
SUBSTITUTE SENATE BILL 5244

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens and Brandland; by request of Department of Social and Health Services)

READ FIRST TIME 02/23/07.

1 AN ACT Relating to implementation of the deficit reduction act;
2 amending RCW 26.18.170, 26.23.035, 26.23.050, 26.23.110, 74.20.040,
3 74.20.330, 74.20A.030, and 74.20A.055; and reenacting and amending RCW
4 74.20A.056.

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

6 **Sec. 1.** RCW 26.18.170 and 2000 c 86 s 2 are each amended to read
7 as follows:

8 (1) Whenever ~~((an obligor))~~ a parent who has been ordered to
9 provide health insurance coverage for a dependent child fails to
10 provide such coverage or lets it lapse, the department or ~~((the~~
11 ~~obligee))~~ a parent may seek enforcement of the coverage order as
12 provided under this section.

13 (2)(a) If the ~~((obligor))~~ parent's order to provide health
14 insurance coverage contains language notifying the ~~((obligor))~~ parent
15 that failure to provide such coverage or proof that such coverage is
16 unavailable may result in direct enforcement of the order and orders
17 payments through, or has been submitted to, the Washington state
18 support registry for enforcement, then the department may, without
19 further notice to the ~~((obligor))~~ parent, send a ~~((notice—of~~

1 ~~enrollment))~~ national medical support notice pursuant to 42 U.S.C. Sec.
2 666(a)(19), and sections 401 (e) and (f) of the federal child support
3 and performance incentive act of 1998 to the ~~((obligor's))~~ parent's
4 employer or union. The notice shall be served:

5 (i) By regular mail;

6 (ii) In the manner prescribed for the service of a summons in a
7 civil action;

8 (iii) By certified mail, return receipt requested; or

9 (iv) By electronic means if there is an agreement between the
10 secretary of the department and the person, firm, corporation,
11 association, political subdivision, department of the state, or agency,
12 subdivision, or instrumentality of the United States to accept service
13 by electronic means.

14 (b) The notice shall require the employer or union to enroll the
15 child in the health insurance plan as provided in subsection (3) of
16 this section.

17 (c) The returned ~~((answer))~~ part A of the national medical support
18 notice to the division of child support by the employer constitutes
19 proof of service of the notice ~~((of enrollment))~~ in the case where the
20 notice was served by regular mail.

21 ~~((The division of child support may use uniform interstate~~
22 ~~forms adopted by the United States department of health and human~~
23 ~~services to take insurance enrollment actions under this section.~~

24 ~~(e))~~ If the ~~((obligor))~~ parent's order to provide health insurance
25 coverage does not order payments through, and has not been submitted
26 to, the Washington state support registry for enforcement:

27 (i) The ~~((obligee))~~ parent seeking enforcement may, without further
28 notice to the ~~((obligor))~~ other parent, send a certified copy of the
29 order requiring health insurance coverage to the obligor's employer or
30 union by certified mail, return receipt requested; and

31 (ii) The ~~((obligee))~~ parent seeking enforcement shall attach a
32 notarized statement to the order declaring that the order is the latest
33 order addressing coverage entered by the court and require the employer
34 or union to enroll the child in the health insurance plan as provided
35 in subsection (3) of this section.

36 (3) Upon receipt of an order that provides for health insurance
37 coverage~~((, or a notice of enrollment))~~:

1 (a) The (~~obligor's~~) parent's employer or union shall answer the
2 party who sent the order (~~or notice~~) within twenty days and confirm
3 that the child:

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

5 (ii) Will be enrolled; or

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

8 (b) The employer or union shall withhold any required premium from
9 the (~~obligor's~~) parent's income or wages;

10 (c) If more than one plan is offered by the employer or union, and
11 each plan may be extended to cover the child, then the child shall be
12 enrolled in the (~~obligor's~~) parent's plan. If the (~~obligor's~~)
13 parent's plan does not provide coverage which is accessible to the
14 child, the child shall be enrolled in the least expensive plan
15 otherwise available to the (~~obligor~~) parent;

16 (d) The employer or union shall provide information about the name
17 of the health insurance coverage provider or issuer and the extent of
18 coverage available to the (~~obligee or the department~~) parent and
19 shall make available any necessary claim forms or enrollment membership
20 cards.

21 (4) Upon receipt of a national medical support notice from a child
22 support agency operating under Title IV-D of the federal social
23 security act:

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

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

30 (c) The plan administrator shall be responsible for complying with
31 the provisions of the notice.

