WAC 388-14A-3350 Are there any limits on how much back support the division of child support can seek to establish? (1) When no public assistance is being paid to the custodial parent (CP) and the children, the division of child support (DCS) starts the claim for support as of the date:

(a) DCS receives the application for nonassistance services if the CP applies directly to DCS for services; or

(b) An Indian tribe, another state, or country received the application for nonassistance services or the actual date the tribe, state, or country requests that child support start, whichever is later, if the initiating jurisdiction requests DCS to establish a support order.

(2) When the children are receiving medicaid-only benefits, DCS starts the claim for support as of the date the medicaid benefits began. See WAC 388-14A-2005(4) to determine whether DCS seeks to establish medical support only for a particular case.

(3) This section does not limit in any way the right of the court to order payment for back support as provided in RCW 26.26A.470, 26.26B.020, and 26.26B.040 if the case requires establishment of parentage.

(4) When an Indian tribe, another state, or country is paying public assistance to the CP and children, DCS starts the claim for support as of the date specified by the tribe, state, or country.

(5) For the notice and finding of parental responsibility, WAC 388-14A-3120(11) limits the back support obligation.

(6) When the state of Washington is paying public assistance to the CP and the children, or just the children, the following rules apply:

(a) For support obligations owed for months on or after September 1, 1979, DCS must exercise reasonable efforts to locate the noncustodial parent (NCP);

(b) DCS serves a notice and finding of financial responsibility within 60 days of the date the state assumes responsibility for the support of a dependent child on whose behalf support is sought;

(c) If DCS does not serve the notice within 60 days, DCS loses the right to reimbursement of public assistance payments made after the 60th day and before the notice is served;

(d) DCS does not lose the right to reimbursement of public assistance payments for any period of time:

(i) During which DCS exercised reasonable efforts to locate the NCP; or

(ii) For 60 days after the date on which DCS received an affidavit or acknowledgment of paternity or acknowledgment of parentage for the child for whom the state has assumed responsibility, and parentage has not been established.

(7) The limitation in subsection (6) of this section does not apply to:

(a) Cases in which the physical custodian is claiming good cause for not cooperating with the department; and

(b) Cases where parentage is an issue and:

(i) Has not been established by superior court order; or

(ii) Is not the subject of a presumption under RCW 26.26A.220.

(8) DCS considers a prorated share of each monthly public assistance payment as paid on each day of the month.

[Statutory Authority: RCW 26.23.050, 26.23.110, 43.20A.550, 74.04.055, 74.04.057, 74.08.090, 74.20.040, 74.20A.055, 74.20A.056, and

74.20A.310. WSR 25-09-019, s 388-14A-3350, filed 4/7/25, effective 5/8/25. Statutory Authority: RCW 26.23.120, 34.05.350 (1)(b), 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310 and 45 C.F.R. Parts 301.1, 302.36, 303.7, 303.11, 305.63, and 308.2. WSR 13-01-075, § 388-14A-3350, filed 12/18/12, effective 1/18/13. Statutory Authority: RCW 74.20A.310, 45 C.F.R. 302.31 and 302.33. WSR 06-03-120, § 388-14A-3350, filed 1/17/06, effective 2/17/06. Statutory Authority: RCW 74.08.090, 74.20A.055, and 74.20A.310. WSR 05-14-099, § 388-14A-3350, filed 6/30/05, effective 7/31/05. Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d) and 74.20A.055. WSR 03-20-072, § 388-14A-3350, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.08.090, 74.20A.055. WSR 01-03-089, § 388-14A-3350, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-045.]