Chapter 388-14A WAC
DIVISION OF CHILD SUPPORT RULES

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WAC

PART A - GENERAL INFORMATION ABOUT THE DIVISION OF CHILD SUPPORT

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PART G - INTERGOVERNMENTAL ISSUES

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PART H - MISCELLANEOUS

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388-14A-8200 All Washington employers must report new hires to the Washington state support registry.
388-14A-8300 Who pays for genetic testing when paternity is an issue?
388-14A-8400 Does the division of child support have the right to approve my child support order before the court enters it?
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-14A-2007 Does an application for subsidized child care automatically become an application for support enforcement services? [Statutory Authority: RCW 34.05.020, 34.05.220, 74.08.090, 74.20.040, and 2011 c 42. WSR 11-23-087, § 388-14A-2007, filed 11/17/11, effective

12/18/11.] Repealed by WSR 12-18-027, filed 8/27/12, effective 9/27/12. Statutory Authority: 2012 c 253 § 5, 2012 1st sp.s. c 4, RCW 34.05.220, 43.20A.550, 74.04.055, 74.08.090, and 70.20.040.

388-14A-2042 What happens if I don't cooperate with DCS while I receive a child care subsidy? [Statutory Authority: RCW 34.05.020, 34.05.220, 74.08.090, 74.20.040, and 2011 c 42. WSR 11-23-087, § 388-14A-2042, filed 11/17/11, effective 12/18/11.] Repealed by WSR 12-18-027, filed 8/27/12, effective 9/27/12. Statutory Authority: 2012 c 253 § 5, 2012 1st sp.s. c 4, RCW 34.05.220, 43.20A.550, 74.04.055, 74.08.090, and 70.20.040.

388-14A-2093 Who receives notice of DCS' intent to close a case when the custodial parent receives a child care subsidy? [Statutory Authority: RCW 34.05.020, 34.05.220, 74.08.090, 74.20.040, and 2011 c 42. WSR 11-23-087, § 388-14A-2093, filed 11/17/11, effective 12/18/11.] Repealed by WSR 12-18-027, filed 8/27/12, effective 9/27/12. Statutory Authority: 2012 c 253 § 5, 2012 1st sp.s. c 4, RCW 34.05.220, 43.20A.550, 74.04.055, 74.08.090, and 70.20.040.

388-14A-4600 What is the division of child support's DCS most wanted internet site? [Statutory Authority: RCW 74.08.090, 26.23.120(2). WSR 01-03-089, § 388-14A-4600, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-320.] Repealed by WSR 18-14-115, filed 7/5/18, effective 8/5/18. Statutory Authority: RCW 74.08.090.

388-14A-4605 Whose picture can go on the division of child support's DCS most wanted internet site? [Statutory Authority: RCW 26.23.120(2) and 74.08.090. WSR 06-03-026, § 388-14A-4605, filed 1/6/06, effective 2/6/06. Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d) and 26.23.120(2). WSR 03-20-072, § 388-14A-4605, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 26.23.120(2), 74.08.090. WSR 01-24-083, § 388-14A-4605, filed 12/3/01, effective 1/3/02; WSR 01-03-089, § 388-14A-4605, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-325.] Repealed by WSR 18-14-115, filed 7/5/18, effective 8/5/18. Statutory Authority: RCW 74.08.090.

388-14A-4610 How does a noncustodial parent avoid being posted on the DCS most wanted internet site? [Statutory Authority: RCW 74.08.090, 26.23.120(2). WSR 01-03-089, § 388-14A-4610, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-330.] Repealed by WSR 18-14-115, filed 7/5/18, effective 8/5/18. Statutory Authority: RCW 74.08.090.

388-14A-4615 When does DCS remove a noncustodial parent from the DCS most wanted internet site? [Statutory Authority: RCW 74.08.090, 26.23.120(2). WSR 01-03-089, § 388-14A-4615, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-335.] Repealed by WSR 18-14-115, filed 7/5/18, effective 8/5/18. Statutory Authority: RCW 74.08.090.

388-14A-4620 What information does the division of child support post to the DCS most wanted internet site? [Statutory Authority: RCW 74.08.090, 26.23.120(2). WSR 01-03-089, § 388-14A-4620, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-340.] Repealed by WSR 18-14-115, filed 7/5/18, effective 8/5/18. Statutory Authority: RCW 74.08.090.

PART A - GENERAL INFORMATION ABOUT THE DIVISION OF CHILD SUPPORT

WAC 388-14A-1000 The DSHS division of child support is the Title IV-D child support enforcement agency for the state of Washington. (1) The division of child support (DCS) is the part of the department of social and health services that provides child support enforcement services for the state of Washington under Title IV-D of the federal Social Security Act. DCS acts as the Washington state support registry (WSSR) under chapter 26.23 RCW.

(2) DCS is the agency referred to in federal law as "the Title IV-D agency," and performs all duties assigned to the Title IV-D agency.

(3) DCS is responsible for the statewide administration of wage withholding under Title IV-D.

(4) If your support order requires you to make payments to DCS or to WSSR, send payments to: WSSR, P.O. Box 45868, Olympia WA 98504-5868.

(5) If you want to call DCS, you can call 1-800-442-5437, or call the local DCS field office.

(6) If you want to write to DCS, you can write to P.O. Box 11520, Tacoma WA 98411-5520.

(7) You can find more information about DCS at its website. Visit https://www.dshs.wa.gov/esa/division-child-support.

[Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.110, 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310, and 74.20A.328. WSR 26-14-086, s 388-14A-1000, filed 6/29/26, effective 7/30/26. Statutory

Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-1000, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-010 and 388-14-210.]

WAC 388-14A-1005 What is Washington's state plan under Title IV-D? (1) The division of child support (DCS), on behalf of the department of social and health services of the state of Washington, has established the following provisions as the state plan (the "plan") for its child support enforcement program. This plan is authorized by Title IV-D of the Social Security Act and chapters 74.20 and 74.20A RCW. This plan covers the entire state of Washington.

(2) DCS is the organization within the state of Washington that administers the plan.

(3) DCS enters into contracts for child support enforcement and related services with:

(a) Other state agencies;

(b) Indian tribes, county prosecutors and court clerks in the state of Washington;

(c) Other states or foreign countries for action under the Uniform Interstate Family Support Act (UIFSA) and other laws to enforce or collect child support, locate noncustodial parents, or establish paternity. These contracts may include procedures for:

(i) Making referrals;

(ii) Assigning debts;

(iii) Reporting actions and activities; and

(iv) Coordinating activities under and ensuring compliance with UIFSA.

(d) Private parties;

(e) The secretary of the Department of Health and Human Services to refer and certify cases:

(i) To the federal parent locator service (FPLS);

(ii) To the secretary of the treasury for action to collect support debts; and

(iii) For action in the United States district courts to enforce support debts.

(4) DCS manages the Title IV-D plan for the state of Washington and:

(a) Oversees all activities under the plan to ensure that the program meets the standards for an efficient and effective program;

(b) Evaluates the quality and scope of services provided under the plan;

(c) Ensures that federal and state requirements for records management, accounting and fiscal control are met;

(d) Provides all services under the plan in appropriate cases, including action to locate parents, to establish paternity, and to establish, enforce and collect child support; and

(e) Assures that referrals and other communications with the Title IV-A agency (which operates the public assistance programs) and the Title IV-E agency (which operates the foster care program) meet the requirements of the Title IV-D and Title IV-A state plans.

[Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-1005, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-1010 What are the other names that the division of child support has used? (1) The division of child support (DCS) has been known by many names including:

(a) The office of support enforcement (OSE);

(b) The support enforcement division (SED);

(c) The state's Title IV-D agency; and

(d) The Washington state support registry (WSSR).

(2) Some statutes and forms use one of these other names, but they all mean the division of child support.

[Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-1010, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-1015 What laws regulate the actions of the division of child support? (1) The following are the primary state and federal laws which apply to the division of child support (DCS):

(a) Title IV-D of the Social Security Act sets out the federal requirements for a state's support enforcement program.

(b) Title 45 of the Code of Federal Regulations contains the federal regulations regarding support enforcement programs.

(c) Chapter 26.23 RCW establishes the Washington state support enforcement program.

(2) Most state statutes governing DCS are found in Title 26 RCW and chapters 74.20 and 74.20A RCW.

(3) The Washington Administrative Code (WAC) contains the state regulations regarding the Washington state support enforcement program.

[Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-1015, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-1020 What definitions apply to the rules regarding child support enforcement? For purposes of this chapter, the following definitions apply:

"Abatement" means the temporary reduction of child support obligations of an incarcerated person who is required to pay support.

"Absence of a court order" means that there is no court order either setting a support obligation for the noncustodial parent (NCP), or specifically relieving the NCP of a support obligation, for a particular child.

"Absent parent" is a term used for a noncustodial parent.

"Accessible coverage" means health care coverage which provides primary care services to the children with reasonable effort by the custodial parent.

"Accrued debt" means past-due child support which has not been paid.

"Acknowledged father" means a man who has established a father-child relationship by:

(1) Signing a valid acknowledgment of paternity under RCW 26.26.300 through 26.26.375 prior to January 1, 2019;

(a) Chapter 26.26 RCW was repealed effective January 1, 2019, under chapter 6, section 907, laws of 2018;

(b) Chapter 26.26A RCW was enacted effective January 1, 2019;

(2) Signing a valid acknowledgment of parentage under RCW 26.26A.200 through 26.26A.265 on or after January 1, 2019; or

(3) Signing a valid acknowledgment of paternity or parentage under another jurisdiction's laws.

"Acknowledged parent" means a person who, after January 1, 2019, has established a parent-child relationship by signing a valid acknowledgment of parentage under RCW 26.26A.200 through 26.26A.265.

"Adjudicated parent" means a person who has been adjudicated by a court of competent jurisdiction to be the parent of a child.

"Administrative order" means a determination, finding, decree, or order for support issued under RCW 74.20A.055, 74.20A.056, 74.20A.059, or by the agency of an Indian tribe or another state or country's agency under an administrative process, establishing the existence of a support obligation (including medical support) and ordering the payment of a set or determinable amount of money for current support, a support debt, or both. Administrative orders include:

(1) An order entered under chapter 34.05 RCW;

(2) An agreed settlement or consent order entered under WAC 388-14A-3600; and

(3) A support establishment notice which has become final by operation of law.

"Agency" means the Title IV-D provider of a state or tribe, or the central authority of another country. For the state of Washington, the Title IV-D provider is the division of child support (DCS) within the department of social and health services (DSHS).

"Agreed settlement" means an administrative order that reflects the agreement of the noncustodial parent, the custodial parent, and the division of child support. An agreed settlement does not require the approval of an administrative law judge.

"Aid" or **"public assistance"** means cash assistance under the temporary assistance for needy families (TANF) program, the aid to families with dependent children (AFDC) program, federally funded or state-funded foster care, and includes day care benefits and medical benefits provided to families as an alternative or supplement to TANF.

"Alternate recipient" means a child of the employee or retiree named within a support order as being entitled to coverage under an employer's group health plan.

"Annual fee" means the fee charged on never-assistance cases based on the amount of collections between October 1 and September 30 each year, required by the Federal Deficit Reduction Act of 2005 and RCW 74.20.040.

"Applicant/custodian" means a person who applies for nonassistance support enforcement services on behalf of a child or children residing in their household.

"Applicant/recipient," "applicant," or **"recipient"** means a person who receives public assistance on behalf of a child or children residing in their household.

"Arrears" means the debt amount owed for a period of time before the current month.

"Assistance" means cash assistance under the state program funded under Title IV-A of the federal Social Security Act.

"Assistance unit" means a cash assistance unit as defined in WAC 388-408-0005. An assistance unit is the group of people who live together and whose income or resources the department counts to decide eligibility for benefits and the amount of benefits.

"Birth costs" means medical expenses incurred by the custodial parent or the state, tribe, or country for the birth of a child.

"Birth mother" means a person who gave birth to the child and is not a genetic or gestational surrogate.

"Birth record" means a report of birth that has been filed with and registered by a state's registrar of vital statistics or equivalent agency.

"Cash medical support" means a combination of:

(1) A parent's monthly payment toward the premium paid for coverage provided by a public entity or by another parent, which represents the obligated parent's proportionate share of the premium paid, but this amount is limited to no more than 25% of the obligated parent's basic support obligation; and

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

"Central authority" means the agency designated by a government to facilitate support enforcement with a foreign reciprocating country (FRC) pursuant to section 459A of the federal Social Security Act.

"Child" for the purposes of this chapter, means:

(a) A person for whom a child support obligation is being established or enforced; or

(b) A dependent child as defined in RCW 74.20A.020(3); and

(c) Unless the context or the facts of a particular case clearly requires otherwise, "child" may be used interchangeably with the term "children."

"Children" for the purpose of this chapter, means more than one child, unless the context or the facts of a particular case clearly requires the term to refer to only one child.

"Conditionally assigned arrears" means those temporarily assigned arrears remaining on a case after the period of public assistance ends.

"Conference board" means a method used by the division of child support for resolving complaints regarding DCS cases and for granting exceptional or extraordinary relief from debt.

"Consent order" means a support order that reflects the agreement of the noncustodial parent, the custodial parent, and the division of child support. A consent order requires the approval of an administrative law judge.

"Controlling order" means the only order issued or, where multiple orders exist, the order determined by a tribunal to control prospective current support pursuant to the Uniform Interstate Family Support Act (UIFSA), chapter 26.21A RCW.

"Controlling order state" means the state in which the only order was issued or, where multiple orders exist, the state in which the order determined by a tribunal to control prospective current support pursuant to the UIFSA was issued.

"Country" means a foreign country (or a political subdivision thereof) declared to be a Foreign Reciprocating Country (FRC) under 42 U.S.C. 659A and any foreign country (or political subdivision thereof) with which the state has entered into a reciprocal arrangement for the establishment and enforcement of support obligations to the extent consistent with federal law pursuant to 42 U.S.C. 659A.

"Court order" means a judgment, decree, or order of a Washington state superior court, or a court of comparable jurisdiction of an Indian tribe or another state or country.

"Current support" or **"current and future support"** means the amount of child support which is owed for each month.

"Custodial parent" or **"CP"** means the person, whether a parent or not, with whom a dependent child resides the majority of the time period for which the division of child support seeks to establish or enforce a support obligation.

"Date the state assumes responsibility for the support of a dependent child on whose behalf support is sought" means the date that the TANF or AFDC program grant is effective. For purposes of this chapter, the state remains responsible for the support of a dependent child until public assistance terminates, or support enforcement services end, whichever occurs later.

"Delinquency" means failure to pay current child support when due.

"Department" means the Washington state department of social and health services (DSHS).

"Dependent child" means a person:

(1) Seventeen years of age or younger who is not self-supporting, married, or a member of the United States armed forces;

(2) Eighteen years of age or older for whom a court order requires support payments past age 18;

(3) Eighteen years of age or older, but under 19 years of age, for whom an administrative support order exists if the child is participating full-time in a secondary school program or the same level of vocational or technical training.

"Determination of parentage" means the establishment of the parent-child relationship by:

(1) A judicial proceeding;

(2) The signing of a valid acknowledgment of paternity under:

(a) RCW 26.26.300 through 26.26.375 prior to January 1, 2019;

(i) Chapter 26.26 RCW was repealed effective January 1, 2019, under chapter 6, section 907, laws of 2018;

(ii) Chapter 26.26A RCW was enacted effective January 1, 2019; or

(b) Another jurisdiction's laws dealing with the acknowledgment or affidavit of paternity or the acknowledgment of parentage; or

(3) The signing of a valid acknowledgment of parentage under RCW 26.26A.200 through 26.26A.265 on or after January 1, 2019.

"Differentiated support amount" means an amount of child support that represents a parent's support obligation for more than one child and may justifiably be divided into "per child" amounts for each child covered by the support order, based on information contained in the support order.

"Differentiated support order" means a child support order which provides a monthly amount of child support for two or more children, and either provides a specific support obligation for each child or provides enough information in the order so that the monthly amount may justifiably be divided into a "per child" amount for each child covered by the support order.

"Disbursement" means the amount of child support distributed to a case that is paid to the family, state, other child support enforcement agency in another state or foreign country, Indian tribe, or person or entity making the payment.

"Disposable earnings" means the amount of earnings remaining after the deduction of amounts required by law to be withheld.

"Distribution" means how a collection is allocated or split within a case or among multiple cases.

"Domestic partner" means a state registered domestic partner as defined in chapter 26.60 RCW.

"Earnings" means compensation paid or payable for personal service. Earnings include:

(1) Wages or salary;

(2) Commissions and bonuses;

(3) Periodic payments under pension plans, retirement programs, and insurance policies of any type;

(4) Disability payments under Title 51 RCW;

(5) Unemployment compensation under RCW 50.40.020, 50.40.050, and Title 74 RCW;

(6) Benefits under the family and medical leave insurance program under Title 50A RCW;

(7) Gains from capital, labor, or a combination of the two; and

(8) The fair value of nonmonetary compensation received in exchange for personal services.

"Employee" means a person to whom an employer is paying, owes, or anticipates paying earnings in exchange for services performed for the employer.

"Employer" means any person or organization having an employment relationship with any person. This includes:

(1) Partnerships and associations;

(2) Trusts and estates;

(3) Joint stock companies and insurance companies;

(4) Domestic and foreign corporations;

(5) The receiver or trustee in bankruptcy; and

(6) The trustee or legal representative of a deceased person.

"Employment" means personal services of whatever nature, including service in interstate commerce, performed for earnings or under any contract for personal services. Such a contract may be written or oral, express, or implied.

"Family" means the person or persons on whose behalf support is sought, which may include a custodial parent and one or more children, or one or more children in foster care placement. The family is sometimes called the assistance unit.

"Family arrears" means the amount of past-due support owed to the family, which has not been conditionally, temporarily, or permanently assigned to a state. Also called "nonassistance arrears."

"Family member" means the caretaker relative, the child or children, and any other person whose needs are considered in determining eligibility for assistance.

"Foreign order" means a court or administrative order entered by a tribunal other than one in the state of Washington, including an order entered by a tribunal in an Indian tribe or another state or country.

"Foreign reciprocating country" or **"FRC"** means a country which the federal government has declared to be a foreign reciprocating country, which means that the foreign country has established, or undertakes to establish, procedures for the establishment and enforcement of duties of support owed to custodial parents who are residents of the United States, and that such procedures are substantially in conformity with the standards prescribed under title IV-D of the federal Social Security Act.

"Foster care case" means a case referred to the Title IV-D agency by the Title IV-E agency, which is the department of children, youth, and families (DCYF).

"Fraud" for the purposes of vacating an agreed settlement or consent order, means:

(1) The representation of the existence or the nonexistence of a fact;

(2) The representation's materiality;

(3) The representation's falsity;

(4) The speaker's knowledge that the representation is false;

(5) The speaker's intent that the representation should be acted on by the person to whom it is made;

(6) Ignorance of the falsity on the part of the person to whom it is made;

(7) The latter's:

(a) Reliance on the truth of the representation;

(b) Right to rely on it; and

(c) Subsequent damage.

"Full support enforcement services" means the entire range of services available in a Title IV-D case.

"Good cause" for the purposes of late hearing requests and petitions to vacate orders on default means a substantial reason or legal justification for delay, including but not limited to, the grounds listed in civil rule 60. The time periods used in civil rule 60 apply to good cause determinations in this chapter.

"Head of household" means the parent or parents with whom the dependent child or children were residing at the time of placement in foster care.

"Health care costs" means medical expenses. Certain statutes in chapter 26.19 RCW refer to medical expenses as health care costs.

"Health care coverage" means fee for service, health maintenance organization, preferred provider organization, and other types of private health insurance and public health care coverage under which medical services could be provided to a dependent child or children. These services include, but are not limited to, medical and surgical care (inpatient, outpatient, physician), medical equipment (crutches, wheel-chairs, prosthesis, etc.), pharmacy products, optometric care, dental care, orthodontic care, preventive care, mental health care, and physical therapy. The term "health care coverage" includes, but is not limited to, health insurance coverage.

"Health insurance" or **"health insurance coverage"** is included in the definition of "health care coverage." Health insurance coverage includes any coverage under which medical services are provided by an employer or a union whether that coverage is provided through a self-insurance program, under the employee retirement income security act of 1974, a commercial insurer pursuant to chapters 48.20 and 48.21 RCW, a health care service contractor pursuant to chapter 48.44 RCW, or a health maintenance organization pursuant to chapter 48.46 RCW, and the state through chapter 41.05 RCW.

"Hearing" means an adjudicative proceeding authorized by this chapter, or chapters 26.23, 74.20, and 74.20A RCW, conducted under chapter 388-02 WAC and chapter 34.05 RCW.

"I" or **"me"** means the person asking the question which appears as the title of a rule.

"Incarcerated person" for purposes of abatement means a person who is totally or partially confined in a jail, prison, or correctional facility for at least six months or is serving a sentence of at least six months in a jail, prison, or correctional facility.

"Income" includes:

(1) All gains in real or personal property;

(2) Net proceeds from the sale or exchange of real or personal property;

(3) Earnings;

(4) Interest and dividends;

(5) Proceeds of insurance policies;

(6) Other periodic entitlement to money from any source; and

(7) Any other property subject to withholding for support under the laws of this state.

"Income withholding action" includes all withholding actions which DCS is authorized to take, and includes but is not limited to, the following actions:

(1) Asserting liens under RCW 74.20A.060;

(2) Serving and enforcing liens under chapter 74.20A RCW;

(3) Issuing orders to withhold and deliver under chapter 74.20A RCW;

(4) Issuing notices of payroll deduction under chapter 26.23 RCW; and

(5) Obtaining wage assignment orders under RCW 26.18.080.

"Initiating agency" or **"initiating jurisdiction"** means a state or Tribal IV-D agency or the central authority of another country, as defined in this rule, in which a person has applied for or is receiving services.

"Intergovernmental IV-D case" means a IV-D case in which the noncustodial parent lives or works in a different jurisdiction than the custodial parent and children that has been referred by an initiating agency to a responding agency for services. An intergovernmental IV-D case may include any combination of referrals between states, tribes, and countries. An intergovernmental IV-D case also may include cases in which a state agency is seeking only to collect support arrearages, whether owed to the family or assigned to the state.

"Locate" can mean efforts to obtain service of a support establishment notice in the manner prescribed by WAC 388-14A-3105.

"Lump sum payment" means income other than a periodic recurring payment of earnings on regular paydays and does not include reimbursement for expenses. Lump sum payment includes, but is not limited to, discretionary and nondiscretionary bonuses, commissions, performance bonuses, merit increases, safety awards, signing bonuses, moving and relocation incentive payments, holiday pay, termination pay, and severance pay. Lump sum payment also includes workers' compensation, insurance settlements, and personal injury settlements paid as replacement for wages owed.

"Medical assistance" means medical benefits under Title XIX of the federal Social Security Act provided to families as an alternative or supplement to TANF. This term includes public health care coverage, which is called apple health in Washington state.

"Medical expenses" for the purpose of establishing support obligations under RCW 26.09.105, 74.20A.055, and 74.20A.056, or for the purpose of enforcement action under chapters 26.18, 26.23, 74.20, and 74.20A RCW, including the notice of support debt and the notice of support owed, means medical costs incurred on behalf of a child, which include:

- Medical services related to a person's general health and well-being, including but not limited to, medical care, surgical care, preventive care, mental health care, and physical therapy; and
- Prescribed medical equipment and prescribed pharmacy products;
- Health care coverage, such as coverage under a health insurance plan, including the cost of premiums for coverage of a child;
- Dental, orthodontic, and optometrical costs incurred on behalf of a child; and
- Copayments and deductibles incurred on behalf of a child.

Medical expenses are sometimes also called health care costs or medical costs.

"Medical support" consists of:

(1) Health care coverage, which may be health insurance coverage or public health care coverage; and

(2) Cash medical support, which consists of:

(a) A parent's monthly payment toward the premium paid for coverage provided by a public entity or by another parent, which represents the obligated parent's proportionate share of the premium paid, but no more than 25% of the obligated parent's basic support obligation; and

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

"Monthly payment toward the premium" means a parent's contribution toward premiums paid for coverage provided by a public entity or by another parent, which is based on the obligated parent's proportionate share of the premium paid, but is limited to no more than 25% of the obligated parent's basic support obligation.

"National Medical Support Notice" or **"NMSN"** is a federally mandated form that DCS uses to enforce a health insurance support obligation; the NMSN is a notice of enrollment as described in RCW 26.18.170.

"Noncustodial parent" or **"NCP"** means the natural or biological parent, adoptive parent, adjudicated parent, presumed parent, responsible stepparent, or person who signed and filed an affidavit acknowledging paternity or parentage, from whom the state seeks support for a dependent child. A parent is considered to be an NCP when for the majority of the time during the period for which support is sought, the dependent child resided somewhere other than with that parent.

"Nonmedical expenses" means amounts incurred on behalf of a child which are not medical expenses as defined in this chapter. Nonmedical expenses include, but are not limited to, day care or other special childrearing expenses such as tuition and long-distance transportation costs to and from the parents for visitation purposes.

"Obligated parent" means a parent who is required under a child support order to provide medical support, which could include health care coverage or to reimburse the other parent for their share of uninsured medical expenses for a dependent child. The obligated parent could be either the NCP or the CP.

"Other ordinary expense" means an expense incurred by a parent which:

(1) Directly benefits the dependent child; and

(2) Relates to the parent's residential time or visitation with the child.

"Parent" means a person who has established a parent-child relationship under:

(1) RCW 26.26.101 prior to January 1, 2019;

(a) Chapter 26.26 RCW was repealed effective January 1, 2019, under chapter 6, section 907, laws of 2018;

(b) Chapter 26.26A RCW was enacted effective January 1, 2019;

(2) RCW 26.26A.100 on or after January 1, 2019; or

(3) Under the laws of another jurisdiction.

"Parentage" or **"parent-child relationship"** means the legal relationship between a child and a parent of the child. The term includes but is not limited to, the mother-child relationship and the father-child relationship.

"Participant" means an employee or retiree who is eligible for coverage under an employer group health plan.

"Pass-through" means the portion of a support collection distributed to assigned support that the state pays to a family currently receiving TANF.

"Past support" means support arrears.

"Paternity" means the legal relationship between a father and child. It is one type of parentage.

"Paternity testing" means blood testing or genetic tests of blood, tissue, or bodily fluids. This is also called genetic testing.

"Payment services only" or **"PSO"** means a case on which the division of child support's activities are limited to recording and distributing child support payments and maintaining case records. A PSO case is not a IV-D case.

"Permanently assigned arrears" means those arrears which the state may collect and retain up to the amount of unreimbursed assistance.

"Physical custodian" means custodial parent (CP).

"Plan administrator" means the person or entity which performs those duties specified under 29 U.S.C. 1002 (16)(A) for a health plan. If no plan administrator is specifically so designated by the plan's organizational documents, the plan's sponsor is the administrator of the plan. Sometimes an employer acts as its own plan administrator.

"Premium" means the amount paid for coverage provided by a public entity or by another parent for a child covered by a child support order. This term may also mean "cost of coverage."

"Presumed parent" means a person who, by operation of law under RCW 26.26A.115, is recognized as the parent of a child until that status is rebutted or confirmed in a judicial proceeding, or a valid denial or rescission is filed under RCW 26.26A.210 or 26.26A.235.

"Private insurance" is a term used in this chapter to refer to accessible health insurance for a child provided by a parent without the need for service of a national medical support notice, and does not include public health care coverage provided by the state.

"Proportionate share" or **"proportional share"** means an amount equal to a parent's percentage share of the combined monthly net income of the parents as computed on the worksheets when determining a parent's child support obligation under chapter 26.19 RCW.

"Public health care coverage" sometimes called "state purchased health care" means state-financed or federally financed medical coverage, whether or not there is an assignment of rights. For children residing in Washington state, public health care coverage is called apple health; this includes coverage through the department of social and health services or the health care authority, except for coverage under chapter 41.05 RCW. For children residing outside of Washington, this includes coverage through another state's agencies that administer state purchased health care programs.

"Putative father" includes all men who may possibly be the biological or genetic father of the child or children on whose behalf the application for assistance or support enforcement services is made.

"Reasonable efforts to locate" means any of the following actions performed by the division of child support:

(1) Mailing a support establishment notice to the noncustodial parent in the manner described in WAC 388-14A-3105;

(2) Referral to a sheriff or other server of process, or to a locate service or department employee for locate activities;

(3) Tracing activity such as:

(a) Checking local telephone directories and attempts by telephone or mail to contact the custodial parent, relatives of the noncustodial parent, past or present employers, or the post office;

(b) Contacting state agencies, unions, financial institutions, or fraternal organizations;

(c) Searching periodically for identification information recorded by other state agencies, federal agencies, credit bureaus, or other record-keeping agencies or entities; or

(d) Maintaining a case in the division of child support's automated locate program, which is a continuous search process.

(4) Referral to the state or federal parent locator service;

(5) Referral to the attorney general, prosecuting attorney, the IV-D agency of another state, or the Department of the Treasury for specific legal or collection action;

(6) Attempting to confirm the existence of and to obtain a copy of an order adjudicating paternity or parentage, or an affidavit or acknowledgment of paternity or parentage; or

(7) Conducting other actions reasonably calculated to produce information regarding the NCP's whereabouts.

"Required support obligation for the current month" means the amount set by a superior court order, tribal court order, or administrative order for support which is due in the month in question.

"Resident" means a person physically present in the state of Washington who intends to make their home in this state. A temporary absence from the state does not destroy residency once it is established.

"Residential care" means foster care, either state or federally funded.

"Residential parent" means the custodial parent (CP), or the person with whom the child resides a majority of the time.

"Responding agency" or **"responding jurisdiction"** means the agency that is providing services in response to a referral from an initiating agency in an intergovernmental IV-D case.

"Responsible parent" is a term sometimes used for a noncustodial parent.

"Responsible stepparent" means a stepparent who has established an in loco parentis relationship with the dependent child.

"Retained support" depending on the context in which it is used, can mean one of the following:

(1) An amount paid directly to the custodial parent by the noncustodial parent during a time when there is an open TANF grant, which the custodial parent does not immediately report or turn over to the department;

(2) A debt owed to the division of child support by anyone other than a noncustodial parent; or

(3) Amounts collected and retained by the division of child support which are applied to current or past due child support obligations which have been assigned to the state.

"Satisfaction of judgment" means payment in full of a court-ordered support obligation, or a determination that such an obligation is no longer enforceable.

"Secretary" means the secretary of the department of social and health services or the secretary's designee.

"Self-support reserve" or **"self support reserve"** means an amount equal to 180% of the federal poverty guideline for a one-person family.

"State" means a state or political subdivision, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a federally recognized Indian tribe, or a foreign country.

"Superior court order" means a judgment, decree, or order of a Washington state superior court, or of a court of comparable jurisdiction in an Indian tribe, or another state or country.

"Support debt" means support which was due under a support order but has not been paid. This includes:

(1) Delinquent support;

(2) A debt for the payment of expenses for the reasonable or necessary care, support, and maintenance including uninsured medical expenses, birth costs, child care costs, and special child rearing expenses of a dependent child or other person;

(3) A debt under RCW 74.20A.100 or 74.20A.270; or

(4) Accrued interest, fees, or penalties charged on a support debt, and attorney's fees and other litigation costs awarded in an action under Title IV-D to establish or enforce a support obligation.

"Support enforcement services" means all actions the Title IV-D agency is required to perform under Title IV-D of the Social Security Act and state law.

"Support establishment notice" means a notice and finding of financial responsibility under WAC 388-14A-3115, a notice and finding of parental responsibility under WAC 388-14A-3120, or a notice and finding of medical responsibility under WAC 388-14A-3125.

"Support money" means money paid to satisfy a support obligation, whether it is called child support, spousal support, alimony, maintenance, reimbursement for uninsured medical expenses, health care coverage, or birth costs.

"Support obligation" means the obligation to provide for the necessary care, support, and maintenance of a dependent child or other person as required by law, including health care coverage, uninsured medical expenses, birth costs, and child care or special child rearing expenses.

"Support order" means a court order, administrative order, or tribal court order which contains a determination, finding, decree, or order that sets a child support obligation (including medical support) and orders either the payment of a set or determinable amount of money for current support, a support debt, the provision of medical support, or any combination of the three. For purposes of abatement under this chapter, a support order includes the child support obligation and the obligations based on the terms of the basic child support order, such as those determined by notices of support owed.

"Temporarily assigned arrears" means those arrears which accrue prior to the family receiving assistance, for assistance applications dated on or after October 1, 1997, but before October 1, 2008. After the family terminates assistance, temporarily assigned arrears become conditionally assigned arrears.

"Temporary assistance for needy families" or **"TANF"** means cash assistance under the temporary assistance for needy families (TANF) program under Title IV-A of the Social Security Act.

"Title IV-A" means Title IV-A of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 U.S.C.

"Title IV-A agency" means the part of the department of social and health services that carries out the state's responsibilities under the temporary assistance for needy families (TANF) program (and the aid for dependent children (AFDC) program when it existed).

"Title IV-D" means Title IV-D of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 U.S.C.

"Title IV-D agency" or **"IV-D agency"** means the agency responsible for carrying out the Title IV-D plan in a state or tribe. For the state of Washington, this is the division of child support (DCS) within the department of social and health services (DSHS).

"Title IV-D case" means a case in which the division of child support provides services which qualifies for funding under the Title IV-D plan.

"Title IV-D plan" means the plan established under the conditions of Title IV-D and approved by the secretary, Department of Health and Human Services.

"Title IV-E" means Title IV-E of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 U.S.C.

"Title IV-E case" means a foster care case.

"Tribal TANF" means a temporary assistance for needy families (TANF) program run by a tribe.

"Tribunal" means a state court, tribal court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage, and includes such courts, agencies, or entities in other states or countries.

"Underlying order" means an existing child support order for which DCS serves a notice of support owed under RCW 26.23.110 to determine a sum certain support obligation.

"Undifferentiated support amount" means an amount of child support that represents a parent's support obligation for more than one child which cannot justifiably be divided into "per child" amounts for each child covered by the support order.

"Undifferentiated support order" means a child support order which provides a monthly amount of child support for two or more children, but does not provide a specific support obligation for each child or does not contain enough information in either the order or the worksheets associated with the order to justify dividing the monthly amount into "per child" amounts for each child covered by the support order.

"Uninsured medical expenses" for the purpose of establishing or enforcing support obligations, means:

(1) Medical expenses not paid by insurance for medical, dental, orthodontic, prescription, and optometrical costs incurred on behalf of a child; and

(2) Premiums, copayments, or deductibles incurred on behalf of a child.

"Unreimbursed assistance" means the cumulative amount of assistance which was paid to the family and which has not been reimbursed by assigned support collections.

"Unreimbursed medical expenses" means any amounts paid by one parent for uninsured medical expenses, which that parent claims the obligated parent owes under a child support order, which percentage share is stated in the child support order itself, not just in the worksheets.

"Washington State Support Registry" or **"WSSR"** is the entity created under RCW 26.23.030 within the division of child support (DCS) which, among other duties, contains a central unit for the collection, accounting, and disbursement of support payments.

"We" means the division of child support, part of the department of social and health services of the state of Washington.

"You" means the reader of the rules, a member of the public, or a recipient of support enforcement services.

[Statutory Authority: RCW 74.20.040, 74.20A.055, 74.20A.310, and 26.19.065. WSR 25-22-018, s 388-14A-1020, filed 10/24/25, effective 1/1/26. Statutory Authority: RCW 26.23.050, 74.20.040, and 74.20A.310. WSR 25-17-054, s 388-14A-1020, filed 8/14/25, effective 9/14/25. 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-1020, filed 4/7/25, effective 5/8/25. Statutory Authority: RCW 26.09.916, 74.08.090, 74.20A.055. WSR 22-02-063, § 388-14A-1020, filed 1/4/22, effective 2/4/22. Statutory Authority: Part I of 2018 c 150 and RCW 26.09.105, 26.18.170, 26.23.050, 34.05.220 (1)(a), 34.05.350(1), 74.08.090, and 74.20.040(9). WSR 19-02-017, § 388-14A-1020, filed 12/21/18, effective 1/21/19. 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-1020, filed 12/18/12, effective 1/18/13. Statutory Authority: 2011 c 283, RCW 34.05.220, 43.20A.550, 74.04.055, 74.04.057, 74.08.090, 74.20A.055, 74.20A.056, and 74.20A.310. WSR 12-01-002, § 388-14A-1020, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-1020, filed 5/19/11, effective 6/19/11. Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.050, [26.23.]110, 74.20.040, 74.20A.030, [74.20A.]055, [74.20A.]056, and 74.20A.310. WSR 09-02-059, § 388-14A-1020, filed 1/5/09, effective 1/27/09. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-1020, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.20A.310, 45 C.F.R. 302.31 and 302.33. WSR 06-03-120, § 388-14A-1020, filed 1/17/06, effective 2/17/06. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 74.20A.310. WSR 05-14-101, § 388-14A-1020, filed 6/30/05, effective 7/31/05. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. WSR 04-17-119, § 388-14A-1020, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.055, 74.20A.056. WSR 01-03-089, § 388-14A-1020, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-011 and 388-14-020.]

WAC 388-14A-1025 What are the responsibilities of the division of child support? (1) The division of child support (DCS) provides support enforcement services when:

(a) The department of social and health services pays public assistance;

(b) A former recipient of public assistance is eligible for services, as provided in WAC 388-14A-2000 (2)(c);

(c) The department of children, youth, and families:

(i) Provides residential care (foster care) for a dependent child; and

(ii) Refers a noncustodial parent (NCP) or parents (NCPs) to DCS for DCS to provide support enforcement services for the child in residential care;

(d) A custodial parent (CP) or NCP requests nonassistance support enforcement services under RCW 74.20.040 and WAC 388-14A-2000;

(e) A support order or wage assignment order under chapter 26.18 RCW directs the NCP to make support payments through the Washington state support registry (WSSR);

(f) A support order under which there is a current support obligation for dependent children is submitted to the WSSR;

(g) A former CP requests services to collect a support debt accrued under a court or administrative support order while the child or children resided with the CP;

(h) A child support enforcement agency in another state or foreign country requests support enforcement services; or

(i) A child support agency of an Indian tribe requests support enforcement services.

(2) DCS takes action under chapters 26.09, 26.18, 26.19, 26.21A, 26.23, 26.26A, 26.26B, 74.20, and 74.20A RCW to establish, enforce, and collect child support obligations.

(a) DCS refers cases to the county prosecuting attorney or attorney general's office when judicial action is required.

(b) If DCS has referred a case to the county prosecuting attorney or attorney general's office and the CP has been granted good cause level A, DCS does not share funding under Title IV-D for any actions taken by the prosecutor or attorney general's office once DCS advises them of the good cause finding.

(3) DCS does not take action on cases where the community services office (CSO) has granted the CP good cause not to cooperate under WAC 388-422-0020, when the CSO grants "level A good cause." If the CSO grants "level B good cause," DCS proceeds to establish and enforce support obligations but does not require the CP to cooperate with DCS. WAC 388-14A-2065 and 388-14A-2070 describe the way DCS handles cases with good cause issues.

(4) DCS establishes, maintains, retains, and disposes of case records in accordance with the department's records management and retention policies and procedures adopted under chapter 40.14 RCW.

(5) DCS establishes, maintains, and monitors support payment records.

(6) DCS receives, accounts for, and distributes child support payments required under court or administrative orders for support.

(7) DCS charges and collects fees as required by federal and state law regarding the Title IV-D child support enforcement program.

(8) DCS files a satisfaction of judgment when we determine that a support obligation is either paid in full or no longer legally enforceable. WAC 388-14A-2099 describes the procedures for filing a satisfaction of judgment. WAC 388-14A-2099(4) describes how DCS determines a support obligation is satisfied or no longer legally enforceable.

(9) Based on changes in federal statutes and regulations, DCS establishes or changes the rules regarding its responsibilities when acting as either the initiating agency or responding agency in an intergovernmental child support case.

[Statutory Authority: RCW 26.09.105, 26.18.170, 26.23.050, 26.23.110, 26.23.120, 34.05.020, 34.05.060, 74.08.090, 74.20.040, 74.20A.055, and 74.20A.056. WSR 24-15-143, § 388-14A-1025, filed 7/23/24, effective 8/23/24. 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-1025, filed 12/18/12, effective 1/18/13. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR

08-12-029, § 388-14A-1025, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310. WSR 01-24-080, § 388-14A-1025, filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 74.08.090, 45 C.F.R. 303.106. WSR 01-03-089, § 388-14A-1025, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-205.]

WAC 388-14A-1030 What kinds of services can the division of child support provide? The services provided by the division of child support include, but are not limited to the following:

(1) Receiving payments and distributing the payments (see WAC 388-14A-5000);

(2) Establishing or modifying administrative child support orders (see WAC 388-14A-3100 and 388-14A-3925);

(3) Enforcing and modifying court orders for child support or maintenance (see WAC 388-14A-3304, 388-14A-3310, and 388-14A-3900);

(4) Referral to the prosecuting attorney for establishment of parentage;

(5) Providing locate services as provided in WAC 388-14A-1035;

(6) Referral for welfare to work services in conjunction with other parts of DSHS, the employment security department (ESD), and private contractors;

(7) Cooperation with the IV-D agencies of Indian tribes and other states, and the central authorities of other countries (see WAC 388-14A-1060); and

(8) Providing any other services allowed by the state plan and applicable state and federal law.

[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-1030, 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-1030, filed 12/18/12, effective 1/18/13. Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d) and 45 C.F.R. 303.106. WSR 03-20-072, § 388-14A-1030, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.08.090, 45 C.F.R. 303.106. WSR 01-03-089, § 388-14A-1030, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-205.]

WAC 388-14A-1035 What kinds of locate services does the division of child support provide? The division of child support (DCS) maintains a service to locate noncustodial parents, using:

(1) All sources of information and available records in Washington or other states; and

(2) The federal parent locator service (FPLS) maintained by the federal Department of Health and Human Services.

[Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-1035, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-350.]

WAC 388-14A-1036 Who can request DCS locate services? DCS provides locate services for:

(1) Persons receiving public assistance for the benefit of dependent children;

(2) Any agency or attorney of another state or country seeking to collect support obligations under an agreement entered into with DCS;

(3) A court which has the authority to issue an order against a noncustodial parent (NCP) for the support and maintenance of a child;

(4) The custodial parent (CP), legal guardian, attorney or agent of a child who does not receive public assistance, and has not applied for full support enforcement services;

(5) The IV-D agency of another state;

(6) The child support agency of an Indian tribe or another country; and

(7) Those persons authorized by 45 C.F.R. 303.15 to use the FPLS in connection with parental kidnaping or child custody cases.

[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-1036, filed 12/18/12, effective 1/18/13. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § WAC 388-14A-1036, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-1040 What must a request for locate services contain? A request or referral asking the division of child support (DCS) to provide locate services must contain the following information:

(1) The name of the noncustodial parent (NCP);

(2) The NCP's Social Security number, if known;

(3) Whether the NCP is now or has been a member of the armed services;

(4) Whether the NCP is now receiving or has received any federal benefits;

(5) A request for a referral to the federal parent locator service (FPLS);

(6) A statement that the request is being made to locate a person only for one of the following purposes:

(a) Establishing parentage;

(b) Securing support; or

(c) In connection with parental kidnapping or child custody cases.

(7) A statement acknowledging that any information obtained from the FPLS must be kept confidential.

[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-1040, filed 4/7/25, effective 5/8/25. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-1040, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-1045 What happens when I request locate services from the division of child support? (1) The division of child support (DCS) makes diligent and reasonable efforts to locate the noncustodial parent (NCP), including referral to the federal parent locator service (FPLS).

(2) A request for locate services is not an application for full support enforcement services.

(3) If DCS is successful in locating the NCP, the case does not automatically convert to a full support enforcement services case, but you may apply for full services.

(4) If DCS is unsuccessful in locating the NCP using local and state resources, DCS closes the case as provided in WAC 388-14A-2080(12).

[Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-1045, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-1050 The division of child support cooperates with tribes and other states and countries for support enforcement purposes. The division of child support (DCS) cooperates with the IV-D agencies of tribes and other states and the central authorities of other countries, according to rules and policies set by the Secretary of the Department of Health and Human Services and the federal Office of Child Support Services (OCSS). Areas of cooperation include:

(1) Establishing parentage;

(2) Locating a noncustodial parent (NCP) who resides in Washington;

(3) Enforcing the support obligation of an NCP who resides in Washington but whose support order was entered by an Indian tribe or another state or country; and

(4) Any other functions required under a Title IV-D plan.