32 (5) If the order for coverage contains no language notifying (~~the~~
33 ~~obligor~~) either or both parents that failure to provide health
34 insurance coverage or proof that such coverage is unavailable may
35 result in direct enforcement of the order, the department or the
36 (~~obligee~~) parent seeking enforcement may serve a written notice of
37 intent to enforce the order on the (~~obligor~~) other parent by
38 certified mail, return receipt requested, or by personal service. If

1 the (~~obligor~~) parent required to provide medical support fails to
2 provide written proof that such coverage has been obtained or applied
3 for or fails to provide proof that such coverage is unavailable within
4 twenty days of service of the notice, the department or the (~~obligee~~)
5 parent seeking enforcement may proceed to enforce the order directly as
6 provided in subsection (2) of this section.

7 (~~(+5)~~) (6) If the (~~obligor~~) parent ordered to provide health
8 insurance coverage elects to provide coverage that will not be
9 accessible to the child because of geographic or other limitations when
10 accessible coverage is otherwise available, the department or the
11 (~~obligee~~) parent seeking enforcement may serve a written notice of
12 intent to purchase health insurance coverage on the (~~obligor~~) parent
13 required to provide medical support by certified mail, return receipt
14 requested. The notice shall also specify the type and cost of
15 coverage.

16 (~~(+6)~~) (7) If the department serves a notice under subsection
17 (~~(+5)~~) (6) of this section the (~~obligor~~) parent required to provide
18 medical support shall, within twenty days of the date of service:

- 19 (a) File an application for an adjudicative proceeding; or
- 20 (b) Provide written proof to the department that the (~~obligor~~)
21 parent has either applied for, or obtained, coverage accessible to the
22 child.

23 (~~(+7)~~) (8) If the (~~obligee~~) parent seeking enforcement serves a
24 notice under subsection (~~(+5)~~) (6) of this section, within twenty days
25 of the date of service the (~~obligor~~) parent required to provide
26 medical support shall provide written proof to the (~~obligee~~) parent
27 seeking enforcement that the (~~obligor~~) parent required to provide
28 medical support has either applied for, or obtained, coverage
29 accessible to the child.

30 (~~(+8)~~) (9) If the (~~obligor~~) parent required to provide medical
31 support fails to respond to a notice served under subsection (~~(+5)~~)
32 (6) of this section to the party who served the notice, the party who
33 served the notice may purchase the health insurance coverage specified
34 in the notice directly. The amount of the monthly premium shall be
35 added to the support debt and be collectible without further notice.
36 The amount of the monthly premium may be collected or accrued until the
37 (~~obligor~~) parent required to provide medical support provides proof
38 of the required coverage.

1 ~~((9))~~ (10) The signature of the ~~((obligee))~~ parent seeking
2 enforcement or of a department employee shall be a valid authorization
3 to the coverage provider or issuer for purposes of processing a payment
4 to the child's health services provider. An order for health insurance
5 coverage shall operate as an assignment of all benefit rights to the
6 ~~((obligee))~~ parent seeking enforcement or to the child's health
7 services provider, and in any claim against the coverage provider or
8 issuer, the ~~((obligee))~~ parent seeking enforcement or ~~((the obligee's))~~
9 his or her assignee shall be subrogated to the rights of the
10 ~~((obligor))~~ parent obligated to provide medical support for the child.
11 Notwithstanding the provisions of this section regarding assignment of
12 benefits, this section shall not require a health care service
13 contractor authorized under chapter 48.44 RCW or a health maintenance
14 organization authorized under chapter 48.46 RCW to deviate from their
15 contractual provisions and restrictions regarding reimbursement for
16 covered services. If the coverage is terminated, the employer shall
17 mail a notice of termination to the department or the ~~((obligee))~~
18 parent seeking enforcement at ~~((the obligee's))~~ that parent's last
19 known address within thirty days of the termination date.

20 ~~((10))~~ (11) This section shall not be construed to limit the
21 right of the ~~((obligor or the obligee))~~ parents or parties to the
22 support order to bring an action in superior court at any time to
23 enforce, modify, or clarify the original support order.

24 ~~((11))~~ (12) Where a child does not reside in the issuer's service
25 area, an issuer shall cover no less than urgent and emergent care.
26 Where the issuer offers broader coverage, whether by policy or
27 reciprocal agreement, the issuer shall provide such coverage to any
28 child otherwise covered that does not reside in the issuer's service
29 area.

