manner under this section.

1 ~~((13))~~ (14) If an annual review ~~((or late adjudicative~~
2 ~~proceeding))~~ is requested under subsection ~~((12))~~ (13) of this
3 section, the department ~~((shall mail))~~ may serve the notice of annual
4 review of the administrative order based on the prior notice of
5 support owed by mailing a copy of the notice ~~((of adjudicative~~
6 ~~proceeding))~~ by regular mail to the ~~((parties))~~ last known address
7 of all parties to the order.

8 ~~((14))~~ (15) If one of the parties requests a late hearing under
9 subsection (13) of this section, the office of administrative
10 hearings must schedule an adjudicative proceeding.

11 (16) An annual review under subsection (13) of this section is
12 used to determine whether the expense remained the same, increased or
13 decreased, and whether there is a discrepancy between the actual
14 expense and the amount determined under the prior notice of support
15 owed.

16 (a) If a change in the actual expense which was the basis for the
17 most recent notice of support owed occurs before twelve months pass,
18 any party to the order may request that the department accelerate the
19 annual review described in subsection (13) of this section.

20 (b) The department may review any evidence presented by the
21 person claiming that the expense has occurred and determine whether
22 the change is likely to create a significant overpayment or
23 underpayment if the department does not serve a new notice of support
24 owed.

25 (c) Under appropriate circumstances, the department may
26 accelerate the time for the review and serve a notice of support owed
27 even if twelve months have not passed.

28 (17) The department has rule-making authority to:

29 (a) Enact rules consistent with 42 U.S.C. Sec. 652(f) and 42
30 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit
31 reduction act of 2005 ~~((. Additionally, the department has rule-making~~
32 ~~authority to))~~;

33 (b) Implement regulations required under 45 C.F.R. Parts 302,
34 303, 304, 305, and 308; and

35 (c) Implement the provisions of this section.

36 NEW SECTION. Sec. 16. Sections 3 through 13 of this act take
37 effect February 1, 2021.

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