[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-1050, 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-1050, filed 12/18/12, effective 1/18/13. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-1050, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-360.]

WAC 388-14A-1055 Can the division of child support collect support owed or assigned to another state, tribe or country? (1) The division of child support (DCS) may, at the request of an Indian tribe or another state, collect child support which has been assigned to that tribe, state under 42 U.S.C. 608 (a)(3)(A), or another country according to the laws of that country.

(2) DCS uses the remedies in chapters 26.23, 74.20 and 74.20A RCW to collect support on behalf of another state, tribe, country or IV-D agency.

[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-1055, filed 12/18/12, effective 1/18/13. Statutory Authority: RCW 26.21.016, 34.05.020, 74.08.090, 74.20.040(3), 74.20A.310. WSR 06-06-078, § 388-14A-1055, filed 2/28/06, effective 3/31/06. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-1055, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-365.]

WAC 388-14A-1060 The division of child support cooperates with courts and law enforcement. (1) The division of child support (DCS) is authorized to enter into cooperative arrangements and written agreements including financial arrangements with the appropriate courts and law enforcement officials (including Indian tribes) to assist DCS in administering the state plan for support enforcement.

(2) These cooperative arrangements include the investigation and prosecution of fraud related to parentage and child support.

(3) DCS shares the federal funds it receives under 42 U.S.C. 655 according to the cooperative and financial agreements.

(4) Any support payments that are made by a noncustodial parent (NCP) after DCS refers a case to a court or law enforcement official must be submitted to the Washington state support registry.

[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-1060, filed 4/7/25, effective 5/8/25. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-1060, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-370.]

PART B - BASIC RULES FOR CHILD SUPPORT CASES

WAC 388-14A-2000 Who can receive child support enforcement services from the division of child support? (1) The division of child support (DCS) provides payment processing and records maintenance services (called "payment services only") to parties to a court order who are not receiving a public assistance grant when:

(a) A Washington superior court order, tribal court order, administrative order, or wage assignment order under chapter 26.18 RCW directs payments through DCS or through the Washington state support registry (WSSR);

(b) The custodial parent (CP) of a dependent child or a noncustodial parent (NCP) requests payment services only, provided that:

(i) An NCP's request for payment services only may not cause a reduction of service from the level of service provided under subsection (2) of this section; and

(ii) The support obligation is set by a Washington state superior court order, tribal court order, administrative order, or wage assignment order, directing payment to DCS or to WSSR.

(2) DCS provides full support enforcement services under Title IV-D of the Social Security Act to CPs or NCPs who are not receiving a public assistance grant when:

(a) The CP or former physical custodian of a child requests support enforcement services;

(b) The NCP of a dependent child requests support enforcement services;

(c) An NCP submits a support order for inclusion in or a support payment to the WSSR, together with an application for support enforcement services;

(d) A public assistance recipient stops receiving a cash grant under the temporary assistance for needy families program;

(e) The department provides medicaid-only benefits to a CP on behalf of a dependent child, unless the recipient of the medicaid-only benefits declines support enforcement services not related to estab-

lishment of parentage, medical support establishment, or medical support enforcement;

(f) A man requests services to establish parentage alleging they are the child's biological or genetic parent; or

(g) An Indian tribe or another state or country requests services in an intergovernmental case.

(3) DCS provides payment processing, records maintenance, establishment of parentage, medical support establishment, and medical support enforcement services when a recipient of medicaid-only benefits declines support enforcement services in writing.

[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-2000, 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-2000, filed 12/18/12, effective 1/18/13. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-2000, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310, 45 C.F.R. 303.106. WSR 01-03-089, § 388-14A-2000, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-205, 388-14-300, and 388-14-310.]

WAC 388-14A-2005 When does an application for public assistance automatically become an application for support enforcement services? (1) When a custodial parent (CP) or physical custodian (also called the CP) applies for or receives cash assistance on behalf of a minor child, the family authorizes the division of child support (DCS) to provide full support enforcement services to the family.

(2) These services continue until the support enforcement case is closed under WAC 388-14A-2080.

(3) The CP's public assistance application is an assignment of support rights.

(4) An application for medicaid, medical assistance, or medical benefits under Title XIX of the federal Social Security Act is an assignment of the medical support rights of anyone receiving those benefits, and the CP authorizes DCS to provide support enforcement services to the family as follows:

(a) DCS provides full support enforcement services as provided under subsection (1) of this section for a family receiving cash assistance, or under WAC 388-14A-2000 (2)(d) to a family receiving medicaid-only benefits;

(b) As set forth in WAC 388-14A-2000(3), DCS provides only payment processing, records maintenance, establishment of parentage, medical support establishment, and medical support enforcement services when a recipient of medicaid-only benefits declines full support enforcement services in writing.

(5) WAC 388-14A-2036 describes the assignment of support rights.

(6) If the community services division grants the CP good cause not to cooperate under WAC 388-422-0020, DCS does not provide services. See WAC 388-14A-2065.

[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-2005, filed 4/7/25, effective

5/8/25. Statutory Authority: RCW 74.20A.310, 45 C.F.R. 302.31 and 302.33. WSR 06-03-120, § 388-14A-2005, filed 1/17/06, effective 2/17/06. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310, 45 C.F.R. 303.106. WSR 01-03-089, § 388-14A-2005, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-205.]

WAC 388-14A-2010 Can I apply for support enforcement services if I do not receive public assistance? (1) If you are not receiving public assistance, you can apply for support enforcement services. Your case is called a nonassistance case. A nonassistance case receives the same level of services as a case that was opened because of the payment of public assistance.

(2) Generally, the person applying for nonassistance support enforcement services is the custodial parent or former custodial parent of a child. However, the noncustodial parent may apply for services as well, as provided in WAC 388-14A-2000 (2)(b), (c) and (f).

(3) A person wishing to apply for nonassistance support enforcement services must submit a written application for support enforcement services except as provided in WAC 388-14A-2000 (2)(d); and

(a) Have or have had physical custody of the child for whom support is sought, or for whom a support debt has accrued, or be the person with whom the child resided the majority of the time for which support is sought; or

(b) Be the noncustodial parent.

(4) The applicant must:

(a) Give consent for the division of child support (DCS) to take an assignment of earnings from the noncustodial parent (NCP) if the parents are still married;

(b) Agree to send to DCS any support payments received directly from the NCP within eight days of receipt;

(c) Agree to direct a payor or forwarding agent to make payments to the Washington state support registry (WSSR);

(d) Agree not to hire an attorney or collection agency, or apply to any other state's IV-D agency to collect the same support obligation or support debt, without notifying DCS;

(e) Complete, sign, date and submit to DCS the application form and any other required documents;

(f) Supply copies of divorce and dissolution decrees, support orders and modification orders, and any related documents affecting a support obligation;

(g) Provide a statement of the amount of support debt owed by the NCP;

(h) Include or attach a list, by date, of the support payments received from the NCP during the time period for which the CP seeks support; and

(i) Pay any applicable fee imposed by state or federal law.

(5) If someone other than the CP has legal custody of the child under a court order, the CP must affirm that:

(a) The CP has not wrongfully deprived the legal custodian of custody; and

(b) The person with legal custody has not been excused from making support payments by a court or administrative tribunal.

(6) See WAC 388-14A-2015 regarding requests for intergovernmental child support services received from a foreign reciprocating country (FRC) or from a custodial parent who is a resident of an FRC.

(7) See WAC 388-14A-7660 regarding the assessment of costs in an intergovernmental case where the initiating jurisdiction is an FRC.

[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-2010, filed 12/18/12, effective 1/18/13. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-2010, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-2010, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-310.]

WAC 388-14A-2015 Does DCS accept an application from someone who is not a resident of Washington state? (1) If you are not a resident of the state of Washington but you are applying for services, you must swear or affirm that there is not an open IV-D case in another state.

(2) The division of child support (DCS) may decline the application for nonassistance support enforcement services if:

(a) DCS already has an open case for you which was opened at the request of another state; or

(b) Neither the custodial parent nor the noncustodial parent reside, work, or own any assets in the state of Washington.

(3) If you are a custodial parent residing in a foreign reciprocating country (FRC), either you or the child support agency of your country may request intergovernmental child support services from DCS. As provided under 42 U.S.C. 654 (32)(C):

(a) No formal application for services is required; and

(b) DCS does not assess costs against either the FRC or the custodial parent.

(4) See WAC 388-14A-7660 regarding costs assessed against the noncustodial parent in an intergovernmental case where the initiating jurisdiction is an FRC.

[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-2015, filed 12/18/12, effective 1/18/13. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-2015, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-310.]

WAC 388-14A-2020 Can the division of child support deny my application for support enforcement services? (1) The division of child support (DCS) may deny an application which is incomplete, contains unclear or inconsistent statements, is not supported by necessary documents, or requests services DCS cannot or does not provide.

(2) DCS may deny an application from a nonresident as provided in WAC 388-14A-2015(2).

(3) When DCS denies an application, DCS sends the applicant a written notice of denial by regular mail. The notice advises the applicant:

(a) Of the reasons for the denial; and

(b) That the applicant may request an administrative hearing to contest the denial.

[Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-2020, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2025 What services does the division of child support provide for a nonassistance support enforcement case? (1) The division of child support (DCS) provides full support enforcement services for every IV-D case.

(2) DCS provides either full or limited nonassistance support enforcement services for recipients of medicaid-only benefits as provided in WAC 388-14A-2005(4).

(3) Some cases do not receive full support enforcement services. Nonassistance cases where DCS provides payment processing services are called payment services only (PSO) cases.

(4) In a PSO case, DCS provides only records maintenance and payment processing services if the payee under a support order does not submit an application for support enforcement services and the:

(a) Order directs support payments to DCS or to the Washington state support registry (WSSR); and

(b) The clerk of the court submitted the order under RCW 26.23.050.

(5) DCS continues to provide services without an application after a:

(a) Public assistance recipient stops receiving cash assistance; or

(b) Recipient of medicaid-only benefits becomes ineligible for medicaid-only benefits, unless the recipient declines support enforcement services or requests additional services.

(6) If you receive services as a former recipient of assistance, as described in subsection (5), you must cooperate with DCS in the same way as when you received a grant.

[Statutory Authority: RCW 74.20A.310, 45 C.F.R. 302.31 and 302.33. WSR 06-03-120, § 388-14A-2025, filed 1/17/06, effective 2/17/06. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-2025, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2030 Do I assign my rights to support when I apply for child support enforcement services? (1) A custodial parent applying for or receiving cash assistance on behalf of a minor child assigns the family's rights to support as provided in WAC 388-14A-2035, below.

(2) A person applying for nonassistance support enforcement services does not assign support rights, but agrees to cooperate with the division of child support as provided in WAC 388-14A-2010(3).

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.270, 74.20A.310. WSR 01-03-089, § 388-14A-2030, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-200.]

WAC 388-14A-2035 Do I assign my rights to support when I receive public assistance? (1) When you receive public assistance you assign your rights to support to the state. This section applies to all ap-

plicants and recipients of cash assistance under the state program funded under Title IV-A of the federal Social Security Act.

(2) As a condition of eligibility for assistance, a family member must assign to the state the right to collect and keep, subject to the limitation in subsection (3), any support owing to the family member or to any other person for whom the family member has applied for or is receiving assistance.

(3) Amounts assigned under this section may not exceed the lesser of the total amount of assistance paid to the family or the total amount of the assigned support obligation.

(4) When you receive medicaid or medical benefits, you assign your rights to medical support to the state. This applies to all recipients of medical assistance under the state program funded under Title XIX of the federal Social Security Act:

(a) If your children receive medicaid or other state-financed medical coverage through the department under chapter 74.09 RCW for which there is an assignment and if your order provides for the payment of a monthly payment toward the premium when the obligated parent does not provide coverage, the division of child support (DCS) may serve a notice of support owed to establish the amount owed by the noncustodial parent as a monthly payment toward the premium paid for coverage by the state, as provided in WAC 388-14A-3312.

(b) Any amounts established under WAC 388-14A-3312 for periods while your children receive medicaid or other state-financed medical coverage are assigned to the state and are distributed as provided in WAC 388-14A-5001 through 388-14A-5050.

(c) Amounts assigned under this section may not exceed the lesser of the total amount of premiums paid by the state for your children or the total amount of the assigned monthly payment toward the premium.

(5) In addition to the assignment described in this section, there is an assignment of support rights under Title IV-E of the social security act when a child receives foster care services.

(a) The state provides foster care programs which may be federally-funded or state funded, or may place a child with a relative.

(b) As part of its state plan under Title IV-D of the social security act and 45 C.F.R. 302.52, DCS provides child support enforcement services for foster care cases as required by 45 C.F.R. 302.33, RCW 74.20.330 and 74.20A.030.

[Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-2035, filed 5/19/11, effective 6/19/11. Statutory Authority: RCW 74.20A.310, 45 C.F.R. 302.31 and 302.33. WSR 06-03-120, § 388-14A-2035, filed 1/17/06, effective 2/17/06. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.270, 74.20A.310. WSR 01-03-089, § 388-14A-2035, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-200.]

WAC 388-14A-2036 What does assigning my rights to support mean? (1) As a condition of eligibility for assistance, a family member must assign to the state the right to collect and keep, subject to the limitation in WAC 388-14A-2035(3):

(a) Any support owing to the family member or to any other person for whom the family member has applied for or is receiving assistance

if the family applied for cash public assistance before October 1, 2008.

(b) Support owing to the family member, or to any other person for whom the family member has applied for or is receiving cash public assistance, for any month during which the family receives assistance.

(2) While your family receives assistance, support is distributed and disbursed in accordance with WAC 388-14A-5000 through 388-14A-5015.

(3) After your family terminates from assistance, certain accrued arrears remain assigned to the state in accordance with the following rules:

(a) For assistance applications dated prior to October 1, 1997, you permanently assigned to the state all rights to support which accrued before the application date until the date your family terminated from assistance.

(b) For assistance applications dated on or after October 1, 1997, and before October 1, 2000:

(i) You permanently assigned to the state all rights to support which accrued while your family receives assistance; and

(ii) You temporarily assigned to the state all rights to support which accrued before the application date, until October 1, 2000, or when your family terminated from assistance, whichever date is later.

(c) For assistance applications dated on or after October 1, 2000, and before October 1, 2008:

(i) You permanently assigned to the state all rights to support which accrued while the family received assistance; and

(ii) You temporarily assigned to the state all rights to support which accrued before the application date, until the date your family terminated from assistance.

(d) For assistance applications dated on or after October 1, 2008, you permanently assign to the state all rights to support which accrue while the family receives assistance.

(4) When you assign your medical support rights to the state, you authorize the state on behalf of yourself and the children in your care to enforce the noncustodial parent's full duty to provide medical support.

(a) When you begin receiving medicaid or medical assistance, you do not assign to the state any accrued medical support arrears that may be owed to you by the noncustodial parent (NCP).

(b) If your support order provides for the payment of a monthly payment toward the premium when the obligated parent does not provide coverage, the division of child support (DCS) may serve a notice of support owed to establish the amount owed by the NCP as a monthly payment toward the premium paid for coverage by the state, as provided in WAC 388-14A-3312.

(c) After you terminate medicaid or medical assistance, any assigned medical arrears remain assigned to the state.

[Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-2036, filed 5/19/11, effective 6/19/11. Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.050, [26.23.]110, 74.20.040, 74.20A.030, [74.20A.]055, [74.20A.]056, and 74.20A.310. WSR 09-02-059, § 388-14A-2036, filed 1/5/09, effective 1/27/09. Statutory Authority: RCW 74.20A.310, 45 C.F.R. 302.31 and 302.33. WSR 06-03-120, § 388-14A-2036, filed 1/17/06, effective 2/17/06. Statutory Authority:

RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.270, 74.20A.310. WSR 01-03-089, § 388-14A-2036, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-200.]

WAC 388-14A-2037 What are permanently assigned arrears? Permanently assigned arrears accrue only under the following conditions:

(1) For those periods prior to the family receiving assistance, for assistance applications dated before October 1, 1997; and

(2) For those periods while a family receives assistance, for assistance applications dated at any time.

[Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.050, [26.23.]110, 74.20.040, 74.20A.030, [74.20A.]055, [74.20A.]056, and 74.20A.310. WSR 09-02-059, § 388-14A-2037, filed 1/5/09, effective 1/27/09. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-2037, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2038 What are temporarily assigned arrears? (1) Temporarily assigned arrears are arrears owed to the family at the time TANF started, for TANF periods beginning before October 1, 2008. These arrears remain temporarily assigned during the assistance period.

(2) Temporarily assigned arrears convert to conditionally assigned arrears when the TANF period ends. See WAC 388-14A-2039 for a description of conditionally assigned arrears.

(3) If any support collections are distributed to temporarily assigned arrears, those collections are retained by the state, up to the amount of unreimbursed assistance.

[Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.050, [26.23.]110, 74.20.040, 74.20A.030, [74.20A.]055, [74.20A.]056, and 74.20A.310. WSR 09-02-059, § 388-14A-2038, filed 1/5/09, effective 1/27/09. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-2038, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2039 What are conditionally assigned arrears? (1) Conditionally assigned arrears are any temporarily assigned arrears that remain on a case after the family stops receiving TANF.

(2) These arrears remain conditionally assigned during TANF periods beginning on or after October 1, 2008.

(3) If federal tax refund offset collections are distributed to conditionally assigned arrears, those collections are retained by the state, up to the amount of unreimbursed assistance.

(4) If support collections other than federal tax refund offset collections are distributed to conditionally assigned arrears, those collections are disbursed to the family.

[Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.050, [26.23.]110, 74.20.040, 74.20A.030, [74.20A.]055, [74.20A.]056, and 74.20A.310. WSR 09-02-059, § 388-14A-2039, filed 1/5/09, effective 1/27/09.]

WAC 388-14A-2040 Do I have to cooperate with the division of child support in establishing or enforcing child support? (1) You must cooperate with the division of child support (DCS) when you receive public assistance unless the department determines there is good cause not to cooperate under WAC 388-422-0020.

(2) As described in WAC 388-14A-2080, DCS may close a nonassistance case if the custodial parent (CP) fails to cooperate, if cooperation is essential for the next step in enforcement.

(3) For purposes of this section and WAC 388-14A-2075, cooperating with DCS includes cooperating with those acting on behalf of DCS (its "representatives"), namely the prosecuting attorney, the attorney general, or a private attorney paid per RCW 74.20.350. In cases where parentage is at issue, the CP of a child who receives assistance must cooperate whether or not the parent receives assistance.

(4) Cooperation means giving information, attending interviews, attending hearings, or taking actions to help DCS establish and collect child support. This information and assistance is necessary for DCS to:

(a) Identify and locate the responsible parent;

(b) Establish the parentage of the child or children on assistance in the CP's care; and

(c) Establish or collect support payments or resources such as property due the CP or the child or children.

(5) The CP must also cooperate by sending to DCS any child support received by the CP while on assistance, as required by RCW 74.20A.275 (3)(c). If the client keeps these payments, known as retained support, the CP must sign an agreement to repay under RCW 74.20A.275, and the CP must honor that agreement.

(6) The cooperation requirements of subsections (1), (3), and (4) of this section, but not subsection (5), apply to a recipient of medicaid-only assistance.

[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-2040, filed 4/7/25, effective 5/8/25. Statutory Authority: 2012 c 253 § 5, 2012 1st sp.s. c 4, RCW 34.05.220, 43.20A.550, 74.04.055, 74.08.090, and 70.20.040. WSR 12-18-027, § 388-14A-2040, filed 8/27/12, effective 9/27/12. Statutory Authority: RCW 34.05.020, 34.05.220, 74.08.090, 74.20.040, and 2011 c 42. WSR 11-23-087, § 388-14A-2040, filed 11/17/11, effective 12/18/11. Statutory Authority: RCW 74.20A.310, 45 C.F.R. 302.31 and 302.33. WSR 06-03-120, § 388-14A-2040, filed 1/17/06, effective 2/17/06. Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d), 26.23.035, 74.20A.310. WSR 03-20-072, § 388-14A-2040, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.310. WSR 01-03-089, § 388-14A-2040, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-201.]

WAC 388-14A-2041 What happens if I don't cooperate with DCS while I receive public assistance? (1) If you receive public assistance, there may be penalties, called sanctions, for not cooperating with the division of child support (DCS). These sanctions and the noncooperation process are described in WAC 388-14A-2075. You may be sanctioned if:

(a) You do not go to scheduled interviews and answer questions;

(b) There is credible evidence showing that you could have given the information but did not;

(c) You have been giving inconsistent or false information without a good reason; or

(d) You refuse to sign or honor a repayment agreement under WAC 388-14A-2040(3).

(2) You must be given the opportunity to swear you do not have the information.

(3) You cannot be sanctioned because you provided information on a possible parent who was then excluded by genetic testing. In this event you must continue to cooperate in naming other possible parents and taking part in any resulting genetic testing.

(4) You may not be able to help DCS if you do not know, do not possess, or cannot reasonably obtain the requested information. To avoid a sanction, you must, under penalty of perjury, swear or attest to your lack of information in an interview held by DCS or its representative.

(5) If you fear that cooperation may cause harm to you or your children, you may contact the community services division (CSD) to claim good cause not to cooperate under WAC 388-422-0020.

[Statutory Authority: RCW 34.05.020, 34.05.220, 74.08.090, 74.20.040, and 2011 c 42. WSR 11-23-087, § 388-14A-2041, filed 11/17/11, effective 12/18/11. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.310. WSR 01-03-089, § 388-14A-2041, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-202.]

WAC 388-14A-2045 What can I do if I am afraid that cooperating with the division of child support will be harmful to me or to my children? (1) If a custodial parent (CP) receiving public assistance fears that the establishment or enforcement of support may result in harm to the CP or the children, the CP may be excused from the cooperation requirements. The CP must contact the community services division (CSD) to claim good cause not to cooperate under WAC 388-422-0020. The CP may claim good cause:

(a) At the time of application for public assistance; or

(b) At any time thereafter.

(2) If a CP who is not receiving public assistance fears that the establishment or enforcement of support may result in harm to the CP or the children, the CP should tell the division of child support (DCS) that family violence is an issue in the case, so that DCS may take appropriate action. The CP may ask DCS to close the nonassistance support enforcement case.

[Statutory Authority: 2012 c 253 § 5, 2012 1st sp.s. c 4, RCW 34.05.220, 43.20A.550, 74.04.055, 74.08.090, and 70.20.040. WSR 12-18-027, § 388-14A-2045, filed 8/27/12, effective 9/27/12. Statutory Authority: RCW 34.05.020, 34.05.220, 74.08.090, 74.20.040, and 2011 c 42. WSR 11-23-087, § 388-14A-2045, filed 11/17/11, effective 12/18/11. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-2045, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2050 Who decides if I have good cause not to cooperate? (1) The community services division (CSD) decides whether you

have good cause not to cooperate with the division of child support (DCS). You must tell CSD if you want to claim good cause.

(a) CSD determines good cause under WAC 388-422-0020.

(b) You may claim good cause at the time you apply for public assistance, or at any time thereafter.

(2) When you make a claim of good cause not to cooperate, DCS does not take any action on your case while CSD is reviewing your good cause claim.

[Statutory Authority: 2012 c 253 § 5, 2012 1st sp.s. c 4, RCW 34.05.220, 43.20A.550, 74.04.055, 74.08.090, and 70.20.040. WSR 12-18-027, § 388-14A-2050, filed 8/27/12, effective 9/27/12. Statutory Authority: RCW 34.05.020, 34.05.220, 74.08.090, 74.20.040, and 2011 c 42. WSR 11-23-087, § 388-14A-2050, filed 11/17/11, effective 12/18/11. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-2050, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2060 Are there different kinds of good cause for not cooperating with DCS? (1) For custodial parents receiving public assistance, there are two kinds of good cause granted by the community services office (CSO):

(a) When the CSO determines that support establishment or enforcement cannot proceed at all because of a risk of danger to the custodial parent (CP) or children, this is called good cause level A.

(b) When the CSO determines that support establishment or enforcement can proceed without input from the CP, but that good cause exists for the CP not to cooperate with DCS, this is called good cause level B.

(2) See WAC 388-422-0020 for how the CSO grants good cause.

[Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-2060, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2065 Does the division of child support provide support enforcement services if the community services division decides I have "good cause level A"? (1) If the community services division (CSD) grants you good cause level A the division of child support (DCS) closes the case and does not take any action to establish or enforce support for the children covered by the good cause finding.

(a) DCS does not reopen the case while you and the children still receive temporary assistance for needy families (TANF), unless the good cause decision is later withdrawn or denied;

(b) DCS does not reopen the case after your TANF grant ends unless you:

(i) Reapply for TANF and tell CSD that you no longer wish to claim good cause not to cooperate with DCS; or

(ii) Apply for nonassistance child support services by submitting an application to DCS.

(2) If CSD grants good cause level A after DCS has referred your case to the county prosecuting attorney or attorney general's office, DCS advises the prosecutor or attorney general's office of the good cause finding.

(3) When DCS advises the prosecutor or attorney general's office that good cause level A has been granted in your case, DCS requests that the prosecutor or attorney general's office dismiss any action

that has been filed and cease all activities to establish or enforce a child support obligation for the children covered by the good cause finding.

(4) If the person whose actions were the basis for the good cause level A finding later receives TANF or submits an application for non-assistance child support services:

(a) DCS provides child support enforcement services to that person only if the children covered by the good cause finding no longer reside with you and currently reside with that person; and

(b) DCS does not provide services to establish that person's parentage of the children covered by the good cause finding, even if the children receive TANF as a member of that person's household, unless your good cause decision is withdrawn or denied.

[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-2065, filed 4/7/25, effective 5/8/25. Statutory Authority: RCW 74.08.090, 74.20A.310. WSR 01-24-080, § 388-14A-2065, filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-2065, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2070 Does the division of child support provide support enforcement services if the community services division determines I have "good cause level B"? (1) If the community services division (CSD) grants you good cause level B, the division of child support provides support enforcement services without requiring the custodial parent (CP) to provide information or cooperate with DCS in any way.

(2) When DCS advises the prosecutor or attorney general's office that good cause level B has been granted in your case, the prosecutor or attorney general's office decides whether there is sufficient evidence to proceed without the CP's cooperation with respect to any action that has been filed to establish or enforce a child support obligation for the child covered by the good cause finding.

[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-2070, filed 4/7/25, effective 5/8/25. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-2070, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2075 What happens if the division of child support determines that I am not cooperating? (1) When the division of child support (DCS) or its representatives believe that a custodial parent (CP) who receives cash assistance or medical assistance is not cooperating as defined in WAC 388-14A-2040, DCS sends a notice to the CP and to the community services division (CSD) about the noncooperation.

(a) The notice contains the following information:

(i) How the noncooperation was determined, including what actions were required;

(ii) What actions the CP must take to resume cooperation;

(iii) That this notice was sent to CSD;

(iv) That the CP may contact CSD immediately if the CP disagrees with the notice, needs help in order to cooperate, or believes the actions required are unreasonable; and

(v) That CSD may sanction the CP by either reducing or terminating the grant.

(b) CSD sends a notice of planned action to the CP as provided by WAC 388-472-0005.

(c) Either the notice of alleged noncooperation or CSD's notice of planned action may serve as the basis for a sanction.

(d) If the noncooperation was due to missing an interview without reasonable excuse, the CP will be considered to be cooperating when the CP appears for a rescheduled interview and either provides information or attests to the lack of information. DCS or its representative must reschedule the interview within seven business days from the date the CP contacts them to reschedule an interview.

(e) If the noncooperation was due to not taking a required action, cooperation resumes when the CP takes that action.

(2) There is no hearing right for a notice of noncooperation, but the CP may request a hearing on the sanction imposed by CSD.

(3) If the CP takes the actions required to resume cooperation within 60 days, DCS leaves the case open and continues to establish or enforce the support obligation.

(4) The CP may request a hearing to contest case closure, as described in WAC 388-14A-2095.

[Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.110, 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310, and 74.20A.328. WSR 26-14-086, s 388-14A-2075, filed 6/29/26, effective 7/30/26. Statutory Authority: 2012 c 253 § 5, 2012 1st sp.s. c 4, RCW 34.05.220, 43.20A.550, 74.04.055, 74.08.090, and 70.20.040. WSR 12-18-027, § 388-14A-2075, filed 8/27/12, effective 9/27/12. Statutory Authority: RCW 34.05.020, 34.05.220, 74.08.090, 74.20.040, and 2011 c 42. WSR 11-23-087, § 388-14A-2075, filed 11/17/11, effective 12/18/11. Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d), 26.23.035, 74.20A.310. WSR 03-20-072, § 388-14A-2075, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.310. WSR 01-03-089, § 388-14A-2075, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-202.]

WAC 388-14A-2080 Once DCS opens a support enforcement case, under what circumstances can it be closed? (1) The circumstances under which the division of child support (DCS) may close a case depend on whether the application for services was made directly to DCS or to another governmental entity.

(2) WAC 388-14A-2081 discusses closure of a case when one of the parties submitted an application for support enforcement services directly to DCS, which includes when DCS opened the case as the result of an application for public assistance in the state of Washington.

(3) WAC 388-14A-2083 discusses closure of an intergovernmental case, which is what we call a case where the application for services was made to the child support enforcement agency of another state, tribe, territory, country or political subdivision thereof, which then requested support enforcement services from DCS.

[Statutory Authority: RCW 26.23.120, 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310, and 45 C.F.R. Parts 301.1, 302.35, 302.36,

303.3, 303.7, 303.11, 303.20, 305.63, 307.13, and 308.2. WSR 11-22-116, § 388-14A-2080, filed 11/2/11, effective 12/3/11. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310, 45 C.F.R. 303.11, 45 C.F.R. 303.100. WSR 01-03-089, § 388-14A-2080, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-420.]

WAC 388-14A-2081 Under what circumstances can DCS close a case when the application for services was made directly to DCS? When the application for services was made directly to the division of child support (DCS) by one of the parties, including when DCS opened the case as the result of an application for public assistance in the state of Washington, the case must remain open unless DCS determines that:

(1) There is no current support order, and the support debt owed by the noncustodial parent (NCP) is less than $500, or cannot be enforced under Washington law;

(2) The NCP or putative (alleged) father is dead with no assets, income, or estate available for collection;

(3) The NCP has no assets or income available for collection and is not able to provide support during the child's minority because of being:

(a) Institutionalized in a psychiatric facility;

(b) Incarcerated without possibility of parole; or

(c) Medically verified as totally and permanently disabled with no evidence of ability to provide support.

(4) The applicant or recipient of nonassistance services submits a written request for closure, and there is no current assignment of medical or support rights;

(5) DCS has enough information to use an automated locate system, and has not been able to locate the NCP after three years of diligent efforts;

(6) DCS does not have enough information to use an automated locate system, and has not been able to locate the NCP after one year of diligent efforts;

(7) DCS is unable to contact the applicant or recipient of services for at least 60 days;

(8) DCS or the prosecutor documents failure to cooperate by the custodial parent (CP), and that cooperation is essential for the next step in enforcement;

(9) DCS cannot obtain a parentage order because:

(a) The putative father is dead;

(b) Genetic testing has excluded all putative fathers;

(c) The child is at least 18 years old;

(d) DCS, the prosecutor, a court of competent jurisdiction, or an administrative hearing determines that establishing parentage would not be in the best interests of the child in a case involving incest, rape, or pending adoption; or

(e) The biological father is unknown and cannot be identified after diligent efforts, including at least one interview by DCS or its representative with the recipient of support enforcement services.

(10) DCS, the prosecutor, a court of competent jurisdiction, or an administrative hearing determines that the recipient of services has wrongfully deprived the NCP of physical custody of the child as provided in WAC 388-14A-3370(3);

(11) DCS, the prosecutor, the department of social and health services, a court of competent jurisdiction, or an administrative

hearing determines that action to establish or enforce a support obligation cannot occur without a risk of harm to the child or the CP;

(12) DCS has provided locate-only services in response to a request for state parent locator services (SPLS);

(13) The NCP is a citizen and resident of a foreign country, and:

(a) The NCP has no assets which can be reached by DCS; and

(b) The country where the NCP resides does not provide reciprocity in child support matters.

(14) The child is incarcerated or confined to a juvenile rehabilitation facility for a period of 90 days or more; or

(15) Any other circumstances exist which would allow closure under 45 C.F.R. 303.11 or any other federal statute or regulation.

[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-2081, filed 4/7/25, effective 5/8/25. Statutory Authority: RCW 26.23.120, 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310, and 45 C.F.R. Parts 301.1, 302.35, 302.36, 303.3, 303.7, 303.11, 303.20, 305.63, 307.13, and 308.2. WSR 11-22-116, § 388-14A-2081, filed 11/2/11, effective 12/3/11.]

WAC 388-14A-2083 Under what circumstances can DCS close a case where the application for services was originally made to another state, tribe, territory or country, otherwise known as an intergovernmental case? (1) When the application for services was originally made by a party to the child support enforcement agency of another state, tribe, territory, country or political subdivision thereof, which then requested support enforcement services from the division of child support (DCS), DCS keeps the case open until:

(a) The state, tribe, territory, country or political subdivision that received the application for services tells DCS that its case is closed.

(b) The state, tribe, territory, country or political subdivision that received the application for services tells DCS that it no longer wants DCS to provide services.

(c) DCS documents failure to cooperate by the initiating jurisdiction, and that cooperation is essential for the next step in enforcement.

(2) DCS calls this type of case an "intergovernmental case."

(a) The state, tribe, territory, country or political subdivision thereof which referred the case to DCS is called the "initiating jurisdiction."

(b) In these cases, DCS is the "responding jurisdiction."

[Statutory Authority: RCW 26.23.120, 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310, and 45 C.F.R. Parts 301.1, 302.35, 302.36, 303.3, 303.7, 303.11, 303.20, 305.63, 307.13, and 308.2. WSR 11-22-116, § 388-14A-2083, filed 11/2/11, effective 12/3/11.]

WAC 388-14A-2085 Under what circumstances may DCS keep a support enforcement case open despite a request to close it? (1) The division of child support (DCS) may deny a request to close a support enforcement case when:

(a) There is a current assignment of support or medical rights on behalf of the children in the case;

(b) There is accrued debt under a support order that has been assigned to the state;

(c) Support or medical rights on behalf of the children have previously been assigned to the state; or

(d) The person who requests closure is not the recipient of support enforcement services.

(2) If DCS is the responding jurisdiction in an intergovernmental case DCS cannot deny a request from the initiating jurisdiction to close the intergovernmental portion of a DCS case.

(3) If there is no current assignment of support or medical rights, DCS may close the portion of the case that is owed to the custodial parent (CP), but if there is accrued debt under a support order that has been assigned to the state, DCS keeps that portion of the case open.

(4) If a support order specifies that the noncustodial parent (NCP) must make payments to the WSSR, but the CP does not want support enforcement services, DCS changes the case status to a payment services only (PSO) case, which means that:

(a) DCS provides payment processing and records maintenance; and

(b) DCS does not provide enforcement services.

[Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.110, 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310, and 74.20A.328. WSR 26-14-086, s 388-14A-2085, filed 6/29/26, effective 7/30/26. Statutory Authority: RCW 26.23.120, 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310, and 45 C.F.R. Parts 301.1, 302.35, 302.36, 303.3, 303.7, 303.11, 303.20, 305.63, 307.13, and 308.2. WSR 11-22-116, § 388-14A-2085, filed 11/2/11, effective 12/3/11. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310, 45 C.F.R. 303.11, 45 C.F.R. 303.100. WSR 01-03-089, § 388-14A-2085, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-421.]

WAC 388-14A-2090 Who receives notice when DCS closes a case? (1) The reason for case closure determines whether the division of child support (DCS):

(a) Sends a notice of intent to close;

(b) Sends a notice of case closure; or

(c) Notifies the other jurisdiction.

(2) DCS mails a notice of intent to close by regular mail to the last known address of the custodial parent (CP) and the noncustodial parent.

(3) If DCS is closing a case under WAC 388-14A-2081, DCS sends a notice of intent to close, advising the parties why DCS is closing the case. DCS sends the notice sixty days before closing the case, except:

(a) DCS sends a notice of case closure but does not send a notice of intent to close when the applicant or recipient of nonassistance services submits a written request for closure, and there is no current assignment of medical or support rights;

(b) DCS notifies the initiating jurisdiction in an intergovernmental case that DCS has closed the case after the initiating jurisdiction requests case closure; and

(c) DCS does not send a notice of intent to close or a notice of case closure when:

(i) DCS, the prosecuting attorney, the department of social and health services, a court of competent jurisdiction or an administrative hearing determines that action to establish or enforce a support obligation cannot occur without a risk of harm to the child or the custodial parent (CP); or

(ii) DCS has provided locate-only services in response to a request for state parent locator services (SPLS).

(4) If DCS is the responding jurisdiction and is closing an intergovernmental case because of noncooperation by the initiating jurisdiction, DCS notifies the other jurisdiction's child support agency sixty days before closing the case.

(5) When DCS is the initiating jurisdiction in an intergovernmental case and DCS closes its case, DCS notifies the responding jurisdiction that DCS has closed its case and provides the reason for closure.

[Statutory Authority: RCW 26.23.120, 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310, and 45 C.F.R. Parts 301.1, 302.35, 302.36, 303.3, 303.7, 303.11, 303.20, 305.63, 307.13, and 308.2. WSR 11-22-116, § 388-14A-2090, filed 11/2/11, effective 12/3/11. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310, 45 C.F.R. 303.11, 45 C.F.R. 303.100. WSR 01-03-089, § 388-14A-2090, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-422.]

WAC 388-14A-2095 What if I don't agree with the case closure notice? (1) Only the person who applied for support enforcement services, also known as the recipient of services, may request a hearing to challenge closure of a case.

(2) If the recipient of services requests a hearing, the other party may participate in the hearing.

(3) The closure of a child support case does not stop the custodial parent or noncustodial parent from filing an application for support enforcement services in the future, but the reason for closure may affect whether the division of child support will open a new case.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310, 45 C.F.R. 303.11, 45 C.F.R. 303.100. WSR 01-03-089, § 388-14A-2095, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-423.]

WAC 388-14A-2097 What happens to payments that come in after a case is closed? After support enforcement services are terminated, the division of child support (DCS) returns support money to the noncustodial parent except if the case remains open as a payment services only (PSO) case as described in WAC 388-14A-2000(1).

(2) If DCS, as the initiating jurisdiction in an intergovernmental case, closed a case without notifying the responding jurisdiction, DCS must attempt to locate the custodial parent (CP) and disburse any payments the CP is entitled to receive.

[Statutory Authority: RCW 26.23.120, 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310, and 45 C.F.R. Parts 301.1, 302.35, 302.36, 303.3, 303.7, 303.11, 303.20, 305.63, 307.13, and 308.2. WSR 11-22-116, § 388-14A-2097, filed 11/2/11, effective 12/3/11. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310, 45

C.F.R. 303.11, 45 C.F.R. 303.100. WSR 01-03-089, § 388-14A-2097, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-424.]

WAC 388-14A-2099 When does DCS file a satisfaction of judgment with the superior court? (1) When the division of child support (DCS) determines that a support obligation, established by order of a superior court of this state, has been satisfied or is no longer legally enforceable, DCS sends a notice of its intent to file a satisfaction of judgment to the last known address of the payee under the order and to the noncustodial parent (NCP).

(2) DCS includes the following provisions in the notice:

(a) A statement of the facts DCS relied on in making the determination; and

(b) A statement that the payee has twenty days from the date of the notice, to:

(i) Object and request a conference board under WAC 388-14A-6400; or

(ii) Initiate an action to obtain a judgment from the court that entered the order.

(3) If the conference board or the court determines the support obligation or a support debt still exists, DCS withdraws the notice and makes reasonable efforts to enforce and collect the remaining support debt. If the conference board or court determines that a debt does not exist, DCS files a satisfaction of judgment with the clerk of superior court in which the order was entered.

(4) DCS determines that a support obligation is satisfied or is no longer legally enforceable when the obligation to pay current and future support terminates under the order, and:

(a) The NCP has made all payments owed under the support order;

(b) The support debt is no longer enforceable due to the operation of the statute of limitations;

(c) DCS determines the NCP has a valid defense to payment of the debt under Washington law; or

(d) Under RCW 74.20A.220, DCS determines the debt is uncollectible, grants a total or partial charge-off, or accepts an offer to compromise a disputed debt.

[Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-2099, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2105 Basic confidentiality rules for the division of child support. (1) Under RCW 26.23.120, all information and records, concerning persons who owe a support obligation or for whom the division of child support (DCS) provides support enforcement services, are private and confidential.

(2) DCS discloses information and records only to a person or entity listed in this section or in RCW 26.23.120, and only for a specific purpose allowed by state or federal law. See WAC 388-14A-7500 regarding disclosure of personal information in the context of referrals under the Uniform Interstate Family Support Act (UIFSA).

(3) DCS may disclose information to:

(a) The person who is the subject of the information or records unless the information or records are exempt under RCW 42.56.210;

(b) Local, state, and federal government agencies for support enforcement and related purposes;

(c) A party to a judicial proceeding or a hearing under chapter 34.05 RCW, if the superior court judge or administrative law judge (ALJ) enters an order to disclose. The judge or presiding officer must base the order on a written finding that the need for the information outweighs any reason for maintaining privacy and confidentiality;

(d) A party under contract with DCS, including a federally recognized Indian tribe, if disclosure is for support enforcement and related purposes;

(e) A person or entity, including a federally recognized Indian tribe, when disclosure is necessary to the administration of the child support program or the performance of DCS functions and duties under state and federal law;

(f) A person, representative, or entity if the person who is the subject of the information and records consents, in writing, to disclosure;

(g) The office of administrative hearings or the office of appeals for administration of the hearing process under chapter 34.05 RCW. The ALJ or review judge must:

(i) Not include the address of either party in an administrative order, or disclose a party's address to the other party;

(ii) State in support orders that the address is known by the Washington state support registry; and

(iii) Inform the parties they may obtain the address by submitting a request for disclosure to DCS under WAC 388-14A-2110(2).

(4) DCS may publish information about a noncustodial parent (NCP) for locate and enforcement purposes.

(5) WAC 388-14A-2114(1) sets out the rules for disclosure of address, employment, or other information regarding the custodial parent (CP) or the children in response to a public disclosure request.

(6) WAC 388-14A-2114(2) sets out the rules for disclosure of address, employment, or other information regarding the NCP in response to a public disclosure request.

(7) DCS may disclose the Social Security number of a dependent child to the NCP to enable the NCP to claim the dependency exemption as authorized by the Internal Revenue Service.

(8) DCS may disclose financial records of an individual obtained from a financial institution only for the purpose of, and to the extent necessary, to establish, modify, or enforce a child support obligation of that individual.

(9) Except as provided elsewhere in chapter 388-14A WAC, chapter 388-01 WAC governs the process of requesting and disclosing information and records.

(10) DCS must take timely action on requests for disclosure. DCS must respond in writing within five working days of receipt of the request.

(11) The rules of confidentiality and penalties for misuse of information and reports that apply to a IV-D agency employee, also apply to a person who receives information under this section.

(12) Nothing in these rules:

(a) Prevents DCS from disclosing information and records when such disclosure is necessary to the performance of its duties and functions as provided by state and federal law;

(b) Requires DCS to disclose information and records obtained from a confidential source.

(13) DCS cannot provide copies of the confidential information form contained in court orders. You must go to court to get access to the confidential information form. DCS may disclose information con-

tained within the confidential information form if disclosure is authorized under RCW 26.23.120, chapter 388-01, or 388-14A WAC.

(14) DCS may provide a Support Order Summary to the parties to an administrative support order under WAC 388-14A-2116.

[Statutory Authority: RCW 26.09.105, 26.18.170, 26.23.050, 26.23.110, 26.23.120, 34.05.020, 34.05.060, 74.08.090, 74.20.040, 74.20A.055, and 74.20A.056. WSR 24-15-143, § 388-14A-2105, filed 7/23/24, effective 8/23/24. Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310. WSR 07-08-055, § 388-14A-2105, filed 3/29/07, effective 4/29/07. Statutory Authority: RCW 26.23.120, 74.08.090. WSR 02-07-091, § 388-14A-2105, filed 3/19/02, effective 4/19/02; WSR 01-03-089, § 388-14A-2105, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-030.]

WAC 388-14A-2107 Are there special rules for requests for whereabouts information? (1) Address information is sometimes referred to as whereabouts information, meaning information giving someone's home, work, school or day care location.

(2) The last known address of, or employment information about, a party to a court or administrative order for, or a proceeding involving, child support may be given to another party to the order. The party receiving the information may only use the information to establish, enforce, or modify a support order.