30 ~~((12))~~ (13) If ~~((an obligor))~~ a parent required to provide
31 medical support fails to pay his or her portion, determined under RCW
32 26.19.080, of any deductible ~~((required under the health insurance~~
33 ~~coverage or fails to pay his or her portion of medical expenses~~
34 ~~incurred in excess of the coverage provided under the plan))~~, copay, or
35 uninsured medical expense incurred on behalf of the child, pursuant to
36 a child support order, the department or the obligee parent may enforce
37 collection of ~~((the obligor's))~~ that parent's portion of the deductible
38 ~~((or the additional medical expenses through a wage assignment order))~~.

1 copay, or uninsured medical expense incurred on behalf of the child.
2 ((The amount of)) If the department is enforcing the order, the parent
3 required to provide medical support shall have his or her portion of
4 the deductible ((or additional)), copay, or uninsured medical expenses
5 ((shall be)) incurred on behalf of the child added to the support debt
6 and be collectible without further notice ((if the obligor's share of
7 the amount of the deductible or additional expenses is reduced to a sum
8 certain in a court order)), following the reduction of the expenses to
9 a sum certain either in a court order or by the department, pursuant to
10 RCW 26.23.110.

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

16 **Sec. 2.** RCW 26.23.035 and 1997 c 58 s 933 are each amended to read
17 as follows:

18 (1) The department of social and health services shall adopt rules
19 for the distribution of support money collected by the division of
20 child support. These rules shall:

21 (a) Comply with Title IV-D of the federal social security act as
22 amended by the personal responsibility and work opportunity
23 reconciliation act of 1996 and the federal deficit reduction act of
24 2005;

25 (b) Direct the division of child support to distribute support
26 money within eight days of receipt, unless one of the following
27 circumstances, or similar circumstances specified in the rules,
28 prevents prompt distribution:

29 (i) The location of the custodial parent is unknown;

30 (ii) The support debt is in litigation;

31 (iii) The division of child support cannot identify the responsible
32 parent or the custodian;

33 (c) Provide for proportionate distribution of support payments if
34 the responsible parent owes a support obligation or a support debt for
35 two or more Title IV-D cases; and

36 (d) Authorize the distribution of support money, except money

1 collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to
2 the IV-D custodian before the debt owed to the state when the custodian
3 stops receiving a public assistance grant.

4 (2) The division of child support may distribute support payments
5 to the payee under the support order or to another person who has
6 lawful physical custody of the child or custody with the payee's
7 consent. The payee may file an application for an adjudicative
8 proceeding to challenge distribution to such other person. Prior to
9 distributing support payments to any person other than the payee, the
10 registry shall:

11 (a) Obtain a written statement from the child's physical custodian,
12 under penalty of perjury, that the custodian has lawful custody of the
13 child or custody with the payee's consent;

14 (b) Mail to the responsible parent and to the payee at the payee's
15 last known address a copy of the physical custodian's statement and a
16 notice which states that support payments will be sent to the physical
17 custodian; and

18 (c) File a copy of the notice with the clerk of the court that
19 entered the original support order.

20 (3) If the Washington state support registry distributes a support
21 payment to a person in error, the registry may obtain restitution by
22 means of a set-off against future payments received on behalf of the
23 person receiving the erroneous payment, or may act according to RCW
24 74.20A.270 as deemed appropriate. Any set-off against future support
25 payments shall be limited to amounts collected on the support debt and
26 ten percent of amounts collected as current support.

27 (4) The division of child support shall ensure that the fifty
28 dollar pass through payment, as required by 42 U.S.C. Sec. 657 before
29 the adoption of P.L. 104-193, is terminated immediately upon July 27,
30 1997, and all rules to the contrary adopted before July 27, 1997, are
31 without force and effect.

32 (5) Effective October 1, 2008, consistent with 42 U.S.C. Sec.
33 657(a) as amended by section 7301(b)(7)(B) of the federal deficit
34 reduction act of 2005, the department shall pass through child support
35 that does not exceed one hundred dollars per month collected on behalf
36 of a family, or in the case of a family that includes two or more
37 children, an amount that is not more than two hundred dollars per

1 month. The department has rule-making authority to implement this
2 subsection.

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

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

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

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

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

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

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

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

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

34 (2) In all other cases not under subsection (1) of this section,
35 the court may order the responsible parent to make payments directly to
36 the person entitled to receive the payments, to the Washington state

1 support registry, or may order that payments be made in accordance with
2 an alternate arrangement agreed upon by the parties.

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

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

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

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

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

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

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

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

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

37 (c) If a mandatory wage withholding order under chapter 26.18 RCW
38 is issued under this subsection and the division of child support

1 provides support enforcement services under RCW 26.23.045, the existing
2 wage withholding assignment is prospectively superseded upon the
3 division of child support's subsequent service of an income withholding
4 notice.