(3) The last known address of the natural or adoptive children may be given to a parent having a court order granting that parent visitation rights with, legal custody of or residential time with, the parent's natural or adoptive children. The parent may only use this information to enforce the terms of the court order.

(4) The last known address of a party to an order for child support may be given to another party to the order. The party receiving the information may only use the information to establish a parenting plan for the children covered by the support order.

(5) Disclosure of whereabouts information is subject to the provisions of WAC 388-14A-2114.

(6) Requests from law enforcement agencies are subject to the provisions of RCW 74.04.062.

[Statutory Authority: RCW 26.23.120, 74.08.090. WSR 02-07-091, § 388-14A-2107, filed 3/19/02, effective 4/19/02.]

WAC 388-14A-2110 How do I make a request for disclosure of DCS public records? (1) You can make a request for disclosure of most DCS records either orally or in writing. If you are requesting whereabouts information, see subsection (2).

(2) You must submit a request for disclosure of a parent or child's address in writing or in person, with satisfactory evidence of identity, at any office of the division of child support (DCS).

(a) If the request is made by your attorney, DCS may waive the provisions regarding submission in person with satisfactory evidence of identity.

(b) If you are unable to appear at a DCS office in person, DCS may waive the provision requiring submission in person if you submit a notarized request for disclosure. DCS can provide a form which contains all the required elements for an address disclosure request.

(c) The person seeking disclosure must attach the following to a request for disclosure of an address:

(i) A copy of the superior court order on which the request is based. DCS waives this provision if DCS has a true copy of the order on file;

(ii) A sworn statement by the individual that the order has not been modified; and

(iii) A statement explaining the purpose of the request and how the requestor intends to use the information.

[Statutory Authority: RCW 26.23.120, 74.08.090. WSR 02-07-091, § 388-14A-2110, filed 3/19/02, effective 4/19/02; WSR 01-03-089, § 388-14A-2110, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-030 and 388-14-035.]

WAC 388-14A-2112 When I make a public disclosure request, do I get the information or records immediately? (1) The division of child support (DCS) must respond to a public disclosure request within five days, under RCW 26.23.120 and WAC 388-01-090.

(2) "Respond" can mean:

(a) Providing the requested documents;

(b) Acknowledging receipt of the request and giving an estimate of how long it will take to provide copies;

(c) Requesting copy and postage fees;

(d) Requesting that you clarify your request if we are not sure what you are asking for;

(e) Notifying you of any other necessary procedural steps, such as notice to the other party or to a third party; or

(f) Denying your request according to WAC 388-01-090(3).

(3) When someone requests address or other whereabouts information, DCS first gives notice as provided in WAC 388-14A-2114, 388-14A-2120, and 388-14A-2115.

[Statutory Authority: RCW 26.23.120, 74.08.090. WSR 02-07-091, § 388-14A-2112, filed 3/19/02, effective 4/19/02.]

WAC 388-14A-2114 Does DCS give notice to anyone before releasing information pursuant to a public disclosure request? (1) Prior to disclosing the address of the custodial parent (CP) or a child, DCS mails a notice to the last known address of the CP, except as provided under WAC 388-14A-2115. The notice advises the CP that:

(a) A request for disclosure has been made;

(b) DCS intends to disclose the address after thirty days from the date of the notice, unless:

(i) DCS receives a copy of an order which:

(A) Enjoins disclosure of the address;

(B) Restricts the noncustodial parent's right to contact or visit the CP or a child by imposing conditions to protect the CP or the child from harm, including, but not limited to, temporary orders for protection under chapter 26.50 RCW; or

(C) States that the health, safety, or liberty of the CP or child would be unreasonably put at risk by disclosure of address or other identifying information; or

(ii) The CP requests an administrative hearing which ultimately results in a decision that release of the address is reasonably anticipated to result in harm to the CP or a dependent child.

(c) In any hearing under this section, either party may participate in the proceeding by telephone, from any prearranged location. The administrative law judge (ALJ) must not disclose the location and phone number.

(2) DCS does not provide notice to the noncustodial parent (NCP) before disclosing NCP's address information to the CP unless NCP has requested prior notice under WAC 388-14A-2120.

(3) Before releasing confidential information concerning someone who is not a party to the case, DCS gives notice to that person according to WAC 388-01-140.

[Statutory Authority: RCW 26.23.120, 74.08.090. WSR 02-07-091, § 388-14A-2114, filed 3/19/02, effective 4/19/02.]

WAC 388-14A-2115 Can the custodial parent waive notice of a request for address? (1) Any party to a support order may authorize the division of child support (DCS) to release his or her address to the other party with no prior notice.

(2) An authorization to release an address must be:

(a) In writing;

(b) Notarized; and

(c) Effective for any period designated by the party up to three years, or until DCS is notified in writing that the party has revoked the authorizations, whichever is sooner.

[Statutory Authority: RCW 26.23.120, 74.08.090. WSR 02-07-091, § 388-14A-2115, filed 3/19/02, effective 4/19/02; WSR 01-03-089, § 388-14A-2115, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-030, 388-14-035, and 388-14-045.]

WAC 388-14A-2116 How do I request a support order summary from DCS? (1) If you are a party to an administrative support order, you may request a support order summary from the division of child support (DCS). The support order summary includes the following information:

(a) The noncustodial parent's residential address, employer's address, Social Security number; date of birth, and driver's license number; and

(b) The custodial parent's Social Security number.

(2) DCS provides the most current information DCS has available in the support order summary.

(3) DCS must provide notice to the noncustodial parent (NCP) prior to releasing his or her residential and employer address information if the NCP has requested that he or she be provided notice before DCS releases the address information, as provided in WAC 388-14A-2120.

(4) Nonaddress information contained in the Support Order Summary may be released without notice to the other party to the support order.

[Statutory Authority: RCW 26.23.120, 74.08.090. WSR 02-07-091, § 388-14A-2116, filed 3/19/02, effective 4/19/02.]

WAC 388-14A-2120 Can the noncustodial parent request notice before DCS releases address information to the custodial parent? (1) The notice and hearing process in WAC 388-14A-2114 and 388-14A-2140 do not apply to requests for address information of the noncustodial parent (NCP).

(2) The NCP may request notice before whereabouts info is released to the custodial parent by notifying the division of child support (DCS), either orally or in writing.

(3) Once an NCP has submitted a request for notice, DCS follows the notice and hearing provisions in WAC 388-14A-2114 and 388-14A-2140 when it receives a request for address information.

[Statutory Authority: RCW 26.23.120, 74.08.090. WSR 02-07-091, § 388-14A-2120, filed 3/19/02, effective 4/19/02; WSR 01-03-089, § 388-14A-2120, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-030 and 388-14-050.]

WAC 388-14A-2125 Can DCS ever release address information without notice? (1) The division of child support (DCS) does not follow the notice and hearing process of WAC 388-14A-2114 and 388-14A-2140 if:

(a) Disclosure is denied under WAC 388-14A-2135;

(b) The CP has provided a written release as provided in WAC 388-14A-2115;

(c) The NCP has not filed a written request as provided in WAC 388-14A-2120; or

(d) A court order requires DCS to release the address information.

(2) DCS is not required to mail a notice prior to disclosure if the requesting party presents a facially valid warrant or a judicial finding that:

(a) The other party will likely flee to avoid service of process; or

(b) The other party will likely flee and that:

(i) A court of competent jurisdiction of this state or another state has entered an order giving legal and physical custody of a child whose address is requested to the requesting party; and

(ii) The custody order has not been altered, changed, modified, superseded, or dismissed; and

(iii) A child was taken or enticed from the address requesting party's physical custody without that party's consent; and

(iv) The address requesting party has not subsequently assented to being deprived of physical custody of the children; and

(v) The address requesting party is making reasonable efforts to regain physical custody of the child.

[Statutory Authority: RCW 26.23.120, 74.08.090. WSR 02-07-091, § 388-14A-2125, filed 3/19/02, effective 4/19/02; WSR 01-03-089, § 388-14A-2125, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-030 and 388-14-040.]

WAC 388-14A-2130 What if I object to the release of my address? When a party objects to a notice mailed under WAC 388-14A-2114, the division of child support may:

(1) Deny disclosure if the objection provides information based on which DCS would have denied disclosure under WAC 388-14A-2135; or

(2) Request that the office of administrative hearings (OAH) set the case for an administrative hearing under WAC 388-14A-2140.

[Statutory Authority: RCW 26.23.120, 74.08.090. WSR 02-07-091, § 388-14A-2130, filed 3/19/02, effective 4/19/02.]

WAC 388-14A-2135 When might DCS deny a request for address information without going through the notice and hearing process? (1) The division of child support (DCS) denies a request for address information without going through the notice process under WAC 388-14A-2114 if:

(a) The department has determined, under WAC 388-422-0020, that the custodial parent (CP) has good cause for refusing to cooperate;

(b) The order, on which the request is based, restricts or limits the address requesting party's right to contact or visit the other party or the child by imposing conditions to protect the party or the child from harm;

(c) An order has been entered finding that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of the information; or

(d) DCS has information which gives DCS reason to believe that release of the address may result in physical or emotional harm to the other party or to the children.

(2) Whenever DCS denies a request for disclosure under subsection (1) of this section, DCS notifies the nonrequesting party that disclosure of the address was requested and was denied.

[Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d) and 26.23.120. WSR 03-20-072, § 388-14A-2135, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 26.23.120, 74.08.090. WSR 02-07-091, § 388-14A-2135, filed 3/19/02, effective 4/19/02.]

WAC 388-14A-2140 What happens at a hearing on objection to disclosure of address information? In any administrative hearing requested under WAC 388-14A-2114 (1)(b)(ii):

(1) The parent requesting address disclosure and the other party to the order or action are independent parties in the hearing.

(2) The office of administrative hearings (OAH) sets the hearing as a phone hearing;

(3) Each party must provide OAH with a telephone number where the party can be reached for the hearing, at some time before the scheduled hearing.

(4) The administrative law judge (ALJ) must not disclose the location or phone number from which either party is appearing.

(5) The ALJ may, upon good cause shown, convert the hearing to an in-person hearing for the party requesting disclosure.

(6) The initial burden of proof is on the party requesting address disclosure, to show that the address request is for a purpose for which chapter 388-14A WAC specifically permits disclosure.

(7) If the party requesting address disclosure:

(a) Fails to meet this burden, the ALJ enters an order denying the address request;

(b) Establishes that the address was requested for a purpose for which disclosure is permitted, the other party must then show that it is reasonable to anticipate that physical or emotional harm to the party or a child will result from release of the address. The party objecting to address release:

(i) May show reasonable fear of harm by any form of evidence admissible under chapter 34.05 RCW; and

(ii) Is not required to provide supporting evidence required by WAC 388-422-0020, to establish a reasonable fear of harm.

(8) If either party fails to appear, the ALJ enters an order on default:

(a) If the party objecting to disclosure fails to appear, the order requires DCS to release the address unless the record contains documentary evidence which provides the basis for a finding that physical or emotional harm will likely result from release of the address;

(b) If the address requesting party fails to appear, the default order denies the request for address information.

(9) OAH arranges the attendance of the parties by telephone or other procedure showing due regard for the safety of the parties and the children.

(10) DCS issues a final response to the disclosure request within five working days of the exhaustion of administrative remedies, including any late appeal periods.

(11) If the custodial parent (CP) requests a hearing under this section in response to a department initiated review of the support order for modification, both parties to the support order are independent parties in the address disclosure hearing.

[Statutory Authority: RCW 26.23.120, 74.08.090. WSR 02-07-091, § 388-14A-2140, filed 3/19/02, effective 4/19/02.]

WAC 388-14A-2150 How much does it cost to get copies of DCS records? (1) WAC 388-01-080 authorizes the division of child support (DCS) to charge copying and postage costs for responses to requests for public records.

(2) The amount DCS charges depends on the format requested and the method of delivery. See the DSHS website for more information at https://www.dshs.wa.gov/office-of-the-secretary/how-request-public-records.

(3) DCS may waive copy fees in appropriate circumstances.

[Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.110, 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310, and 74.20A.328. WSR 26-14-086, s 388-14A-2150, filed 6/29/26, effective 7/30/26. Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d). WSR 03-20-072, § 388-14A-2150, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-2150, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-030.]

WAC 388-14A-2155 Can I appeal a denial of a request for division of child support records? (1) If your request for division of child support (DCS) records is denied, you may file an appeal with the economic services administration (ESA) public disclosure unit, P.O. Box 45445, Olympia WA 98504-5445.

(2) If ESA denies your appeal, you may pursue the other options listed in WAC 388-01-130.

[Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.110, 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310, and 74.20A.328. WSR 26-14-086, s 388-14A-2155, filed 6/29/26, effective 7/30/26. Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d). WSR 03-20-072, § 388-14A-2155, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-2155, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-030.]

WAC 388-14A-2160 On what authority does DCS share my confidential information with a credit bureau? (1) Under 42 U.S.C. §666 (a)(7), the division of child support (DCS) may report to consumer reporting agencies the name and identifying information of any noncustodial parent (NCP) who is delinquent in support and the amount of overdue support owed by that parent. Consumer reporting agencies are sometimes also called credit bureaus.

(2) Once DCS has reported an NCP to the credit bureaus, DCS updates the information on a regular basis as long as DCS continues to enforce the support order, even after the NCP brings the account current.

(3) Before releasing information to the consumer reporting agency, DCS sends a written notice to the NCP's last known address concerning the proposed release of the information.

(4) The notice gives the NCP ten days from the date of the notice to request a conference board under WAC 388-14A-6400 to contest the accuracy of the information. If the NCP requests a conference board, DCS does not release the information until a conference board decision has been issued.

(5) An NCP who disagrees with the information supplied by DCS to a consumer reporting agency or credit bureau may file a notice of dispute under the federal Fair Credit Reporting Act, 15 U.S.C. 1681.

(6) DCS reports to credit bureaus according to the requirements of federal IV-D program rules. In interstate or intergovernmental cases, DCS may report:

(a) As the responding jurisdiction; and

(b) As the initiating jurisdiction when the responding jurisdiction does not report.

[Statutory Authority: RCW 26.23.120, 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310, and 45 C.F.R. Parts 301.1, 302.35, 302.36, 303.3, 303.7, 303.11, 303.20, 305.63, 307.13, and 308.2. WSR 11-22-116, § 388-14A-2160, filed 11/2/11, effective 12/3/11. Statutory Authority: RCW 26.23.120, 74.08.090, 74.20A.310. WSR 06-06-076, § 388-14A-2160, filed 2/28/06, effective 3/31/06. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-2160, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-030 and 388-14-410.]

WAC 388-14A-2200 When does DCS charge a thirty-five dollar annual fee on a child support case? (1) Under RCW 74.20.040, the division of child support (DCS) must impose an annual fee of thirty-five dollars for each case in which:

(a) The custodial parent (CP) has never received TANF, Tribal TANF or AFDC as the custodian of minor children; and

(b) DCS has collected and disbursed to the CP at least five hundred and fifty dollars on the case during that federal fiscal year. The federal fiscal year runs from October 1 through September 30.

(2) A custodial parent who has children with more than one noncustodial parent (NCP) may be assessed a separate thirty-five dollar fee for each case in which DCS collects at least five hundred and fifty dollars in a federal fiscal year.

(3) If DCS has already collected the thirty-five dollar annual fee on a Washington state case and the CP begins receiving TANF or Tribal TANF during the same federal fiscal year, DCS is not required to refund or cancel the fee.

(4) If the CP with a Washington case has paid a fee to another state during the same federal fiscal year, the CP is still subject to the fee in Washington if the Washington case qualifies for a fee under subsection (1) above.

(5) A CP has the burden of proving prior receipt of TANF, Tribal TANF or AFDC in any jurisdiction, which would exempt the CP from paying the annual fee.

(a) DCS may impose the fee until the CP provides proof of prior receipt of TANF, Tribal TANF or AFDC.

(b) DCS does not refund any fee which has been retained by the state, but stops charging the fee immediately when the CP provides proof that the CP is not subject to the fee.

(6) The fee is retained from support payments collected, which means that the NCP gets credit against the child support obligation for the total amount of the payment.

[Statutory Authority: 2019 c 275 § 4, RCW 26.09.170, 74.20A.059, 26.09.105, 26.18.170, 74.04.055, 74.08.090, 74.20.040(9), and 74.20A.310. WSR 20-04-031, § 388-14A-2200, filed 1/28/20, effective 2/28/20. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-2200, filed 5/29/08, effective 7/1/08.]

WAC 388-14A-2205 How can a custodial parent be excused from payment of the annual fee? (1) WAC 388-14A-2200 describes the cases that qualify for the thirty-five dollar annual fee.

(2) A custodial parent (CP) seeking to be excused from payment of the fee may provide proof that he or she is exempt from the fee because he or she received TANF, Tribal TANF or AFDC from another state or tribe.

(3) A CP may request a conference board under WAC 388-14A-6400 to request a waiver of the fee for hardship reasons. The CP must provide proof that hardship in the CP's household justifies waiver of the fee.

(4) Payment of the annual fee in another state does not excuse the CP from the annual fee charged for a Washington case.

(5) If the CP seeks a waiver from payment of the annual fee during a year when the fee has already been collected, the fee for that year is not refunded, but DCS waives collection of the fee for future years unless the waiver is overturned at a later time.

[Statutory Authority: 2019 c 275 § 4, RCW 26.09.170, 74.20A.059, 26.09.105, 26.18.170, 74.04.055, 74.08.090, 74.20.040(9), and 74.20A.310. WSR 20-04-031, § 388-14A-2205, filed 1/28/20, effective 2/28/20. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-2205, filed 5/29/08, effective 7/1/08.]

WAC 388-14A-2210 What is the procedure for service by certified mail due to COVID-19? (1) The United States Postal Service has made temporary changes to its certified mail signature gathering procedures to limit direct contact with recipients. As long as these special signature gathering procedures remain in effect, the division of child support (DCS) will consider service by certified mail, return receipt requested when required under chapter 388-14A WAC to be successful 10 days after the following requirements are satisfied:

(a) The notice is sent by certified mail, return receipt requested, with restricted delivery to the noncustodial or custodial parent DCS is serving; and

(b) The postal service employee signs the receipt on behalf of the individual taking delivery as required by current postal service restricted delivery procedures.

(2) The individual taking delivery under section (1)(b) of this section is presumed to be the subject of service or the authorized agent of the subject.

[Statutory Authority: RCW 26.23.110, 34.05.220, 74.08.090, and 74.20A.055. WSR 21-23-103, § 388-14A-2210, filed 11/17/21, effective 12/18/21.]

PART C - HOW THE DIVISION OF CHILD SUPPORT DECIDES HOW MUCH CHILD SUPPORT SOMEONE SHOULD PAY

WAC 388-14A-3100 How does the division of child support establish a child support obligation when there is no child support order? (1) When there is no order setting the amount of child support a noncustodial parent (NCP) should pay, the division of child support (DCS) serves a support establishment notice on the NCP and the custodial parent (CP). A support establishment notice is an administrative notice that can become an enforceable order for support if nobody requests a hearing on the notice.

(2) DCS may serve a support establishment notice when there is no order that:

(a) Establishes the NCP's support obligation for the child or children named in the notice; or

(b) Specifically relieves the NCP of a support obligation for the child or children named in the notice.

(3) Whether support is based upon an administrative order or a court order, DCS may serve a support establishment notice when the parties to a paternity or parentage order subsequently marry each other and then separate, or parties to a decree of dissolution remarry each other and then separate. The remaining provisions of the paternity or parentage order or the decree of dissolution, including provisions establishing parentage, remain in effect.

(4) DCS may serve a notice and finding of financial responsibility (NFFR) under WAC 388-14A-3115. DCS uses this notice when the NCP's parentage of the child is based on:

(a) The presumption arising from the existence of a marriage or a registered domestic partnership;

(b) The entry of a court order adjudicating the parent-child relationship;

(c) The entry of an adoption order;

(d) The man's having signed and filed a paternity affidavit, paternity acknowledgment, or acknowledgment of parentage under RCW 26.26A.200 through 26.26A.265, unless the acknowledgment has been rescinded or successfully challenged; or

(e) The NCP's being the biological mother of and having given birth to the child.

(5) Until January 1, 2019, DCS used the notice and finding of parental responsibility (NFPR) to establish support orders if the parents filed a paternity affidavit, paternity acknowledgment, or acknowledgment of paternity which did not become a conclusive presumption of paternity.

(6) DCS may serve a "Medical support only" NFFR under WAC 388-14A-3125.

(a) Until October 1, 2009, DCS used the notice and finding of medical responsibility (NFMR) for this purpose.

(b) From October 1, 2009, until January 1, 2019, DCS used the medical support only NFFR or NFPR for this purpose.

(c) A medical support only NFFR is used when DCS seeks to set only a medical support obligation instead of a monetary child support obligation.

[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-3100, filed 4/7/25, effective 5/8/25. Statutory Authority: 2011 c 283, RCW 34.05.220, 43.20A.550, 74.04.055, 74.04.057, 74.08.090, 74.20A.055, 74.20A.056, and 74.20A.310. WSR 12-01-002, § 388-14A-3100, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3100, filed 5/19/11, effective 6/19/11. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199. WSR 03-17-013, § 388-14A-3100, filed 8/12/03, effective 9/12/03. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. WSR 00-15-016 and 00-20-022, § 388-14A-3100, filed 7/10/00 and 9/25/00, effective 11/6/00.]

WAC 388-14A-3102 When the parents have signed a paternity or parentage acknowledgment, which support establishment notice does the division of child support serve on the noncustodial parent? (1) When the parents of a child are not married, they may sign an acknowledgment of parentage, which may also be called an affidavit of paternity or paternity acknowledgment. The legal effect of the acknowledgment or affidavit depends on when it is filed, in what state it is filed, and whether both parents were over age 18 when the acknowledgment was signed.

(2) For acknowledgments or affidavits filed on or before July 1, 1997, with the center for health statistics in the state of Washington, the division of child support (DCS) served a notice and finding of parental responsibility (NFPR) under WAC 388-14A-3120. DCS stopped serving the NFPR on January 1, 2019.

(3) For acknowledgments or affidavits filed after July 1, 1997, with the center for health statistics in the state of Washington, DCS serves a notice and finding of financial responsibility (NFFR) under

WAC 388-14A-3115, because the acknowledgment or affidavit has become a conclusive presumption of parentage under RCW 26.26A.220.

(4) For acknowledgments or affidavits filed with the vital records agency of another state, DCS gives full faith and credit to the acknowledgment or affidavit under RCW 26.26A.250 and serves a NFFR.

(5) DCS relies on the acknowledgment, even if one or more parents were not yet 18 years of age at the time they signed or filed the acknowledgment, as provided in RCW 26.26A.215(4).

(6) If, at the time of the child's birth, the birth mother was married or in a state registered domestic partnership and the person acknowledging parentage was not the birth mother's spouse or domestic partner, DCS may not serve an administrative support establishment notice on the acknowledged parent unless the birth mother's spouse or domestic partner also signed and filed a denial of paternity or parentage.

(7) If the acknowledgment or affidavit is legally deficient in any way, DCS may refer the case for establishment of parentage in the superior court.

(8) If the birth mother is the noncustodial parent, DCS serves a NFFR.

[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-3102, filed 4/7/25, effective 5/8/25. Statutory Authority: 2011 c 283, RCW 34.05.220, 43.20A.550, 74.04.055, 74.04.057, 74.08.090, 74.20A.055, 74.20A.056, and 74.20A.310. WSR 12-01-002, § 388-14A-3102, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 26.26.315, 26.26.320, 26.26.330, 26.26.335, 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 74.20A.310. WSR 05-12-136, § 388-14A-3102, filed 6/1/05, effective 7/2/05. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199. WSR 03-17-013, § 388-14A-3102, filed 8/12/03, effective 9/12/03. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. WSR 00-15-016 and 00-20-022, § 388-14A-3102, filed 7/10/00 and 9/25/00, effective 11/6/00.]

WAC 388-14A-3105 How does the division of child support serve support establishment notices? The division of child support (DCS) serves a notice and finding of financial responsibility (NFFR) in the following manner:

(1) On the noncustodial parent:

(a) By certified mail, return receipt requested; or

(b) By personal service.

(2) On the custodial parent:

(a) By first class mail to the last known address, if the custodial parent is the one who applied for services.

(b) In the same manner as on the noncustodial parent, if the custodial parent is not the one who applied for services.

[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-3105, filed 4/7/25, effective 5/8/25. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. WSR 00-15-016 and 00-20-022, § 388-14A-3105, filed 7/10/00 and 9/25/00, effective 11/6/00.]

WAC 388-14A-3110 When can a support establishment notice become a final order? (1) The notice and finding of financial responsibility (NFFR) becomes a final, enforceable order if neither the custodial parent (CP) nor the noncustodial parent (NCP) objects and requests a timely hearing on the notice. An objection is also called a hearing request.

(2) If a timely objection is filed, the division of child support (DCS) cannot enforce the terms of the notice until a final order as defined in this section is entered.

(3) To be timely, the NCP must object within the following time limits:

(a) Within 20 days of service, if the NCP was served in Washington state.

(b) Within 60 days of service, if the NCP was served outside of Washington state.

(4) To be timely, the CP must object within 20 days of service.

(5) An objection to a support establishment notice is a request for hearing on the notice.

(6) The effective date of the hearing request is the date DCS receives the request for hearing.

(7) When a NFPR was served, the order became a final order if neither parent requested genetic testing under WAC 388-14A-3120(19) within the following time limits:

(a) The NCP must have requested genetic testing within 20 days of service, if the NCP was served in Washington state.

(b) The NCP must have requested genetic testing within 60 days of service, if the NCP was served outside of Washington state.

(c) The CP must have requested genetic testing within 20 days of service of the notice.

(8) The NCP or CP must make the hearing request either in writing or orally, at any DCS office. See WAC 388-14A-6100 regarding oral requests for hearing.

(9) After a timely request for hearing, the final order is one of the following, whichever occurs latest:

(a) An agreed settlement or consent order under WAC 388-14A-3600; or

(b) A final order as defined in WAC 388-14A-6105 and further described in WAC 388-14A-6115.

[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-3110, filed 4/7/25, effective 5/8/25. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199. WSR 03-17-013, § 388-14A-3110, filed 8/12/03, effective 9/12/03. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. WSR 00-15-016 and 00-20-022, § 388-14A-3110, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-210.]

WAC 388-14A-3115 The notice and finding of financial responsibility is used to set child support when parentage is not an issue. (1) A notice and finding of financial responsibility (NFFR) is an administrative notice served by the division of child support (DCS) that can become an enforceable order for support, pursuant to RCW 74.20A.055.

(2) DCS may serve a NFFR when the noncustodial parent (NCP) is a legal parent of the child, based on:

(a) The presumption arising from the existence of a marriage or registered domestic partnership;

(b) The entry of a court order adjudicating the parent-child relationship;

(c) The entry of an adoption order;

(d) The parents having signed and filed a paternity acknowledgment under RCW 26.26.300 through 26.26.375, or an acknowledgment of parentage under RCW 26.26A.200 through 26.26A.265, unless the acknowledgment has been rescinded or successfully challenged; or

(e) The parents having signed an acknowledgment of parentage, paternity acknowledgment, or affidavit of paternity in another jurisdiction, and by that jurisdiction's laws parentage is therefore conclusively established, unless the acknowledgment or affidavit has been rescinded or successfully challenged; or

(f) The NCP's being the parent who gave birth to the child.

(3) DCS serves a NFFR in the situations listed in this section and in WAC 388-14A-3100. There may be other bases on which a court can determine parentage, establish a child support obligation, or both.

(4) The NFFR:

(a) Advises the NCP and the custodial parent (CP) of the support obligation for the child or children named in the notice. The NFFR fully and fairly advises the parents of their rights and responsibilities under the NFFR.

(b) Includes the information required by RCW 26.23.050 and 74.20A.055.

(c) Includes a provision that the parents are obligated to provide medical support, as required by RCW 26.09.105, 26.18.170, and 26.23.050. This requirement does not apply to the CP when the CP is not one of the parents of the child covered by the order.

(d) Includes a provision that apportions the share of uninsured medical expenses to the parents, pursuant to RCW 26.09.105, 26.18.170, and 26.23.050.

(e) May include an obligation for the NCP to contribute their proportionate share of the cost of day care or childcare, which may be stated either as a sum certain amount per month, or as a proportion of the expenses incurred by the CP.

(f) Warns the NCP and the CP that at an administrative hearing, the administrative law judge (ALJ) may set the support obligation in an amount higher or lower than, or different from, the amount stated in the NFFR, if necessary for an accurate support order.

(5) As provided in WAC 388-14A-3125, DCS may serve a NFFR that can become an enforceable order for support to establish and enforce a health insurance obligation. This type of NFFR is called "medical support only" NFFR.

(6) DCS uses a medical support only NFFR when the CP has requested medical support enforcement services only and has asked DCS in writing not to collect monetary child support.

(7) A medical support only NFFR does not include a monthly financial support obligation, but may include:

(a) An obligation to pay a monthly payment toward the premium paid by the CP or the state for health insurance coverage for the child or children; and

(b) An obligation to pay a proportionate share of the child's or children's uninsured medical expenses.

(8) An administrative order resulting from a medical support only NFFR may later be modified to include a monthly financial support obligation, as provided in WAC 388-14A-3127.

(9) After service of the NFFR, the NCP and the CP must notify DCS of any change of address, or of any changes that may affect the support obligation.

(10) The NCP must make all support payments to the Washington state support registry after service of the NFFR. DCS does not give the NCP credit for payments made to any other party after service of a NFFR, except as provided by WAC 388-14A-3375.

(11) DCS may take immediate wage withholding action and enforcement action without further notice under chapters 26.18, 26.23, and 74.20A RCW when the NFFR is a final order. WAC 388-14A-3110 describes when the notice becomes a final order.

(12) In most cases, a child support obligation continues until the child reaches the age of 18. WAC 388-14A-3810 describes when the obligation under the NFFR can end sooner or later than age 18.

(13) If parentage has been established by a paternity acknowledgment, an affidavit of paternity, or acknowledgment of parentage, DCS attaches a copy of the acknowledgment, affidavit, or certificate of birth record information to the notice. A party wishing to rescind or challenge the acknowledgment or denial of parentage may only do so under RCW 26.26A.235 through 26.26A.245 or equivalent laws of the jurisdiction where the acknowledgment or denial was filed.

(14) If the parents filed a paternity acknowledgment, affidavit of paternity, or acknowledgment of parentage in another jurisdiction, and by that jurisdiction's law parentage is therefore conclusively established, DCS may serve a NFFR to establish a support obligation.

(15) A hearing on a NFFR is for the limited purpose of resolving the NCP's accrued support debt and current support obligation. The hearing is not for the purpose of setting a payment schedule on the support debt. The NCP has the burden of proving any defenses to liability.

[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-3115, filed 4/7/25, effective 5/8/25. Statutory Authority: 2011 c 283, RCW 34.05.220, 43.20A.550, 74.04.055, 74.04.057, 74.08.090, 74.20A.055, 74.20A.056, and 74.20A.310. WSR 12-01-002, § 388-14A-3115, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3115, filed 5/19/11, effective 6/19/11. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-3115, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.160. WSR 06-09-015, § 388-14A-3115, filed 4/10/06, effective 5/11/06. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199. WSR 03-17-013, § 388-14A-3115, filed 8/12/03, effective 9/12/03. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. WSR 00-15-016 and 00-20-022, § 388-14A-3115, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-285.]

WAC 388-14A-3120 The notice and finding of parental responsibility was used to set child support when the father's duty of support was based upon an affidavit of paternity which was not a conclusive presumption of paternity. (1) A notice and finding of parental responsibility (NFPR) was an administrative notice served by the division of child support (DCS) prior to January 1, 2019, pursuant to RCW 74.20A.056.

(2) The NFPR differs from a notice and finding of financial responsibility (NFFR) (see WAC 388-14A-3115) because the parties could make a timely request genetic testing to contest paternity after being served with a NFPR.

(3) DCS served a NFPR when:

(a) An affidavit acknowledging paternity is on file with the center for health statistics and was filed before July 1, 1997; or

(b) An affidavit or acknowledgment of paternity, or an acknowledgment of parentage, is on file with the vital records agency of another state and the laws of that state allow the parents to withdraw the affidavit or acknowledgment or challenge paternity.

(4) DCS served the NFPR in the manner described in WAC 388-14A-3105.

(5) DCS attached a copy of the acknowledgment of paternity or certification of birth record information to the NFPR.

(6) The NFPR advises the noncustodial parent (NCP) and the custodial parent (who is either the mother or the physical custodian of the child) of the support obligation for the child or children named in the notice. The NFPR fully and fairly advises the parents of their rights and responsibilities under the NFPR. The NFPR warns the NCP and the custodial parent (CP) that at an administrative hearing on the notice, the administrative law judge (ALJ) may set the support obligation in an amount higher or lower than, or different from, the amount stated in the NFPR, if necessary for an accurate support order.

(7) The NFPR includes the information required by RCW 26.23.050, 74.20A.055, and 74.20A.056.

(8) The NFPR includes a provision that both parents are obligated to provide medical support, pursuant to RCW 26.09.105, 26.18.170, and 26.23.050. This requirement does not apply to the custodial parent when the custodial parent is not one of the parents of the child covered by the order.

(9) The NFPR includes a provision that apportions the share of uninsured medical expenses to both the parents, pursuant to RCW 26.09.105, 26.18.170, and 26.23.050.

(10) The NFPR may include an obligation for the noncustodial parent to contribute their proportionate share of the cost of day care expenses or childcare, which may be stated either as a sum certain amount per month, or as a proportion of the expenses incurred by the custodial parent.

(11) A NFPR does not assess an accrued support debt for a period longer than five years before the NFPR was served. This limitation does not apply to the extent that the NCP hid or left the state of Washington for the purpose of avoiding service.

(12) Prior to January 1, 2019, DCS could serve a notice and finding of parental responsibility that could become an enforceable order for support to establish and enforce a health insurance obligation. This type of NFPR is called a "medical support only" NFPR.

(13) DCS used a medical support only NFPR when the custodial parent requested medical support enforcement services only and asked DCS in writing not to collect monetary child support.

(14) A medical support only NFPR did not include a monthly financial support obligation, but could include:

(a) An obligation to pay a monthly payment toward the premium paid by the CP or the state for health insurance coverage for the child or children; and

(b) An obligation to pay a proportionate share of the child's or children's uninsured medical expenses.

(15) An administrative order resulting from a medical support only NFPR could later be modified to include a monthly financial support obligation, as provided in WAC 388-14A-3925.

(16) After service of the NFPR, the NCP and the CP must notify DCS of any change of address, or of any changes that may affect the support obligation.

(17) The NCP must make all support payments to the Washington state support registry after service of the NFPR. DCS does not give the NCP credit for payments made to any other party after service of the NFPR, except as provided by 388-14A-3375.

(18) DCS may take immediate wage withholding action and enforcement action without further notice under chapters 26.18, 26.23, and 74.20A RCW when the NFPR is a final order. See WAC 388-14A-3110 for when the notice becomes a final order.

(19) In most cases, a child support obligation continues until the child reaches the age of 18. WAC 388-14A-3810 describes when the obligation under the NFPR can end sooner or later than age 18.

(20) Either the NCP or the mother, if she is also the CP, could request genetic tests subject to the time limits set out in WAC 388-14A-3110. A mother who is not the CP could have requested that DCS refer the case for paternity establishment in the superior court.

(21) DCS did not stop enforcement of the order unless DCS received a timely request for hearing or a timely request for genetic tests. See WAC 388-14A-3110 for time limits. DCS does not refund any money collected under the notice if the NCP is later:

(a) Excluded from being the father by genetic tests; or

(b) Found not to be the father by a court of competent jurisdiction.

(22) If the NCP requested genetic tests and was not excluded as the father, he could have requested within 20 days from the date of service of the genetic tests in Washington, or 60 days from the date of service of the genetic tests outside of Washington:

(a) A hearing on the NFPR.

(b) That DCS initiate a parentage action in superior court under chapter 26.26 RCW.

(23) If the NCP was not excluded as the father, the CP (or the mother, if she is also the CP), could have within 20 days of the date of service of the genetic tests request:

(a) A hearing on the NFPR; or

(b) That DCS initiate a parentage action in superior court under chapter 26.26 RCW.

(24) If the NCP was excluded by genetic testing, DCS referred the case for paternity establishment in the superior court.

(25) A hearing on a NFPR is for the limited purpose of resolving the NCP's current support obligation, accrued support debt, and amount of reimbursement to DCS for paternity-related costs. The hearing is not for the purpose of setting a payment schedule on the support debt. The NCP has the burden of proving any defenses to liability.

[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-3120, filed 4/7/25, effective 5/8/25. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3120, filed 5/19/11, effective 6/19/11. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-3120, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.160. WSR 06-09-015, § 388-14A-3120, filed 4/10/06, effective 5/11/06. Statutory Authority: RCW 26.26.315, 26.26.320, 26.26.330, 26.26.335, 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 74.20A.310. WSR 05-12-136, § 388-14A-3120, filed 6/1/05, effective 7/2/05. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199. WSR 03-17-013, § 388-14A-3120, filed 8/12/03, effective 9/12/03. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. WSR 00-15-016 and 00-20-022, § 388-14A-3120, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-290.]

WAC 388-14A-3125 DCS may establish a medical support obligation when the custodial parent receiving medical assistance declines full child support enforcement services. (1) When a custodial parent (CP) has requested medical support enforcement services only and has asked in writing that the department not collect monetary child support, the division of child support (DCS) serves a notice and finding of financial responsibility (NFFR) under RCW 74.20A.055 on the noncustodial parent (NCP) to establish an administrative support order that can become an enforceable order for support to establish and enforce a medical support obligation.

(a) A NFFR served to establish an administrative support order that can become an enforceable order for support to establish and enforce a health insurance obligation is called a "medical support only" NFFR.

(b) Prior to October 1, 2009, DCS used another notice, called the notice and finding of medical responsibility (NFMR), for this purpose.

(c) Between October 1, 2009, and January 1, 2019, DCS used either the NFFR or another notice, called the notice and finding of parental responsibility (NFPR), to set medical support only.

(d) DCS uses the medical support only NFFR as of January 1, 2019.

(2) DCS may serve a medical support only NFFR when:

(a) The custodial parent (who is either a parent or the physical custodian of the child) or a dependent child receives or is certified eligible to receive medical assistance and is not receiving cash grant public assistance under 74.12 RCW; and

(b) The custodial parent has requested medical support enforcement services only and has asked DCS in writing not to collect monetary child support.

(3) The medical support only NFFR advises the noncustodial parent (NCP) and the CP (when appropriate) of their respective medical support obligations for the children named in the notice. The medical support only NFFR fully and fairly advises the parties of their rights and responsibilities under the medical support only NFFR.

(4) The medical support only NFFR warns the NCP and the CP that at an administrative hearing on the notice, the administrative law judge (ALJ) may set the support obligation in an amount higher or lower than, or different from, the amount stated in the notice, if necessary for an accurate support order.

(5) The medical support only NFFR includes:

(a) The information required by RCW 26.23.050;

(b) The medical support obligation of both parents, pursuant to RCW 26.18.170;

(c) The maximum premium amount each obligated parent must pay; and

(d) The income basis used to calculate the maximum premium amount, pursuant to WAC 388-14A-3200.

(6) The income basis for an obligation established by DCS for a medical support only NFFR is not binding on any party in any later action to establish a monthly financial child support obligation.

(7) After service of the medical support only NFFR, both the NCP and CP must notify DCS of any change of address, or of any changes that may affect the support obligation.

(8) DCS may take enforcement action under RCW 26.18.170 and chapter 388-14A WAC without further notice when the medical support only NFFR is a final order. See WAC 388-14A-3110 for how a notice becomes a final order.

(9) In most cases, a child support obligation continues until the child reaches the age of 18. WAC 388-14A-3810 describes when the obligation under the medical support only NFFR can end sooner or later than age 18.

(10) If the CP applies for full enforcement services or if a TANF grant opens while a hearing on a medical support only NFFR is pending, DCS may, at any time before the hearing record is closed, convert the hearing to a hearing on a notice and finding of financial responsibility (NFFR) under WAC 388-14A-3115. To convert the hearing, DCS serves a NFFR on the parents and files a copy with the administrative law judge (ALJ). The ALJ may grant a continuance if a party requests additional time to respond to the claim for monetary child support.

(11) In a hearing on a medical support only NFFR, the ALJ must determine the:

(a) Basic support obligation, without deviations; and

(b) Maximum premium amount for both parents under chapter 26.19 RCW.

(12) A hearing on a medical support only NFFR is for the limited purpose of resolving the parents' medical support responsibility. The parties each have the burden of proving defenses to their own liability.

(13) If the CP later applies for full enforcement services or if a child covered by the order receives public assistance, DCS may add a monthly financial support obligation to an administrative child support order for medical support only. The procedure required to add the monthly financial support obligation is addressed in WAC 388-14A-3127.

[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-3125, filed 4/7/25, effective 5/8/25. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3125, filed 5/19/11, effective 6/19/11. Statutory

Authority: RCW 74.08.090, 34.05.310 (4)(d), 34.05.220(1), 74.20A.055, 74.20A.056. WSR 03-20-072, § 388-14A-3125, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. WSR 00-15-016 and 00-20-022, § 388-14A-3125, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-215 and 388-11-295.]

WAC 388-14A-3127 How does DCS ask to add a monthly financial obligation to an existing administrative order for medical support only? (1) The division of child support (DCS) may ask to add a monthly financial support obligation to an administrative child support order for medical support only, if:

(a) The custodial parent who previously requested medical support only services, files an application for full support enforcement services; or

(b) A child covered by the order receives public assistance.

(2) The procedure required to add the monthly financial support obligation depends on whether DCS served a notice and finding of medical responsibility (NFMR) or medical support only notice and finding of financial responsibility (NFFR) to establish the administrative support order:

(a) If the medical support obligation was established through service of a NFMR, DCS serves a NFFR under WAC 388-14A-3115 which requests a monthly financial obligation.

(b) If the medical support obligation was established through service of a NFFR, DCS files a petition to modify the previous administrative order under WAC 388-14A-3925.

[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-3127, filed 4/7/25, effective 5/8/25. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3127, filed 5/19/11, effective 6/19/11.]

WAC 388-14A-3130 What happens if a party makes a timely request for hearing on a support establishment notice? (1) A timely request for hearing is an objection made within the time limits of WAC 388-14A-3110. For late (or untimely) hearing requests, see WAC 388-14A-3135.

(2) If either party makes a timely request for hearing, the division of child support (DCS) submits the hearing request to the office of administrative hearings (OAH) for scheduling.

(3) OAH sends a notice of hearing by first class mail to all parties at their address last known to DCS, notifying each party of the date, time and place of the hearing. DCS, the noncustodial parent (NCP), and the custodial parent are all parties to the hearing.

(4) A timely request for hearing stops the support establishment notice from becoming a final order, so DCS cannot collect on the notice. However, in appropriate circumstances, the administrative law judge (ALJ) may enter a temporary support order under WAC 388-14A-3850.

(5) A hearing on an objection to a support establishment notice is for the limited purpose of resolving the NCP's accrued support debt

and current support obligation. The NCP has the burden of proving any defenses to liability.

[Statutory Authority: RCW 26.23.120, 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310, and 45 C.F.R. Parts 301.1, 302.35, 302.36, 303.3, 303.7, 303.11, 303.20, 305.63, 307.13, and 308.2. WSR 11-22-116, § 388-14A-3130, filed 11/2/11, effective 12/3/11. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. WSR 02-06-098, § 388-14A-3130, filed 3/4/02, effective 4/4/02; WSR 00-15-016 and 00-20-022, § 388-14A-3130, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-135 and 388-11-400.]

WAC 388-14A-3131 What happens if neither parent appears for the hearing? (1) If neither parent appears at the scheduled hearing after being sent a notice of hearing, the administrative law judge (ALJ) enters an order on default, declaring the support establishment notice's claim for support to be final and subject to collection action. See WAC 388-14A-6110 and 388-14A-6115 to determine whether the ALJ issues an initial order or a final order.

(2) As provided in WAC 388-14A-6125, an initial order on default is subject to collection action on the twenty-second day after the order was mailed by the office of administrative hearings, and a final default order is enforceable immediately upon entry.

(3) A parent that did not appear may petition to vacate the default order pursuant to WAC 388-14A-6150.

(a) If the ALJ vacates the order of default, the ALJ then conducts a full hearing on the merits of the NFFR, NFPR or NFMR. All parties may participate in the hearing.

(b) If the parent who did not appear at the hearing is unsuccessful in the motion to vacate the default order, the ALJ may treat the petition as a petition to modify the support order.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199. WSR 03-17-013, § 388-14A-3131, filed 8/12/03, effective 9/12/03. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. WSR 01-24-081, § 388-14A-3131, filed 12/3/01, effective 1/3/02; WSR 00-15-016 and 00-20-022, § 388-14A-3131, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-400 and 388-11-425.]

WAC 388-14A-3132 What happens if only one parent appears for the hearing? (1) If one parent appears at the hearing, but the other parent fails to appear after being sent a notice of hearing, the administrative law judge (ALJ) enters an order of default against the parent that did not appear. The hearing proceeds as described in WAC 388-14A-3140. See WAC 388-14A-6110 and 388-14A-6115 to determine whether the ALJ issues an initial order or a final order.

(2) The division of child support (DCS) and the parent that did appear may enter a consent order, but not an agreed settlement. The obligation in the consent order may be higher or lower, or different from, the terms set forth in the notice, without further notice to the nonappearing parent, if necessary for an accurate support order. The terms of the consent order become final when the order of default to

the parent that did not appear becomes final, as provided in WAC 388-14A-6125.

(3) DCS and the parent that did appear may proceed to hearing. The ALJ may enter an initial decision setting an obligation which is higher or lower, or different from, the terms set forth in the notice, without further notice to the nonappearing parent, if necessary for an accurate support order. See WAC 388-14A-6110 and 388-14A-6115 to determine whether the ALJ issues an initial order or a final order.

(4) The parent that did not appear may petition to vacate the order of default pursuant to WAC 388-14A-6150.

(5) If the ALJ vacates the order of default, the ALJ then conducts a full hearing on the merits of the notice and finding of financial responsibility (NFFR), notice and finding of parental responsibility (NFPR) or notice and finding of medical responsibility (NFMR). All parties may participate in the hearing.

(6) If the parent who did not appear at the hearing is unsuccessful in the motion to vacate the default order, the ALJ may treat the petition as a petition to modify the support order.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199. WSR 03-17-013, § 388-14A-3132, filed 8/12/03, effective 9/12/03. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. WSR 01-24-081, § 388-14A-3132, filed 12/3/01, effective 1/3/02; WSR 00-15-016 and 00-20-022, § 388-14A-3132, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-400 and 388-11-425.]

WAC 388-14A-3133 What happens when the noncustodial parent and the custodial parent both appear for the hearing? If both parents appear at the hearing:

(1) All parties may enter an agreed settlement or consent order. WAC 388-14A-3600 describes when an agreed settlement or consent order is a final order.

(2) All parties may proceed to hearing, after which the ALJ issues an order. The ALJ may enter an order setting an obligation which is higher or lower, or different from, the terms set forth in the notice, if necessary for an accurate support order. See WAC 388-14A-6110 and 388-14A-6115 to determine whether the ALJ issues an initial order or a final order.

(3) In a hearing under this section, the division of child support (DCS) proceeds first to document the support amount that DCS believes to be correct. Following DCS' presentation, the custodial parent (CP) and the noncustodial parent (NCP) may proceed in turn to show why the DCS position is wrong.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199. WSR 03-17-013, § 388-14A-3133, filed 8/12/03, effective 9/12/03. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. WSR 00-15-016 and 00-20-022, § 388-14A-3133, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-400 and 388-11-425.]

WAC 388-14A-3135 Late hearings, or hearing on untimely objections to support establishment notices. (1) For orders established before August 30, 1997, if the noncustodial parent did not timely object to the notice and finding of financial responsibility (NFFR), notice and finding of parental responsibility (NFPR), or notice and finding of medical responsibility (NFMR), only the noncustodial parent may petition for a late hearing, pursuant to WAC 388-14A-3500.

(2) For orders established after August 30, 1997, if neither parent timely objected to the NFFR, NFPR, or NFMR, either the noncustodial parent or the custodial parent may petition for a late hearing, pursuant to WAC 388-14A-3500. See WAC 388-14A-3110 for the time limits for a timely hearing request.

(3) The division of child support (DCS) continues to enforce the order even if a late request for hearing is filed.

(4) If DCS receives the late hearing request within one year of the date of service of the notice, the parent requesting the hearing is not required to show good cause to have a hearing on the merits of the notice.

(5) If DCS receives the late hearing request more than a year after the date of service of the notice, the parent requesting the hearing must show good cause why the hearing request was not timely. WAC 388-14A-1020 contains the definition of good cause.

[Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d), 34.05.220(1), 74.20A.055, 74.20A.056. WSR 03-20-072, § 388-14A-3135, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. WSR 00-15-016 and 00-20-022, § 388-14A-3135, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-400 and 388-11-425.]

WAC 388-14A-3140 What can happen at a hearing on a support establishment notice? (1) When a party requests a hearing on a notice and finding of financial responsibility (NFFR), notice and finding of parental responsibility (NFPR), or notice and finding of medical responsibility (NFMR), the hearing is limited to:

(a) Resolving the current and future support obligation and the accrued support debt of the noncustodial parent (NCP); and

(b) Establishing the medical support obligations of both the NCP and the custodial parent (CP), if the CP is the legal or biological parent of the child or children.

(2) The hearing is not for the purpose of setting a payment schedule on the support debt.

(3) The NCP and the CP each have the burden of proving any defenses to their own liability. See WAC 388-14A-3370.

(4) The NCP and/or the CP must show cause why the terms in the NFFR, NFPR, or NFMR are incorrect.

(5) The administrative law judge (ALJ) has authority to enter a support obligation that may be higher or lower than the amounts set forth in the NFFR, NFPR, or NFMR, including the support debt, current support, and the future support obligation.

(a) The ALJ may enter an order that differs from the terms stated in the notice, including different debt periods, if the obligation is supported by credible evidence presented by any party at the hearing, without further notice to any non-appearing party, if the ALJ finds that due process requirements have been met.

(b) Any support order entered by the ALJ must comply with the requirements of WAC 388-14A-6300.

(6) The ALJ has no authority to determine custody or visitation issues, or to set a payment schedule for the arrears debt.

(7) When a party has advised the ALJ that they will participate by telephone, the ALJ attempts to contact that party on the record before beginning the proceeding or rules on a motion. The ALJ may not disclose to the other parties the telephone number of the location of the party appearing by phone.

(8) In support establishment hearings, both the NCP and CP may participate in the hearing. However, in certain cases, there is no "custodial parent" because the child or children are in foster care.

(a) If the NCP and CP both fail to appear for hearing, see WAC 388-14A-3131.

(b) If only one of the parties appears for the hearing, see WAC 388-14A-3132.

(c) If the NCP and CP both appear for hearing, see WAC 388-14A-3133.

(9) In some cases prior to May 1, 2022, there could be two NCPs, called "joint NCPs." This happened when DCS served a joint support establishment notice on the marital community made up of spouses who resided together, or on the domestic partnership community made up of two registered domestic partners who resided together, seeking to establish a support obligation for a child in common who was not residing in their home.

(a) If both of the joint NCPs fail to appear for hearing, see WAC 388-14A-3131;

(b) If both of the joint NCPs appear for hearing, see WAC 388-14A-3133; or

(c) Prior to May 1, 2022, one joint NCP could appear and represent the other joint NCP.

(10) When a CP is granted good cause level B (see WAC 388-422-0020), DCS notifies the CP that the CP will receive documents, notices, and orders. The CP may choose to participate at any time. Failure to appear at hearing results in a default order but does not result in a sanction for noncooperation under WAC 388-14A-2041.

(11) If any party appears for the hearing and elects to proceed, the ALJ hears the matter and enters a final order based on the evidence presented, unless the ALJ grants a continuance. The ALJ includes a party's failure to appear in the initial decision and order as an order of default against that party. The direct appeal rights of the party who failed to appear are limited to an appeal on the record made at the hearing.

[Statutory Authority: RCW 26.09.105, 26.18.170, 26.23.050, 26.23.110, 34.05.220, 74.08.090, and 74.20A.055. WSR 22-08-067, § 388-14A-3140, filed 4/4/22, effective 5/5/22. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3140, filed 5/19/11, effective 6/19/11. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.160. WSR 06-09-015, § 388-14A-3140, filed 4/10/06, effective 5/11/06. Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d), 34.05.220(1), 74.20A.055, 74.20A.056. WSR 03-20-072, § 388-14A-3140, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. WSR 00-15-016 and

00-20-022, § 388-14A-3140, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-400 and 388-11-425.]

WAC 388-14A-3200 How does DCS determine my support obligation? (1) The division of child support (DCS) determines support obligations using the Washington state child support schedule (the WSCSS), chapter 26.19 RCW, for the establishment and modification of support orders.

(2) When calculating child support obligations, DCS must use the WSCSS worksheets developed by the administrative office of the courts (AOC).

(3) RCW 26.23.050 provides that every child support order must state the monthly child support obligation as a sum certain amount, but does not require that the support obligation be stated in a "per month per child" amount when more than one child is covered by the order. DCS sets support obligations in a per month per child amount whenever possible.

(4) When DCS is calculating a support obligation for more than one child in an administrative support establishment notice, DCS may set the monthly support obligation as an undifferentiated amount, as defined in WAC 388-14A-4800. DCS may do this if one or more of the following are true:

(a) The calculation involves a deviation from the standard calculation based on the existence of children from other relationships;

(b) The support obligation is subject to the "forty-five percent limitation" provided in RCW 26.19.065(1) and described in WAC 388-14A-3400 (1)(a);

(c) The support obligation is subject to the self-support reserve limitation, and the monthly support obligation is greater than the presumptive minimum obligation of fifty dollars per month per child; or

(d) Part III of the worksheets includes health care or day care expenses.

(5) See WAC 388-14A-8100 for rules on completing the worksheets under the WSCSS for cases where DCS is determining support for a child in foster care.

(6) DCS does not have statutory authority to set the child support obligations of both the noncustodial parent (NCP) and custodial parent (CP) in the same administrative proceeding, except that RCW 26.09.105, 26.18.170 and 26.23.050 provide that an administrative order that sets the NCP's child support obligation can also determine the CP's medical support obligation.

(a) DCS orders can not set off the support obligation of one parent against the other.

(b) Therefore, the method set forth in Marriage of Arvey, 77 Wn. App 817, 894 P.2d 1346 (1995), must not be applied when DCS determines a support obligation.

(7) The limitations in this section apply to DCS staff and to administrative law judges (ALJs) who are setting child support obligations.

(8) See WAC 388-14A-4800 through 388-14A-4830 for more information on differentiated and undifferentiated support amounts.

[Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3200, filed 5/19/11, effective 6/19/11. Statutory Authority: 2007 c 143, §§

1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-3200, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 34.05.220 (1)(a), 74.20A.055. WSR 07-06-053, § 388-14A-3200, filed 3/2/07, effective 4/2/07. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. WSR 06-16-073, § 388-14A-3200, filed 7/28/06, effective 8/28/06; WSR 00-15-016 and 00-20-022, § 388-14A-3200, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-205.]

WAC 388-14A-3205 How does DCS calculate my income? (1) The division of child support (DCS) calculates a parent's income using the best available information. If a parent is voluntarily unemployed or underemployed, either DCS or the administrative law judge (ALJ), or both may impute income to that parent. Voluntary underemployment or unemployment is determined based upon the parent's assets, residence, employment and earnings history, job skills, educational attainment, literacy, health, age, criminal record, dependency court obligations, and other employment barriers, record of seeking work, the local job market, the availability of employers willing to hire the parent, the prevailing earnings level in the local community, or any other relevant factors. Income is not imputed for an unemployable parent. Income is also not imputed to a parent to the extent the parent is unemployed or significantly underemployed due to the parent's efforts to comply with court-ordered reunification efforts under chapter 13.34 RCW or under a voluntary placement agreement with an agency supervising the child.

(2) In the absence of records of a parent's actual earnings, either DCS or the administrative law judge (ALJ), or both may impute a parent's income under RCW 26.19.071(6) in the following order of priority:

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

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

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

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

(e) Full-time earnings at minimum wage in the jurisdiction where the parent resides if the parent has a recent history of minimum wage earnings, has never been employed and has no earnings history, or has no significant earnings history; or

(f) Median net monthly income of year-round full-time workers as derived from the United States bureau of census, current population reports.

(3) When a parent is currently enrolled in high school full-time, either DCS or the ALJ, or both may consider the totality of the circumstances of both parents when determining whether each parent is voluntarily unemployed or voluntarily underemployed. If the parent who is enrolled in high school is determined to be voluntarily unemployed or voluntarily underemployed, either DCS or the ALJ, or both may im-

pute earnings of 20 hours per week at minimum wage in the jurisdiction where the parent resides. Imputation of earnings at 20 hours per week under this subsection is a rebuttable presumption.

(4) DCS and the ALJ impute earnings of 32 hours per week at the minimum wage to a TANF recipient in the absence of actual income information. You may rebut the imputation of income if you are excused from being required to work while receiving TANF, because:

(a) You are either engaged in other qualifying WorkFirst activities which do not generate income, such as job search; or

(b) You are excused or exempt from being required to work in order to receive TANF, because of other barriers such as family violence or mental health issues.

[Statutory Authority: RCW 26.09.105, 26.23.110, 74.04.055, 74.08.090, 74.20.040, and 74.20A.310. WSR 21-24-063, § 388-14A-3205, filed 11/29/21, effective 12/30/21. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3205, filed 5/19/11, effective 6/19/11. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-3205, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d), 34.05.220(1), 74.20A.055, 74.20A.056. WSR 03-20-072, § 388-14A-3205, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. WSR 00-15-016 and 00-20-022, § 388-14A-3205, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-205.]

WAC 388-14A-3275 The division of child support may amend an administrative notice at any time before a final administrative order is entered. (1) The division of child support (DCS) may orally amend a notice issued under this chapter at the hearing to conform to the evidence. When DCS amends a notice at the hearing:

(a) The administrative law judge (ALJ) may grant a continuance when necessary to give the parties additional time to present evidence and argument as to the amendment; and

(b) DCS must put the terms of the amendment in writing and provide a copy, in person or by regular mail to the last known address of the parties, and to the ALJ within a reasonable time after amending the notice.

(2) The amended notice does not generate a new hearing right.

(3) When DCS has obtained reliable information that the income basis of the notice is inaccurate, DCS amends a notice issued under WAC 388-14A-3115, 388-14A-3120, or 388-14A-3125 prior to seeking a default order for failure to appear. An amendment under this subsection must be made according to the terms of subsection (1) above.

(4) Subsection (3) of this section does not apply:

(a) To cases in which no one has requested a hearing; or

(b) After the ALJ has closed the hearing record.

(5) If DCS has amended the notice under this section and either the noncustodial parent or the custodial parent fail to appear at a rescheduled hearing date, the ALJ must enter a default order on the terms of the amended notice.

[Statutory Authority: RCW 74.08.090, 74.20A.055. WSR 01-03-089, § 388-14A-3275, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-300.]

WAC 388-14A-3300 How does the division of child support require me to make my support payments to the Washington state support registry when my support order says to pay someone else? (1) If a support order requires the noncustodial parent (NCP) to pay support to anywhere other than the Washington state support registry (WSSR), the division of child support (DCS) may serve a notice on the NCP telling the NCP to make all future payments to the WSSR.

(2) DCS determines which notice to serve on the NCP as provided in WAC 388-14A-3302 and elsewhere in this chapter.

(3) When DCS serves a notice of support debt under RCW 74.20A.040 or a notice of support owed under RCW 26.23.110, DCS notifies the person entitled to receive the support as well as the payee under the order if appropriate. See WAC 388-14A-3315.

[Statutory Authority: RCW 26.09.105, 26.23.110, 74.04.055, 74.08.090, 74.20.040, and 74.20A.310. WSR 21-24-063, § 388-14A-3300, filed 11/29/21, effective 12/30/21. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3300, filed 5/19/11, effective 6/19/11. Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d). WSR 03-20-072, § 388-14A-3300, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-3300, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-3302 How does the division of child support decide what notice to serve when there is already an existing order for child support? (1) When the division of child support (DCS) serves a notice under WAC 388-14A-3300 to advise a noncustodial parent (NCP) that DCS is enforcing a support order, DCS may serve a notice of support debt, a notice of support debt and registration, a notice of support owed, or any other appropriate notice as provided in this chapter.

(2) If the support order sets the amount of the support obligation in a sum certain amount, DCS may serve a notice of support debt on the NCP as provided in RCW 74.20A.040 and WAC 388-14A-3304.

(3) If DCS is registering a support order or income-withholding order issued in another state, DCS may serve a notice of support debt and registration on the NCP, as provided in RCW 26.21A.500, 26.21A.540 and WAC 388-14A-7100.

(4) Under RCW 26.23.110, DCS may serve a notice of support owed on an NCP or a custodial parent (CP), as appropriate, if the underlying support order:

(a) Does not state the monthly support obligation as a fixed dollar amount stated in U.S. dollars;

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

(c) Provides that the NCP is responsible for a portion of nonmedical expenses incurred on behalf of the child, but does not reduce the amount owed to a fixed dollar amount; or

(d) Provides that either the NCP or the custodial parent (CP) must provide medical support as provided under either RCW 26.19.105 or 74.20A.300, but does not reduce the medical support obligation to a fixed dollar amount.

(5) As of the effective date of this section, DCS does not serve a notice of support owed under RCW 26.23.110 to determine the NCP's proportionate share of any nonmedical expenses other than daycare or child care expenses incurred on behalf of the child(ren) covered by the order.

(6) The fact that an NCP or CP's request that DCS act on his or her claim for unreimbursed nonmedical expenses is rejected by DCS does not mean that the NCP or CP cannot pursue reimbursement of those expenses by proceeding in court.

(a) If a CP obtains a judgment for unreimbursed nonmedical expenses, DCS may enforce the judgment if the CP qualifies for services under WAC 388-14A-2000.

(b) If DCS served a notice of support owed to determine the NCP's proportionate share of nonmedical expenses at some time before the effective date of this section and either NCP or CP requests an annual review under RCW 26.23.110, DCS may continue to provide annual reviews for the support order which was the subject of the prior notice of support owed but only for the same nonmedical expenses addressed in the prior notice of support owed.

(7) See WAC 388-14A-3310 for the general rules for a notice of support owed.

(a) WAC 388-14A-3311 describes the procedures for service of a notice of support owed to:

(i) Determine the fixed dollar amount of the support debt or the fixed dollar amount of the current and future support obligation;

(ii) Implement an escalation clause or adjustment provision;

(iii) Convert a support order set in foreign currency using the current rate of exchange to fix the amount of support in U.S. dollars; or

(iv) Determine as a sum certain the NCP's proportionate share of daycare or child care expenses paid by the NCP.

(b) WAC 388-14A-3312 describes the procedures for service of a notice of support owed to establish a parent's share of medical expenses and/or medical support owed for the child or children covered by a support order.

(c) WAC 388-14A-3330 describes the procedures for service of a notice of support owed when DCS conducts an annual review of the amounts determined by an order resulting from a previous notice of support owed.

(8) WAC 388-14A-3307 discusses how DCS proceeds when DCS decides that a determination of controlling order under chapter 26.21A RCW is required. Under that section, DCS may serve a notice of support debt and registration as provided in WAC 388-14A-7100.

(9) WAC 388-14A-3315 provides that:

(a) When DCS serves a notice of support debt or a notice of support owed on the NCP, DCS notifies the CP and the payee under the order, if the CP is not the payee under the order; and

(b) When DCS serves a notice of support owed under WAC 388-14A-3312 on the CP, DCS notifies the NCP.

[Statutory Authority: RCW 26.09.105, 26.23.110, 74.04.055, 74.08.090, 74.20.040, and 74.20A.310. WSR 21-24-063, § 388-14A-3302, filed 11/29/21, effective 12/30/21. Statutory Authority: RCW 26.23.120, 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310, and 45 C.F.R. Parts 301.1, 302.35, 302.36, 303.3, 303.7, 303.11, 303.20, 305.63, 307.13, and 308.2. WSR 11-22-116, § 388-14A-3302, filed 11/2/11, effective 12/3/11. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3302, filed 5/19/11, effective 6/19/11.]

WAC 388-14A-3304 The division of child support may serve a notice of support debt and demand for payment when it is enforcing a support order issued in Washington state, a foreign court order or a foreign administrative order for support. (1) The division of child support (DCS) may serve a notice of support debt and demand for payment on a noncustodial parent (NCP) under RCW 74.20A.040 to provide notice that DCS is enforcing a support order entered in Washington state, a foreign court order or a foreign administrative order for support.

(a) A "foreign" order is one entered in a jurisdiction other than a Washington state court or administrative forum.

(b) DCS uses the notice of support debt and demand for payment when there is only one current child support order for the NCP and the child or children in the case.

(c) When there are multiple current support orders for the same obligor and child or children, DCS determines which order to enforce as provided under WAC 388-14A-3307.

(2) DCS serves a notice of support debt and demand for payment like a summons in a civil action or by certified mail, return receipt requested.

(3) In a notice of support debt and demand for payment, DCS includes the information required by RCW 74.20A.040, the amount of current and future support, accrued support debt, interest (if interest is being assessed under WAC 388-14A-7110), any health insurance coverage obligation, and any day care or child care costs under the court or administrative order.

(4) After service of a notice of support debt and demand for payment, the NCP must make all support payments to the Washington state support registry. DCS does not credit payments made to any other party after service of a notice of support debt and demand for payment except as provided in WAC 388-14A-3375.

(5) A notice of support debt and demand for payment becomes final and subject to immediate wage withholding and enforcement without further notice under chapters 26.18, 26.23, and 74.20A RCW, subject to the terms of the order, unless, within twenty days of service of the notice in Washington, or within sixty days of service of the notice outside of Washington, the NCP:

(a) Files a request with DCS for a conference board under WAC 388-14A-6400. The effective date of a conference board request is the date DCS receives the request;

(b) Obtains a stay from the superior court; or

(c) Objects to either the validity of the foreign support order or the administrative enforcement of the foreign support order, in

which case DCS proceeds with registration of the foreign support order under WAC 388-14A-7100.

(6) RCW 26.21A.515 controls the calculation of the debt on a notice of support debt and demand for payment.

(7) Enforcement of the following are not stayed by a request for a conference board or hearing under this section or WAC 388-14A-6400:

(a) Current and future support stated in the order; and

(b) Any portion of the support debt that the NCP and custodial parent (CP) fail to claim is not owed.

(8) At the same time that DCS sends the notice of support debt and demand for payment for service on the NCP, DCS notifies either the CP or the payee under the order, or both if appropriate, by mailing a form called the notice to payee, which is described in WAC 388-14A-3315.

(a) DCS does not wait to confirm service of the notice of support debt and demand for payment before mailing out the notice to payee;

(b) DCS mails to the last known address of the CP or the payee under the order, as appropriate;

(c) The notice to payee contains:

(i) A copy of the notice of support debt and demand for payment; and

(ii) A statement that:

(A) The payee has the right to contest the notice of support debt; and

(B) A CP who is not the payee under the order has the same rights to contest the notice of support debt and demand for payment.

(9) If the NCP requests a conference board under subsection (5)(a) of this section, DCS mails a copy of the notice of conference board to the CP informing the CP of the CP's right to:

(a) Participate in the conference board; or

(b) Request a hearing under WAC 388-14A-3321 within twenty days of the date of a notice of conference board that was mailed to a Washington address. If the notice of conference board was mailed to an out-of-state address, the CP may request a hearing within sixty days of the date of the notice of conference board. The effective date of a hearing request is the date DCS receives the request.

(10) If the CP requests a hearing under subsection (8)(c) of this section, DCS must:

(a) Stay enforcement of the notice of support debt and demand for payment except as required under subsection (7) of this section; and

(b) Notify the NCP of the hearing.

(11) If a CP requests a late hearing under subsection (8)(c) of this section, the CP must show good cause for filing the late request.

(12) The NCP is limited to a conference board to contest the notice and may not request a hearing on a notice of support debt and demand for payment. However, if the CP requests a hearing, the NCP may participate in the hearing.

(13) A notice of support debt and demand for payment must fully and fairly inform the NCP of the rights and responsibilities in this section.

[Statutory Authority: RCW 26.09.105, 26.18.170, 26.23.110, 34.05.220, 74.04.055, 74.08.090, 74.20.040, and 74.20A.310. WSR 20-03-024, § 388-14A-3304, filed 1/6/20, effective 4/1/20. Statutory Authority: RCW 26.23.120, 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310, and 45 C.F.R. Parts 301.1, 302.35, 302.36, 303.3, 303.7, 303.11, 303.20, 305.63, 307.13, and 308.2. WSR 11-22-116, § 388-14A-3304,

filed 11/2/11, effective 12/3/11. Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310. WSR 07-08-055, § 388-14A-3304, filed 3/29/07, effective 4/29/07. Statutory Authority: RCW 26.21.016, 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310, 26.23.110, and 74.20A.040. WSR 05-07-059, § 388-14A-3304, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310. WSR 01-03-089, § 388-14A-3304, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-435.]

WAC 388-14A-3305 What can I do if I disagree with a notice of support debt and demand for payment? Once the division of child support has served a notice of support debt and demand for payment, either party may disagree with the notice.

(1) If either party objects to the enforcement of a non-Washington support order, that party may request that DCS register that order under chapter 26.21A RCW. DCS then serves a notice of support debt and registration as provided in WAC 388-14A-7100.

(2) If the noncustodial parent (NCP) objects to the amount of current support or the amount of support debt stated in the notice, the NCP may request a conference board under WAC 388-14A-6400.

(a) The custodial parent (CP) may participate in the conference board under this section.

(b) The CP may choose to convert the proceeding to an administrative hearing. The NCP may participate in a hearing held under this section.

(3) If the custodial parent objects to the amount of current support or the amount of support debt stated in the notice, the CP may request an administrative hearing. The NCP may participate in a hearing held under this section.

(4) See WAC 388-14A-3304 for a more full description of the hearing process on the notice of support debt and demand for payment.

[Statutory Authority: RCW 26.23.120, 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310, and 45 C.F.R. Parts 301.1, 302.35, 302.36, 303.3, 303.7, 303.11, 303.20, 305.63, 307.13, and 308.2. WSR 11-22-116, § 388-14A-3305, filed 11/2/11, effective 12/3/11. Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310. WSR 07-08-055, § 388-14A-3305, filed 3/29/07, effective 4/29/07.]

WAC 388-14A-3306 Does a notice of support debt and demand for payment result in a final determination of support arrears? (1) After service of a notice of support debt and demand for payment as provided in WAC 388-14A-3304, the final administrative order determines the support debt as of the date of the order, and:

(a) The debt determination is not a final determination under the Uniform Interstate Family Support Act (UIFSA), chapter 26.21A RCW.

(b) RCW 26.21A.515 controls in any computation and/or determination of accrued interest on arrearages under the support order.

(2) The final administrative order comes about by:

(a) Operation of law if nobody objects to the notice;

(b) Agreed settlement or consent order under WAC 388-14A-3600;

(c) Final conference board decision under WAC 388-14A-6400;

(d) Final administrative order entered after hearing or a party's failure to appear for hearing.

[Statutory Authority: RCW 26.23.120, 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310, and 45 C.F.R. Parts 301.1, 302.35, 302.36, 303.3, 303.7, 303.11, 303.20, 305.63, 307.13, and 308.2. WSR 11-22-116, § 388-14A-3306, filed 11/2/11, effective 12/3/11. Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310. WSR 07-08-055, § 388-14A-3306, filed 3/29/07, effective 4/29/07.]

WAC 388-14A-3307 How does the division of child support proceed when there are multiple child support orders for the same obligor and children? When more than one current child support order exists for the same obligor and children, the division of child support (DCS) may proceed as follows:

(1) When not acting as a responding jurisdiction, DCS decides whether or not a determination of controlling order is necessary, and which state has the authority to make a determination of controlling order (DCO) under UIFSA.

(2) The controlling order is the single order used for prospective enforcement and modification, determined according to the priority scheme set out in the Uniform Interstate Family Support Act (UIFSA).

(3) Using the criteria listed in RCW 26.21A.130, DCS may decide which child support order it should enforce and may serve a notice of support debt and demand for payment under WAC 388-14A-3304.

(4) When a party objects to enforcement of the order selected for enforcement under subsection (1) of this section, or when the order that DCS decides to enforce is not the order presented by a party or another jurisdiction for enforcement of current support, DCS may serve a notice of support debt and registration as provided in WAC 388-14A-7100.

(5) WAC 388-14A-7305 describes how either party or the initiating jurisdiction can ask for a DCO.

(6) WAC 388-14A-7315 describes how DCS decides whether to deny a request for a DCO.

(7) If DCS reviews the orders in response to a request for a DCO and decides that a Washington order is the presumed controlling order, DCS refers the case to superior court.

(8) If DCS reviews the orders in response to a request for a DCO and decides that a non-Washington order is the presumed controlling order, DCS serves a notice of support debt and registration as provided in WAC 388-14A-7325.

[Statutory Authority: RCW 26.23.120, 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310, and 45 C.F.R. Parts 301.1, 302.35, 302.36, 303.3, 303.7, 303.11, 303.20, 305.63, 307.13, and 308.2. WSR 11-22-116, § 388-14A-3307, filed 11/2/11, effective 12/3/11. Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310. WSR 07-08-055, § 388-14A-3307, filed 3/29/07, effective 4/29/07.]

WAC 388-14A-3310 What notice does the division of child support serve to establish a fixed dollar amount under an existing child support order? (1) The division of child support (DCS) may serve a notice of support owed under RCW 26.23.110 on either the noncustodial

parent (NCP) or the custodial parent (CP) whenever it is necessary to establish a fixed dollar amount owed under a child support order that was entered in Washington or by any other tribunal. This section provides general information regarding the notice of support owed.

(a) WAC 388-14A-3311 describes the procedures for service of a notice of support owed on the NCP to determine the fixed dollar amount of the support debt or the fixed dollar amount of the current and future support obligation for nonmedical expenses.

(b) WAC 388-14A-3312 describes the procedures for service of a notice of support owed on either parent to establish that parent's share of medical expenses or medical support, or both, owed for the child or children covered by a support order.

(2) The notice of support owed contains an initial finding, showing DCS' calculation of the fixed dollar amount of:

(a) The current and future support obligation;

(b) Any support debt owed; or

(c) Both amounts.

(3) The notice of support owed facilitates enforcement of the underlying support order by implementing the terms of the order, but it cannot modify the terms of the order.

(4) The reasons that DCS may serve a notice of support owed include, but are not limited to:

(a) The underlying support order sets a support obligation but does not state the monthly support obligation as a fixed dollar amount;

(b) The underlying support order sets a support obligation stated in foreign currency and DCS seeks to convert that amount using the current rate of exchange to fix the amount of support stated in U.S. dollars;

(c) DCS is implementing the adjustment or escalation provision of a court order;

(d) The support order provides that the NCP is responsible for paying for a portion of daycare or child care expenses incurred on behalf of the child or children, but does not reduce the amount owed to a fixed dollar amount. DCS serves the notice of support owed to determine the NCP's proportionate share of those expenses; or

(e) The support order provides that either the NCP or the CP must provide medical support as required under either RCW 26.19.105 or 74.20A.300, but does not reduce the medical support obligation to a fixed dollar amount.

(5) DCS uses four separate forms to use for the notice of support owed:

(a) The basic form used by DCS to establish a fixed dollar amount owed by an NCP under an existing child support order is called the notice of support owed. The notice of support owed is also used to notify parties of an annual review of amounts owed established by a previous notice of support owed.

(b) The "notice of support owed - Medical support" is used for the following purposes:

(i) To notify an obligated parent of the obligation to pay a portion of the premium for health insurance provided by the other parent or state of Washington; or

(ii) To determine a fixed dollar amount for uninsured medical expenses incurred on behalf of the child or children and to demand payment of the obligated parent's proportionate share when a support order requires the obligated parent to pay a specific percentage of uninsured medical expenses.

(iii) To determine the amounts owed in an annual review of the amounts established by a previous notice of support owed-Medical support.

(c) The notice of support owed-Daycare establishment is used to establish a daycare obligation for past-due and current and future daycare when the underlying order provides that daycare expenses must be determined by a percentage stated in the underlying order.

(d) The notice of support owed-Daycare annual review is used to review daycare expenses established by a previous notice of support owed-Daycare establishment or notice of support owed-Daycare annual review and to determine current and future daycare obligation subsequent to the effective period of the previous notice of support owed that addressed a daycare obligation.

(6) For the purposes of this chapter, the term "notice of support owed" includes "notice of support owed," "notice of support owed - Medical support," "notice of support owed-Daycare establishment," and "notice of support owed-Daycare annual review."

(7) DCS serves an initial notice of support owed on the NCP or the CP, as appropriate, like a summons in a civil action or by certified mail, return receipt requested.

(8) When DCS serves a notice of support owed on one party, DCS notifies the other party to the support order by sending a form called the notice to payee, and encloses a copy of the notice.

(a) If DCS is serving a notice of support owed on the NCP, DCS mails the notice to payee to the CP and to the payee under the order, if the CP is not the payee under the order.

(b) If DCS is serving a notice of support owed on the CP, DCS mails the notice to payee to the NCP.

(9) If the order resulting from a previous notice of support owed included a statement that subsequent notices of support owed to review the amounts will be served in regular mail, DCS may serve a subsequent notice of support owed by regular mail to the parties at their last known mailing addresses on file with the department.

(10) If the previous notice of support owed does not include a statement that a subsequent notice of support owed may be mailed by first class mail, DCS must serve the notice of support owed in the same manner as an initial notice of support owed.

(11) See WAC 388-14A-3330 for procedures used by DCS for annual review of an obligation established by a prior notice of support owed.

(12) In a notice of support owed, DCS includes:

(a) The information required by RCW 26.23.110;

(b) Any provision or factors contained in the underlying order regarding how to calculate the monthly support or the amounts claimed for medical support;

(c) Any other information not contained in the order that DCS used to calculate the amounts in the notice; and

(d) Notice of the right to request an annual review of the order or a review on the date given in the order for an annual review, if any. WAC 388-14A-3330 describes the procedures for the annual review of a notice of support owed; and

(e) Notice that a subsequent notice of support owed for an annual review of the amounts established by the notice of support owed may be served by regular mail to each party at their last known address.

(13) A notice of support owed fully and fairly informs the parties of the rights and responsibilities in this section.

(14) After service of a notice of support owed, the recipient of the notice (which could be either the CP or the NCP, as appropriate,)

must make all support payments required by the notice to the Washington state support registry (WSSR). DCS does not credit payments made to any other party after service of a notice of support owed except as provided in WAC 388-14A-3375.

(15) The need to serve a notice of support owed does not require DCS to cease all enforcement actions on a case. At any time, DCS may enforce:

(a) A fixed or minimum dollar amount for monthly support stated in the court order or a prior administrative order entered under this section;

(b) Any part of a support debt that has been reduced to a fixed dollar amount by a court or administrative order; and

(c) Any part of a support debt that neither party claims is incorrect.

(16) A notice of support owed becomes final and subject to immediate income withholding and enforcement as provided in WAC 388-14A-3316.

(17) An objection or request for hearing on a notice of support owed may be timely or untimely:

(a) WAC 388-14A-3317 discusses what happens if a parent makes a timely request for hearing; and

(b) WAC 388-14A-3318 discusses what happens if a parent makes an untimely request for hearing.

(18) WAC 388-14A-3320 provides general information regarding an administrative hearing on a notice of support owed.

(19) WAC 388-14A-3330 provides information regarding the annual review of a notice of support owed.

(20) For the purposes of this section and WAC 388-14A-3311 through 388-14A-3331, the term "payee" includes "physical custodian," "custodial parent," or "party seeking reimbursement."

[Statutory Authority: RCW 26.09.105, 26.23.110, 74.04.055, 74.08.090, 74.20.040, and 74.20A.310. WSR 21-24-063, § 388-14A-3310, filed 11/29/21, effective 12/30/21. Statutory Authority: RCW 26.09.105, 26.18.170, 26.23.110, 34.05.220, 74.04.055, 74.08.090, 74.20.040, and 74.20A.310. WSR 20-03-024, § 388-14A-3310, filed 1/6/20, effective 4/1/20. Statutory Authority: RCW 26.23.120, 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310, and 45 C.F.R. Parts 301.1, 302.35, 302.36, 303.3, 303.7, 303.11, 303.20, 305.63, 307.13, and 308.2. WSR 11-22-116, § 388-14A-3310, filed 11/2/11, effective 12/3/11. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3310, filed 5/19/11, effective 6/19/11. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-3310, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310 and 26.23.110, and 74.20A.040. WSR 05-07-059, § 388-14A-3310, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310. WSR 01-03-089, § 388-14A-3310, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-415.]

WAC 388-14A-3311 How does DCS prepare a notice of support owed to determine amounts owed to establish a fixed dollar amount under an existing child support order? (1) The division of child support (DCS) serves a notice of support owed under RCW 26.23.110, WAC 388-14A-3310

and this section on the noncustodial parent (NCP) to determine the fixed dollar amount of the support debt, the fixed dollar amount of the current and future support obligation, or both.

(2) DCS may serve a notice of support owed on the NCP to determine the fixed dollar amount of the current and future support obligation when a support order provides that the NCP's support obligation is:

(a) A certain percentage of the NCP's gross or net earnings;

(b) Set as a sum-certain amount, but the amount is to be paid other than monthly; or

(c) To be determined by some other formula or method requiring the use of information that is not contained in the order, including currency conversion when DCS is enforcing a support order which sets the support amount in a foreign currency.

(3) DCS may serve a notice of support owed-Daycare establishment on the NCP to determine the amount of the NCP's share of daycare or child care expenses for the children when the support order sets the NCP's obligation as a percentage or proportion of those expenses. A custodial parent (CP) seeking reimbursement for daycare or childcare expenses for the child or children must:

(a) Apply for full collection services at the time of the request, unless the CP already has an open full collection case with DCS;

(b) Have paid the daycare or child care expenses before seeking reimbursement through DCS;

(c) Provide proof of payment of those expenses;

(d) Complete the forms provided by DCS for the claim, or at a minimum present the required information and documentation in a format similar to that in the DCS forms; and

(e) Declare under penalty of perjury that he or she has asked the NCP to pay his or her share of the daycare or child care expenses or provide good cause for not asking the NCP for payment.

(4) DCS' denial of a request from either the CP or the NCP to serve a notice of support owed under this section does not affect either party's ability to bring an action in another tribunal to enforce a claim for the other party's proportionate share of expenses paid for the children. Either party may file an action in court to:

(a) Make a claim for reimbursement of daycare or childcare expenses;

(b) Make a claim for reimbursement of any other child rearing expenses; or

(c) Seek any other kind of relief against the other party.

(5) DCS may serve a notice of support owed under this section on the NCP to implement an escalation clause or adjustment provision for which additional information not contained in the support order is needed to determine the fixed dollar amount of the support debt or the fixed dollar amount of the current and future support obligation.

(6) Whenever DCS serves a notice of support owed on the NCP under subsections (2), (3) or (5) above, that notice may also include a determination of the fixed dollar amount of:

(a) Any support debt owing;

(b) Any amount paid by the NCP that exceeds his or her actual current and future support obligation; and

(c) Any amount paid by the NCP that exceeds his or her actual share of day care or child care expenses.

(7) If DCS is preparing a notice of support owed as part of an annual review, the notice may also include a determination of the fixed dollar amount of:

(a) Any support debt owed by the NCP; and

(b) Any amounts calculated under an order resulting from a previous notice of support owed that exceed the NCP's actual obligation after actual income or expenses are considered.

(8) If the notice of support owed contains a determination that the amount owed by the NCP under the previous notice of support owed (if any) is more than his or her actual current and future support obligation or his or her actual share of expenses, the notice addresses how the difference may be credited or repaid, in the absence of an agreement between the parties.

(a) Any overpayment may be applied an as offset to nonassistance child support arrears owed by the NCP on that case only.

(b) If there is no nonassistance debt owed on the case, the reimbursement must be in the form of a credit against the NCP's future child support obligation:

(i) Spread equally over a 12 month period starting the month after the administrative order becomes final; or

(ii) In a case where the underlying order provides that the NCP's support obligation will end in less than 12 months, spread equally over the remaining life of the order.

(9) In a notice of support owed under this section, DCS includes:

(a) The information required by RCW 26.23.110 and WAC 388-14A-3110;

(b) A description of any provisions or factors contained in the underlying order regarding how to calculate the monthly support obligation or the amounts claimed for nonmedical expenses; and

(c) Any other information not contained in the order that DCS used to calculate the amounts in the notice.

(10) See WAC 388-14A-3330 for additional procedures used by DCS for an annual review of the amounts established by a notice of support owed.

[Statutory Authority: RCW 26.09.105, 26.23.110, 74.04.055, 74.08.090, 74.20.040, and 74.20A.310. WSR 21-24-063, § 388-14A-3311, filed 11/29/21, effective 12/30/21. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3311, filed 5/19/11, effective 6/19/11.]

WAC 388-14A-3312 The division of child support serves a notice of support owed to establish a fixed dollar amount owed by either parent for medical support. (1) Depending on the specific requirements of the child support order, and only if the case meets the criteria set out in WAC 388-14A-4100, the division of child support (DCS) may serve a notice of support owed under RCW 26.23.110, WAC 388-14A-3310 and this section:

(a) On either the noncustodial parent (NCP) or the custodial parent (CP), as appropriate, in order to:

(i) Establish as a sum certain and collect the obligated parent's proportionate share of uninsured medical expenses owed to the parent seeking reimbursement. This process is called reimbursement of uninsured medical expenses;

(ii) Establish as a sum certain and collect the obligated parent's monthly payment toward the premium currently being paid by the other parent for health care coverage for a child named in the support order; or

(iii) Establish and collect amounts owed under both subsections (a)(i) and (a)(ii) of this section.

(b) On the NCP in order to establish as a sum certain and collect the NCP's monthly payment toward the premium paid by the state for managed care coverage for a child named in the support order, if the child receives public health care coverage in the state of Washington, whether or not there is an assignment of rights.

(2) Unless otherwise specified in the order, each parent's proportionate share of uninsured medical expenses and health care premiums is the same as the proportionate share of income shown on the Washington state child support schedule worksheet that was completed as part of the support order.

(a) On occasion, a tribunal may specify that medical support obligations are to be shared between the parents at a different percentage than the one on the worksheet.

(b) DCS follows the terms of the underlying order when serving a notice of support owed under this section.

(3) WAC 388-14A-4111 and 388-14A-4112 set out some of the reasons why DCS may decline a party's request to enforce a medical support obligation.

(4) Only a CP who is both a parent of the child and a party to the support order may ask DCS to serve a notice of support owed on the NCP under subsection (1)(a) of this section. If the CP is not both a parent of the child and a party to the support order, DCS' denial of the request does not affect the CP's ability to bring an action in another tribunal to enforce the CP's claim against the NCP for medical support. The CP may file an action in court to:

(a) Make a claim for reimbursement of uninsured medical expenses;

(b) Make a claim for a monthly contribution toward any health care coverage provided by the CP; or

(c) Seek both kinds of relief against the NCP.

(5) DCS may serve a notice of support owed on the NCP under subsection (1)(b) of this section without regard to the CP's status as a parent or party to the order, if the child receives public health care coverage in the state of Washington, whether or not there is an assignment of rights.

(6) Except as limited in subsection (4) above, either the NCP or the CP may ask DCS to serve a notice of support owed on the other party to the support order in order to establish the obligated parent's proportionate share of uninsured medical expenses as a sum certain amount if the support order establishes such an obligation. The parent seeking reimbursement for uninsured medical expenses must:

(a) Apply for full collection services at the time of the request, unless the parent already has an open full collection case with DCS;

(b) Have paid the uninsured medical expenses before seeking reimbursement through DCS;

(c) Provide proof of payment of at least 500 dollars in uninsured medical expenses;

(d) Complete the forms provided by DCS for the claim, or at a minimum present the required information and documentation in a format similar to that in the DCS forms; and

(e) Declare under penalty of perjury that he or she has asked the obligated parent to pay his or her share of the uninsured medical expenses or provide good cause for not asking the obligated parent.

(i) If the uninsured medical expenses have been incurred within the last 12 months, this requirement is waived; and

(ii) If the obligated party denies having received notice that the other party was seeking reimbursement for uninsured medical expenses or support, the service of the notice of support owed constitutes the required notice.