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

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

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

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

33 (5) Every support order shall state:

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

35 (b) That withholding action may be taken against wages, earnings,
36 assets, or benefits, and liens enforced against real and personal
37 property under the child support statutes of this or any other state,

1 without further notice to the responsible parent at any time after
2 entry of a support order, unless:

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

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

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

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

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

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

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

16 (h) That (~~any parent owing a duty of child support~~) either or
17 both the responsible parent and the custodial parent shall be obligated
18 to provide health insurance coverage for his or her child if coverage
19 that can be extended to cover the child is or becomes available to
20 (~~that~~) the parent through employment or is union-related as provided
21 under RCW 26.09.105;

22 (i) That if proof of health insurance coverage or proof that the
23 coverage is unavailable is not provided within twenty days, the
24 (~~obligee~~) parent seeking enforcement or the department may seek
25 direct enforcement of the coverage through the (~~obligor's~~) employer
26 or union of the parent required to provide medical support without
27 further notice to the (~~obligor~~) parent as provided under chapter
28 26.18 RCW;

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

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

35 (l) That each parent must:

36 (i) Promptly file with the court and update as necessary the
37 confidential information form required by subsection (7) of this
38 section; and

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

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

18 (6) After the responsible parent has been ordered or notified to
19 make payments to the Washington state support registry under this
20 section, the responsible parent shall be fully responsible for making
21 all payments to the Washington state support registry and shall be
22 subject to payroll deduction or other income-withholding action. The
23 responsible parent shall not be entitled to credit against a support
24 obligation for any payments made to a person or agency other than to
25 the Washington state support registry except as provided under RCW
26 74.20.101. A civil action may be brought by the payor to recover
27 payments made to persons or agencies who have received and retained
28 support moneys paid contrary to the provisions of this section.

29 (7) All petitioners and parties to all court actions under chapters
30 26.09, 26.10, 26.12, 26.18, (~~26.21~~) 26.21A, 26.23, 26.26, and 26.27
31 RCW shall complete to the best of their knowledge a verified and signed
32 confidential information form or equivalent that provides the parties'
33 current residence and mailing addresses, telephone numbers, dates of
34 birth, social security numbers, driver's license numbers, and the
35 names, addresses, and telephone numbers of the parties' employers. The
36 clerk of the court shall not accept petitions, except in parentage
37 actions initiated by the state, orders of child support, decrees of
38 dissolution, or paternity orders for filing in such actions unless

1 accompanied by the confidential information form or equivalent, or
2 unless the confidential information form or equivalent is already on
3 file with the court clerk. In lieu of or in addition to requiring the
4 parties to complete a separate confidential information form, the clerk
5 may collect the information in electronic form. The clerk of the court
6 shall transmit the confidential information form or its data to the
7 division of child support with a copy of the order of child support or
8 paternity order, and may provide copies of the confidential information
9 form or its data and any related findings, decrees, parenting plans,
10 orders, or other documents to the state administrative agency that
11 administers Title IV-A, IV-D, (~~IV-E~~) IV-E, or XIX of the federal social
12 security act. In state initiated paternity actions, the parties
13 adjudicated the parents of the child or children shall complete the
14 confidential information form or equivalent or the state's attorney of
15 record may complete that form to the best of the attorney's knowledge.

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

21 **Sec. 4.** RCW 26.23.110 and 1993 c 12 s 1 are each amended to read
22 as follows:

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

25 (a) Does not state the current and future support obligation as a
26 fixed dollar amount; (~~or~~)

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

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

35 (2) The department may serve a notice of support owed on a parent
36 who has been designated to pay per a support order a portion of

1 uninsured medical costs, copayments, or deductibles incurred on behalf
2 of the child, but only when the support order does not reduce the costs
3 to a fixed dollar amount.

4 (3) The notice of support owed shall facilitate enforcement of the
5 support order and implement and effectuate the terms of the support
6 order, rather than modify those terms. When the office of support
7 enforcement issues a notice of support owed, the office shall inform
8 the payee under the support order.

9 ((+3)) (4) The notice of support owed shall be served on a
10 responsible parent by personal service or any form of mailing requiring
11 a return receipt. The notice shall be served on the applicant or
12 recipient of services by first class mail to the last known address.

13 The notice of support owed shall contain an initial finding of the
14 fixed dollar amount of current and future support obligation that
15 should be paid or the fixed dollar amount of the support debt owed
16 under the support order, or both.

17 ((+4)) (5) A ((responsible)) parent who objects to the fixed
18 dollar amounts stated in the notice of support owed has twenty days
19 from the date of the service of the notice of support owed to file an
20 application for an adjudicative proceeding or initiate an action in
21 superior court.

22 ((+5)) (6) The notice of support owed shall state that the
23 ((responsible)) parent may:

24 (a) File an application for an adjudicative proceeding governed by
25 chapter 34.05 RCW, the administrative procedure act, in which the
26 ((responsible)) parent will be required to appear and show cause why
27 the fixed dollar amount of support debt or current and future support
28 obligation, or both, stated in the notice of support owed is incorrect
29 and should not be ordered; or

30 (b) Initiate an action in superior court.

31 ((+6)) (7) If ((the responsible)) either parent does not file an
32 application for an adjudicative proceeding or initiate an action in
33 superior court, the fixed dollar amount of current and future support
34 obligation or support debt, or both, stated in the notice of support
35 owed shall become final and subject to collection action.

36 ((+7)) (8) If an adjudicative proceeding is requested, the
37 department shall mail a copy of the notice of adjudicative proceeding
38 to the ((payee under the support order at the payee's last known

1 address. ~~A payee who appears for the adjudicative proceeding is~~
2 ~~entitled to participate. Participation includes, but is not limited~~
3 ~~to, giving testimony, presenting evidence, being present for or~~
4 ~~listening to other testimony offered in the adjudicative proceeding,~~
5 ~~and offering rebuttal to other testimony. Nothing in this section~~
6 ~~shall preclude the administrative law judge from limiting participation~~
7 ~~to preserve the confidentiality of information protected by law))~~
8 parties.

9 ((+8)) (9) If ~~((the responsible))~~ either parent does not initiate
10 an action in superior court, and serve notice of the action on the
11 department and the other party to the support order within the twenty-
12 day period, the ~~((responsible))~~ parent shall be deemed to have made an
13 election of remedies and shall be required to exhaust administrative
14 remedies under this chapter with judicial review available as provided
15 for in RCW 34.05.510 through 34.05.598.

16 ((+9)) (10) An adjudicative order entered in accordance with this
17 section shall state the basis, rationale, or formula upon which the
18 fixed dollar amounts established in the adjudicative order were based.
19 The fixed dollar amount of current and future support obligation or the
20 amount of the support debt, or both, determined under this section
21 shall be subject to collection under this chapter and other applicable
22 state statutes.

23 ((+10)) (11) The department shall also provide for:

24 (a) An annual review of the support order if either the office of
25 support enforcement or the ~~((responsible))~~ parent requests such a
26 review; and

27 (b) A late adjudicative proceeding if the ~~((responsible))~~ parent
28 fails to file an application for an adjudicative proceeding in a timely
29 manner under this section.

30 ((+11)) (12) If an annual review or late adjudicative proceeding
31 is requested under subsection ~~((+10))~~ (11) of this section, the
32 department shall mail a copy of the notice of adjudicative proceeding
33 to the ~~((payee at the payee's))~~ parties' last known address. ~~((A payee~~
34 ~~who appears for the adjudicative proceeding is entitled to participate.~~
35 ~~Participation includes, but is not limited to, giving testimony,~~
36 ~~presenting evidence, being present for or listening to other testimony~~
37 ~~offered in the adjudicative proceeding, and offering rebuttal to other~~

1 ~~testimony. The administrative law judge may limit participation to~~
2 ~~preserve the confidentiality of information protected by law.))~~

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

8 **Sec. 5.** RCW 74.20.040 and 1997 c 58 s 891 are each amended to read
9 as follows:

10 (1) Whenever the department receives an application for public
11 assistance on behalf of a child, the department shall take appropriate
12 action under the provisions of this chapter, chapter 74.20A RCW, or
13 other appropriate statutes of this state to establish or enforce
14 support obligations against the parent or other persons owing a duty to
15 pay support moneys.

16 (2) The secretary may accept a request for support enforcement
17 services on behalf of persons who are not recipients of public
18 assistance and may take appropriate action to establish or enforce
19 support obligations against the parent or other persons owing a duty to
20 pay moneys. Requests accepted under this subsection may be conditioned
21 upon the payment of a fee as required by subsection (6) of this section
22 or through regulation issued by the secretary. The secretary may
23 establish by regulation, reasonable standards and qualifications for
24 support enforcement services under this subsection.

25 (3) The secretary may accept requests for support enforcement
26 services from child support enforcement agencies in other states
27 operating child support programs under Title IV-D of the social
28 security act or from foreign countries, and may take appropriate action
29 to establish and enforce support obligations, or to enforce subpoenas,
30 information requests, orders for genetic testing, and collection
31 actions issued by the other agency against the parent or other person
32 owing a duty to pay support moneys, the parent or other person's
33 employer, or any other person or entity properly subject to child
34 support collection or information-gathering processes. The request
35 shall contain and be accompanied by such information and documentation
36 as the secretary may by rule require, and be signed by an authorized

1 representative of the agency. The secretary may adopt rules setting
2 forth the duration and nature of services provided under this
3 subsection.