(7) A party's request that DCS serve a notice of support owed to establish the other parent's obligation for medical support, including reimbursement for uninsured medical expenses:

(a) May be for a period of up to 24 consecutive months;

(b) May include only medical services provided after July 21, 2007;

(c) May not include months which were included in a prior notice of support owed for medical support or a prior judgment;

(d) Need not be for the 24 month period immediately following the period included in the prior notice of support owed for medical support;

(e) May include a claim for the obligated parent's proportionate share of any health care coverage premiums paid by the requesting parent after July 21, 2007, but this type of claim is limited as provided in subsections (11) and (12) of this section; and

(f) May include a request that DCS establish a monthly payment toward the premium representing the obligated parent's proportionate share of the premium paid by the requesting parent only for premiums paid for health care coverage provided after September 30, 2009.

(8) The party seeking reimbursement must ask DCS to serve a notice of support owed for medical support within two years of the date that the uninsured medical expense or premium was incurred.

(a) The fact that a request that DCS serve a notice of support owed for medical support is denied, either in whole or in part, does not mean that the party cannot pursue reimbursement of those uninsured medical expenses by proceeding in court.

(b) If a party obtains a judgment for reimbursement of uninsured medical expenses or other type of medical support, DCS enforces the judgment.

(9) When either party asks DCS to serve a notice of support owed under this section to establish the other party's proportionate share of uninsured medical expenses as a sum certain amount and the medical expenses include premiums for health care coverage for the children covered by the order, DCS reviews the order to determine whether it provides for a monthly payment toward the premium when the obligated parent does not have insurance available through his or her employer or union.

(a) If the order does not have such a requirement, DCS includes the health care coverage premiums in the claim for reimbursement of uninsured medical expenses, but limits the obligated parent's obligation as provided in subsections (11) and (12) of this section.

(b) If the order does have such a requirement, DCS serves a notice of support owed which:

(i) Includes the health care coverage premiums in the claim for reimbursement of uninsured medical expenses; and

(ii) If appropriate, includes the provisions necessary to establish a monthly contribution which represents the obligated parent's proportionate share of the premium paid by the other parent (not to

exceed 25 percent of the obligated parent's basic support obligation), if the obligated parent is not already providing health care coverage for the children.

(10) There are two circumstances under which DCS may serve a notice of support owed to establish the amount owed by an obligated parent as a monthly payment toward the premium paid for coverage by the other parent or the state. DCS may serve the notice of support owed when the support order:

(a) Specifically provides that the obligated parent's medical support obligation under RCW 26.09.105 (1)(c) is to pay a monthly payment toward the premium instead of providing health care coverage, but does not set that obligation as a sum certain; or

(b) Provides that, if health insurance is not available through the obligated parent's employer or union at a cost not to exceed 25 percent of the obligated parent's basic support obligation, the obligated parent must pay a monthly payment toward the premium but does not set that obligation as a sum certain. In this situation, DCS serves the notice of support owed to establish a monthly payment toward the premium paid only if the obligated parent is not already providing coverage for the children.

(11) DCS may collect a maximum of 25 percent of the obligated parent's basic support obligation for medical premium costs claimed by the requesting party.

(12) DCS may not collect for medical premium costs claimed by the requesting party through either the monthly payment toward the premium or the reimbursement of uninsured medical expenses if the obligated parent is providing accessible health care coverage for the child. The obligated parent is only required to pay those costs if he or she is not providing accessible health care coverage for the child.

(13) Once DCS serves a notice of support owed under this section that establishes a medical support obligation representing the obligated parent's proportionate share of the premium paid by the other parent, the obligated parent is not required to reimburse the other parent for any amounts of that proportionate share of the premium which are not paid because those amounts exceed 25 percent of the obligated parent's basic support obligation.

(a) That portion of the obligated parent's proportionate share of the premium for a month that is not included in the obligated parent's monthly payment toward the premium may not be recovered by a later claim for unreimbursed medical expenses; and

(b) The obligation to contribute a proportionate share of other uninsured medical expenses is not affected by the establishment of a medical support obligation for medical premiums paid by the requesting parent under this section.

(14) Once DCS serves a notice of support owed under this section that establishes a monthly payment toward the premium which represents the NCP's proportionate share of the premium paid by the state, the NCP is not required to reimburse the state for any amounts of that proportionate share of the premium which are not paid because those amounts exceed 25 percent of the NCP's basic support obligation.

(15) An NCP who wants DCS to enforce the CP's medical support obligation must first apply for full child support enforcement services.

(a) DCS enforces a CP's medical support obligation only as provided under WAC 388-14A-4112.

(b) If the parties already have an open full enforcement case with DCS, DCS opens up a new case which is called the medical support case, and the previously existing case is called the main case.

(c) If the parties do not already have an open full enforcement case with DCS, DCS opens two cases:

(i) The case where DCS is acting on NCP's request to enforce CP's medical support obligation is called the medical support case; and

(ii) The case where DCS is enforcing the underlying support order and collecting from the NCP is called the main case.

(16) In a notice of support owed under this section, DCS includes the information required by RCW 26.23.110, and:

(a) The factors stated in the order regarding medical support;

(b) A statement of uninsured medical expenses and a declaration by the parent seeking reimbursement; and

(c) Any other information not contained in the order that DCS used to calculate the amounts in the notice.

(17) Whenever DCS serves a notice of support owed under this section, that notice may also include a determination of the fixed dollar amount of:

(a) Any medical support debt owed by the obligated parent;

(b) Any amounts owed by the obligated parent under a previous notice of support owed that exceed the obligated parent's actual monthly obligation to pay a proportionate share of the premium after actual expenses or updated proportionate shares owed are considered, but not to exceed 25 percent of the obligated parent's basic support obligation; and

(c) Any amounts owed by the obligated parent under a previous notice of support owed that are less than the obligated parent's actual monthly obligation to pay a proportionate share of the premium after actual expenses or updated proportionate shares owed are considered, but not to exceed 25 percent of the obligated parent's basic support obligation.

(18) If the notice of support owed contains a determination that the order resulting from a previous notice of support owed calculated a medical support obligation that differed from the obligated parent's actual obligation after actual expenses or updated proportionate shares owed are considered, the notice may address how any difference may be credited or repaid in the absence of any agreement between the parties.

(19) If the obligated parent is the NCP, any amounts owed under a previous notice of support owed exceeding the actual obligation after actual expenses or updated proportionate shares owed are considered in the final administrative order are added to the NCP's support debt.

(a) Amounts owed to the CP are added to the unassigned arrears on the case.

(b) Amounts owed to reimburse the state for medicaid or other public health care coverage in the state of Washington are added to the main case as permanently assigned arrears.

(20) If the obligated parent is the CP, any amounts owed under a previous notice of support owed exceeding the actual obligation after actual expenses are considered in the final administrative order are paid in the following order:

(a) Any amount owed by the CP to the NCP is applied as an offset to any nonassistance child support arrears owed by the NCP on the main case only; or

(b) If there is no debt owed to the CP on the main case, payment of the amount owed by the CP is in the form of a credit against the NCP's future child support obligation:

(i) Spread equally over a 12 month period starting the month after the administrative order becomes final; or

(ii) When the future support obligation will end under the terms of the order in less than 12 months, spread equally over the life of the order.

(c) If the amount owed by the CP exceeds the amount that can be paid off using the methods specified in subsections (a) and (b) of this section, DCS uses the medical support case to collect the remaining amounts owed using the remedies available to DCS for collecting child support debts.

(21) If both the CP and the NCP request that DCS serve a notice of support owed under this section on the other party, those notices remain separate and may not be combined.

(a) The office of administrative hearings (OAH) may schedule consecutive hearings but may not combine the matters under the same docket number.

(b) The administrative law judge (ALJ) must issue two separate administrative orders, one for each obligated parent.

(22) See WAC 388-14A-3330 for additional procedures used by DCS for an annual review of the amounts established by a notice of support owed.

[Statutory Authority: RCW 26.09.105, 26.23.110, 74.04.055, 74.08.090, 74.20.040, and 74.20A.310. WSR 21-24-063, § 388-14A-3312, filed 11/29/21, effective 12/30/21. Statutory Authority: Part I of 2018 c 150 and RCW 26.09.105, 26.18.170, 26.23.050, 34.05.220 (1)(a), 34.05.350(1), 74.08.090, and 74.20.040(9). WSR 19-02-017, § 388-14A-3312, filed 12/21/18, effective 1/21/19. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3312, filed 5/19/11, effective 6/19/11. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-3312, filed 5/29/08, effective 7/1/08.]

WAC 388-14A-3315 When DCS serves a notice of support debt or a notice of support owed, we notify the other party to the child support order. (1) When the division of child support (DCS) needs to notify the parties that DCS is enforcing a previously entered support order, DCS serves the appropriate notice under WAC 388-14A-3302. DCS may serve a notice of support owed on either the noncustodial parent (NCP) or the custodial parent (CP), as provided in WAC 388-14A-3310.

(2) At the same time that DCS sends a notice of support debt or a notice of support owed for service on one party, DCS notifies the other party by sending a form called the notice to payee, with a copy of the notice.

(3) DCS serves a notice of support debt or a notice of support owed on the NCP when DCS is enforcing an order that sets the NCP's support obligation. At the same time that DCS sends the notice for service on the NCP:

(a) DCS sends the notice to payee to the CP, if the CP is the payee under the order; and

(b) DCS sends the notice to payee to the CP and to the payee under the order, if the CP is not also the payee under the order.

(4) When DCS serves a notice of support owed on the CP because DCS is enforcing an order that sets the CP's medical support obligation, DCS sends the notice to payee to the NCP.

(5) DCS sends the notice to payee by first class mail to the last known address DCS has on file, and encloses a copy of the notice that was sent for service on the obligated parent.

(a) In a notice to payee, DCS informs the payee of the right to file a request with DCS for a hearing on the notice of support owed or the notice of support debt within 20 days of the date of a notice to payee that was mailed to a Washington address.

(b) If the notice to payee was mailed to an out-of-state address, the payee may request a hearing within 60 days of the date of the notice to payee.

(6) The effective date of a hearing request is the date DCS receives the request.

[Statutory Authority: RCW 26.09.105, 26.18.170, 26.23.110, 34.05.220, 74.04.055, 74.08.090, 74.20.040, and 74.20A.310. WSR 20-03-024, § 388-14A-3315, filed 1/6/20, effective 4/1/20. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3315, filed 5/19/11, effective 6/19/11. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-3315, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d), 26.23.035, 34.05.220(1), 74.20A.310. WSR 03-20-072, § 388-14A-3315, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310. WSR 01-03-089, § 388-14A-3315, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-440.]

WAC 388-14A-3316 When can a notice of support owed become a final order? (1) The division of child support (DCS) may serve a notice of support owed on either the noncustodial parent (NCP) or the custodial parent (CP), as described in WAC 388-14A-3310, 388-14A-3311, and 388-14A-3312.

(2) The notice of support owed becomes a final administrative order subject to immediate income withholding and enforcement without further notice under chapters 26.18, 26.23, 74.20, and 74.20A RCW unless one of the parties, no matter which one was served with the notice, contacts DCS within the time limits provided in this section and:

(a) Objects to the notice;

(b) Requests a hearing;

(c) Negotiates and signs an agreed settlement as provided in WAC 388-14A-3600; or

(d) Obtains a stay from the superior court.

(3) DCS treats any objection to the notice of support owed as a request for hearing on the notice.

(4) If a timely objection is filed, DCS cannot enforce the contested amounts claimed in the notice of support owed until a final order as defined in this section is entered.

(a) WAC 388-14A-3317 discusses what happens if a party makes a timely objection or request for hearing on a notice of support owed.

(b) Even after a timely objection, DCS may still enforce those parts of the support obligation listed in WAC 388-14A-3310(10).

(5) To be timely, the party must object within the following time limits:

(a) Within 20 days of service, if the notice was served in Washington state.

(b) Within 60 days of service, if the notice was served outside of Washington state.

(6) The effective date of an objection or hearing request is the date that DCS receives the objection or request for hearing.

(7) After a timely request for hearing, the final order is one of the following, whichever occurs latest:

(a) An agreed settlement or consent order under WAC 388-14A-3600; or

(b) A final order as defined in WAC 388-14A-6105 and further described in WAC 388-14A-6115.

(8) WAC 388-14A-3318 describes what happens when a party makes an untimely request for hearing on a notice of support owed.

(9) RCW 26.23.110 provides that if a party who receives a notice of support owed does not initiate an action in superior court and serve notice on DCS and on the other party to the support order within 20 days after service of the notice, that party is considered to have made an election of remedies. This means that the party (either the CP or the NCP) must exhaust the administrative remedies under chapter 26.23 RCW before bringing a court action to challenge the notice.

[Statutory Authority: RCW 26.09.105, 26.23.110, 74.04.055, 74.08.090, 74.20.040, and 74.20A.310. WSR 21-24-063, § 388-14A-3316, filed 11/29/21, effective 12/30/21. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3316, filed 5/19/11, effective 6/19/11.]

WAC 388-14A-3317 What happens if a party makes a timely request for hearing on a notice of support owed? (1) A party who has been served with a notice of support owed may make a timely or untimely objection to the notice.

(a) A timely request for hearing on a notice of support owed is an objection made within the time limits of WAC 388-14A-3316.

(b) WAC 388-14A-3318 describes what happens when the party files an untimely objection.

(2) When the division of child support (DCS) serves a notice of support owed, DCS sends a notice to payee as provided in WAC 388-14A-3115. The party who receives the notice to payee has the right to object to the notice of support owed.

(3) If either party makes a timely request for hearing, DCS submits the hearing request to the office of administrative hearings (OAH) for scheduling.

(4) OAH sends a notice of hearing electronically or by first class mail to all parties at their addresses last known to DCS, notifying each party of the date, time, and place of the hearing.

(5) DCS, the noncustodial parent (NCP), and the custodial parent (CP) are all parties to a hearing on a notice of support owed.

(6) A timely request for hearing stops the notice from becoming a final order, but DCS may still enforce those parts of the support obligation listed in WAC 388-14A-3310(15). In addition, any party may request that the administrative law judge (ALJ) enter a temporary support order under WAC 388-14A-3850.

(7) See WAC 388-14A-3320 for general information regarding a hearing on a notice of support owed.

[Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.110, 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310, and 74.20A.328. WSR 26-14-086, s 388-14A-3317, filed 6/29/26, effective 7/30/26. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3317, filed 5/19/11, effective 6/19/11. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-3317, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310, 26.23.110, and 74.20A.040. WSR 05-07-059, § 388-14A-3317, filed 3/11/05, effective 4/11/05.]

WAC 388-14A-3318 What happens if a party makes an untimely request for hearing on a notice of support owed? (1) A party who has been served with a notice of support owed may make a timely or untimely objection to the notice.

(a) WAC 388-14A-3117 describes what happens when the party files a timely objection.

(b) An objection which is not made within the time limits of WAC 388-14A-3116 is an untimely objection.

(2) The division of child support (DCS) continues to enforce the administrative order that resulted from the notice of support owed even if one of the parties files a late request for hearing.

(3) If DCS receives the late hearing request within one year of the date of service of the notice, the party requesting the hearing is not required to show good cause to have a hearing on the merits of the notice.

(4) If the party who has been served with a notice of support owed files an untimely request for hearing, he or she must show good cause for filing the late hearing request if the request is filed more than one year after service of the notice. See WAC 388-14A-3500 regarding good cause for filing a late request for hearing.

[Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3318, filed 5/19/11, effective 6/19/11. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-3318, filed 5/29/08, effective 7/1/08.]

WAC 388-14A-3320 What happens at a hearing on a notice of support owed? (1) This section provides general information regarding hearings on a notice of support owed.

(2) Either the noncustodial parent (NCP) or the custodial parent (CP) may request a hearing on a notice of support owed.

(3) The division of child support (DCS) serves two basic types of notice of support owed:

(a) The initial notice of support owed served to establish a sum certain amount for a support obligation under an existing order, as described in WAC 388-14A-3310; and

(b) A notice of support owed served as part of the annual review under RCW 26.23.110, as described in WAC 388-14A-3330.

(4) WAC 388-14A-3310(5) describes the two different forms created by DCS which are used for different types of notice of support owed:

(a) The specialized "notice of support owed - Medical support" is used only for specific purposes related to the medical support obligations of either parent; and

(b) The notice of support owed is served on the NCP for all other purposes under RCW 26.23.110 and WAC 388-14A-3311.

(5) DCS and the parties may enter a consent order or agreed settlement instead of proceeding to hearing any time a parent has requested a hearing on a notice of support owed served by DCS. See WAC 388-14A-3600 for the rules regarding consent orders and agreed settlements.

(6) A hearing on a notice of support owed is only for:

(a) Interpreting the underlying order for support and any modifying orders;

(b) Determining whether a condition precedent set in the underlying order was met;

(c) Determining the amount of monthly support as a fixed dollar amount;

(d) Determining the difference between the obligation calculated in the order resulting from the previous notice of support owed and the actual amount owed for the period covered by the previous notice of support owed; and

(e) Determining the amount of accrued arrears or overpayment for daycare expenses or medical support through the last day of the month before the hearing, or of the month in which the hearing was held; this date is determined at the discretion of the administrative law judge (ALJ) if not agreed upon by the parties.

(7) A hearing on an initial notice of support owed is not for:

(a) Changing or deferring the support provisions of the underlying order; or

(b) Setting a payment schedule on any support amount or support debt that was not covered by the notice which is the subject of the hearing.

(8) A hearing on the annual review of a notice of support owed must comply with this section, but in addition must determine:

(a) Whether there is a difference between the obligation calculated in the order resulting from the previous notice of support owed and the actual obligation for that period after actual expenses or income are considered; and

(b) How that difference should be resolved.

(9) The party who requested the hearing has the burden of proving any defenses to liability that apply under WAC 388-14A-3370 or that the amounts stated in the notice of support owed are incorrect.

(10) The office of administrative hearings (OAH) sends a notice of hearing to DCS, the NCP and the CP. The NCP and the CP each may participate in the hearing as an independent party.

(11) If only one party appears for the hearing, the ALJ may entertain requests for a continuance, and if there is no continuance granted, the ALJ holds a hearing and issues an order based on the evidence presented. The provisions of WAC 388-14A-6110 and 388-14A-6115 determine if the ALJ enters an initial order or a final order.

An order issued under this subsection includes an order of default against the nonappearing party and limits the appeal rights of the nonappearing party to the record made at the hearing.

(12) If neither the NCP nor the CP appears or wishes to proceed with the hearing, the ALJ issues an order of default against both parties.

(13) If either party requests a late hearing on a notice of support owed, that party must show good cause for filing the late hearing request, as provided in WAC 388-14A-3500.

(14) For purposes of this section, the terms "payee" and "CP" are used interchangeably and can mean either the CP, the payee under the order or both, except that a CP who is not also the payee under the support order may not ask DCS to serve a notice of support owed for unreimbursed medical expenses under WAC 388-14A-3312.

(15) This section, WAC 388-14A-3323, 388-14A-3324, 388-14A-3325 and 388-14A-6300 describe the duties of the ALJ in a hearing on a notice of support owed.

(16) Additional information regarding hearings on the notice of support owed can be found in the following sections:

(a) WAC 388-14A-3323 describes a hearing on a notice of support owed served under WAC 388-14A-3311; and

(b) WAC 388-14A-3324 describes a hearing on a notice of support owed served under WAC 388-14A-3312.

(17) WAC 388-14A-3330 describes the annual review of a notice of support owed.

[Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3320, filed 5/19/11, effective 6/19/11. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-3320, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.160. WSR 06-09-015, § 388-14A-3320, filed 4/10/06, effective 5/11/06. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310, 26.23.110, and 74.20A.040. WSR 05-07-059, § 388-14A-3320, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-3320, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-3321 What happens if the custodial parent requests a hearing on a notice of support debt and demand for payment? (1) If the custodial parent (CP) requests a hearing on a notice of support debt and demand for payment (also called the "notice of support debt"), the hearing is for the limited purpose of determining the support debt under the order through the date of the hearing.

(2) The office of administrative hearings (OAH) sends a notice of hearing to the NCP, to the division of child support (DCS), and to the payee.

(a) The NCP and the payee each may participate in the hearing.

(b) "Participating in" or "proceeding with" the hearing may include signing a consent order or agreed settlement under WAC 388-14A-3600.

(3) If only one party appears and wishes to proceed with the hearing, the administrative law judge (ALJ) holds a hearing and issues an order based on the evidence presented or continues the hearing. See WAC 388-14A-6110 and 388-14A-6115 to determine if the ALJ enters an initial order or a final order.

(a) An order issued under this subsection includes an order of default against the nonappearing party and limits the appeal rights of the nonappearing party to the record made at the hearing.

(b) If neither the NCP nor the payee appears or wishes to proceed with the hearing, the ALJ issues an order of default against both parties.

(4) If the payee requests a late hearing on a notice of support debt, the payee must show good cause for filing the late hearing request.

(5) When DCS uses a notice of support debt to assess and collect interest on an out-of-state support order, see WAC 388-14A-7110.

(6) For the purpose of this section, the terms "payee" and "CP" are interchangeable, and can mean either the payee under the order or the person with whom the child resides the majority of the time.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310, 26.23.110, and 74.20A.040. WSR 05-07-059, § 388-14A-3321, filed 3/11/05, effective 4/11/05.]

WAC 388-14A-3323 What happens in a hearing on a notice of support owed served under WAC 388-14A-3311? (1) A hearing on a notice of support owed served under WAC 388-14A-3311 is subject to WAC 388-14A-3320 and this section.

(2) A hearing on a notice of support owed served under WAC 388-14A-3311 is only for the purpose of determining the amounts owed by the noncustodial parent (NCP) that are not stated as a fixed dollar amount in the underlying support order, either as part of the monthly support obligation or for nonmedical expenses of the children. See WAC 388-14A-3324 for the rules concerning a hearing on a notice of support owed for medical support.

(3) The administrative law judge (ALJ) must determine some or all of the following, depending on what was requested in the notice of support owed:

(a) The amount of monthly support as a fixed dollar amount;

(b) Any accrued arrears;

(c) Any difference between the NCP's obligation under a previous notice of support owed and his or her actual obligation after actual income or expenses are considered; and

(d) The amount of the NCP's share of nonmedical expenses for the children, including:

(i) The amount that the NCP must pay each month as his or her ongoing share of daycare and child care expenses for the children; and

(ii) Whether the custodial parent (CP) has provided sufficient proof of payment of daycare and child care expenses for the children; and

(iii) The amount of NCP's accrued debt for daycare and child care expenses.

(4) If the ALJ determines that the NCP's obligation under a previous notice of support owed is less than his or her actual obligation under the order after actual expenses or income are considered, the ALJ may not set a payment schedule on the support debt.

(5) If the ALJ determines that the NCP's obligation under a previous notice of support owed is more than his or her actual obligation under the order after actual expenses or income are considered, and the parties cannot agree on how the overpayment may be credited or repaid, the ALJ must enter an order providing that any difference may be:

(a) Applied as an offset to any nonassistance child support arrears owed by the NCP to the CP.

(b) In the form of a credit against the NCP's future child support obligation:

(i) Spread equally over a twelve-month period starting the month after the administrative order becomes final; or

(ii) When the future support obligation will end under the terms of the order in less than twelve months, spread equally over the life of the order.

(c) Paid in the form of a direct reimbursement by the CP to the NCP, but only with the consent of the CP, unless support has been assigned to the state.

[Statutory Authority: RCW 34.05.353(4), 26.09.015(20), 26.18.170(21), 26.23.050, 26.23.110(14), 43.20A.550, 74.04.055, 74.04.057, 74.08.090, and 74.20A.310. WSR 19-23-038, § 388-14A-3323, filed 11/12/19, effective 12/13/19. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3323, filed 5/19/11, effective 6/19/11.]

WAC 388-14A-3324 What happens in a hearing on a notice of support owed served under WAC 388-14A-3312? (1) A hearing on a notice of support owed for medical support served under WAC 388-14A-3312 is subject to WAC 388-14A-3320 and this section. See WAC 388-14A-3323 for the rules concerning a hearing on a notice of support owed under WAC 388-14A-3311.

(2) A hearing on a notice of support owed served under WAC 388-14A-3312 is only for the purpose of determining:

(a) Issues regarding the reimbursement of uninsured medical expenses, such as:

(i) Whether the party on whom the notice was served is obligated under a support order to pay for uninsured medical expenses for the children covered by the order;

(ii) Whether the party seeking reimbursement has provided sufficient proof of payment for uninsured medical expenses for the children;

(iii) The total amount of uninsured medical expenses paid by the party seeking reimbursement;

(iv) The obligated parent's share of the uninsured medical expenses;

(v) The amount, if any, the obligated parent has already paid to the party seeking reimbursement;

(vi) Whether the obligated parent provided coverage during the time in question if reimbursement of medical premium costs is requested; and

(vii) The amount owed by the obligated parent to the party seeking reimbursement for unreimbursed medical expenses.

(b) Issues regarding a monthly payment toward the premium paid for coverage for the children, such as:

(i) Whether the support order requires the obligated parent to pay when the obligated parent does not provide coverage;

(ii) Whether the obligated parent is currently providing coverage, or did so during the time period in question;

(iii) The amount of the premium paid by the other parent or by the state to cover the children;

(iv) The obligated parent's proportionate share of the premium;

(v) The amount, if any, the obligated parent has already contributed toward health care coverage premiums paid by the other parent or the state for the time period in question; and

(vi) The monthly amount to be paid by the obligated parent as his or her proportionate share of the health care coverage premium.

(3) If the administrative law judge (ALJ) determines that the uninsured medical expenses claimed by the party seeking reimbursement do not amount to at least five hundred dollars, the ALJ:

(a) May not dismiss the notice on this basis;

(b) Must make the determinations listed in subsection (2)(a) above.

(4) In an annual review hearing under WAC 388-14A-3330, the ALJ may not set a payment schedule on the support debt other than as provided in WAC 388-14A-3312 if the ALJ determines that the obligated parent has paid less than his or her actual obligation for medical support under the order after actual expenses or updated proportionate shares owed are considered.

(a) If the obligated parent is the noncustodial parent (NCP), any amounts owed are added to the NCP's support debt.

(i) Any amounts owed to the custodial parent (CP) are added to the nonassistance child support arrears owed by the NCP to the CP.

(ii) Any amounts owed to the state are added to the assigned child support arrears owed by the NCP.

(b) If the obligated parent is the CP, any amounts owed are paid as provided in WAC 388-14A-3312(17).

(5) If, in an annual review hearing under WAC 388-14A-3330, the ALJ determines that the NCP's obligation calculated in a previous notice of support owed is more than his or her actual obligation for medical support under the order after actual expenses or updated proportionate shares owed are considered, and the parties cannot agree on how the difference may be credited or repaid, the ALJ must enter an order providing that any difference may be:

(a) Applied as an offset to any nonassistance child support arrears owed by the NCP to the CP.

(b) In the form of a credit against the NCP's future child support obligation, if there is no nonassistance debt owed to the CP:

(i) Spread equally over a twelve-month period starting the month after the administrative order becomes final; or

(ii) When the future support obligation will end under the terms of the order in less than twelve months, spread equally over the life of the order.

(c) Paid in the form of a direct reimbursement by the CP to the NCP, but only with the consent of the CP.

(6) If the ALJ determines that the CP's obligation under a previous notice of support owed is more than his or her actual obligation for medical support under the order after actual expenses and updated proportionate share amounts are considered, and the parties cannot agree on how the difference may be credited or repaid, the ALJ must enter an order providing that any difference must be added to the nonassistance child support arrears owed by the NCP.

(7) The ALJ must determine either or both of the following, depending on what was requested in the notice of support owed:

(a) The amount owed by the obligated parent to the other for reimbursement of uninsured medical expenses; and

(b) The monthly amount to be paid by the obligated parent as his or her proportionate share of the health care coverage premium paid by the other parent or the state.

[Statutory Authority: Part I of 2018 c 150 and RCW 26.09.105, 26.18.170, 26.23.050, 34.05.220 (1)(a), 34.05.350(1), 74.08.090, and 74.20.040(9). WSR 19-02-017, § 388-14A-3324, filed 12/21/18, effective 1/21/19. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3324, filed 5/19/11, effective 6/19/11.]

WAC 388-14A-3330 What are the procedures for the annual review of a notice of support owed? (1) RCW 26.23.110 provides for an annual review of the support order which was previously the subject of a notice of support owed under that statute if the division of child support (DCS), the noncustodial parent (NCP), or the custodial parent (CP) requests a review.

(a) Either the CP or the NCP may request an annual review of the support order.

(b) DCS may request an annual review of the support order but has no duty to do so.

(2) For purposes of chapter 388-14A WAC, an "annual review of a support order" is defined as:

(a) The collection by DCS of necessary information from CP and NCP;

(b) The service of a notice of support owed under WAC 388-14A-3310, 388-14A-3311, or 388-14A-3312; and

(c) The determination of arrears and current support amount with an effective date which is at least 12 months after the date the last notice of support owed, or the last administrative order or decision based on a notice of support owed, became a final administrative order.

(3) A notice of support owed may be prepared and served sooner than 12 months after the date the last notice of support owed, or the last administrative order or decision based on a notice of support owed, became a final administrative order, but the amounts determined under the notice of support owed may not be effective sooner than 12 months after that date unless the notice of support owed resulted from an accelerated review under WAC 388-14A-3331.

(4) For the purpose of this section, the terms "payee" and "CP" are interchangeable, and can mean either the payee under the order or the person with whom the child resides the majority of the time.

(5) For purposes of chapter 388-14A WAC, the following rules apply to an "annual review of a support order" for a notice of support owed served under WAC 388-14A-3312:

(a) Either the CP or the NCP may be the party seeking reimbursement, so long as the CP is both a party to the order and a parent of the child or children for whom the expenses were incurred.

(b) The party seeking reimbursement must provide proof of payment of at least 500 dollars in uninsured medical expenses for services provided in the last 24 months.

(c) At least 12 months must have passed since:

(i) The date the last notice of support owed for unreimbursed medical expenses on behalf of the party seeking reimbursement became a final order; or

(ii) The last administrative order or decision based on a notice of support owed for unreimbursed medical expenses on behalf of that party became a final administrative order.

(6) WAC 388-14A-3310(1) describes the different types of notice of support owed which are served by DCS. In the event that DCS has served more than one type of notice of support owed on the same case, each notice of support owed has its own 12 month cycle for annual review.

(7) For purposes of this section, the 12 month cycle for annual review runs separately for the NCP and for the CP, depending on which one is the party seeking reimbursement.

(8) DCS serves the notice for an annual review on both parties by regular mail to each party's last known address if the order resulting from the prior notice of support owed included a statement that subsequent notices of support owed to review the amounts will be served by regular mail.

[Statutory Authority: RCW 26.09.105, 26.23.110, 74.04.055, 74.08.090, 74.20.040, and 74.20A.310. WSR 21-24-063, § 388-14A-3330, filed 11/29/21, effective 12/30/21. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3330, filed 5/19/11, effective 6/19/11.]

WAC 388-14A-3331 What are the procedures for the accelerated review of a notice of support owed for daycare expenses? (1) RCW 26.23.110 provides for an accelerated review of the amounts established by a prior notice of support owed if the division of child support (DCS), the noncustodial parent (NCP), or the custodial parent (CP) requests a review.

(a) Either the CP or the NCP may request an accelerated review of the support order.

(b) DCS may request an accelerated review of the support order but has no duty to do so.

(2) For purposes of chapter 388-14A WAC, an "accelerated review of a support order" is defined as:

(a) A review of the daycare expenses established under a prior notice of support owed;

(b) The collection by DCS of necessary information from CP and NCP;

(c) The service of a notice of support owed to review the amounts determined under a previous notice of support owed; and

(d) The service of a notice of support owed less than 12 months after the effective date of the last notice of support owed or the last administrative based on a notice of support owed.

(3) DCS may accelerate the review of a notice of support owed for daycare expenses if:

(a) The CP informs DCS in writing that daycare expenses have terminated and are not expected to resume;

(b) The NCP alleges that daycare expenses have terminated and not expected to resume and the CP fails to provide documentation to indicate continuing daycare expenses;

(c) A new child support order modifies the proportionate shares of the parties' obligations that may change the NCP's daycare obligation;

(d) A child emancipates who is the subject of a current notice of support owed.

(4) A notice of support owed on an accelerated review includes a determination of the fixed dollar amount of:

(a) Any support debt owed by the NCP; and

(b) Any amounts calculated under an order resulting from the prior notice of support owed that exceed the NCP's actual obligation after actual income or expenses are considered.

(5) If the notice of support owed contains a determination that the amount owed by the NCP under the prior notice of support owed is more than his or her actual current and future support obligation or his or her actual share of expenses, the notice addresses how the difference may be credited or repaid.

(a) Any overpayment may be applied an as offset to nonassistance child support arrears owed by the NCP on that case only.

(b) If there is no nonassistance debt owed on the case, the reimbursement must be in the form of a credit against the NCP's future child support obligation:

(i) Spread equally over a 12 month period starting the month after the administrative order becomes final; or

(ii) In a case where the underlying order provides that the NCP's support obligation will end in less than 12 months, spread equally over the remaining life of the order.

(6) In a notice of support owed under this section, DCS includes:

(a) The information required by RCW 26.23.110 and WAC 388-14A-3110;

(b) A description of any provisions or factors contained in the underlying order regarding how to calculate the monthly support obligation or the amounts claimed for daycare expenses; and

(c) Any other information not contained in the order that DCS used to calculate the amounts in the notice.

(7) An order resulting from an accelerated review of a notice of support owed is subject to the rules in chapter 388-14A WAC regarding annual review of notices of support owed.

[Statutory Authority: RCW 26.09.105, 26.23.110, 74.04.055, 74.08.090, 74.20.040, and 74.20A.310. WSR 21-24-063, § 388-14A-3331, filed 11/29/21, effective 12/30/21.]

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.]

WAC 388-14A-3370 What legal defenses are available to a noncustodial parent when DCS seeks to enforce a support obligation? (1) A noncustodial parent (NCP) who objects to a notice and finding of financial, parental, or medical responsibility has the burden of estab-

lishing defenses to liability. Defenses include, but are not limited to:

(a) Proof of payment;

(b) The existence of a superior court order, tribal court order, or administrative order that sets the NCP's support obligation or specifically relieves the NCP of a support obligation for the child(ren) named in the notice;

(c) The party is not a responsible parent as defined by RCW 74.20A.020(7);

(d) The amount requested in the notice is inconsistent with the Washington state child support schedule, chapter 26.19 RCW;

(e) Equitable estoppel, subject to WAC 388-14A-6500; or

(f) Any other matter constituting an avoidance or affirmative defense.

(2) A dependent child's or a custodial parent's ineligibility to receive public assistance is not a defense to the assessment of a support obligation.

(3) An NCP may be excused from providing support for a dependent child if the NCP is the legal custodian of the child and has been wrongfully deprived of physical custody of the child. The NCP may be excused only for any period during which the NCP was wrongfully deprived of custody. The NCP must establish that:

(a) A court of competent jurisdiction of any state, tribe or country has entered an order giving legal and physical custody of the child to the NCP;

(b) The custody order has not been modified, superseded, or dismissed;

(c) The child was taken or enticed from the NCP's physical custody and the NCP has not subsequently assented to deprivation. Proof of enticement requires more than a showing that the child is allowed to live without certain restrictions the NCP would impose; and

(d) Within a reasonable time after deprivation, the NCP exerted and continues to exert reasonable efforts to regain physical custody of the child.

[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-3370, filed 12/18/12, effective 1/18/13. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199. WSR 03-17-013, § 388-14A-3370, filed 8/12/03, effective 9/12/03. Statutory Authority: RCW 74.08.090, 74.20A.055, 74.20A.056. WSR 01-03-089, § 388-14A-3370, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-065.]

WAC 388-14A-3375 What kinds of credits does the division of child support give when establishing or enforcing an administrative support order? (1) After the noncustodial parent (NCP) has been advised of the requirement to make payments to the Washington state support registry (WSSR) by service of a support establishment notice, or by entry of a support order requiring payments to WSSR, the NCP may obtain credit against the support obligation only:

(a) By cash, check, electronic funds transfer, or money order payments through WSSR or payment of health insurance premiums; or

(b) As provided under subsections (3) and (6) of this section.

(2) The division of child support (DCS) allows credit against a NCP's support debt for family needs provided directly to a custodial parent (CP), a child, or provided through a vendor or third party only when the:

(a) Items are provided before service of the notice on the NCP;

(b) NCP proves the items provided were intended to satisfy the NCP's support obligation; and

(c) Items are food, clothing, shelter, or medical attendance directly related to the care, support, and maintenance of a child.

(3) After service of the notice, an NCP may obtain credit against the parent's current support obligation only when the NCP proves that the payments were made and:

(a) DCS determines there is no prejudice to:

(i) The CP, a child, or other person; or

(ii) An agency entitled to receive the support payments; and

(b) Special circumstances of an equitable nature justify credit for the parent's payments; or

(c) A court of competent jurisdiction determines credit should be granted after a hearing where all interested parties were given an opportunity to be heard.

(4) DCS does not allow credit for shelter payments made before service of the notice in an amount more than one-half of the actual shelter payment.

(5) DCS does not allow credit for shelter payments made after service of the notice.

(6) DCS applies credits for dependent benefits allowed under RCW 26.18.190 as required by WAC 388-14A-4200.

[Statutory Authority: RCW 26.23.110, 34.05.220, 74.08.090, 74.20A.055, and 74.20A.056. WSR 24-16-135, § 388-14A-3375, filed 8/6/24, effective 9/6/24. Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d) and 74.20A.055. WSR 03-20-072, § 388-14A-3375, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.08.090, 74.20A.055. WSR 01-03-089, § 388-14A-3375, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-015 and 388-14-210.]

WAC 388-14A-3400 Are there limitations on how much of my income is available for child support? (1) The Washington State child support schedule (WSCSS) provides two limitations based on income, the 45% limitation and the self-support reserve. The division of child support (DCS) applies these limitations when we calculate your child support obligation. These limitations do not apply to child support arrears, or to the enforcement of your child support obligation.

(a) Your basic child support obligation for all of your biological or legal children cannot exceed 45% of your monthly net income, unless there are special circumstances as provided in chapter 26.19 RCW. When the 45% limitation applies, DCS calculates your support obligation in a way that gives each child an equal share of the income.

(b) The monthly basic child support obligation cannot reduce your net monthly income below the self-support reserve of 180% of the federal poverty guideline, unless there are special circumstances as provided in chapter 26.19 RCW.

(c) RCW 26.19.065 provides that all of the children are entitled to a "pro rata" share of the parents' income after application of either the self-support reserve, the 45% limitation, or both.

(i) DCS and the administrative law judge (ALJ) only apply the "pro rata" share to the support obligation for the children in the order before them.

(ii) Either party may argue to the ALJ that "pro rata" does not mean the same as "equal," and may propose a different method of calculation or a different amount for the support obligation for the children in the case.

(2) See WAC 388-14A-3410 for information about the self-support reserve.

(3) No matter what your monthly child support obligation may be, RCW 26.23.060 and 74.20A.090 limit the amount that can be withheld from your wages for child support to 50% of your disposable earnings.

[Statutory Authority: RCW 74.20.040, 74.20A.055, 74.20A.310, and 26.19.065. WSR 25-22-018, s 388-14A-3400, filed 10/24/25, effective 1/1/26. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3400, filed 5/19/11, effective 6/19/11. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-3400, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-205.]

WAC 388-14A-3410 What amount does DCS use for the self-support reserve? (1) When the division of child support (DCS) calculates and applies the self-support reserve, DCS:

(a) Uses the amount shown for a one-person family in the federal poverty guideline for the current year; and

(b) Multiplies that amount by 180%.

(2) The self-support reserve does not vary depending on whether or not the parent is responsible for shelter costs.

(3) An administrative law judge (ALJ) must calculate and apply the self-support reserve using the one-person family amount.

(4) The provisions of the Washington Administrative Code (WAC) are not binding on the superior courts or tribal courts. Those tribunals may use different methods for calculating and applying the self-support reserve.

[Statutory Authority: RCW 74.20.040, 74.20A.055, 74.20A.310, and 26.19.065. WSR 25-22-018, s 388-14A-3410, filed 10/24/25, effective 1/1/26. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3410, filed 5/19/11, effective 6/19/11.]

WAC 388-14A-3500 A person must show good cause for filing a late request for hearing. (1) A person with a right to a hearing under this chapter may file a request for a late hearing after the period for requesting a timely hearing has passed. The effective date of a hearing request is the date the division of child support (DCS) receives the request.

(2) Filing a request for a late hearing does not stop:

(a) Collection and enforcement under chapters 26.18, 26.23, or 74.20A RCW;

(b) The effect of any qualified domestic relations order;

(c) Certification of the support debt to the Internal Revenue Service for an income tax refund offset; or

(d) Distribution upon receipt of moneys collected.

(3)(a) A person who files a late hearing request must show good cause for not filing a timely hearing request unless good cause is not required by the rule governing the notice that is objected to.

(b) If the administrative law judge (ALJ) finds good cause for filing a late hearing request, the ALJ:

(i) Issues a decision on the merits of the objection to the notice; and

(ii) Considers whether to order a stay of collection activities until such time as an initial decision or a temporary order under WAC 388-14A-3850(ff) is issued. Upon request, the ALJ must, based on the evidence presented at hearing, issue an order under WAC 388-14A-3850(ff), setting or denying temporary support pending the initial decision.

(c) If the ALJ does not find good cause for filing a late hearing request, the ALJ may issue a decision on modification of the current and future support obligation, if applicable, without a showing of a change of circumstances.

(4) If the ALJ finds good cause for filing a late hearing request, the division of child support (DCS) does not refund any excess amounts collected before the finding of good cause. The ALJ may issue a decision which gives credit against future support in the amount of the excess collections, so long as this does not:

(a) Create hardship to the children for whom support is sought; and

(b) Offset an overpayment of the obligation to the custodial parent (CP) against a debt owed to the department; or

(c) Offset an overpayment of the obligation to the department against a debt owed to the CP.

[Statutory Authority: RCW 74.08.090, 34.05.220(1), 74.20A.055, 74.20A.056. WSR 01-03-089, § 388-14A-3500, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-310.]

WAC 388-14A-3600 The parties may resolve any child support case by entering a consent order or an agreed settlement. (1) The division of child support (DCS) may enter a consent order or agreed settlement to finalize any dispute in which a party requests a hearing. DCS attempts to settle matters through agreement when possible.

(a) An agreed settlement is signed only by the parties to the dispute.

(b) A consent order must be signed by the parties and by an administrative law judge (ALJ) provided that:

(i) In a telephone hearing, the ALJ may sign on behalf of any party if that party gives their consent on the record; and

(ii) The ALJ approves a consent order without requiring testimony or a hearing, unless entry of the order would be unlawful.

(2) An agreed settlement or consent order is final and enforceable on:

(a) The date the last party signs the agreed settlement, if all parties signed the agreed settlement;

(b) The date the ALJ signs the consent order; or

(c) If the ALJ defaults one of the parties to the proceeding, the latest of the following dates:

(i) The date the ALJ signed the consent order;

(ii) The date the last party signed the agreed settlement; or

(iii) The date the order of default is final. See WAC 388-14A-6110 and 388-14A-6115 to determine whether the ALJ issues an initial order or a final order.

(3) A party to a consent order or an agreed settlement may:

(a) Not petition for review of the settlement or order under WAC 388-02-0560;

(b) Petition for modification under WAC 388-14A-3925; and

(c) Petition to vacate the settlement or consent order under WAC 388-14A-3700. However, the ALJ may only vacate a settlement or consent order after making a finding of fraud by a party, or on any other basis that would result in manifest injustice.

(4) If a hearing has been scheduled, DCS files a copy of the agreed settlement or consent order with the office of administrative hearings (OAH), and OAH issues an order dismissing the hearing. There are no hearing rights on the order dismissing the hearing.

(5) An agreed settlement or consent order entered under this section must comply with the requirements of WAC 388-14A-6300 if the dispute concerns a notice and finding of financial responsibility or a notice and finding of parental responsibility or other notice or petition to determine the amount of a support obligation.

[Statutory Authority: RCW 26.23.050, 34.05.220, 74.08.090, 74.20A.310. WSR 05-14-102, § 388-14A-3600, filed 6/30/05, effective 7/31/05. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199. WSR 03-17-013, § 388-14A-3600, filed 8/12/03, effective 9/12/03. Statutory Authority: RCW 74.08.090, 34.05.220(1). WSR 01-24-082, § 388-14A-3600, filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 74.08.090, 34.05.220(1), 74.20A.055, 74.20A.056. WSR 01-03-089, § 388-14A-3600, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-150 and 388-11-430.]