4 (4) The department may take action to establish, enforce, and
5 collect a support obligation, including performing related services,
6 under this chapter and chapter 74.20A RCW, or through the attorney
7 general or prosecuting attorney for action under chapter 26.09, 26.18,
8 26.20, (~~(26.21)~~) 26.21A, or 26.26 RCW or other appropriate statutes or
9 the common law of this state.

10 (5) Whenever a support order is filed with the Washington state
11 support registry under chapter 26.23 RCW, the department may take
12 appropriate action under the provisions of this chapter, chapter 26.23
13 or 74.20A RCW, or other appropriate law of this state to establish or
14 enforce the support obligations contained in that order against the
15 responsible parent or other persons owing a duty to pay support moneys.

16 (6) The secretary (~~(may charge and collect a fee from the person~~
17 ~~obligated to pay support to compensate the department for services~~
18 ~~rendered in establishment of or enforcement of support obligations.~~
19 ~~This fee shall be limited to not more than ten percent of any support~~
20 ~~money collected as a result of action taken by the secretary. The fee~~
21 ~~charged shall be in addition to the support obligation. In no event~~
22 ~~may any moneys collected by the department from the person obligated to~~
23 ~~pay support be retained as satisfaction of fees charged until all~~
24 ~~current support obligations have been satisfied. The secretary shall~~
25 ~~by regulation establish reasonable fees for support enforcement~~
26 ~~services and said schedule of fees shall be made available to any~~
27 ~~person obligated to pay support)), in the case of an individual who has
28 never received assistance under a state program funded under part A and
29 for whom the state has collected at least five hundred dollars of
30 support, shall impose an annual fee of twenty-five dollars for each
31 case in which services are furnished, which shall be retained by the
32 state from support collected on behalf of the individual, but not from
33 the first five hundred dollars of support. The secretary may, on
34 showing of necessity, waive or defer any such fee or cost.~~

35 (7) Fees, due and owing, may be retained from support payments
36 directly or collected as delinquent support moneys utilizing any of the
37 remedies in chapter 74.20 RCW, chapter 74.20A RCW, chapter (~~(26.21)~~)
38 26.21A RCW, or any other remedy at law or equity available to the

1 department or any agencies with whom it has a cooperative or
2 contractual arrangement to establish, enforce, or collect support
3 moneys or support obligations.

4 (8) The secretary may waive the fee, or any portion thereof, as a
5 part of a compromise of disputed claims or may grant partial or total
6 charge off of said fee if the secretary finds there are no available,
7 practical, or lawful means by which said fee may be collected or to
8 facilitate payment of the amount of delinquent support moneys or fees
9 owed.

10 (9) The secretary shall adopt rules conforming to federal laws,
11 including but not limited to complying with section 7310 of the federal
12 deficit reduction act of 2005, 42 U.S.C. Sec. 654, and rules((7)) and
13 regulations required to be observed in maintaining the state child
14 support enforcement program required under Title IV-D of the federal
15 social security act. The adoption of these rules shall be calculated
16 to promote the cost-effective use of the agency's resources and not
17 otherwise cause the agency to divert its resources from its essential
18 functions.

19 **Sec. 6.** RCW 74.20.330 and 2000 c 86 s 6 are each amended to read
20 as follows:

21 (1) Whenever public assistance is paid under a state program funded
22 under Title IV-A of the federal social security act as amended by the
23 personal responsibility and work opportunity reconciliation act of
24 1996, and the federal deficit reduction act of 2005, each applicant or
25 recipient is deemed to have made assignment to the department of any
26 rights to a support obligation from any other person the applicant or
27 recipient may have in his or her own behalf or in behalf of any other
28 family member for whom the applicant or recipient is applying for or
29 receiving public assistance, including any unpaid support obligation or
30 support debt which has accrued at the time the assignment is made.

31 (2) Payment of public assistance under a state-funded program, or
32 a program funded under Title IV-A (~~(6)~~), IV-E, or XIX of the federal
33 social security act as amended by the personal responsibility and work
34 opportunity reconciliation act of 1996 shall:

35 (a) Operate as an assignment by operation of law; and

36 (b) Constitute an authorization to the department to provide the
37 assistance recipient with support enforcement services.