WAC 388-14A-3700 When is it appropriate to vacate a default order? (1) If a party fails to appear at a hearing, the administrative law judge (ALJ) must, upon a showing of valid service, enter an initial decision and default order or proceed in the absence of the defaulting party as provided in WAC 388-14A-3131, 388-14A-3132, or 388-14A-3140.

(2) The ALJ must state in the decision that the:

(a) Support debt and the current support obligation stated in the notice are assessed, determined, and subject to collection action;

(b) Health insurance provisions of the notice are subject to direct enforcement action; and,

(c) Relief sought in the notice served by the division of child support is granted.

(3) Decisions and orders on default become final twenty-one days from the date of mailing under WAC 388-08-464 or chapter 388-02 WAC.

(4) Any party against whom the ALJ has entered an initial decision and order on default may petition the secretary or the secretary's designee for vacation of the default order, subject to the provisions, including time limits, of civil rule 60.

(5) DCS must:

(a) Request that the office of administrative hearings (OAH) schedule a hearing to determine whether or not the petitioner has good cause for vacating the default order; and

(b) Give any other parties to the hearing notice of the time and date of the hearing. OAH must send the notice to the last known address of the party.

(6) If, in a hearing under this section, the ALJ finds that the petitioner has good cause for vacating the default order, the ALJ:

(a) Must conduct a hearing on the merits of the petitioner's objection to the notice that was the basis for the hearing at which the petitioner failed to appear; and

(b) May stay any further collection to the extent provided for under the regulations authorizing the notice the parent originally objected to.

(7) The ALJ must apply civil rule 60 to determine whether the petitioner has good cause. Before vacating an order of default at the request of the NCP or CP, the ALJ must consider the prejudice to the non-DCS party that did appear for hearing.

[Statutory Authority: RCW 74.08.090, 34.05.220(1), 74.20A.055, 74.20A.056. WSR 01-03-089, § 388-14A-3700, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-120.]

WAC 388-14A-3800 Once a support order is entered, can it be changed? (1) A support order entered by a superior court may only be modified by a superior court or a court of comparable jurisdiction of an Indian tribe or another state or country. The Uniform Interstate Family Support Act (UIFSA, adopted in Washington as chapter 26.21A RCW) determines which state, tribe or country may modify the order.

(2) If the order specifically states how the amount of support may be adjusted, the division of child support (DCS) may bring an administrative action under RCW 26.23.110 and WAC 388-14A-3310.

(3) As provided in WAC 388-14A-3900, DCS may review any support order to determine whether DCS should petition to modify the support provisions of the order.

(4) Either DCS, the CP or the NCP may petition to modify an administrative order under WAC 388-14A-3925. Acting as a responding jurisdiction, DCS may petition to modify an administrative order at the request of the initiating jurisdiction.

(5) Under appropriate circumstances, an administrative support order may be vacated. See WAC 388-14A-3700.

(6) Child support orders may be changed under WAC 388-14A-3940 to include abatement language for purposes of abatement as required by this chapter.

[Statutory Authority: RCW 26.09.916, 74.08.090, 74.20A.055. WSR 22-02-063, § 388-14A-3800, filed 1/4/22, effective 2/4/22. 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-3800, filed 12/18/12, effective 1/18/13. Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d), chapter 26.19 RCW, RCW 34.05.220(1), 74.20A.055, 74.20A.056. WSR 03-20-072, § 388-14A-3800, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.08.090, chapter 26.19 RCW, 34.05.220(1), 74.20A.055, 74.20A.056. WSR 01-03-089, § 388-14A-3800, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-140.]

WAC 388-14A-3810 Once an administrative child support order is entered, how long does the support obligation last? (1) A noncustodial parent's obligation to pay support under an administrative order continues until:

(a) A superior or tribal court order supersedes the order, either as provided by RCW 74.20A.055(7) or by the Uniform Interstate Family Support Act (UIFSA);

(b) The order is modified under WAC 388-14A-3925;

(c) The child reaches eighteen years of age;

(d) The child is emancipated;

(e) The child marries;

(f) The child becomes a member of the United States armed forces;

(g) The child or the responsible parent die;

(h) A responsible stepparent's marriage is dissolved;

(i) The parties to the order marry or remarry, as provided in WAC 388-14A-3100(3); or

(j) A superior court order terminates the responsible parent's liability as provided under RCW 26.16.205.

(2) As an exception to the above rule, a noncustodial parent's obligation to pay support under an administrative order continues for a dependent child over the age of eighteen if the child is under age nineteen, and participating full-time in a secondary school program or the same level of vocational or technical training, as defined in WAC 388-404-0005 (1)(b). However, if the child has already met the requirements to finish the educational program, the child is no longer considered to be dependent.

(3) A noncustodial parent's obligation to pay support under an administrative order may be temporarily suspended when the:

(a) Noncustodial parent (NCP) resides with the child for whom support is sought for purposes other than visitation;

(b) NCP reconciles with the child and the custodial parent; or

(c) Child returns to the residence of the NCP from a foster care placement, for purposes other than visitation.

(4) When the NCP's obligation to pay current support on a case is suspended under subsection (3) of this section, the division of child support (DCS) informs the NCP that the obligation is suspended, in writing, sent by regular mail to the NCP's last known address.

(5) If circumstances causing an NCP's support obligation to be temporarily suspended change, the support obligation resumes. DCS sends the NCP a notice that the obligation to make current support payments has resumed.

[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-3810, filed 12/18/12, effective 1/18/13. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 74.20A.310. WSR 05-14-101, § 388-14A-3810, filed 6/30/05, effective 7/31/05. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199. WSR 03-17-013, § 388-14A-3810, filed 8/12/03, effective 9/12/03. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-3810, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-155.]

WAC 388-14A-3850 When may someone ask for a temporary support order? (1) There are two times when a temporary support order is appropriate in the course of an administrative hearing:

(a) If in a hearing to establish a support obligation or to determine the amount due under an existing order, the administrative law judge (ALJ) postpones the hearing. A postponement is also called a continuance (see WAC 388-14A-3855); or

(b) If any party files a petition for review of an initial decision which establishes or determines a current support obligation (see WAC 388-14A-3860).

(2) For the purposes of this section and WAC 388-14A-3855 through 388-14A-3875, "a party" means the division of child support (DCS), the noncustodial parent, or the physical custodian of the child.

[Statutory Authority: RCW 74.20A.055 and 74.08.090. WSR 00-09-076, § 388-14A-3850, filed 4/18/00, effective 5/19/00. Formerly WAC 388-11-210 and 388-11-315.]

WAC 388-14A-3855 How does a party request a temporary order when the hearing is continued? (1) A party may make a request that a scheduled hearing be postponed either prior to the date of the hearing, or on the date of the hearing.

(2) When the administrative law judge (ALJ) grants a continuance prior to the day of hearing, a party must request entry of a temporary support order at the time the ALJ rules on the request for continuance.

(3) When the ALJ grants a continuance on the day of hearing, a party must request entry of a temporary support order before the hearing is adjourned.

(4) When a party requests a temporary support order due to a continuance, the ALJ must either:

(a) Conduct a temporary order hearing at the same time the ALJ hears the motion for continuance; or

(b) Set a time and date within ten business days when the ALJ will hear testimony on the need for and amount of a temporary order.

(5) The ALJ may hear testimony by telephone conference call.

(6) The ALJ may allow the parties to present the evidence then available, and allow five working days from the date of the hearing for submission of additional documents or evidence.

[Statutory Authority: RCW 74.20A.055 and 74.08.090. WSR 00-09-076, § 388-14A-3855, filed 4/18/00, effective 5/19/00. Formerly WAC 388-11-315.]

WAC 388-14A-3860 How does a party request a temporary order when a petition for review has been filed? (1) If the temporary order is requested because of the filing of a petition for review, a party must request the temporary order within ten days of:

(a) The date that party files the petition for review; or

(b) The date that party receives notice that another party has filed a petition for review.

(2) The request must be made to the office of administrative hearings (OAH) office that entered the initial decision.

(3) The administrative law judge (ALJ) who entered the initial decision must hear the motion for temporary order. If that ALJ is not available, the chief ALJ must designate a substitute ALJ.

(4) The ALJ may enter a temporary order based on the record that was created at the hearing, or may set a telephone conference call hearing within ten working days.

(5) The ALJ may hear testimony by telephone conference call.

(6) The ALJ may allow the parties to present the evidence then available, and allow five working days from the date of the hearing for submission of additional documents or evidence.

[Statutory Authority: RCW 74.20A.055 and 74.08.090. WSR 00-09-076, § 388-14A-3860, filed 4/18/00, effective 5/19/00. Formerly WAC 388-11-315.]

WAC 388-14A-3865 Duties of the administrative law judge when a party requests a temporary support order. (1) An administrative law judge (ALJ) who hears a request for a temporary support order must:

(a) Issue a written order which either:

(i) Determines the responsible parent's current and future support obligation beginning no later than the month following the hearing; or

(ii) Denies the request for a temporary support order.

(b) Include in the temporary order:

(i) A statement that any amounts collected under the temporary order will be credited and will be offset against any debt established in the initial decision;

(ii) A statement that amounts collected will be distributed and may be subject to recovery under WAC 388-14A-5300 from the physical custodian; and

(iii) The information required by RCW 26.23.050 and 26.18.170.

(c) Issue the temporary order within twenty calendar days of the date the request for temporary order is heard by the ALJ.

(2) If the temporary order is entered subsequent to a continuance, the ALJ must set a new hearing date within ninety days from the date of the date the ALJ hears the request for continuance;

(3) The ALJ must comply with the DSHS rules on child support and include a Washington state child support schedule worksheet when entering a temporary support order.

[Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d) and 74.20A.055. WSR 03-20-072, § 388-14A-3865, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.20A.055 and 74.08.090. WSR 00-09-076, § 388-14A-3865, filed 4/18/00, effective 5/19/00. Formerly WAC 388-11-315.]

WAC 388-14A-3870 When does a temporary support order end? (1) A temporary support order ends on the date an initial decision becomes a final order or on the date of a review decision, if any, whichever is later.

(2) If the parties settle all issues in the case by signing an agreed settlement or consent order, the temporary support order ends on the date the agreed settlement or consent order becomes a final order.

[Statutory Authority: RCW 74.20A.055 and 74.08.090. WSR 00-09-076, § 388-14A-3870, filed 4/18/00, effective 5/19/00. Formerly WAC 388-11-315.]

WAC 388-14A-3875 What if a party does not agree with a temporary support order? (1) A temporary support order or the denial of a TSO is not an initial decision subject to review under WAC 388-02-0560. This means that no party has the right to file a petition for review of a temporary support order.

(2) The terms of a temporary order are not binding on the administrative law judge (ALJ) who later enters the initial decision in the matter.

(3) The issuance of a temporary support order does not affect any party's right to ask for review of the initial decision subsequently entered in the matter.

[Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d) and 74.20A.055. WSR 03-20-072, § 388-14A-3875, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.20A.055 and 74.08.090. WSR 00-09-076, § 388-14A-3875, filed 4/18/00, effective 5/19/00. Formerly WAC 388-11-315.]

WAC 388-14A-3900 Does DCS review my support order to see if it should be modified? (1) When the division of child support (DCS) is providing support enforcement services under Title IV-D of the Social Security Act, DCS must:

(a) Review a superior court or administrative order for child support to determine whether DCS will petition to modify the child support provisions of the order; or

(b) Evaluate an intergovernmental case to determine whether to refer the case to an Indian tribe or another state or country for review of the support order for modification.

(2) Recipients of payment services only under WAC 388-14A-2000(1) are not eligible for a review of their support order under this section until they have submitted an application for support enforcement services.

(3) DCS reviews a child support order for the limited purpose of referring the order to the appropriate tribunal to add abatement language under WAC 388-14A-3940.

[Statutory Authority: RCW 26.09.916, 74.08.090, 74.20A.055. WSR 22-02-063, § 388-14A-3900, filed 1/4/22, effective 2/4/22. 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-3900, filed 12/18/12, effective 1/18/13. Statutory Authority: RCW 74.08.090, 45 C.F.R. 302.70, 45 C.F.R. 303.7, 45 C.F.R. 303.8. WSR 01-03-089, § 388-14A-3900, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-143.]

WAC 388-14A-3901 Under what circumstances does DCS review a support order for modification? (1) The division of child support (DCS) reviews child support orders under WAC 388-14A-3900 when DCS has

enough locate information to obtain personal service on both parties to the order; and:

(a) The department is paying public assistance or has determined that the children are eligible for medical assistance, and thirty-five months have passed since:

(i) DCS last reviewed the order under this section;

(ii) The order was last modified; or

(iii) The order was entered; or

(b) A party to the order, the IV-D agency of a tribe or another state, or the central authority of another country, submits a request for review to DCS and thirty-five months have passed since:

(i) DCS or another state or tribe's IV-D agency last reviewed the order under this section;

(ii) The order was last modified; or

(iii) The order was entered.

(2) DCS may refer a request for review to another state or tribe's IV-D agency for action.

(3) DCS reviews a child support order for the limited purpose of referring the order to the appropriate tribunal to add abatement language under WAC 388-14A-3940. A review under this subsection does not impact reviews conducted under subsections (1) or (2) of this section.

[Statutory Authority: RCW 26.09.916, 74.08.090, 74.20A.055. WSR 22-02-063, § 388-14A-3901, filed 1/4/22, effective 2/4/22. 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-3901, filed 12/18/12, effective 1/18/13. Statutory Authority: RCW 74.08.090, 45 C.F.R. 302.70, 45 C.F.R. 303.7, 45 C.F.R. 303.8. WSR 01-03-089, § 388-14A-3901, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-143.]

WAC 388-14A-3902 How does DCS notify me that my order is eligible for review for modification? (1) The division of child support (DCS) must:

(a) Notify recipients of support enforcement services, that the review and modification process is available; and

(b) Send notice of a pending review by regular mail to the last known address of the parties to the order thirty days before the review. The notice explains the parties':

(i) Rights in the review and modification process; and

(ii) Responsibility to submit:

(A) Completed Washington state child support schedule worksheets; and

(B) Income verification as required by the Washington state child support schedule, chapter 26.19 RCW.

(2) During the thirty days before conducting the review, DCS uses all appropriate procedures to obtain up to date income and asset information.

[Statutory Authority: RCW 74.08.090, 45 C.F.R. 302.70, 45 C.F.R. 303.7, 45 C.F.R. 303.8. WSR 01-03-089, § 388-14A-3902, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-143.]

WAC 388-14A-3903 How does DCS decide whether to petition for modification of a support order? (1) The division of child support (DCS) petitions to modify a support order when DCS finds during the review that each of the following conditions are present:

(a) The proposed change in child support based on the Washington state child support schedule:

(i) Is at least fifteen percent above or below the current support obligation;

(ii) Is at least one hundred dollars per month above or below the current support obligation; and

(iii) Is at least a two thousand four hundred dollar change over the remaining life of the support order; or

(iv) Will provide enough income to:

(A) Make the family ineligible for public assistance if the noncustodial parent (NCP) pays the full amount due under the proposed order; or

(B) Allow a family, otherwise eligible for public assistance, to remain off of assistance.

(b) The case meets the legal requirements for modification under RCW 26.09.170, 74.20A.059, or WAC 388-14A-3925.

(2) DCS may petition to modify the order without regard to subsection (1)(a)(i) of this section if the reason DCS reviewed the order is the noncustodial parent's incarceration.

(3) DCS may petition to modify the order without regard to subsection (1)(a) of this section when:

(a) The order does not require the NCP to provide health insurance coverage for the children; and

(b) Health insurance coverage is available through the NCP's employer or union at a reasonable cost; or

(c) Both parties agree to an order modifying the support amount; or

(d) DCS learns that an NCP is incarcerated and qualifies for abatement under this chapter and the child support order does not include abatement language.

[Statutory Authority: RCW 26.09.916, 74.08.090, 74.20A.055. WSR 22-02-063, § 388-14A-3903, filed 1/4/22, effective 2/4/22. Statutory Authority: 2019 c 275 §§ 2 and 3, RCW 26.09.170, 74.20A.059, 26.09.105, 26.18.170, 74.04.055, 74.08.090, 74.20.040(9), and 74.20A.310. WSR 20-04-032, § 388-14A-3903, filed 1/28/20, effective 2/28/20. Statutory Authority: RCW 74.08.090, 45 C.F.R. 302.70, 45 C.F.R. 303.7, 45 C.F.R. 303.8. WSR 01-03-089, § 388-14A-3903, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-143.]

WAC 388-14A-3904 How do I find out the results of DCS' review for modification? After reviewing a case under WAC 388-14A-3903, the division of child support (DCS) notifies the parties of:

(1) The findings of the review by regular mail at the parties' last known address;

(2) The parties' right to challenge the review findings; and

(3) The appropriate forum and procedure for challenging the review findings.

[Statutory Authority: RCW 74.08.090, 45 C.F.R. 302.70, 45 C.F.R. 303.7, 45 C.F.R. 303.8. WSR 01-03-089, § 388-14A-3904, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-143.]

WAC 388-14A-3905 What if I don't agree with DCS' findings after review? (1) Except as provided under subsection (3) of this section, a party to the review process may contest DCS's review findings by requesting a modification conference within thirty days of the date of the notice of review findings.

(2) The modification conference is conducted by:

(a) DCS when the review findings indicate that the case is not appropriate for DCS to petition for modification under WAC 388-14A-3903;

(b) The county prosecutor, or the attorney general's office when DCS has referred the case to the prosecutor or attorney general's office as a result of a review conducted under this section.

(3) When DCS has petitioned for modification of:

(a) A superior court order, the prosecutor or attorney general's office may, in their discretion, allow the parties to contest the review findings in the modification proceeding, rather than a modification conference. The modification proceeding is the sole means to contest the review findings.

(b) An administrative order, the parties may contest the review findings in the modification proceeding. In this case, the modification proceeding is the sole means to contest the review findings.

(4) In a modification conference, DCS the prosecutor, or the attorney general's office:

(a) Review all available income and asset information to determine if the review findings are correct; and

(b) Advise the parties of the results of the modification conference.

(5) A modification conference is not an adjudicative proceeding under the Administrative Procedure Act, chapter 34.05 RCW.

(6) This section does not limit the right of any party to petition for a modification of the support order independent from the review and modification process.

(7) The CP's refusal to accept a proposed agreed order modifying support does not constitute noncooperation for the purpose of WAC 388-14A-2075.

[Statutory Authority: RCW 74.08.090, 45 C.F.R. 302.70, 45 C.F.R. 303.7, 45 C.F.R. 303.8. WSR 01-03-089, § 388-14A-3905, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-143.]

WAC 388-14A-3906 Are there times when DCS does not review an order which would otherwise qualify for review? The division of child support (DCS) does not review an order under this section when the community services office (CSO) has notified DCS that the custodial parent (CP) has claimed good cause under WAC 388-422-0020, unless the CP requests the review.

[Statutory Authority: RCW 74.08.090, 45 C.F.R. 302.70, 45 C.F.R. 303.7, 45 C.F.R. 303.8. WSR 01-03-089, § 388-14A-3906, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-143.]

WAC 388-14A-3907 DCS uses the Washington state child support schedule for reviewing orders for modification. (1) DCS applies the Washington state child support schedule when reviewing support orders under this section. All deviations available under chapter 26.19 RCW

are available in the review and modification process under this section.

(2) For the purpose of this section and WAC 388-14A-3900 through 388-14A-3906, the term "party" means a party to a superior court order, or a noncustodial parent or a custodial parent entitled to petition for modification under RCW 74.20A.059.

[Statutory Authority: RCW 74.08.090, chapter 26.19 RCW, 45 C.F.R. 302.70, 45 C.F.R. 303.7, 45 C.F.R. 303.8. WSR 01-03-089, § 388-14A-3907, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-143.]

WAC 388-14A-3925 Who can ask to modify an administrative support order? (1) The division of child support (DCS), the custodial parent (CP) or the noncustodial parent (NCP) may file a petition and request a hearing to prospectively modify an administrative order for child support. The request must be in writing and must state:

(a) Any circumstances that have changed;

(b) Any relief requested; and

(c) The proposed new support amount.

(2) The petitioning party must file the request for modification with DCS.

(3) Acting as a responding jurisdiction, DCS may file a petition to prospectively modify an administrative order for child support on behalf of an initiating jurisdiction in an intergovernmental case.

(4) Office of Administrative Hearings serves a copy of the request for modification and notice of hearing on all other parties by regular mail at their last known address.

(5) DCS or the administrative law judge (ALJ):

(a) Prospectively modifies orders according to the terms of chapter 26.19 RCW and RCW 74.20A.059; and

(b) May only modify an order issued by a tribunal in another state according to the terms of RCW 26.21A.550.

(6) A request to add a requirement for the custodial parent (CP) to provide health care coverage, or to add a provision in the order to include the CP's share of uninsured medical expenses, is not by itself a sufficient basis for modification of the order.

(7) If the nonpetitioning party fails to appear at the hearing, the ALJ issues a default order based on the Washington state child support schedule and the worksheets submitted by the parties, considering the terms set out in the request for modification.

(8) If the petitioning party fails to appear at the hearing, the ALJ enters an order dismissing the petition for modification.

(9) If the petition for modification does not comply with the requirements of subsection (1)(a) and (b) of this section, the ALJ may:

(a) Dismiss the petition; or

(b) Continue the hearing to give the petitioning party time to amend according to WAC 388-14A-3275 or to complete the petition.

(10) The ALJ may set the effective date of modification as the date the order is issued, the date the request was made, or any time in between. If an effective date is not set in the order, the effective date is the date the modification order is entered.

(11) For purposes of abatement under this chapter, DCS, the CP, or the NCP may seek changes to a child support order to add abatement language under WAC 388-14A-3940.

[Statutory Authority: RCW 26.09.916, 74.08.090, 74.20A.055. WSR 22-02-063, § 388-14A-3925, filed 1/4/22, effective 2/4/22. Statutory Authority: Part I of 2018 c 150 and RCW 26.09.105, 26.18.170, 26.23.050, 34.05.220 (1)(a), 34.05.350(1), 74.08.090, and 74.20.040(9). WSR 19-02-017, § 388-14A-3925, filed 12/21/18, effective 1/21/19. 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-3925, filed 12/18/12, effective 1/18/13. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-3925, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310. WSR 07-08-055, § 388-14A-3925, filed 3/29/07, effective 4/29/07. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. WSR 02-06-098, § 388-14A-3925, filed 3/4/02, effective 4/4/02. Statutory Authority: RCW 74.08.090, 26.23.050, 74.20A.055, 74.20A.059. WSR 01-03-089, § 388-14A-3925, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-140.]

WAC 388-14A-3935 What does DCS do with respect to abatement when it learns the noncustodial parent is an incarcerated parent? (1) If the child support order contains abatement language, the division of child support (DCS) administers the abatement under WAC 388-14A-3945.

(2) If the child support order was entered in Washington state and does not contain abatement language, DCS refers the child support order to the appropriate tribunal for the limited purpose of adding abatement language under WAC 388-14A-3940, except as provided in subsection (3) of this section.

(3) DCS may review for modification under WAC 388-14A-3901 when the child support order does not contain abatement language and the department is paying public assistance for the child or children.

[Statutory Authority: RCW 26.09.916, 74.08.090, 74.20A.055. WSR 22-02-063, § 388-14A-3935, filed 1/4/22, effective 2/4/22.]

WAC 388-14A-3940 Who can ask to add abatement language to an administrative support order? (1) The division of child support (DCS), the custodial parent (CP), or the noncustodial parent (NCP) may file a petition and request a hearing under chapter 26.09 RCW for the limited purpose of adding abatement language to an administrative order for child support.

(2) The petitioning party must submit the request to add abatement language to DCS.

(3) Acting as a responding jurisdiction, DCS may file a petition for the limited purposes of adding abatement language to an administrative order for child support on behalf of an initiating jurisdiction in an intergovernmental case.

(4) OAH serves a copy of the request to add abatement language and notice of hearing on all other parties by regular mail at their last known address.

(5) A hearing under this section:

(a) Is for the limited purpose of determining whether statutorily required abatement language under RCW 26.09.335 should be added to the administrative support order;

(b) Is separate from the administration of the abatement by DCS under WAC 388-14A-3945;

(c) Does not otherwise modify or adjust the administrative support order; and

(d) Does not impact DCS's or any party's right to request a prospective modification of the administrative support order under WAC 388-14A-3925.

(e) Does not impact when DCS reviews a support order for modification under WAC 388-14A-3901.

(6) DCS may enter into an agreed settlement or consent order with the parties under WAC 388-14A-3600 to add abatement language to an administrative support order.

(7) If the nonpetitioning party fails to appear at the hearing, the ALJ issues a default order against that party.

(8) If the petitioning party fails to appear at the hearing, the ALJ enters an order dismissing the petition.

[Statutory Authority: RCW 26.09.916, 74.08.090, 74.20A.055. WSR 22-02-063, § 388-14A-3940, filed 1/4/22, effective 2/4/22.]

WAC 388-14A-3945 How does DCS administer abatement of an incarcerated person's child support order? (1) The division of child support (DCS) abates a noncustodial parent's (NCP's) child support order under this chapter when it learns that the NCP is an incarcerated person and all of the following are true:

(a) The NCP is incarcerated for or begins serving a sentence of at least six months in confinement;

(b) The child support order contains abatement language; and

(c) DCS has reviewed its records and determines the NCP has no access to or possession of income or assets to pay child support while incarcerated.

(2) There is a rebuttable presumption that an incarcerated person has no access to or possession of income or assets to pay child support while incarcerated. DCS may assert it has rebutted the presumption. See WAC 388-14A-3955.

(3) When the requirements of subsection (1) of this section are met, the child support order is abated to ten dollars per month without regard to the number of children covered by that order.

(4) The first month support is abated is the date the NCP became confined or February 1, 2021, whichever is later.

(5) The abatement ends on the last day of the third full month following the NCP's release from confinement, unless an order entered in the court or administrative forum specifies a different date.

(6) DCS sends a notice of abatement to notify the custodial parent (CP) by regular mail to their last known address, with a copy to the NCP, that the abatement has been applied.

(7) If the CP disagrees with the notice of abatement, the CP may:

(a) Request a timely hearing within twenty days of the date of the notice of abatement (see WAC 388-14A-3965);

(b) Request an untimely hearing within one year of the date of the notice of abatement (see WAC 388-14A-3965); or

(c) Request in writing to terminate or reverse the abatement at any time during the period of abatement (see WAC 388-14A-3970).

(8) If the NCP disagrees with the notice of abatement, the NCP may request in writing to terminate or reverse the abatement at any time during the period of abatement (see WAC 388-14A-3960).

(9) If the abatement results in an overpayment by the NCP:

(a) Neither DCS nor the CP is required to refund any support collections or payments received by DCS prior to the date on which DCS learned of the incarceration; and

(b) The NCP is not entitled to a refund of any support collections or payments received by DCS prior to the date on which DCS learned of the incarceration.

(10) Abatement of a child support obligation of an incarcerated person does not constitute modification or adjustment of the order.

[Statutory Authority: RCW 26.09.916, 74.08.090, 74.20A.055. WSR 22-02-063, § 388-14A-3945, filed 1/4/22, effective 2/4/22.]

WAC 388-14A-3950 What does DCS do to reinstate the support order when the NCP is released from confinement? (1) Unless otherwise specified in a court or administrative order, the support order is automatically reinstated as follows:

(a) Effective the first day of the fourth full month after the NCP is released from confinement, support is reinstated at fifty percent of the support amount provided in the underlying order, but not less than the presumed minimum obligation of $50 per month per child; and

(b) Effective one year after release from confinement, support is reinstated at one hundred percent of the support amount provided in the underlying order.

(2) DCS informs the parties in writing at their last known address when reinstating support at fifty percent and one hundred percent.

(3) If the support order is modified under RCW 26.09.170 or RCW 74.20A.059 during the period of abatement, this provision regarding reinstatement of support at fifty percent in subsection (1) of this section does not apply. DCS enforces the modified support obligation.

[Statutory Authority: RCW 26.09.916, 74.08.090, 74.20A.055. WSR 22-02-063, § 388-14A-3950, filed 1/4/22, effective 2/4/22.]

WAC 388-14A-3955 What does DCS do when it determines an incarcerated person's support order should not be abated? (1) If DCS reviews its records and determines the NCP has access to or possession of income or assets to pay child support while incarcerated, DCS sends a notice regarding non-abatement of child support, sometimes called the notice regarding non-abatement, to the NCP and a copy to the custodial parent (CP).

(a) There is a rebuttable presumption that an incarcerated person has no access to or possession of income or assets available to pay child support while incarcerated.

(b) The notice regarding non-abatement includes the reason or reasons DCS believes it has rebutted the presumption that the NCP is unable to pay their child support obligation while incarcerated.

(2) The parties may request an adjudicative proceeding if they disagree with the notice regarding non-abatement.

(a) The parties may request a timely hearing within twenty days of the date of the notice regarding non-abatement.

(b) The parties may request an untimely hearing within one year of the date of the notice regarding non-abatement.

(c) The parties may request a late hearing one year or more after the after the date of the notice regarding non-abatement but must demonstrate good cause.

(3) For purposes of this chapter, correctional industries compensation does not count as income or assets to pay child support.

[Statutory Authority: RCW 26.09.916, 74.08.090, 74.20A.055. WSR 22-02-063, § 388-14A-3955, filed 1/4/22, effective 2/4/22.]

WAC 388-14A-3960 What happens at a hearing on a notice regarding non-abatement of child support? (1) The noncustodial parent (NCP) or custodial parent (CP) may request a hearing on a notice regarding non-abatement of child support, sometimes called the notice regarding non-abatement.

(2) The purpose of the hearing is for the administrative law judge (ALJ) to determine whether DCS's notice is upheld or dismissed.

(3) The ALJ must allow DCS to orally amend the notice regarding non-abatement at the hearing to conform to the evidence. The ALJ may grant a continuance, if necessary, to allow the parties additional time to present evidence or argument in response to the amendment.

(4) The administrative law judge issues an order:

(a) Upholding DCS's determination that support should not be abated because the NCP has access to or possession of income or assets to pay child support while incarcerated; or

(b) Dismissing the notice regarding non-abatement because the NCP does not have access to or possession of income or assets to pay child support while incarcerated.

(5) If the order says child support should be abated, DCS abates and sends a notice of abatement to the parties. See WAC 388-14A-3940.

[Statutory Authority: RCW 26.09.916, 74.08.090, 74.20A.055. WSR 22-02-063, § 388-14A-3960, filed 1/4/22, effective 2/4/22.]

WAC 388-14A-3965 What happens at a hearing on a notice of abatement? (1) The custodial parent (CP) has the burden of proof to demonstrate to the administrative law judge (ALJ) that the NCP has access to or possession of income or assets to pay child support while incarcerated.

(2) Any party to the hearing may show good cause why the abatement should end and support reinstate at a date other than what is specified in WAC 388-14A-3945.

(3) The ALJ must allow DCS to orally amend the notice of abatement at the hearing to conform to the evidence. The ALJ may grant a continuance, if necessary, to allow the parties additional time to present evidence or argument in response to the amendment.

(4) The administrative law judge issues an order:

(a) Upholding the notice of abatement;

(b) Upholding the notice of abatement and, upon a finding of good cause, specifying the date abatement ends; or

(c) Dismissing the notice of abatement because the objecting party met the burden of proof to show that NCP has access to or possession of income or assets to pay child support while incarcerated.

[Statutory Authority: RCW 26.09.916, 74.08.090, 74.20A.055. WSR 22-02-063, § 388-14A-3965, filed 1/4/22, effective 2/4/22.]

WAC 388-14A-3970 Who may request to terminate or reverse an abatement? (1) The division of child support (DCS), the custodial parent (CP), or the noncustodial parent (NCP) may submit a request to terminate or reverse an abatement at any time during the period of abatement. The request must be in writing.

(a) If DCS or the CP is the requesting party, they must include documents or other evidence demonstrating that the NCP has access to or possession of income or assets to pay child support while incarcerated.

(b) If the NCP is the requesting party, no supporting documents are required.

(2) The requesting party must file the request to terminate or reverse the abatement with DCS or the office of administrative hearings (OAH).

(3) Acting as a responding jurisdiction, DCS may file a request to terminate or reverse an abatement on behalf of an initiating jurisdiction in an intergovernmental case.

[Statutory Authority: RCW 26.09.916, 74.08.090, 74.20A.055. WSR 22-02-063, § 388-14A-3970, filed 1/4/22, effective 2/4/22.]

WAC 388-14A-3975 What happens at a hearing to terminate or reverse an abatement? (1) If the requesting party was required to submit supporting documents and did not do so, any other party may file a motion to dismiss. The requesting party may ask for a continuance to provide supporting documents.

(2) If the hearing is dismissed because supporting documents were not submitted, the requesting party may file a petition to vacate the dismissal.

(3) If a hearing is held, the ALJ may reverse the abatement or terminate the abatement on a specific date upon a finding that the NCP has access to or possession of assets or income to provide support while incarcerated.

(4) If the requesting party fails to appear after being sent a notice of hearing, the request must be dismissed.

(5) Depending on the type of evidence provided at the hearing, the ALJ may order that the abatement of the support order be:

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

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

[Statutory Authority: RCW 26.09.916, 74.08.090, 74.20A.055. WSR 22-02-063, § 388-14A-3975, filed 1/4/22, effective 2/4/22.]

PART D - HOW WE ENFORCE CHILD SUPPORT OBLIGATIONS

WAC 388-14A-4000 When may the division of child support take collection action against a noncustodial parent? (1) Chapters 26.18, 26.23, 74.20 and 74.20A RCW authorize the division of child support (DCS) to take actions enforcing and collecting support obligations.

(2) DCS may take collection action against the noncustodial parent's income and assets to collect a support debt even if the NCP is

making payments under a support order, unless DCS agrees in writing to limit collection action.

(3) If the NCP fails to make the total support payment under an administrative order when it is due:

(a) The entire support debt becomes due in full; and

(b) The portion of the administrative order requiring periodic payments on the support debt is automatically vacated without modifying the order.

[Statutory Authority: RCW 74.08.090, 45 C.F.R. 302.33 (a)(5). WSR 01-03-089, § 388-14A-4000, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-170.]

WAC 388-14A-4010 Can I make the division of child support stop collection action against me? (1) Once a noncustodial parent (NCP) fails to make payments when due, an administrative law judge may not stop collection action by DCS.

(2) The NCP may contest collection action by:

(a) Filing an action in superior court under RCW 74.20A.200 or other applicable statutes; or

(b) Requesting a conference board under WAC 388-14A-6400.

[Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-4010, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-4020 What collection tools does the division of child support use? The division of child support (DCS) uses any remedies available under state and federal law to enforce support obligations. These include, but are not limited to:

(1) Income withholding order under RCW 26.23.060;

(2) Order to withhold and deliver under RCW 74.20A.080;

(3) Wage assignment;

(4) License suspension under WAC 388-14A-4500;

(5) Federal income tax offset;

(6) Asset seizure;

(7) Liens;

(8) Medical insurance enrollment; and

(9) Contempt referral.

[Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.110, 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310, and 74.20A.328. WSR 26-14-086, s 388-14A-4020, filed 6/29/26, effective 7/30/26. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-4020, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-4030 How can the division of child support collect child support from my wages or other income source? (1) The division of child support (DCS) uses a payroll deduction, order to withhold and deliver or wage assignment to collect support when the noncustodial parent (NCP) has a source of income.

(2) When an NCP does not have an identifiable employer or source of income, DCS uses any or all of the collection remedies available under chapters 26.23, 74.20 and 74.20A RCW.

(3) If the NCP's source of income is an Indian tribe or tribal enterprise, DCS may seek collection remedies through tribal court.

[Statutory Authority: RCW 74.08.090, 45 C.F.R. 302.33(a)(5). WSR 01-03-089, § 388-14A-4030, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-170.]

WAC 388-14A-4040 DCS can serve some collection actions by electronic service. (1) An employer, or any other person, firm, corporation, or political subdivision, or any department of the state or federal government may agree with the division of child support (DCS) to accept electronic data transmission (EDT) as service of the following documents:

(a) Income withholding order under RCW 26.23.060;

(b) Order to withhold and deliver under RCW 74.20A.080;

(c) Assignment of earnings under RCW 74.20A.240;

(d) National Medical Support Notice (NMSN) under RCW 26.18.170;

(e) Releases of any of these collection documents; and

(f) Amendments in the amount to be withheld under any of these collection documents.

(2) Agreements for service by EDT must be in writing. The employer, person, firm, corporation, political subdivision, or department must agree to accept EDT as:

(a) Personal service of the withholding documents; and

(b) A written document for the purposes of chapters 26.23 and 74.20A RCW.

(3) DCS provides the party accepting EDT with copies of the current forms listed in subsection (2) of this section, as well as any updates to those forms. If DCS fails to provide an updated form, this does not excuse noncompliance with withholding documents served under the EDT agreement.

(4) An agreement to accept service by EDT does not alter the rights, duties, and responsibilities related to income withholding action under chapters 26.23, 74.20, or 74.20A RCW.

[Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.110, 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310, and 74.20A.328. WSR 26-14-086, s 388-14A-4040, filed 6/29/26, effective 7/30/26. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. WSR 04-17-119, § 388-14A-4040, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-4040, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-427.]

WAC 388-14A-4100 How does the division of child support enforce my obligation to provide health care coverage for my children? (1) If a child support order requires a parent to provide health care coverage for the children named in the order, the division of child support (DCS) attempts to enforce that requirement according to the terms of the order.

(2) A parent required to provide medical support or health care coverage for a child is called the obligated parent, and can be either the custodial parent (CP) or the noncustodial parent (NCP).

(3) WAC 388-14A-4111 and 388-14A-4112 describe when DCS may accept or decline a request to enforce a medical support obligation.

(4) When DCS is enforcing a support order which contains a specific dollar limit for the cost of health care coverage premiums or provides for coverage which is available at no cost to the obligated parent, DCS does not require the obligated parent to provide health care coverage if coverage is not available within the limitations of the order.

(5) When DCS is enforcing a support order entered in Washington on or after October 1, 2009, providing that either or both parents must provide coverage and/or a proportionate share of uninsured medical expenses as part of the medical support obligation under RCW 26.09.105, the rules in this subsection apply unless the support order specifies differently:

(a) The obligated parent must provide health care coverage for the dependent children covered by the order if coverage is:

(i) Available or becomes available through accessible health care coverage which is not provided through the obligated parent's employer or union; or

(ii) Available or becomes available through the obligated parent's employment or union at a cost that is not more than twenty-five percent of the obligated parent's basic support obligation.

(b) If the obligated parent does not provide proof of coverage or if coverage is not available, DCS may serve a notice of support owed under WAC 388-14A-3312 to determine the monthly amount that the obligated parent must pay as his or her proportionate share of any premium paid by the other parent or by the state on behalf of the children.

(6) When DCS is enforcing a support order entered in Washington between May 13, 1989 and September 30, 2009, unless the support order specifies differently, the obligated parent must provide health insurance for the dependent children if coverage is:

(a) Available or becomes available through the obligated parent's employment or union; and

(b) Available at a cost of not greater than twenty-five per cent of the obligated parent's basic support obligation.

(7) When DCS is enforcing a Washington support order entered prior to May 13, 1989, unless the support order specifies differently, the obligated parent must provide health insurance for the dependent children if coverage is available or becomes available through the obligated parent's employment or union:

(a) For a maximum of twenty-five dollars per month, if the order specifies that the obligated parent must provide coverage only if it is available at a reasonable cost; or

(b) For any premium amount whatsoever, if the order does not specify reasonable cost.

(8) DCS serves a notice of intent to enforce a health care coverage obligation if the support order:

(a) Requires the obligated parent either to provide health care coverage or prove that coverage is not available; and

(b) Does not inform the obligated parent that failure to provide health care coverage or prove it is not available may result in enforcement of the order without notice to the obligated parent.

(9) DCS serves the notice of intent to enforce a health care coverage obligation on the obligated parent by certified mail, return receipt requested, or by personal service.

(10) The notice advises the obligated parent that he or she must submit proof of coverage, proof that coverage is not available, or

proof that the obligated parent has applied for coverage, within twenty days of the date of service of the notice.

(11) The notice advises the obligated parent that, if health care coverage is not yet available, the obligated parent must immediately notify DCS if health care coverage becomes available through the obligated parent's employer or union.

(12) When DCS enforces an obligated parent's health care coverage obligation, such enforcement may include asking the employer and the plan administrator to enroll the obligated parent in a health insurance plan available through the employer.

[Statutory Authority: Part I of 2018 c 150 and RCW 26.09.105, 26.18.170, 26.23.050, 34.05.220 (1)(a), 34.05.350(1), 74.08.090, and 74.20.040(9). WSR 19-02-017, § 388-14A-4100, filed 12/21/18, effective 1/21/19. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-4100, filed 5/19/11, effective 6/19/11. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. WSR 04-17-119, § 388-14A-4100, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 74.08.090, 26.18.170, 26.18.180, 74.20A.055. WSR 01-03-089, § 388-14A-4100, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-215 and 388-14-460.]

WAC 388-14A-4110 If my support order requires me to provide medical support for my children, what do I have to do? (1) Once a support order is entered requiring medical support, the obligated parent must take the following actions within twenty days:

(a) Provide health care coverage; and

(b) Provide proof of coverage to the other parent and to the division of child support (DCS), such as:

(i) The name of the insurer providing the health insurance coverage or the type of public health care coverage provided by the obligated parent;

(ii) The names of the beneficiaries covered;

(iii) The policy number;

(iv) That coverage is current; and

(v) The name and address of the obligated parent's employer.

(2) If private, union or employer-provided health insurance coverage that is accessible to the children named in the order is available, the obligated parent must:

(a) Provide for coverage for the children without waiting for an open enrollment period, as provided under RCW 48.01.235 (4)(a); and

(b) Submit proof of coverage as outlined in subsection (1)(b) above.

(3) If health insurance is not immediately available to the obligated parent, as soon as health insurance becomes available, the obligated parent must:

(a) Provide for coverage for the children named in the order; and

(b) Submit proof of coverage as outlined in subsection (1)(b) above.

(4) Providing public health care coverage for the children satisfies an obligated parent's requirement to provide for health care coverage, as long as the obligated parent also covers the children under

any insurance available through his or her employer or union which is provided at no cost to the obligated parent.

(5) DCS may serve a notice of support owed for medical support under WAC 388-14A-3312 to establish either or both of the following:

(a) Either parent's share of uninsured medical expenses owed to the other parent; or

(b) Either parent's monthly payment toward the premium paid for coverage by the other parent or the state, if:

(i) Health insurance coverage is not available through the parent's employer or union or is not otherwise provided; and

(ii) The support order provides for the payment of a monthly payment toward the premium when the obligated parent does not provide coverage.

(6) See WAC 388-14A-4165 for a description of what happens when the combined total of a noncustodial parent's current support obligation, arrears payment and health insurance premiums to be withheld by the employer exceeds the fifty per cent limitation for withholding.

(7) Both parents must notify DCS any time there is a change to the health care coverage for the children named in the order.

(8) WAC 388-14A-4111 and 388-14A-4112 describe when DCS may accept or decline a request to enforce a medical support obligation.

[Statutory Authority: Part I of 2018 c 150 and RCW 26.09.105, 26.18.170, 26.23.050, 34.05.220 (1)(a), 34.05.350(1), 74.08.090, and 74.20.040(9). WSR 19-02-017, § 388-14A-4110, filed 12/21/18, effective 1/21/19. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-4110, filed 5/19/11, effective 6/19/11. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-4110, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. WSR 04-17-119, § 388-14A-4110, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 74.08.090, 26.18.170, 26.18.180, 74.20A.055. WSR 01-03-089, § 388-14A-4110, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-215.]

WAC 388-14A-4111 When may DCS decline a request to enforce a medical support obligation? The division of child support (DCS) may decline to enforce a medical support obligation using the remedies available under RCW 26.09.105, 26.18.170, and 26.23.110 if one or more of the following apply:

(1) The medical support obligation is imposed by a child support order that was not entered in a court or administrative forum of the state of Washington;

(2) The department of social and health services is not paying public assistance;

(3) The department of children, youth, and families is not providing services for a child in residential care (foster care);

(4) The party requesting enforcement of the medical support obligation does not have an open IV-D case with DCS for the child;

(5) The party requesting enforcement of the medical support obligation is not a parent of the child for whom the medical support obligation was established;

(6) The party is requesting reimbursement of the obligated parent's proportionate share of medical premium costs, and the obligated parent is currently providing accessible health care coverage for the child;

(7) The party requesting enforcement of the medical support obligation is not a former recipient of public assistance as described in WAC 388-14A-2000 (2)(d);

(8) DCS has not received a request for services from a child support agency in another state or a child support agency of an Indian tribe or foreign country;

(9) The party requesting enforcement of the medical support obligation has not applied for full support enforcement services;

(10) The party requesting enforcement of the medical support obligation does not qualify as a party who can receive child support enforcement services from DCS under WAC 388-14A-2000;

(11) The case does not meet the requirements for provision of support enforcement services from DCS under WAC 388-14A-2010;

(12) DCS denies the application under WAC 388-14A-2020;

(13) The party requesting enforcement of the medical support obligation does not provide proof of payment, any required forms, or the declaration under penalty of perjury required under WAC 388-14A-3312;

(14) The case meets one or more of the reasons set out in WAC 388-14A-4112(2) that DCS does not enforce a custodial parent's obligation to provide medical support.

[Statutory Authority: RCW 26.09.105, 26.18.170, 26.23.050, 26.23.110, 26.23.120, 34.05.020, 34.05.060, 74.08.090, 74.20.040, 74.20A.055, and 74.20A.056. WSR 24-15-143, § 388-14A-4111, filed 7/23/24, effective 8/23/24. Statutory Authority: Part I of 2018 c 150 and RCW 26.09.105, 26.18.170, 26.23.050, 34.05.220 (1)(a), 34.05.350(1), 74.08.090, and 74.20.040(9). WSR 19-02-017, § 388-14A-4111, filed 12/21/18, effective 1/21/19. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-4111, filed 5/19/11, effective 6/19/11.]

WAC 388-14A-4112 When does the division of child support enforce a custodial parent's obligation to provide medical support? (1) A noncustodial parent (NCP) may file an application for full child support enforcement services and specifically request that the division of child support (DCS) enforce the medical support obligation of the custodial parent (CP). WAC 388-14A-4111 describes when DCS may accept or decline a request to enforce a medical support obligation.

(2) DCS does not enforce the CP's medical support obligation unless the NCP files an application for nonassistance support enforcement services under WAC 388-14A-2000 (2)(c). The NCP must specify whether he or she is requesting that DCS enforce the CP's obligation to provide:

(a) The CP's proportionate share of uninsured medical expenses;

(b) Health care coverage (including the possibility of a monthly payment toward the premium paid by the NCP for coverage of the children named in the order when appropriate); or

(c) Both.

(3) A medical support obligation includes providing health care coverage or contributing a monthly payment toward the premium paid for

coverage when appropriate, and paying a proportionate share of any uninsured medical expenses for the children.

(a) DCS may enforce the CP's obligation to pay a proportionate share of any uninsured medical expenses for the children under WAC 388-14A-3312.

(b) DCS may decide whether it is appropriate to enforce the CP's obligation to provide health care coverage or contribute a monthly payment toward the premium paid for coverage under subsection (4) of this section.

(4) DCS does not enforce a custodial parent's obligation to provide health care coverage or pay a monthly payment toward the premium paid for coverage when:

(a) The support order does not include a medical support obligation which includes providing health care coverage or paying monthly payment toward the premium paid for coverage for the CP.

(b) The NCP is already providing health care coverage for the children covered by the order.

(c) The amount that the CP would have to pay for the premium for health care coverage exceeds the NCP's monthly support obligation for the children.

(d) The children are covered by health care coverage provided by someone else.

(e) The children are receiving medicaid or another kind of public health care coverage.

(f) The children are receiving TANF.

(g) The CP does not reside in Washington state.

(h) The CP is a tribal member living on or near the reservation.

(i) The CP is receiving child support enforcement services through a tribal IV-D program.

(5) DCS does not enforce a CP's obligation to pay a proportionate share of medical expenses incurred by an NCP when the support order does not include an obligation for the CP to pay a proportionate share of uninsured medical expenses.

(6) If none of the conditions under subsection (4) exist, DCS may enforce the CP's obligation to provide health insurance coverage when the CP has health insurance available at a reasonable cost through the CP's employer or union.

(7) A "reasonable cost" for health insurance coverage is defined as twenty-five percent of the basic support obligation for the children covered by the order, unless the support order provides a different limitation.

[Statutory Authority: Part I of 2018 c 150 and RCW 26.09.105, 26.18.170, 26.23.050, 34.05.220 (1)(a), 34.05.350(1), 74.08.090, and 74.20.040(9). WSR 19-02-017, § 388-14A-4112, filed 12/21/18, effective 1/21/19. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-4112, filed 5/19/11, effective 6/19/11. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-4112, filed 5/29/08, effective 7/1/08.]

WAC 388-14A-4115 Can my support order reduce my support obligation if I pay for health insurance? (1) Some support orders reduce the noncustodial parent's transfer payment based on health insurance premiums paid by the noncustodial parent (NCP).

(2) An NCP is entitled to the reduction for premiums paid only if the NCP submits proof of the cost of coverage which is actually being provided at the time the support order is entered, so that the amounts can be included in the worksheet calculation.

(3) If health insurance coverage terminates or if the amount of the premium changes, this does not mean that the transfer payment is automatically increased or decreased. However, such a change may constitute the basis for a petition to modify the support order.

[Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-4115, filed 5/19/11, effective 6/19/11. Statutory Authority: RCW 74.08.090, 26.18.170, 26.18.180, 74.20A.055. WSR 01-03-089, § 388-14A-4115, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-215.]

WAC 388-14A-4119 How soon after a noncustodial parent is listed in the state directory of new hires must the division of child support send a National Medical Support Notice to the employer? The division of child support (DCS) must send a National Medical Support Notice (NMSN) to the employer of a noncustodial parent (NCP) within two business days of the date the NCP's information is entered into the state directory of new hires (SDNH).

[Statutory Authority: RCW 74.20A.310 and 45 C.F.R. 303.32, 45 C.F.R. 303.30, 45 C.F.R. 303.31. WSR 05-08-060, § 388-14A-4119, filed 3/31/05, effective 5/1/05.]

WAC 388-14A-4120 DCS uses the National Medical Support Notice to enforce an obligation to provide health insurance coverage. (1) The division of child support (DCS) uses a notice of enrollment called the National Medical Support Notice (NMSN) to enforce an obligated parent's obligation to provide health insurance coverage under chapter 26.18 RCW.

(2) DCS sends the NMSN to the obligated parent's employer in one of the following ways:

(a) In the same manner as a summons in a civil action,

(b) By certified mail, return receipt requested,

(c) By regular mail, or

(d) By electronic means as provided in WAC 388-14A-4040 (1)(d).

(3) DCS sends the NMSN without notice to the obligated parent, who could be either the noncustodial parent (NCP) or the custodial parent (CP) when:

(a) A court or administrative order requires the obligated parent to provide coverage for a dependent child;

(b) The obligated parent fails to provide health insurance (either by not covering the child or by letting the coverage lapse) or fails to provide proof of coverage;

(c) The requirements of RCW 26.23.050 are met; and

(d) DCS has reason to believe that coverage is available through the obligated parent's employer or union.

(4) If sending the NMSN does not result in coverage for the child, DCS may seek to enforce the obligated parent's medical support obligation by other means, as provided in RCW 26.18.170 and WAC 388-14A-4100.

[Statutory Authority: Part I of 2018 c 150 and RCW 26.09.105, 26.18.170, 26.23.050, 34.05.220 (1)(a), 34.05.350(1), 74.08.090, and, 74.20.040(9). WSR 19-02-017, § 388-14A-4120, filed 12/21/18, effective 1/21/19. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-4120, filed 5/19/11, effective 6/19/11. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-4120, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. WSR 04-17-119, § 388-14A-4120, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 74.08.090, 26.18.170, 26.18.180, 74.20A.055. WSR 01-03-089, § 388-14A-4120, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-215 and 388-14-480.]

WAC 388-14A-4121 Can a Washington employer assume that every National Medical Support Notice that the employer receives is from the division of child support? (1) The National Medical Support Notice (NMSN) is a federally mandated form which is used by child support enforcement agencies all over the United States, not just the division of child support (DCS).

(2) Each NMSN form contains information advising the employer which child support enforcement agency sent the NMSN.

[Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. WSR 04-17-119, § 388-14A-4121, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4122 What kind of information is included in the National Medical Support Notice? The National Medical Support Notice (NMSN) and its cover letter advise the obligated parent's employer and the plan administrator that:

(1) The obligated parent is required to provide health insurance coverage for the children named in the notice;

(2) Information regarding the custodial parent and children, especially address information, is confidential and may not be released to anyone, including the noncustodial parent (NCP);

(3) Within twenty business days of the date on the notice, the employer must either:

(a) Respond to the NMSN by completing the response form and returning it to DCS; or

(b) Forward Part B of the NMSN to the plan administrator.

(4) The employer or plan administrator is required to enroll the children in a health insurance plan offered by the employer or the union if insurance the children can use is or will become available as provided in WAC 388-14A-4130;

(5) The employer or plan administrator must provide:

(a) Information about the health insurance plan and policy as requested in the notice; and

(b) Any necessary claim forms or membership cards as soon as they are available.

(6) The employer or union must withhold premiums from the obligated parent's net earnings if the obligated parent is required to pay part or all of the premiums for coverage under the health insurance plan.

(7) Noncompliance with the NMSN subjects the employer or union to a fine of up to one thousand dollars under RCW 26.18.180. See WAC 388-14A-4123 for a description of noncompliance penalties.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-4122, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. WSR 04-17-119, § 388-14A-4122, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4123 What can happen if the employer fails to comply with the terms of the National Medical Support Notice? (1) If an employer fails to comply with the terms of a National Medical Support Notice (NMSN) sent by the division of child support (DCS), the employer may be liable for a fine of up to one thousand dollars under RCW 74.20A.350.

(2) DCS may take action under RCW 74.20A.350 to impose fines if the employer fails to comply with the terms of the NMSN. For each failure to comply, DCS may assess a fine of:

(a) Two hundred dollars for the first month in which the employer or union fails to comply;

(b) Three hundred dollars for the second month of noncompliance; and

(c) Five hundred dollars for the third month of noncompliance.

(d) The maximum fine based on a single notice of enrollment is one thousand dollars.

[Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. WSR 04-17-119, § 388-14A-4123, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4124 Who are the parties involved with the National Medical Support Notice? (1) The National Medical Support Notice (NMSN) is a federally mandated form used by child support enforcement agencies to enforce an obligated parent's medical support obligation. The division of child support (DCS) uses the NMSN as provided in WAC 388-14A-4120.

(2) DCS sends an NMSN when there is a support order requiring the obligated parent to provide health insurance coverage for the children.

(3) DCS sends the NMSN to the obligated parent's employer.

(4) If the employer provides health insurance coverage, the employer forwards the NMSN to the appropriate plan administrator.

(5) The plan administrator is the entity which handles the ministerial functions for the group health plan maintained by the employer or a group health plan to which the employer contributes.

(6) In some cases, the employer performs the duties of the plan administrator.

(7) In some cases, the obligated parent's union either acts as or contracts with the plan administrator.

(8) The plan administrator sends coverage information to both DCS and the custodial parent (CP). In cases where the CP is the obligated parent, DCS sends coverage information to the noncustodial parent (NCP).

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-4124, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. WSR 04-17-119, § 388-14A-4124, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4125 What must an employer do after receiving a National Medical Support Notice? (1) Within twenty business days after the date on the National Medical Support Notice (NMSN), the employer must either send Part B to the plan administrator or send the employer response to the division of child support (DCS).

(2) The employer need take no action beyond responding to the NMSN if:

(a) The employer does not maintain or contribute to plans providing dependent or family health care coverage;

(b) The employee is among a class of employees (for example, part-time or nonunion) that are not eligible for family health coverage under any group health plan maintained by the employer or to which the employer contributes; or

(c) The employee either is no longer, or never has been, employed by this employer.

(3) If subsection (2) of this section does not apply, the employer must respond to the NMSN and must:

(a) Forward Part B of the NMSN to the plan administrator of each group health plan identified by the employer to enroll the obligated parent's eligible children (see WAC 388-14A-4130 for what the plan administrator must do after receiving an NMSN); and

(b) When notified by the plan administrator that the children are enrolled:

(i) Withhold any employee contributions required for health insurance premiums and transfer those premiums to the appropriate plan; or

(ii) Notify DCS that enrollment cannot be completed because the noncustodial parent's net earnings are not high enough to allow withholding of child support and health insurance premiums; in this situation, the employer must notify DCS of the amount of the premium required to cover the children.

(c) When notified by the plan administrator that the obligated parent is subject to a waiting period, notify the plan administrator when the obligated parent is eligible to enroll in the plan, and that the NMSN requires the enrollment of the children named in the NMSN.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-4125, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. WSR 04-17-119, § 388-14A-4125, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4126 What kind of help is available for an employer or plan administrator who has questions about the National Medical Support Notice? An employer or plan administrator who receives a National Medical Support Notice (NMSN) from the division of child support (DCS) may do one or more of the following to get help with the form:

(1) Visit the DCS website at https://dshs.wa.gov/esa/division-child-support/employer-resources;

(2) Call the DCS Employer Hotline at 1-800-562-0479; or

(3) Contact the DCS field office that issued the NMSN.

[Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.110, 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310, and 74.20A.328. WSR 26-14-086, s 388-14A-4126, filed 6/29/26, effective 7/30/26. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. WSR 04-17-119, § 388-14A-4126, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4130 What must a plan administrator do after receiving a National Medical Support Notice from the division of child support? (1) A plan administrator who receives a National Medical Support Notice (NMSN) must respond to the NMSN within forty business days after the date on the NMSN.

(2) If the obligated parent and the children are to be enrolled in a health insurance plan, the plan administrator must:

(a) Notify the obligated parent, each child, and the custodial parent (CP) (if the obligated parent is not the CP) that coverage of the children is or will become available (notifying the CP is considered the same as notifying the child if they live at the same address); and

(b) If not previously provided, send the CP a description of the coverage available, including the effective date of coverage, a summary plan description and any forms or information necessary to start coverage, and information on how to submit claims for benefits.

(3) If there is more than one option available under the plan and the obligated parent is not yet enrolled, the plan administrator must:

(a) Provide to the division of child support (DCS) copies of applicable summary plan descriptions for available coverage, including the additional participant contribution necessary to obtain coverage for the children under each option and whether any option has a limited service area; and

(b) If the plan has a default option, enroll the children in the plan's default option if the plan administrator has not received DCS' election within twenty business days of the date the plan administrator returned the response to DCS; or

(c) If the plan does not have a default option, enroll the children in the option selected by DCS.

(4) If the obligated parent is subject to a waiting period that expires within ninety days from the date the plan administrator receives the NMSN, the plan administrator must enroll the children named in the NMSN immediately.

(5) If the obligated parent is subject to a waiting period that expires more than ninety days from the date the plan administrator receives the NMSN, the plan administrator must notify the employer, DCS, the obligated parent and the CP (if the obligated parent is not the

CP) of the waiting period. When the waiting period has expired, the plan administrator must:

(a) Enroll the obligated parent and the children named in the NMSN, as provided in subsection (2) or (3) above; and

(b) Notify the employer of enrollment so that the employer may determine if the NCP's income is sufficient to withhold health insurance premiums, and then either withhold accordingly or notify DCS, as provided in WAC 388-14A-4125 (3)(b).

(6) If the obligated parent is subject to a waiting period whose duration is determined by a measure other than the passage of time (for example, the completion of a certain number of hours worked), the plan administrator must notify the employer, DCS, the obligated parent and the CP (if the CP is not the obligated parent) of the waiting period. When the waiting period has expired, the plan administrator must:

(a) Enroll the obligated parent and the children named in the NMSN, as provided in subsection (2) or (3) above; and

(b) Notify the employer of enrollment so that the employer may determine if the obligated parent's income is sufficient to withhold health insurance premiums, and then either withhold accordingly or notify DCS, as provided in WAC 388-14A-4125 (3)(b).

(7) If the plan administrator determines that the NMSN does not constitute a qualified medical child support order as defined by ERISA, the plan administrator must:

(a) Notify DCS using the part of the NMSN called the plan administrator response; and

(b) Notify the obligated parent, the CP (if the CP is not the obligated parent) and the children of the specific reasons for the determination. A copy of the plan administrator response is considered sufficient notice under this section.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-4130, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. WSR 04-17-119, § 388-14A-4130, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 74.08.090, 26.18.170, 26.18.180, 74.20A.055. WSR 01-03-089, § 388-14A-4130, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-215.]

WAC 388-14A-4135 What must the plan administrator do when the obligated parent has health insurance but the children are not included in the coverage? (1) If the obligated parent is enrolled in a health insurance plan through the employer but has not enrolled the children named in the National Medical Support Notice (NMSN), the plan administrator must follow the steps outlined in WAC 388-14A-4130(2) and:

(a) Enroll the child(ren) named in the NMSN under the obligated parent's health insurance plan; and

(b) Notify the employer and the division of child support (DCS) that the child(ren) have been enrolled.

(2) Under RCW 48.01.235 (4)(a), the plan administrator must enroll a child who is otherwise eligible for the coverage without regard to any enrollment season restrictions.

(3) WAC 388-14A-4145 discusses what the plan administrator must do if the obligated parent's health insurance plan is not accessible to the children.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-4135, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. WSR 04-17-119, § 388-14A-4135, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4140 What must the plan administrator do when the obligated parent is eligible for health insurance but is not yet enrolled? (1) If the obligated parent is eligible for health insurance through the employer but has not enrolled on his or her own, the plan administrator must proceed under WAC 388-14A-4130(3) and:

(a) Enroll the obligated parent and the children in the least expensive plan which provides accessible coverage for the children named in the National Medical Support Notice (NMSN); and

(b) Notify the employer and the division of child support (DCS) that the obligated parent and the children have been enrolled.

(2) The plan administrator notifies DCS of all health insurance plans for which the obligated parent is eligible, and notifies DCS which plan is the default option.

(3) If DCS does not specify otherwise within twenty business days of the date the plan administrator responds to DCS, the plan administrator must enroll the obligated parent and the children in the default plan.

(4) Under RCW 48.01.235 (4)(a), the plan administrator must enroll, under the family coverage, a child who is otherwise eligible for the coverage without regard to any enrollment season restrictions. In order to obtain coverage for the children, the plan administrator must enroll an otherwise eligible obligated parent without regard to any enrollment season restrictions.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-4140, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. WSR 04-17-119, § 388-14A-4140, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4143 What must the plan administrator do when the employer provides health insurance but the obligated parent is not yet eligible for coverage? If the obligated parent is subject to a waiting period before being eligible for coverage under a health insurance plan provided by the employer, the plan administrator must proceed as follows:

(1) If the obligated parent is subject to a waiting period that expires ninety days or less from the date of receipt of the National Medical Support Notice (NMSN), see WAC 388-14A-4130(4);

(2) If the obligated parent is subject to a waiting period that expires more than ninety days from the date of receipt of the NMSN, see WAC 388-14A-4130(5); and

(3) If the obligated parent is subject to a waiting period whose duration is determined by a measure other than the passage of time, see WAC 388-14A-4130(6).

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-4143, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. WSR 04-17-119, § 388-14A-4143, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4145 What must the plan administrator do when the insurance plan in which the obligated parent is enrolled does not provide coverage which is accessible to the children? (1) If more than one insurance plan is offered by the employer or union, and each plan may be extended to cover the child, then the plan administrator must enroll the children named in the national medical support notice (NMSN) in the plan in which the obligated parent is enrolled.

(2) If the obligated parent's plan does not provide coverage which is accessible to the child, the plan administrator:

(a) May give the obligated parent the opportunity to change plans so that obligated parent and the children may be enrolled in a plan which provides accessible coverage for the children; but

(b) Is not required to change the obligated parent's plan to one which provides accessible coverage for the children.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-4145, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. WSR 04-17-119, § 388-14A-4145, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4150 What must the plan administrator do when the obligated parent has more than one family? (1) When an obligated parent has a health insurance obligation for more than one family, the division of child support (DCS) sends one National Medical Support Notice (NMSN) for each family to the obligated parent's employer.

(2) If the obligated parent is already enrolled in a health insurance plan, the plan administrator must attempt to enroll all children named in all of the NMSNs in the obligated parent's plan.

(3) If the obligated parent is not already enrolled in a health insurance plan, and the employer offers a health insurance plan which would cover all children named in all of the NMSNs, the plan administrator must enroll the children in that plan. See WAC 388-14A-4140.

(4) If the employer offers only one health insurance plan, or multiple plans which would cover some, but not all of the children named in the NMSNs, the plan administrator must so notify DCS.

(5) DCS chooses the appropriate health insurance plan by considering the following factors:

(a) The wishes of the custodial parent of each family;

(b) The premium limits set by the support orders;

(c) The relative ages of all the children;

(d) How many of the obligated parent's children live in Washington and how many live elsewhere;

(e) How many of the obligated parent's children receive medicaid;

(f) How many of the obligated parent's children are already covered by private health insurance;

(g) Which plan covers the most children; and

(h) Other factors as may be developed in DCS policy.

(6) The factors listed in subsection (5) are not exclusive, nor are they equally weighted.

(7) Nothing in this section requires the plan administrator to take action to change the obligated parent's plan unless the obligated parent requests a change.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-4150, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. WSR 04-17-119, § 388-14A-4150, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4160 Are there any limits on the amount an obligated parent may be required to pay for health insurance premiums? (1) The National Medical Support Notice (NMSN) advises the employer of any limitations on the amount an obligated parent may be required to pay for health insurance premiums to cover the children.

(2) Often the support order which contains the health insurance obligation determines the limitation on premium amounts, or states that there is no limitation. See WAC 388-14A-4100 for a discussion of premium limitation amounts.

(3) The premium limitation amount stated in the NMSN:

(a) Describes the premium amount required to cover the children named in the notice; and

(b) May include any amounts required to cover the obligated parent, if DCS requires the employer or plan administrator to enroll the obligated parent in a health care coverage plan in order to obtain coverage for the obligated parent's children.

(4) Even if the medical insurance premium is within the limits set by the order or by WAC 388-14A-4100, the fifty percent limitation on withholding found in RCW 26.23.060(3) still applies. See WAC 388-14A-4165 for a description of what happens when the fifty percent limitation is exceeded.

(5) When calculating the fifty percent limitation for withholding purposes:

(a) The premium attributable to coverage for the children is always included in this calculation; but

(b) The premium attributable to coverage for the obligated parent is included only when DCS requires the employer or plan administrator to enroll the obligated parent in a health insurance plan in order to obtain coverage for the obligated parent's children. See also WAC 388-14A-4165(3).

[Statutory Authority: Part I of 2018 c 150 and RCW 26.09.105, 26.18.170, 26.23.050, 34.05.220 (1)(a), 34.05.350(1), 74.08.090, and 74.20.040(9). WSR 19-02-017, § 388-14A-4160, filed 12/21/18, effective 1/21/19. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-4160, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of

1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. WSR 04-17-119, § 388-14A-4160, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4165 What happens when a noncustodial parent does not earn enough to pay child support plus the health insurance premium? (1) Under RCW 26.23.060(3), a payroll deduction may not exceed fifty percent of the noncustodial parent's disposable earnings in each pay period.

(2) When the division of child support (DCS) enforces a child support obligation through an income withholding action and also enforces a health insurance obligation, the noncustodial parent's employer often must withhold amounts for:

(a) Current child support;

(b) Child support arrears; and

(c) Health insurance premiums.

(3) When the employer or plan administrator must enroll the noncustodial parent (NCP) in a health insurance plan in order to enroll the children (see WAC 388-14A-4140), the premium amount for the NCP's coverage is included in the amounts to withhold under subsection (2) above. If the NCP is already enrolled in a plan, the premium amount for the NCP's coverage is not included the amounts to withhold under that subsection.

(4) If the combined amounts for current support, support arrears and health insurance premiums are more than fifty percent of the noncustodial parent's disposable earnings, the employer must notify DCS immediately.

(5) In certain circumstances, DCS may adjust the amount to be withheld for support arrears so that the total amount withheld does not exceed fifty percent of the noncustodial parent's disposable earnings.

(6) If the noncustodial parent's current support obligation plus health insurance premiums exceeds fifty percent of the noncustodial parent's disposable earnings, DCS:

(a) Enforces the child support obligation through income withholding; but

(b) Is not able to enforce the noncustodial parent's health insurance obligation at that time.

(7) In the situation described in subsection (6), DCS may establish a monthly payment toward the premium, as described in WAC 388-14A-3312, even if the combined amount for the current support obligation and the monthly payment toward the premium exceeds fifty percent of the NCP's disposable earnings.

[Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-4165, filed 5/19/11, effective 6/19/11. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. WSR 04-17-119, § 388-14A-4165, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4170 How long does a National Medical Support Notice or other notice of enrollment remain in effect? (1) The National Medical Support Notice (NMSN) is a Qualified Medical Child Support Order.

(2) The NMSN or earlier notice of enrollment served by the division of child support (DCS) remains in effect until:

(a) DCS withdraws the notice in writing; or

(b) Health insurance coverage is no longer available through the employer or union.

[Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. WSR 04-17-119, § 388-14A-4170, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4175 Who is required to notify the division of child support when health care coverage for the children ends? (1) Once the division of child support (DCS) has notified an employer that a parent is obligated by a support order to provide health insurance coverage for the children named in the order, the National Medical Support Notice (NMSN) or other notice of enrollment remains in effect as specified in WAC 388-14A-4170.

(2) If coverage for the children is terminated, the employer must notify DCS within thirty days of the date coverage ends.

(3) A parent who is required by a child support order to provide health care coverage for his or her children must notify DCS and the other parent within thirty days of the date coverage for the children ends. This requirement applies whether the obligated parent is the custodial parent or the noncustodial parent.

[Statutory Authority: Part I of 2018 c 150 and RCW 26.09.105, 26.18.170, 26.23.050, 34.05.220 (1)(a), 34.05.350(1), 74.08.090, and 74.20.040(9). WSR 19-02-017, § 388-14A-4175, filed 12/21/18, effective 1/21/19. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-4175, filed 5/19/11, effective 6/19/11. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-4175, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. WSR 04-17-119, § 388-14A-4175, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4180 When must the division of child support communicate with the health care authority? (1) The division of child support (DCS) must inform the health care authority (HCA) of the existence of a new or modified court or administrative order for child support when the order includes a requirement for medical support. The health care authority provides services for the state of Washington under Title XIX of the federal Social Security Act.

(2) DCS must provide HCA with the following information:

(a) Title IV-A case number, Title IV-E foster care case number, medicaid number or the individual's Social Security number;

(b) Name of the obligated parent;

(c) Social Security number of the obligated parent;

(d) Name and Social Security number of the children named in the order;

(e) Home address of the obligated parent;

(f) Name and address of the obligated parent's employer;

(g) Information regarding the obligated parent's health insurance policy; and

(h) Whether the children named in the order are covered by the policy.

(3) DCS must periodically communicate with HCA to determine if there have been any lapses (stops and starts) in the obligated parent's health care coverage for medicaid applicants.

(4) Before DCS may serve a notice of support owed under WAC 388-14A-3312 (1)(b) to establish an obligated parent's monthly payment toward the premium paid by the state for coverage, HCA must provide information regarding the premium paid for each child covered by the notice.

(a) DCS distributes to HCA any collections based on the obligation established under WAC 388-14A-3312 (1)(b) when the children receive state-financed medical coverage through the department under chapter 74.09 RCW for which there is an assignment.

(b) Such collections are retained by HCA to reimburse the state, subject to the limitations in WAC 388-14A-2035(4).

[Statutory Authority: Part I of 2018 c 150 and RCW 26.09.105, 26.18.170, 26.23.050, 34.05.220 (1)(a), 34.05.350(1), 74.08.090, and 74.20.040(9). WSR 19-02-017, § 388-14A-4180, filed 12/21/18, effective 1/21/19. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-4180, filed 5/19/11, effective 6/19/11. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-4180, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.20A.310 and 45 C.F.R. 303.32, 45 C.F.R. 303.30, 45 C.F.R. 303.31. WSR 05-08-060, § 388-14A-4180, filed 3/31/05, effective 5/1/05.]

WAC 388-14A-4200 Do I get credit for dependent disability payments paid on my behalf to my children? (1) When the department of labor and industries or a self-insurer pays compensation under chapter 51.32 RCW on behalf of or on account of the child or children of a noncustodial parent (NCP), the division of child support (DCS) treats the amount of compensation the department or self-insurer pays on behalf of the child or children as if the NCP paid the compensation toward the NCP's child support obligations.

(2) When the Social Security administration pays Social Security disability dependency benefits, retirement benefits, or survivors insurance benefits on behalf of or on account of the child or children of an NCP who is a disabled person, a retired person, or a deceased person, DCS treats the amount of benefits paid for the child or children as if the NCP paid the benefits toward the NCP's child support obligation for the period for which benefits are paid.

(3) When the veterans' administration (now known as the U.S. Department of Veterans Affairs) apportions a veteran's benefits to pay child support on behalf of or on account of the child or children of the veteran, DCS treats the amount of benefits paid for the child or children for all purposes as if the veteran paid the benefits toward the satisfaction of that person's child support obligation for the period for which benefits are paid.

(4) Under no circumstances does the NCP have a right to reimbursement of any compensation paid under subsection (1), (2), or (3) of this section.

[Statutory Authority: 2015 c 124, RCW 26.23.030(3), 34.05.220 (1)(a), 34.05.322, and 74.08.090. WSR 16-03-024, § 388-14A-4200, filed 1/11/16, effective 2/11/16. Statutory Authority: RCW 26.18.190, 26.23.035, 74.08.090, and 74.20A.055. WSR 11-14-065, § 388-14A-4200, filed 6/30/11, effective 7/31/11. Statutory Authority: RCW 74.08.090, 26.18.190, 74.20A.055. WSR 01-03-089, § 388-14A-4200, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-280.]

WAC 388-14A-4300 What can I do if I think I'm paying more than the custodial parent is spending for day care or other special expenses for my child? (1) When a court or administrative child support order requires a noncustodial parent (NCP) to pay a fixed monthly amount for day care or special child rearing expenses, an NCP who has paid child support under a court or administrative order and believes that day care or special child rearing expenses were not actually incurred in the amount of the order may file a petition for reimbursement. This petition requests the division of child support (DCS) set an administrative hearing to determine if an overpayment of at least 20 percent has occurred and how the overpayment should be reimbursed.

(2) A petition for reimbursement must cover a 12-month period.

(a) The 12-month period may be:

(i) A calendar year; or

(ii) The 12-month period following the anniversary date of the support order; or

(iii) The 12-month period following an adjudication under this section.

(b) 12-month periods under this section may not overlap.

(3) The petition must be in writing and at a minimum state:

(a) The 12-month time period to be considered;

(b) The date of the order requiring the payment of day care or special child rearing expenses;

(c) The amounts required by the court or administrative order for day care or special child rearing expenses for that time period;

(d) The amounts actually paid by the NCP for that time period;

(e) The total amount of day care or special child rearing expenses which the NCP claims the custodial parent (CP) actually incurred for that time period;

(f) The NCP's proportionate share of the expenses actually incurred; and

(g) The amount of reimbursement for overpayment to which the NCP claims to be entitled for that time period.

(4) An NCP must file a petition for reimbursement within two years of the alleged overpayment in order to be entitled to reimbursement under WAC 388-14A-4300 through 388-14A-4304 and RCW 4.16.130. The effective date of the petition is the date DCS receives the written request.

(5) When a court or administrative child support order requires an NCP to pay variable day care or special child rearing expenses and the fixed monthly amount of day care or special child rearing expenses was calculated in a notice of support owed, an NCP who believes they overpaid such expenses:

(a) May request an annual review of the notice of support owed under WAC 388-14A-3330; and

(b) Is not entitled to a hearing on a petition for reimbursement under WAC 388-14A-4300 through 388-14A-4304.

[Statutory Authority: RCW 26.23.035, 26.23.110, and 34.05.220. WSR 22-18-035, § 388-14A-4300, filed 8/29/22, effective 10/1/22. Statutory Authority: RCW 74.08.090, 34.05.220, 26.23.035, 74.20A.310. WSR 01-03-089, § 388-14A-4300, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-376.]

WAC 388-14A-4301 Can I file a petition for reimbursement if I do not receive full support enforcement services? The division of child support (DCS) considers a petition for reimbursement or an application for hearing under WAC 388-14A-4300 to be an application for full support enforcement services if there is not already an open support enforcement case.

[Statutory Authority: RCW 74.08.090, 34.05.220, 26.23.035, 74.20A.310. WSR 01-03-089, § 388-14A-4301, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-376.]

WAC 388-14A-4302 Who participates in a hearing on petition for reimbursement? (1) The office of administrative hearings (OAH) sends notice of a hearing under this subsection to the noncustodial (NCP) and to the custodial parent (CP).

(2) The NCP and the CP participate in the hearing as independent parties with the same procedural rights.

[Statutory Authority: RCW 26.23.035, 26.23.110, and 34.05.220. WSR 22-18-035, § 388-14A-4302, filed 8/29/22, effective 10/1/22. Statutory Authority: RCW 74.08.090, 34.05.220, 26.23.035, 74.20A.310. WSR 01-03-089, § 388-14A-4302, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-376.]

WAC 388-14A-4303 What happens at a hearing on petition for reimbursement? (1) The noncustodial parent (NCP) has the burden of proving the amounts actually paid by the NCP under the order.

(2) The custodial parent (CP) has the burden of proving the amounts actually incurred for day care and special child rearing expenses.

(3) The CP is not required to provide the address of the day care provider unless the administrative law judge (ALJ) finds that the information may be disclosed under the standards set forth in WAC 388-14A-2105 for the disclosure of the address of the CP.

(4) The division of child support (DCS) and the parties may enter a consent order or agreed settlement instead of proceeding to hearing any time a parent has requested a hearing on a petition for reimbursement. See WAC 388-14A-3600 for the rules regarding consent orders and agreed settlements.

(5) If the NCP fails to appear for the hearing, upon proof of service of the notice of hearing the ALJ issues an order of default against the NCP and dismisses the petition for reimbursement.

(6) If the CP fails to appear for the hearing, upon proof of service of the notice of hearing the ALJ issues an order of default against the CP and may either hold a hearing on the merits of the petition for reimbursement or issue a consent order.

(7) A hearing under this subsection is for the limited purpose of determining whether the amount paid by the NCP exceeds the NCP's proportionate share of the amount actually incurred for day care and special child rearing expenses.

(a) If the ALJ determines that the overpayment amounts to 20 percent or more of the NCP's share of annual day care and special child rearing expenses, the ALJ enters an order stating:

(i) The 12-month time period in question;

(ii) The amount of the overpayment; and

(iii) The method of reimbursement as set forth at WAC 388-14A-4304.

(b) If the ALJ determines that the overpayment amounts to less than 20 percent of the NCP's share of annual day care and child rearing expenses, the ALJ enters an order stating:

(i) Whether the NCP has overpaid or underpaid the day care and special child rearing expenses;

(ii) If an overpayment has occurred, by what percentage of the annual proportionate share; and

(iii) That reimbursement under this section is denied for that 12-month period.

[Statutory Authority: RCW 26.23.035, 26.23.110, and 34.05.220. WSR 22-18-035, § 388-14A-4303, filed 8/29/22, effective 10/1/22. Statutory Authority: RCW 74.08.090, 34.05.220, 26.23.035, 74.20A.310. WSR 01-03-089, § 388-14A-4303, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-376.]

WAC 388-14A-4304 What happens if the judge determines that I have paid too much for day care and special expenses? (1) If at a hearing under WAC 388-14A-4303, the administrative law judge (ALJ) decides that the custodial parent (CP) has not incurred costs in the amount paid by the noncustodial parent (NCP), any ordered overpayment reimbursement may be applied as an offset to any nonassistance child support arrears owed by the NCP on that case only. If there is no nonassistance debt owed on the case, the reimbursement must be in the form of a credit against the NCP's future child support obligation:

(a) Spread equally over one 12-month period starting the month after the administrative order becomes final; or

(b) When the future support obligation will end under the terms of the order in less than 12 months, spread equally over the life of the order; or

(c) With the consent of the CP, in the form of a direct reimbursement by the CP to the NCP.

(2) The NCP may not pay more than his or her proportionate share of day care or other special child rearing expenses in advance and then deduct the overpayment from future support transfer payments unless:

(a) Specifically agreed to by the CP; and

(b) Specifically agreed to in writing by DCS for periods when the CP or the dependent child receives public assistance.

[Statutory Authority: RCW 26.23.035, 26.23.110, and 34.05.220. WSR 22-18-035, § 388-14A-4304, filed 8/29/22, effective 10/1/22. Statutory Authority: RCW 26.19.080, 34.05.220, 74.08.090, 74.20A.310. WSR 05-07-087, § 388-14A-4304, filed 3/16/05, effective 4/16/05. Statutory Authority: RCW 74.08.090, 34.05.220, 26.23.035, 74.20A.310. WSR 01-03-089, § 388-14A-4304, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-376.]

WAC 388-14A-4500 What is the division of child support's license suspension program? (1) RCW 74.20A.320 through 74.20A.326 provide that, in some circumstances, the division of child support (DCS) may certify for license suspension a noncustodial parent (NCP) who is not in compliance with a child support order. These statutes call the NCP "the responsible parent."

(a) "Certify" means to notify the department of licensing or other state licensing entities that the NCP is not in compliance with a child support order and to ask them to take appropriate action against licenses held by the NCP. Before DCS can certify an NCP, DCS serves a notice on the NCP as described in WAC 388-14A-4505 and 388-14A-4510. This notice is called the notice of noncompliance and intent to suspend licenses and is sometimes called the notice of noncompliance.

(b) "Responsible parent" is defined in 388-14A-1020. The responsible parent is also called the "noncustodial parent."

(2) "Noncompliance with a child support order" is defined in RCW 74.20A.020(18) and in WAC 388-14A-4510(3).

(3) When DCS certifies the NCP, the department of licensing or other licensing entities take action to deny, suspend, or refuse to renew the NCP's license, according to the terms of RCW 74.20A.320(4) and 74.20A.324.

(4) This section and sections WAC 388-14A-4505 through 388-14A-4530 cover the DCS license suspension program.

(5) DCS may certify an NCP who is not in compliance with a child support order to the department of licensing or any appropriate licensing entity. In determining which licensing entity receives the certification, DCS considers:

(a) The number and kind of licenses held by the parent; and

(b) The effect that suspension of a particular license will have in motivating the parent to pay support or to contact DCS to make appropriate arrangements for other relief.

(6) DCS may certify a parent to any licensing agency through which it believes the parent has obtained a license. DCS may certify a parent to as many licensing agencies as DCS feels necessary to accomplish the goals of the license suspension program.

(7) In certain circumstances spelled out in WAC 388-14A-4510 (2) and (3), DCS may serve the notice of noncompliance on a noncustodial parent but may stay the commencement of the objection period in WAC 388-14A-4505 (4)(b).

[Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.110, 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310, and 74.20A.328. WSR 26-14-086, s 388-14A-4500, filed 6/29/26, effective 7/30/26. Statutory Authority: 2009 c 408, RCW 34.05.060, 43.20A.550, 74.04.055, 74.04.057, 74.20A.310, 74.20A.320(10), and 74.20A.350(14). WSR 10-03-029, § 388-14A-4500, filed 1/12/10, effective 2/12/10. Statutory Authority: RCW 74.20A.320. WSR 03-18-114, § 388-14A-4500, filed

9/2/03, effective 10/15/03. Statutory Authority: RCW 74.08.090, 74.20A.320. WSR 01-03-089, § 388-14A-4500, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-510.]

WAC 388-14A-4505 The notice of noncompliance and intent to suspend licenses. (1) Before certifying a noncustodial parent (NCP) for noncompliance, the division of child support (DCS) must serve the NCP with a notice of noncompliance and intent to suspend licenses. This notice tells the NCP that DCS intends to submit the NCP's name to the department of licensing and any other appropriate licensing entity as a licensee who is not in compliance with a child support order.

(2) The language of the underlying child support order determines the method by which DCS must serve the notice of noncompliance and intent to suspend licenses.

(3) If the support order establishing or modifying the child support obligation includes a statement required under RCW 26.23.050 that the NCP's privileges to obtain and maintain a license may not be renewed or may be suspended if the NCP is not in compliance with a support order, DCS may serve the notice by regular mail to the NCP's last known mailing address on file with the department.

(a) Notice by regular mail is deemed served three days from the date the notice was deposited with the United States Postal Service.

(b) DCS may choose to serve the notice by personal service.

(4) If the support order does not include a statement that the NCP's privileges to obtain and maintain a license may not be renewed or may be suspended if the NCP is not in compliance with a support order:

(a) DCS must serve the notice by certified mail, return receipt requested.

(b) If DCS is unable to serve the notice by certified mail, DCS must serve the notice by personal service, as provided in RCW 4.28.080.

(5) The notice must contain the information required by RCW 74.20A.320(2), including:

(a) The address and telephone number of DCS office that issued the notice;

(b) That in order to prevent DCS from certifying the NCP's name to the department of licensing or other licensing entity, the NCP has twenty days from receipt of the notice, or sixty days after receipt if the notice was served outside the state of Washington, to contact the department and:

(i) Pay the overdue support amount in full;

(ii) Request a hearing as provided in WAC 388-14A-4527;

(iii) Agree to a payment schedule as provided in WAC 388-14A-4520; or

(iv) File an action to modify the child support order with the appropriate court or administrative forum, in which case DCS will stay the certification process up to six months.

(c) That failure to contact DCS within twenty days of receipt of the notice (or sixty days if the notice was served outside of the state of Washington) will result in certification of the NCP's name to the department of licensing and any other appropriate licensing entity for noncompliance with a child support order. Upon receipt of the notice:

(i) The licensing entity will suspend or not renew the NCP's license and the department of licensing (DOL) will suspend or not renew

any driver's license that the NCP holds until the NCP provides DOL or the other licensing entity with a release from DCS stating that the NCP is in compliance with the child support order;

(ii) The department of fish and wildlife will suspend a fishing license, hunting license, occupational licenses (such as a commercial fishing license), or any other license issued under chapter 77.32 RCW that the NCP may possess. In addition, suspension of a license by the department of fish and wildlife may also affect the NCP's ability to obtain permits, such as special hunting permits, issued by the department. Notice from DOL that an NCP's driver's license has been suspended shall serve a notice of the suspension of a license issued under chapter 77.32 RCW.

(d) That suspension of a license will affect insurability if the NCP's insurance policy excludes coverage for acts occurring after the suspension of a license; and

(e) If the NCP subsequently comes into compliance with the child support order, DCS will promptly provide the NCP and the appropriate licensing entities with a release stating the NCP is in compliance with the order.

(6) DCS is not required to include a copy of the NCP's child support order with the notice. Upon request from the NCP, DCS must provide a copy of the order or orders that serve as a basis for the notice of noncompliance.

[Statutory Authority: 2017 c 269 is authorized under RCW 26.23.030, 34.05.220 (1)(a), 34.05.322, 34.05.350 (1)(a) and (b), 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310, and 74.20A.328. WSR 17-23-046, § 388-14A-4505, filed 11/8/17, effective 12/9/17. Statutory Authority: 2009 c 408, RCW 34.05.060, 43.20A.550, 74.04.055, 74.04.057, 74.20A.310, 74.20A.320(10), and 74.20A.350(14). WSR 10-03-029, § 388-14A-4505, filed 1/12/10, effective 2/12/10. Statutory Authority: RCW 74.20A.320. WSR 03-18-114, § 388-14A-4505, filed 9/2/03, effective 10/15/03. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-4505, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-520.]

WAC 388-14A-4510 Who is subject to the DCS license suspension program? (1) The division of child support (DCS) may serve a notice of noncompliance on a noncustodial parent (NCP) who is not in compliance with a child support order.

(a) DCS may serve a notice of noncompliance on an NCP who meets the criteria of this section, even if the NCP is in jail or prison. Unless the NCP has other resources available while in jail or prison, DCS stays the commencement of the objection period set out in WAC 388-14A-4505 (5)(b) until the NCP has been out of jail or prison for thirty days.

(b) DCS may serve a notice of noncompliance on an NCP who meets the criteria of this section, even if the NCP is a public assistance recipient. DCS stays the commencement of the objection period in WAC 388-14A-4505 (5)(b) until the thirty days after the NCP's cash assistance grant is terminated.

(2) Compliance with a child support order for the purposes of the license suspension program means the NCP owes no more than six months' worth of child support.