1 (3) Effective October 1, 2008, whenever public assistance is paid
2 under a state program funded under Title IV-A of the federal social
3 security act as amended by the personal responsibility and work
4 opportunity reconciliation act of 1996, and the federal deficit
5 reduction act of 2005, a member of the family is deemed to have made an
6 assignment to the state any right the family member may have, or on
7 behalf of the family member receiving such assistance, to support from
8 any other person, not exceeding the total amount of assistance paid to
9 the family, which accrues during the period that the family receives
10 assistance under the program.

11 **Sec. 7.** RCW 74.20A.030 and 2004 c 183 s 5 are each amended to read
12 as follows:

13 (1) The department shall be subrogated to the right of any
14 dependent child or children or person having the care, custody, and
15 control of said child or children, if public assistance money is paid
16 to or for the benefit of the child, or for the care and maintenance of
17 a child, including a child with a developmental disability if the child
18 has been placed into care as a result of an action under chapter 13.34
19 RCW, under a state-funded program, or a program funded under Title IV-A
20 or IV-E of the federal social security act as amended by the personal
21 responsibility and work opportunity reconciliation act of 1996, and the
22 federal deficit reduction act of 2005, to prosecute or maintain any
23 support action or execute any administrative remedy existing under the
24 laws of the state of Washington to obtain reimbursement of moneys
25 expended, based on the support obligation of the responsible parent
26 established by a child support order. Distribution of any support
27 moneys shall be made in accordance with RCW 26.23.035.

28 (2) The department may initiate, continue, maintain, or execute an
29 action to establish, enforce, and collect a support obligation,
30 including establishing paternity and performing related services, under
31 this chapter and chapter 74.20 RCW, or through the attorney general or
32 prosecuting attorney under chapter 26.09, 26.18, 26.20, (~~26.21~~)
33 26.21A, 26.23, or 26.26 RCW or other appropriate statutes or the common
34 law of this state, for so long as and under such conditions as the
35 department may establish by regulation.

36 (3) Public assistance moneys shall be exempt from collection action
37 under this chapter except as provided in RCW 74.20A.270.

1 (4) No collection action shall be taken against parents of children
2 eligible for admission to, or children who have been discharged from,
3 a residential habilitation center as defined by RCW 71A.10.020(8)
4 unless the child with a developmental disability is placed as a result
5 of an action under chapter 13.34 RCW. The child support obligation
6 shall be calculated pursuant to chapter 26.19 RCW.

7 **Sec. 8.** RCW 74.20A.055 and 2002 c 199 s 5 are each amended to read
8 as follows:

9 (1) The secretary may, if there is no order that establishes the
10 responsible parent's support obligation or specifically relieves the
11 responsible parent of a support obligation or pursuant to an
12 establishment of paternity under chapter 26.26 RCW, serve on the
13 responsible parent or parents and custodial parent a notice and finding
14 of financial responsibility requiring the parents to appear and show
15 cause in an adjudicative proceeding why the finding of responsibility
16 and/or the amount thereof is incorrect, should not be finally ordered,
17 but should be rescinded or modified. This notice and finding shall
18 relate to the support debt accrued and/or accruing under this chapter
19 and/or RCW 26.16.205, including periodic payments to be made in the
20 future. The hearing shall be held pursuant to this section, chapter
21 34.05 RCW, the Administrative Procedure Act, and the rules of the
22 department. A custodian who has physical custody of a child has the
23 same rights that a custodial parent has under this section.

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

1 assistance recipient by first class mail to the last known address. If
2 the custodial parent is not the nonassistance applicant or public
3 assistance recipient, service shall be in the same manner as for the
4 responsible parent.

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

9 (a) A statement of the name of the custodial parent and the name of
10 the child or children for 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 or custodial parent may
14 object to all or any part of the notice and finding, and file an
15 application for an adjudicative proceeding to show cause why the terms
16 set forth in the notice should not be ordered;

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

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

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

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

37 (a) If the responsible parent or custodial parent files the
38 application within twenty days, the office of administrative hearings

1 shall schedule an adjudicative proceeding to hear the parent's or
2 parents' objection and determine the support obligation for the entire
3 period covered by the notice and finding of financial responsibility.
4 The filing of the application stays collection action pending the entry
5 of a final administrative order;

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

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

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

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

31 (ii) If the presiding officer finds that good cause does not exist,
32 the presiding officer shall treat the application as a petition for
33 prospective modification of the amount for current and future support
34 established under the notice and finding. In the modification
35 proceeding, the presiding officer shall set current and future support
36 under chapter 26.19 RCW. The petitioning parent need show neither good
37 cause nor a substantial change of circumstances to justify modification
38 of current and future support;

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

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

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

34 (6) If either the responsible parent or the custodial parent fails
35 to attend or participate in the hearing or other stage of an
36 adjudicative proceeding, upon a showing of valid service, the presiding
37 officer shall enter an order of default against each party who did not
38 appear and may enter an administrative order declaring the support debt

1 and payment provisions stated in the notice and finding of financial
2 responsibility to be assessed and determined and subject to collection
3 action. The parties who appear may enter an agreed settlement or
4 consent order, which may be different than the terms of the
5 department's notice. Any party who appears may choose to proceed to
6 the hearing, after the conclusion of which the presiding officer or
7 reviewing officer may enter an order that is different than the terms
8 stated in the notice, if the obligation is supported by credible
9 evidence presented by any party at the hearing.

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

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

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

22 **Sec. 9.** RCW 74.20A.056 and 2002 c 302 s 707 and 2002 c 199 s 6 are
23 each reenacted and amended to read as follows:

24 (1) If an alleged father has signed an affidavit acknowledging
25 paternity which has been filed with the state registrar of vital
26 statistics before July 1, 1997, the division of child support may serve
27 a notice and finding of parental responsibility on him and the
28 custodial parent. Procedures for and responsibility resulting from
29 acknowledgments filed after July 1, 1997, are in subsections (8) and
30 (9) of this section. Service of the notice shall be in the same manner
31 as a summons in a civil action or by certified mail, return receipt
32 requested, on the alleged father. The custodial parent shall be served
33 by first class mail to the last known address. If the custodial parent
34 is not the nonassistance applicant or public assistance recipient,
35 service shall be in the same manner as for the responsible parent. The
36 notice shall have attached to it a copy of the affidavit or

1 certification of birth record information advising of the existence of
2 a filed affidavit, provided by the state registrar of vital statistics,
3 and shall state that:

4 (a) Either or both parents are responsible for providing health
5 insurance for their child if coverage that can be extended to cover the
6 child is or becomes available to the parent through employment or is
7 union-related as provided under RCW 26.09.105;

8 (b) The alleged father or custodial parent may file an application
9 for an adjudicative proceeding at which they both will be required to
10 appear and show cause why the amount stated in the ~~((finding of~~
11 ~~financial responsibility))~~ notice as to support is incorrect and should
12 not be ordered;

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

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

26 (2) An alleged father or custodial parent who objects to the amount
27 of support requested in the notice may file an application for an
28 adjudicative proceeding up to twenty days after the date the notice was
29 served. An application for an adjudicative proceeding may be filed
30 within one year of service of the notice and finding of parental
31 responsibility without the necessity for a showing of good cause or
32 upon a showing of good cause thereafter. An adjudicative proceeding
33 under this section shall be pursuant to RCW 74.20A.055. The only
34 issues shall be the amount of the accrued debt, the amount of the
35 current and future support obligation, and the reimbursement of the
36 costs of blood or genetic tests if advanced by the department. A
37 custodian who is not the parent of a child and who has physical custody

1 of a child has the same notice and hearing rights that a custodial
2 parent has under this section.

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

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

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

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

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

29 (6) The alleged father or mother, if she is also the custodial
30 parent, may, within twenty days after the date of receipt of the test
31 results, request the division of child support to initiate an action
32 under RCW 26.26.500 through 26.26.630 to determine the existence of the
33 parent-child relationship. If the division of child support initiates
34 a superior court action at the request of the alleged father or mother
35 and the decision of the court is that the alleged father is a natural
36 parent, the parent who requested the test shall be liable for court
37 costs incurred.

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

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

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

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

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

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

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

36 (c) If neither the (~~alleged~~) acknowledged father nor the other
37 party to the notice files an application for an adjudicative proceeding
38 or the signatories to the acknowledgment or denial do not commence a

1 proceeding to rescind or challenge the acknowledgment of paternity, the
2 amount of support stated in the notice and finding of financial
3 responsibility becomes final, subject only to a subsequent
4 determination under RCW 26.26.500 through 26.26.630 that the parent-
5 child relationship does not exist. The division of child support does
6 not refund nor return any amounts collected under a notice that becomes
7 final under this section or RCW 74.20A.055, even if a court later
8 determines that the acknowledgment is void.

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

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

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

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

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

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

1 (11) 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) as
3 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 parts 45 C.F.R. 302, 303, 304, 305, and 308.

6 NEW SECTION. Sec. 10. If any provision of this act or its
7 application to any person or circumstance is held invalid, the
8 remainder of the act or the application of the provision to other
9 persons or circumstances is not affected.

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