(3) Noncompliance with a child support order for the purposes of the license suspension program means an NCP has:

(a) An obligation to pay child support under a court or administrative order; and

(b) Accumulated a support debt, also called an arrears or arrearage, totaling more than six months' worth of child support payments; or

(c) Failed to do one of the following:

(i) Make payments required by a court order or administrative order towards a support debt in an amount that is more than six months' worth of payments; or

(ii) Make payments to the Washington state support registry under a written agreement with DCS toward current support and arrearages and the arrearages still amount to more than six months' worth of child support payments.

(4) There is no minimum dollar amount required for license suspension, as long as the arrears owed by the NCP amount to more than six months' worth of support payments:

Example 1. Assume the child support order sets current support at one hundred dollars per month: The NCP has not made a single payment since the order was entered seven months ago. This NCP is more than six months in arrears.

Example 2. Assume the child support order sets current support at one hundred dollars per month: The NCP has paid for the last few months, but owes arrears of over six hundred dollars. This NCP is more than six months in arrears.

Example 3. Assume the child support order sets current support at one hundred dollars per month: The child is over eighteen, and no more current support is owed. However, the NCP has a debt of over one thousand two hundred dollars. This NCP is more than six months in arrears.

Example 4. Assume a judgment of three thousand dollars is entered by the court: The order requires the NCP to pay fifty dollars per month toward the arrears. The NCP has not made payments toward this obligation for eight months. This NCP is more than six months in arrears.

[Statutory Authority: 2017 c 269 is authorized under RCW 26.23.030, 34.05.220 (1)(a), 34.05.322, 34.05.350 (1)(a) and (b), 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310, and 74.20A.328. WSR 17-23-046, § 388-14A-4510, filed 11/8/17, effective 12/9/17. Statutory Authority: 2009 c 408, RCW 34.05.060, 43.20A.550, 74.04.055, 74.04.057, 74.20A.310, 74.20A.320(10), and 74.20A.350(14). WSR 10-03-029, § 388-14A-4510, filed 1/12/10, effective 2/12/10. Statutory Authority: RCW 74.20A.320. WSR 03-18-114, § 388-14A-4510, filed 9/2/03, effective 10/15/03. Statutory Authority: RCW 74.08.090, 74.20A.320. WSR 01-03-089, § 388-14A-4510, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-530.]

WAC 388-14A-4512 When may the division of child support certify a noncustodial parent for license suspension? The division of child support (DCS) may certify a noncustodial parent (NCP) as being in noncompliance with a support order and may request the department of licensing (DOL) or any other licensing entity to suspend the NCP's license if:

(1) The NCP has failed to make a timely objection to a notice of noncompliance served under WAC 388-14A-4505. A timely objection must be filed within twenty days of receipt of the notice, or within sixty

days of receipt if the notice was served outside of the state of Washington;

(2) The NCP has failed to file a motion with the appropriate court or administrative forum to modify the child support obligation within twenty days of service of the notice of noncompliance served under WAC 388-14A-4505 (or within sixty days if the notice was served outside of the state of Washington);

(3) The NCP has failed to comply with a payment agreement entered into under WAC 388-14A-4520;

(4) A hearing results in a final administrative order which determines that the NCP is not in compliance with a child support order and has not made a good faith effort to comply;

(5) The court enters a judgment on a petition for judicial review upholding an administrative order that determined that the NCP is not in compliance with a child support order and did not made a good faith effort to comply;

(6) The NCP has failed to comply with a payment schedule ordered by an administrative law judge (ALJ) under WAC 388-14A-4530; or

(7) The NCP failed to make satisfactory progress toward modification of the support order after a stay was granted under WAC 388-14A-4515(2).

[Statutory Authority: 2009 c 408, RCW 34.05.060, 43.20A.550, 74.04.055, 74.04.057, 74.20A.310, 74.20A.320(10), and 74.20A.350(14). WSR 10-03-029, § 388-14A-4512, filed 1/12/10, effective 2/12/10.]

WAC 388-14A-4515 How do I avoid having my license suspended for failure to pay child support? (1) After service of the notice of noncompliance, the division of child support (DCS) stays (delays) certification action if the noncustodial parent (NCP) takes one of the following actions within 20 days of service, or within 60 days of service if the notice was served outside of Washington:

(a) Contacts DCS and makes arrangements to pay the support debt in full;

(b) Requests an administrative hearing as provided in WAC 388-14A-4527;

(c) Provides proof that the NCP receives:

(i) Temporary assistance for needy families (TANF);

(ii) Aged, blind, or disabled cash assistance (ABD);

(iii) Housing and essential needs (HEN);

(iv) Pregnant women's assistance (PWA); or

(v) Supplemental security income (SSI);

(d) Provides proof that the NCP is currently incarcerated at a state or federal correctional facility;

(e) Provides proof that NCP has filed a proceeding to modify the support order; or

(f) Contacts DCS to negotiate and sign a written payment agreement as described in WAC 388-14A-4520.

(i) The stay for negotiation and obtaining signatures may last a maximum of 30 calendar days from the date the NCP contacts DCS; and

(ii) If no written payment agreement has been signed within 30 calendar days from the date the NCP contacted DCS, DCS schedules the matter for administrative hearing under WAC 388-14A-4530.

(2) If the NCP files a court or administrative action to modify the child support obligation, DCS stays the certification action.

(a) The stay for modification action may not exceed six months unless DCS finds good cause to extend the stay.

(b) The NCP must notify DCS that a modification proceeding is pending and must provide a copy of the motion or request for modification to DCS.

(3) A stay of certification does not require DCS to withdraw the notice of noncompliance.

(4) A stay of certification granted because the NCP is incarcerated, or because the NCP receives TANF, ABD, HEN, PWA, or SSI is lifted 30 days after the justification no longer applies to the NCP.

[Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.110, 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310, and 74.20A.328. WSR 26-14-086, s 388-14A-4515, filed 6/29/26, effective 7/30/26. Statutory Authority: 2009 c 408, RCW 34.05.060, 43.20A.550, 74.04.055, 74.04.057, 74.20A.310, 74.20A.320(10), and 74.20A.350(14). WSR 10-03-029, § 388-14A-4515, filed 1/12/10, effective 2/12/10. Statutory Authority: RCW 74.20A.320. WSR 03-18-114, § 388-14A-4515, filed 9/2/03, effective 10/15/03. Statutory Authority: RCW 74.08.090, 74.20A.320. WSR 01-03-089, § 388-14A-4515, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-540.]

WAC 388-14A-4520 Signing a payment agreement may avoid certification for noncompliance. (1) If a noncustodial parent (NCP) signs a payment agreement, the division of child support (DCS) stays the certification action.

(2) The signing of a payment agreement does not require DCS to withdraw the notice of noncompliance.

(3) By signing a payment agreement, the NCP waives the right to an administrative hearing on any notice of noncompliance served before the date the NCP signs the agreement.

(4) The payment agreement must state that if the NCP fails to make payments under the terms of the agreement and the NCP owes a debt of more than six months' worth of child support payments, DCS may resume certification action with no further notice to the NCP.

(5) In proposing or approving a payment agreement, DCS must take into account:

(a) The amount of the arrearages.

(b) The amount of the current support order.

(c) The earnings of the NCP.

(d) The needs of all children who rely on the NCP for support.

(e) Any documented factors which make the NCP eligible for a monthly arrears payment less than the amount suggested in the table in subsection (8) of this section, including but not limited to:

(i) Special needs children; or

(ii) Uninsured health care expenses.

(f) Any documented factors which make the NCP eligible for an arrears payment higher than the amount suggested in the table in subsection (8) of this section, including but not limited to the factors listed in RCW 26.19.075 for deviation from the standard calculation for child support obligations.

(g) If the NCP does not supply sufficient financial information and documentation to allow DCS to analyze and document the NCP's current financial situation and requirements, DCS may not be able to tailor a payment plan to the individual circumstances of the NCP.

(6) The payment agreement must require timely payments of current support and on the arrears, but may in appropriate circumstances:

(a) Provide for the payment of less than the current monthly support obligation for a reasonable time without requiring any payment on the arrears; and

(b) Provide for the payment of current support only for a reasonable time without requiring any payment on the arrears; and

(c) Require a reasonable payment schedule on the arrears once the NCP is paying the entire current monthly support obligation.

(7) The payment agreement may, in appropriate cases, require the NCP to engage in employment-enhancing activities to attain a satisfactory payment level. These employment-enhancing activities must be tailored to the individual circumstances of the NCP.

(8)(a) A reasonable monthly arrears payment is defined as a percentage of the NCP's "adjusted net income," which is the NCP's net monthly income minus any current support obligation. Documented factors as specified in subsection (4) of this section may be the basis for adjustments to the amounts on this table in order to develop a payment agreement which is tailored to the individual financial circumstances of the NCP.

(b) The following table sets forth the suggested monthly payments on arrears:

Monthly adjusted net income (ANI)	Monthly arrears payment = Percentage of ANI
$1,000 or less	2%
$1,001 to $1,200	3%
$1,201 to $1,500	4%
$1,501 to $1,900	5%
$1,901 to $2,400	6%
$2,401 to $3,000	7%
$3,001 or more	8%

(c) Examples of how to calculate the arrears payment are as follows:

(a) Monthly net income	=	$1,500
Current support	=	$300
Adjusted net income (ANI)	=	$1,200
Arrears payment = 3% of ANI	=	$36
(b) Monthly net income	=	$3,100
Current support	=	$-0-
Adjusted net income (ANI)	=	$3,100
Arrears payment = 8% of ANI	=	$248

(9) If the NCP and DCS are unable to agree to a payment plan, DCS schedules the matter for an administrative hearing.

(10) If the NCP fails to make payments under the terms of the agreement, DCS may resume certification action with no further notice to the NCP.

[Statutory Authority: 2009 c 408, RCW 34.05.060, 43.20A.550, 74.04.055, 74.04.057, 74.20A.310, 74.20A.320(10), and 74.20A.350(14). WSR 10-03-029, § 388-14A-4520, filed 1/12/10, effective 2/12/10. Statutory Authority: RCW 74.20A.320. WSR 03-18-114, § 388-14A-4520, filed 9/2/03, effective 10/15/03. Statutory Authority: RCW 74.08.090,

74.20A.320. WSR 01-03-089, § 388-14A-4520, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-550.]

WAC 388-14A-4525 How to obtain a release of certification for noncompliance. (1) After the division of child support (DCS) has certified a noncustodial parent (NCP) to a licensing entity for noncompliance, the NCP may obtain a release from DCS if one of the following occurs:

(a) NCP pays the support debt in full, in which case DCS withdraws the notice of noncompliance;

(b) NCP enters into a payment agreement under WAC 388-14A-4520;

(c) DCS confirms that the NCP receives:

(i) Temporary assistance for needy families;

(ii) Aged, blind, or disabled cash assistance;

(iii) Housing and essential needs;

(iv) Pregnant women's assistance; or

(v) Supplemental security income;

(d) DCS confirms that the NCP is currently incarcerated at a state or federal correctional facility;

(e) The prosecuting attorney determines that the NCP is substantially complying with a contempt repayment agreement and recommends release;

(f) DCS receives any type of recurring payment, including but not limited to:

(i) Employer payments;

(ii) Unemployment compensation;

(iii) Labor and industries benefits;

(iv) Social security benefits;

(v) Retirement account garnishments;

(g) DCS believes that release of the certification for noncompliance will facilitate the NCP seeking employment, modification of the child support order, or compliance with the current order;

(h) DCS certified the NCP because the NCP failed to make a timely objection to the notice of noncompliance and:

(i) The NCP filed a late request for hearing; and

(ii) The final administrative order entered under WAC 388-14A-4530 contains a finding that the NCP made a good faith effort to comply with the order and establishes a payment schedule.

(2) If the NCP and DCS are unable to reach a payment agreement that would lead to release of the certification, the NCP may request a conference board under WAC 388-14A-6400.

(3) By signing a payment agreement with DCS, the NCP waives the administrative hearing right associated with any notice of noncompliance under WAC 388-14A-4505 that was served before the agreement was signed.

(4) DCS retains the right to reinstate the suspension action if the NCP meets the conditions of reinstatement but:

(a) Fails to follow through in a timely fashion with any verbal or written agreement made with DCS; or

(b) Fails to comply with the payment schedule contained in an administrative order entered under WAC 388-14A-4530.

(5) DCS may reinstate the suspension action at any time after releasing the certification, as long as the NCP's case still meets qualifications for certification.

(6) Unless the NCP pays the support debt in full, DCS is not required to withdraw the notice of noncompliance.

(7) DCS must provide a copy of the release to any licensing entity to which DCS has certified the NCP.

(8) The NCP must comply with any requirements of the licensing entity to get the license reinstated or reissued.

[Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.110, 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310, and 74.20A.328. WSR 26-14-086, s 388-14A-4525, filed 6/29/26, effective 7/30/26. Statutory Authority: 2009 c 408, RCW 34.05.060, 43.20A.550, 74.04.055, 74.04.057, 74.20A.310, 74.20A.320(10), and 74.20A.350(14). WSR 10-03-029, § 388-14A-4525, filed 1/12/10, effective 2/12/10. Statutory Authority: RCW 74.20A.320. WSR 03-18-114, § 388-14A-4525, filed 9/2/03, effective 10/15/03. Statutory Authority: RCW 74.08.090, 74.20A.320. WSR 01-03-089, § 388-14A-4525, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-560.]

WAC 388-14A-4527 How does a noncustodial parent request an administrative hearing regarding license suspension? (1) After service of a notice of noncompliance and intent to suspend licenses under WAC 388-14A-4505, the noncustodial parent (NCP) may request an administrative hearing, also known as an adjudicative proceeding, under chapter 34.05 RCW.

(a) Any objection to the notice of noncompliance is considered to be a request for hearing, no matter how the objection is phrased.

(b) An objection that does not lead to the signing of a payment agreement under WAC 388-14A-4520 is considered to be a request for hearing on the notice.

(c) Even if the NCP specifically makes a request for hearing, the division of child support (DCS) always attempts to negotiate a payment agreement under WAC 388-14A-4520.

(2) A hearing request may be made in writing or orally, and may be made in person or by phone.

(3) A timely request for hearing must be received by DCS within twenty days of service of the notice of noncompliance, or within sixty days if the notice was served outside of the state of Washington.

(4) The effective date of a written request for hearing is the day the request is received by DCS. A written request for hearing must include:

(a) The NCP's current mailing address; and

(b) The NCP's daytime phone number, if available.

(5) The NCP may make an oral request for hearing under WAC 388-14A-6100:

(a) The request must contain sufficient information for DCS to identify the NCP, the DCS action objected to, and the case or cases involved in the hearing request.

(b) The effective date of an oral request for hearing is the date that the NCP makes a complete oral request for hearing, to any DCS representative in person or by leaving a message on the automated voice mail system of any DCS field office.

(6) If the NCP makes a timely request for hearing, DCS stays (delays) the certification process until a final administrative order is entered.

(7) If the NCP makes a late request for hearing after DCS has already certified the NCP to a licensing agency based on NCP's failure to make a timely objection to the notice of noncompliance and the licensing agency has suspended the NCP's license, DCS schedules the mat-

ter for hearing with the office of administrative hearings, as provided in WAC 388-14A-4535.

(8) If DCS certified the NCP to a licensing agency based on NCP's failure to comply with a payment agreement or a payment schedule established by a final administrative order, the NCP does not have any additional hearing right on the original notice of noncompliance.

(a) If the NCP previously signed a payment agreement, the NCP waived the administrative hearing right associated with any notice of noncompliance which was served before the agreement was signed.

(b) If the NCP failed to comply with a payment schedule established by a final administrative order, the NCP has already exercised the hearing right associated with the underlying notice of noncompliance.

(c) The NCP may attempt to negotiate a payment agreement with DCS, and may request a conference board if negotiations are not successful, as provided in subsections (2) and (3) of WAC 388-14A-4525.

[Statutory Authority: 2009 c 408, RCW 34.05.060, 43.20A.550, 74.04.055, 74.04.057, 74.20A.310, 74.20A.320(10), and 74.20A.350(14). WSR 10-03-029, § 388-14A-4527, filed 1/12/10, effective 2/12/10.]

WAC 388-14A-4530 What can happen at an administrative hearing regarding license suspension? (1) An administrative hearing on a notice of noncompliance under WAC 388-14A-4505 is limited to the following issues:

(a) Whether the person named in the child support order is the noncustodial parent (NCP);

(b) Whether the NCP is required to pay child support under a child support order;

(c) Whether the NCP is more than six months in arrears; and

(d) Whether the NCP has made a good faith effort to comply with the order.

(2) When determining whether the NCP has made a good faith effort to comply with the order, the administrative law judge (ALJ) must consider whether the NCP:

(a) Kept DCS informed of any changes in address or employment;

(b) Provided employer information when employed so that DCS could institute income withholding;

(c) Paid at least one month's worth of current support by voluntary payment during a period when the NCP was not employed; or

(d) Can show any other relevant fact-based factors on which the ALJ may base a finding of good faith.

(3) If the ALJ finds that the NCP is not in compliance with the support order but has made a good faith effort to comply, the ALJ must formulate a payment schedule after considering:

(a) The amount of the arrearages owed;

(b) The amount of the current support order;

(c) The earnings of the NCP; and

(d) The needs of all children who rely on the NCP for support.

(4) The ALJ must:

(a) Consider the individual financial circumstances of the NCP in evaluating the parent's ability to pay; and

(b) Establish a fair and reasonable payment schedule tailored to the NCP's individual circumstances.

(5) The payment schedule may:

(a) Include a graduated payment plan as described in WAC 388-14A-4520(8);

(b) Require the NCP to engage in employment-enhancing activities in order to attain a satisfactory payment level; and

(c) May be for the payment of less than current monthly support for a reasonable time.

(6) Unless the NCP shows an ability to pay immediately, the payment schedule is not required to include a lump sum payment for the amount of the arrears.

(7) The administrative order must contain a provision stating that:

(a) If the NCP does not comply with the payment schedule, DCS may proceed with the certification process with no further notice to the NCP;

(b) The payment schedule is for the limited purpose of avoiding license suspension; and

(c) DCS's authority to collect any and all amounts authorized under chapters 26.18, 26.23, 74.20, and 74.20A RCW is not affected by the payment schedule.

(8) The administrative law judge (ALJ) is not required to calculate the outstanding support debt beyond determining whether the NCP is at least six months in arrears. Any debt calculation shall not be binding on the department or the NCP beyond the determination that there is at least six months of arrears.

(9) If the NCP requests a hearing on the notice of noncompliance under the circumstances spelled out in WAC 388-14A-4510 (1)(a) or (b), DCS asks the office of administrative hearings to schedule a hearing. If the hearing results in a finding that the NCP is not in compliance with the order, or that DCS is authorized to certify the NCP, DCS stays the certification process until 30 days after the NCP:

(a) Is released from jail or prison; or

(b) Stops receiving cash public assistance.

[Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.110, 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310, and 74.20A.328. WSR 26-14-086, s 388-14A-4530, filed 6/29/26, effective 7/30/26. Statutory Authority: 2009 c 408, RCW 34.05.060, 43.20A.550, 74.04.055, 74.04.057, 74.20A.310, 74.20A.320(10), and 74.20A.350(14). WSR 10-03-029, § 388-14A-4530, filed 1/12/10, effective 2/12/10. Statutory Authority: RCW 74.20A.320. WSR 03-18-114, § 388-14A-4530, filed 9/2/03, effective 10/15/03. Statutory Authority: RCW 74.08.090, 74.20A.320. WSR 01-03-089, § 388-14A-4530, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-570.]

WAC 388-14A-4535 Can the noncustodial parent file a late request for hearing if a license has already been suspended? (1) The noncustodial parent (NCP) may file a late request for hearing if the division of child support (DCS) has certified the noncustodial parent (NCP) because of the NCP's failure to object to the notice of noncompliance as provided in WAC 388-14A-4512(1), even if the department of licensing (DOL) or other licensing entity has suspended the NCP's license.

(2) When an NCP files a late request for hearing, DCS does not release the certification until:

(a) The NCP pays the support debt in full;

(b) DCS and the NCP sign a payment agreement under WAC 388-14A-4520;

(c) There is a final administrative order entered establishing a payment schedule because the NCP made a good faith effort to comply with the order; or

(d) There is a final administrative order entered determining that the NCP did not owe more than six months worth of support and that license suspension was not appropriate at the time of the certification.

(3) If the late request for hearing is filed within one year of the date the notice was served, DCS schedules the matter for administrative hearing under WAC 388-14A-4530.

(4) If the late request for hearing is filed more than one year after the date the notice was served, DCS schedules the matter for administrative hearing under WAC 388-14A-4530. At the hearing:

(a) The NCP must show good cause for the late request for hearing.

(b) The administrative law judge (ALJ) must find that the NCP has made a showing of good cause before granting relief in an administrative order.

(5) DCS and the NCP may negotiate and sign a payment agreement under WAC 388-14A-4520 at any time during this process.

(6) If DCS certified the NCP to a licensing agency based on NCP's failure to comply with a payment agreement or a payment schedule established by a final administrative order, the NCP does not have any additional hearing right on the original notice of noncompliance.

(a) If the NCP previously signed a payment agreement, the NCP waived the administrative hearing right associated with any notice of noncompliance which was served before the agreement was signed. See WAC 388-14A-4525(3).

(b) If the NCP failed to comply with a payment schedule established by a final administrative order, the NCP has already exercised the hearing right associated with the underlying notice of noncompliance.

[Statutory Authority: 2009 c 408, RCW 34.05.060, 43.20A.550, 74.04.055, 74.04.057, 74.20A.310, 74.20A.320(10), and 74.20A.350(14). WSR 10-03-029, § 388-14A-4535, filed 1/12/10, effective 2/12/10.]

WAC 388-14A-4540 When is a DCS conference board available regarding license suspension issues? (1) A noncustodial parent (NCP) may request a conference board under WAC 388-14A-6400 to resolve any complaints and problems concerning a division of child support (DCS) case.

(2) If the NCP and DCS are not successful in negotiating a payment agreement to avoid license suspension or to get a license reinstated, NCP may request a conference board at any time.

(a) A conference board is not available to the NCP regarding negotiations that occur immediately after the service of a notice of noncompliance under WAC 388-14A-4505.

(b) During that time period, the NCP has a right to an administrative hearing on the notice, and if the NCP is not able to negotiate a payment agreement, the appropriate remedy is an administrative hearing under WAC 388-14A-4530.

[Statutory Authority: 2009 c 408, RCW 34.05.060, 43.20A.550, 74.04.055, 74.04.057, 74.20A.310, 74.20A.320(10), and 74.20A.350(14). WSR 10-03-029, § 388-14A-4540, filed 1/12/10, effective 2/12/10.]

WAC 388-14A-4630 Employers must report certain bonuses or other lump sum payments to the division of child support. (1) Under chapter 26.23 RCW, employers must report lump sum payments over $500 for employees subject to an income withholding for unpaid child support debt.

(2) The employer provides notice of the lump sum payment by reporting to:

(a) The electronic employer services portal provided by the federal office of child support services;

(b) The special collections unit at the division of child support (DCS); or

(c) DCS at the contact information noted on the income withholding order form.

(3) Upon notice of a lump sum payment, DCS will respond to the employer within 14 calendar days by sending either:

(a) A written release of all or part of the payment which may be disbursed to the employee; or

(b) A revised supplemental income withholding order or other request specifying the remittance to DCS.

(4) Failure to provide timely notice of a lump sum payment as required may constitute noncompliance under RCW 74.20A.350.

(5) Employers may report lump sum payments in an amount of $500 or less to DCS.

(6) DCS and employers may establish a reporting process or agreement that meets or exceeds the lump sum payment reporting requirements under chapter 26.23 RCW.

[Statutory Authority: RCW 26.23.050, 74.20.040, and 74.20A.310. WSR 25-17-054, s 388-14A-4630, filed 8/14/25, effective 9/14/25.]

WAC 388-14A-4700 How do I ask the division of child support to prorate a child support obligation? (1) As a general rule, if support is owed for any day of a given month, the entire monthly support obligation is owed for that month.

(2) Either party to a support order may request that the division of child support (DCS) prorate the monthly obligation under a child support order. The request must state the reason why the party is requesting proration of the monthly obligation.

(3) This request may be made in writing or orally, in person or by phone.

(4) DCS' response may be made in writing or orally, in person or by phone.

(5) This rule and WAC 388-14A-4705 through 388-14A-4715 apply only to the enforcement of a support obligation, not to the establishment of an obligation.

[Statutory Authority: RCW 34.05.330, 26.21.016, 26.23.030, 74.08.090, and 74.20.040. WSR 06-06-077, § 388-14A-4700, filed 2/28/06, effective 3/31/06.]

WAC 388-14A-4705 When does the division of child support prorate a monthly support obligation? The division of child support (DCS) may prorate a monthly support obligation under the following circumstances:

(1) An order is entered terminating the noncustodial parent's (NCP's) support obligation and the order specifies that the NCP's obligation should be prorated;

(2) A superior or tribal court order is entered requiring that support for a given month be prorated; or

(3) When a conference board convened under WAC 388-14A-6400 decides that support for a given month should be prorated.

[Statutory Authority: RCW 34.05.330, 26.21.016, 26.23.030, 74.08.090, and 74.20.040. WSR 06-06-077, § 388-14A-4705, filed 2/28/06, effective 3/31/06.]

WAC 388-14A-4710 When does the division of child support not prorate a monthly support obligation? (1) Unless a case fits the criteria outlined in WAC 388-14A-4705, the division of child support (DCS) does not prorate a monthly support obligation.

(2) When a support order provides that the noncustodial parent's support obligation for a particular child terminates as of the child's birthday or graduation date, the entire monthly support obligation is owed, no matter what day of the month the birthday or graduation falls on.

(3) If a conference board convened under WAC 388-14A-6400 decides that support for a given month should not be prorated, DCS does not prorate for that month.

[Statutory Authority: RCW 34.05.330, 26.21.016, 26.23.030, 74.08.090, and 74.20.040. WSR 06-06-077, § 388-14A-4710, filed 2/28/06, effective 3/31/06.]

WAC 388-14A-4715 What can I do if I don't agree with DCS' decision on whether or not to prorate support? (1) If the noncustodial parent (NCP) or custodial parent (CP) asks the division of child support (DCS) to prorate support, DCS advises the parties of its decision whether to prorate or not to prorate support for a given month.

(2) If the NCP or the CP disagrees with DCS' decision, the aggrieved party may request a conference board under WAC 388-14A-6400.

(3) Either the NCP or the CP may proceed in superior court to seek an order stating whether support should be prorated.

[Statutory Authority: RCW 34.05.330, 26.21.016, 26.23.030, 74.08.090, and 74.20.040. WSR 06-06-077, § 388-14A-4715, filed 2/28/06, effective 3/31/06.]

WAC 388-14A-4800 When does a child support order contain an undifferentiated amount of child support? (1) RCW 26.23.050 (5)(d) provides that every child support order must state the monthly child support obligation as a sum certain amount, but does not require that the support obligation be stated in a "per month per child" amount when more than one child is covered by the order.

(2) A support order which provides a monthly amount of child support for two or more children, but does not provide a specific support obligation for each child, may be a differentiated support order or an undifferentiated support order.

(a) To determine whether a support order is differentiated or undifferentiated, the division of child support (DCS) reviews the information contained in the support order, and, if necessary to interpret the intent of the order, may consider the worksheets associated with the order.

(b) When the order may justifiably be divided into per child amounts for each child, the division of child support (DCS) calls it a "differentiated support order."

(c) When the order does not contain enough information in either the order or the worksheets to justify dividing the monthly amount into per child amounts for each child, DCS calls it an "undifferentiated support order."

(d) The support amounts set by these orders are called either "differentiated support amounts" or "undifferentiated support amounts," respectively.

(3) When DCS is calculating a support obligation for more than one child in an administrative support obligation notice, DCS may set the monthly support obligation as an undifferentiated amount for the reasons listed in WAC 388-14A-3200(4).

(4) When DCS is enforcing a support order, WAC 388-14A-4810 through 388-14A-4830 address how DCS:

(a) Determines whether a support order which does not state a per month per child amount may justifiably be divided into a per child amount for each child covered by the support order; and

(b) Deals with a support order which does not contain enough information in either the order or the worksheets associated with the order to justify dividing the monthly amount into "per child" amounts for each child covered by the support order.

[Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-4800, filed 5/19/11, effective 6/19/11.]

WAC 388-14A-4810 How does DCS determine if a support order contains a differentiated or undifferentiated amount of support? (1) When a child support order does not contain a per month per child amount, the division of child support (DCS) reviews the support order and other documents filed with the order in order to determine the amount of support due for each child. "Other documents" may include but are not limited to:

(a) The child support schedule worksheets which RCW 26.19.035(4) requires to be attached to or filed with the support order;

(b) Any residential schedule or parenting plan filed in the case where the support order was entered;

(c) Any findings of fact and conclusions of law filed in the case where the support order was entered; or

(d) Any other documents signed or approved by the tribunal which entered the child support order.

(2) DCS may consider the support amounts to be differentiated and determine a per-child amount to be paid by the noncustodial parent (NCP) if:

(a) The order or documents filed with the order reflect a per-child calculation and indicate the court intended to enter a per-child order, unless:

(i) There are expenses included in Part III of the child support schedule worksheet; or

(ii) The self-support reserve was applied, resulting in a monthly support obligation which is higher than the presumptive minimum support obligation; or

(iii) The forty-five percent limitation was applied in calculating the monthly support obligation; or

(iv) A deviation was granted because of children from other relationships; and

(b) The NCP's proportional share of all the per-child amounts equals the whole transfer payment amount.

(3) If DCS can determine a per-child amount of support, DCS determines the NCP's differentiated transfer payment by applying the NCP's proportional share of income (line six on the worksheet) to the basic support obligation for each child (line five on the worksheet). **Example.** Assume the support order states that NCP's transfer payment for three children is four hundred twenty dollars, but the order does not provide per-child support amounts. However, line six of the worksheet shows that the NCP's proportional share of income is .6 or sixty percent, and line five shows a basic support obligation of three hundred dollars for child number one, two hundred dollars for child number two and two hundred dollars for child number three. DCS can determine the NCP's support obligation to be one hundred eighty dollars (.6 x three hundred dollars) for child number one, and one hundred twenty dollars (.6 x two hundred dollars) each for child number two and child number three.

(4) When the NCP's support obligation for one or more, but not all, of the children covered by an undifferentiated support order is terminated for any reason, DCS determines whether the amount to be enforced for NCP's monthly support obligation under the order should change:

(a) If DCS is able to determine a per-month amount for each child, DCS may reduce the amount of the NCP's monthly obligation to be enforced by the per-month amount for each child who is no longer covered by the order.

(b) If DCS is unable to determine a per-month amount for each child, DCS continues to enforce the undifferentiated amount of support until there is no longer any child covered by the support order.

[Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-4810, filed 5/19/11, effective 6/19/11.]

WAC 388-14A-4820 What can I do if I don't agree with DCS' decision on whether my support order contains a differentiated or undifferentiated amount of support? (1) If the noncustodial parent (NCP) or custodial parent (CP) claim that the NCP's support obligation for one or more, but not all, of the children covered by an undifferentiated support order is terminated for any reason, either party may ask the division of child support (DCS) to determine whether to adjust the amount enforced as the NCP's monthly support obligation.

(2) DCS reviews the order as provided in WAC 388-14A-4810 and then advises the parties of its decision.

(3) If either the NCP or the CP disagrees with DCS' interpretation of the order, the aggrieved party may request a conference board under WAC 388-14A-6400.

(4) Either the NCP or the CP may proceed in superior court to seek:

(a) An order clarifying the NCP's monthly support obligation;

(b) An order modifying the support order; or

(c) Any other appropriate relief.

[Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-4820, filed 5/19/11, effective 6/19/11.]

WAC 388-14A-4830 How does DCS divide support obligations between two or more cases when a support order does not contain a differentiated amount of support? (1) If two or more children covered by the same child support order change residences so that more than one custodial parent (CP) is eligible to receive child support paid by the noncustodial parent (NCP):

(a) As long as the NCP's support obligation for all of the children has not been terminated, the NCP continues to owe the total amount of child support stated in the support order;

(b) The division of child support (DCS) allocates the NCP's support obligation between the various cases based on which children reside with each CP.

(c) DCS distributes support collections among the cases as provided in WAC 388-14A-5001 through 388-14A-5050.

(2) To allocate the child support amounts between cases, DCS determines whether the support order states a per-child amount for each child covered by the order. If the support order contains an undifferentiated amount of support, DCS reviews the order under WAC 388-14A-4810.

(3) If DCS determines a per-child amount for each child, DCS allocates the per-child amounts to the appropriate cases.

(4) If DCS is unable to determine a per-child amount for each child because the order is undifferentiated, DCS divides the NCP's total monthly support obligation by the number of children and allocates each child's fractional share of the total support obligation to that child's case.

(a) DCS divides the undifferentiated support amount for administrative efficiency, and so that support can be disbursed to each CP.

(b) The fact that DCS allocates fractional shares between cases does not convert the undifferentiated order into a differentiated order.

(5) If either the NCP or the CP disagrees with DCS' decision, the aggrieved party may request a conference board under WAC 388-14A-6400.

(6) Either the NCP or one or more CPs may proceed in superior court to seek:

(a) An order clarifying the NCP's monthly support obligation;

(b) An order modifying the support order; or

(c) Any other appropriate relief.

[Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-4830, filed 5/19/11, effective 6/19/11.]

WAC 388-14A-4900 Insurers must report claim information to the division of child support and withhold payments if directed. (1) Insurers must report certain insurance claims to the division of child support (DCS). Within 10 days after opening a tort liability claim for bodily injury or wrongful death, a workers' compensation claim, or a claim under a policy of life insurance, including an annuity, the insurer must report sufficient information to DCS to enable it to verify whether the claimant or other beneficiary owes child support. A claim is deemed opened when an insurer has sufficient information to:

(a) Identify the claimant;

(b) Determine that the claimant is entitled to payment of the insurance claim proceeds; and

(c) Make such payment. In the case of a claim that will be paid through periodic payments, the insurer must only report the claim before issuing the initial payment.

(2) Insurers can report information:

(a) To the federal office of child support services (OCSS) or the child support lien network (CSLN);

(b) Through an insurance claim data collection organization, which submits the required information to OCSS, CSLN, or the DCS special collections unit within the timeframes and in the manner required by law; or

(c) Directly to the DCS special collections unit, in writing or electronically, if the insurer does not have the capability to report through the above methods.

(3) The information reporting requirements are satisfied so long as the insurer provides minimum identifying information.

(a) OCSS and CSLN maintain their own standards for minimum identifying information.

(b) For the purposes of reporting directly to the DCS special collections unit, minimum identifying information about the claim includes:

(i) The claimant's full name and date of birth;

(ii) The claimant's current physical address;

(iii) The claimant's Social Security number, if full name, date of birth, and current physical address are not sufficient for DCS to identify the individual;

(iv) The insurer's name;

(v) The insurer's claims department address for lien receipt;

(vi) The insurer's claim number in the proper format for identification of the claim;

(vii) The insurer's claim date of loss;

(viii) The adjustor's name;

(ix) The adjustor's telephone number;

(x) The adjustor's email address; and

(xi) The insurer's fax number for receiving lien notices, if one exists.

(4) Upon receipt of claims information, DCS will determine whether a child support debt exists. If so, DCS will issue a notice to the insurer to withhold payment and remit to DCS. An insurer is not re-

quired to remit payment to DCS if the notice issued is received after the insurer has disbursed payment on the claim.

(5) DCS will give any lien, claim, or demand for reasonable claim-related attorneys' fees, property damage, and medical costs priority over any withholding of payment. These costs must be final costs after all reductions have been pursued with interested parties.

[Statutory Authority: RCW 26.23.037, 26.23.110, 74.08.090, and 74.20A.055. WSR 24-16-134, § 388-14A-4900, filed 8/6/24, effective 9/6/24; WSR 21-24-077, § 388-14A-4900, filed 11/30/21, effective 12/31/21.]

PART E - DISTRIBUTION ISSUES

WAC 388-14A-5000 What is the difference between distribution and disbursement of child support collections? (1) Distribution of child support collections refers to how the division of child support (DCS) applies or allocates collections within a child support case or between child support cases.

(2) Disbursement of child support collections refers to DCS sending out or paying support collections to the appropriate recipient.

(3) WAC 388-14A-5001 through 388-14A-5015 explain how DCS distributes and disburses child support collections.

[Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.050, [26.23.]110, 74.20.040, 74.20A.030, [74.20A.]055, [74.20A.]056, and 74.20A.310. WSR 09-02-059, § 388-14A-5000, filed 1/5/09, effective 1/27/09. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-5000, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 26.23.035, 74.08.090, 74.20A.310, and 45 C.F.R. 303.72 (h)(5). WSR 05-06-014, § 388-14A-5000, filed 2/22/05, effective 3/25/05. Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d), 26.23.035, 74.20A.057, 74.20A.310. WSR 03-20-072, § 388-14A-5000, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310. WSR 01-03-089, § 388-14A-5000, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-250, 388-14-270, and 388-14-273.]

WAC 388-14A-5001 What procedures does DCS follow to distribute support collections? (1) When distributing support collections, the division of child support (DCS) records collections in exact amounts of dollars and cents.

(2) DCS distributes support collections within two days of the date DCS receives the collection, unless DCS is unable to distribute the collection for one or more of the following reasons:

(a) DCS is unable to locate the payee and the payee has not signed up for electronic funds transfer (EFT) of disbursements;

(b) DCS does not have sufficient information to identify the accounts against which or to which it should distribute the money;

(c) An action is pending before a court or agency which has jurisdiction over the issue to determine whether child support is owed or how DCS should distribute the collection;

(d) DCS receives prepaid child support and is holding it for distribution in future months under WAC 388-14A-5008;

(e) DCS mails a notice of intent to distribute support money under WAC 388-14A-5050;

(f) DCS receives federal tax refund offset collections, which are distributed according to WAC 388-14A-5005 and 388-14A-5010;

(g) DCS may hold funds and not issue a check to the family for amounts under one dollar. DCS must give credit for the collection, but may delay disbursement of that amount until a future collection is received which increases the amount of the disbursement to the family to at least one dollar. If no future collections are received which increase the disbursement to the family to at least one dollar, DCS transfers the amount to the department of revenue under RCW 63.30.040. This subsection does not apply to disbursements which can be made by EFT; or

(h) Other circumstances exist which make a proper and timely distribution of the collection impossible through no fault or lack of diligence of DCS.

(3) DCS distributes support collections based on the date DCS receives the collection, except as provided under WAC 388-14A-5005. DCS distributes support collections based on the date of collection. DCS considers the date of collection to be the date that DCS receives the support collection, no matter when the money was withheld from the noncustodial parent (NCP).

(4) Under state and federal law, the division of child support (DCS) disburses support collections to the:

(a) Department when the department provides or has provided public assistance payments for the support of the family;

(b) Payee under the order, or to the custodial parent (CP) of the child according to WAC 388-14A-5050;

(c) Child support enforcement agency in another state or foreign country which submitted a request for support enforcement services;

(d) Indian tribe which has a TANF program, child support program, or a cooperative agreement regarding the delivery of child support services;

(e) Persons or entity making the payment when DCS is unable to identify the person to whom the support is payable after making reasonable efforts to obtain identification information.

(5) If DCS is unable to disburse a support collection because the location of the family or person is unknown, it must exercise reasonable efforts to locate the family or person. When the family or person cannot be located, DCS handles the collection in accordance with chapter 63.30 RCW, the Revised Uniform Unclaimed Property Act.

(6) WAC 388-14A-5000 through 388-14A-5015 contain the rules for the distribution of support collections by DCS.

(7) DCS changes the distribution rules based on changes in federal statutes and regulations. DCS may also change the distribution rules based on the state budget, but only to the extent allowed by federal law.

[Statutory Authority: RCW 26.23.035 and 34.05.353 (1)(c). WSR 24-12-035, § 388-14A-5001, filed 5/30/24, effective 6/30/24. Statutory Authority: RCW 26.23.035 and 34.05.350 (1)(c). WSR 11-06-042, § 388-14A-5001, filed 2/28/11, effective 3/31/11. Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.050, [26.23.]110, 74.20.040, 74.20A.030, [74.20A.]055, [74.20A.]056, and 74.20A.310. WSR 09-02-059, § 388-14A-5001, filed 1/5/09, effective 1/27/09. Statutory Authority: RCW 26.23.035, 74.08.090, 74.20A.310, and 45 C.F.R. 303.72 (h)(5). WSR 05-06-014, § 388-14A-5001, filed 2/22/05, effective 3/25/05. Statutory

Authority: RCW 26.23.035, 74.08.090, 74.20A.188, 74.20A.310, 42 U.S.C. 666(a)14. WSR 01-24-078, § 388-14A-5001, filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310. WSR 01-03-089, § 388-14A-5001, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270 and 388-14-273.]

WAC 388-14A-5002 How does DCS distribute support collections in a nonassistance case? (1) A nonassistance case is one where the family has never received a cash public assistance grant.

(2) Subject to the exceptions provided under WAC 388-14A-5005, the division of child support (DCS) applies support collections within each Title IV-D nonassistance case:

(a) First, to satisfy the current support obligation for the month DCS received the collection;

(b) Second, to the noncustodial parent's support debts owed to the family;

(c) Third, to prepaid support as provided for under WAC 388-14A-5008.

(3) DCS uses the fee retained under WAC 388-14A-2200 to offset the fee amount charged by the federal government for IV-D cases that meet the fee criteria in WAC 388-14A-2200(1).

[Statutory Authority: RCW 26.23.035 and 34.05.350 (1)(c). WSR 11-06-042, § 388-14A-5002, filed 2/28/11, effective 3/31/11. Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.050, [26.23.]110, 74.20.040, 74.20A.030, [74.20A.]055, [74.20A.]056, and 74.20A.310. WSR 09-02-059, § 388-14A-5002, filed 1/5/09, effective 1/27/09. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-5002, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310. WSR 01-03-089, § 388-14A-5002, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270.]

WAC 388-14A-5003 How does DCS distribute support collections in an assistance case? (1) An assistance case is one where the family is currently receiving a TANF grant.

(2) Subject to the exceptions provided under WAC 388-14A-5005, the division of child support (DCS) distributes support collections within each Title IV-D assistance case:

(a) First, to satisfy the current support obligation for the month DCS received the collection;

(b) Second, to satisfy support debts which are permanently assigned to the department to reimburse the cumulative amount of assistance which has been paid to the family;

(c) Third:

(i) To satisfy support debts which are temporarily assigned to the department to reimburse the cumulative amount of assistance paid to the family; or

(ii) To satisfy support debts which are conditionally assigned to the department. Support collections distributed to conditionally assigned arrears are disbursed according to WAC 388-14A-2039.

(d) Fourth, to satisfy support debts owed to the family;

(e) Fifth, to prepaid support as provided for under WAC 388-14A-5008.

[Statutory Authority: RCW 26.23.035 and 34.05.350 (1)(c). WSR 11-06-042, § 388-14A-5003, filed 2/28/11, effective 3/31/11. Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.050, [26.23.]110, 74.20.040, 74.20A.030, [74.20A.]055, [74.20A.]056, and 74.20A.310. WSR 09-02-059, § 388-14A-5003, filed 1/5/09, effective 1/27/09. Statutory Authority: RCW 26.23.035, 74.08.090, 74.20A.188, 74.20A.310, 42 U.S.C. 666(a)14. WSR 01-24-078, § 388-14A-5003, filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310. WSR 01-03-089, § 388-14A-5003, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270.]

WAC 388-14A-5004 How does DCS distribute support collections in a former assistance case? (1) A former assistance case is one where the family is not currently receiving a TANF grant, but has at some time in the past.

(2) Subject to the exceptions provided under WAC 388-14A-5005, the division of child support (DCS) distributes support collections within each Title IV-D former-assistance case:

(a) First, to satisfy the current support obligation for the month DCS received the collection;

(b) Second, to satisfy support debts owed to the family;

(c) Third, to satisfy support debts which are conditionally or temporarily assigned to the department. These collections are disbursed according to WAC 388-14A-2039;

(d) Fourth, to satisfy support debts which are permanently assigned to the department to reimburse the cumulative amount of assistance which has been paid to the family; and

(e) Fifth, to prepaid support as provided for under WAC 388-14A-5008.

[Statutory Authority: RCW 26.23.035 and 34.05.350 (1)(c). WSR 11-06-042, § 388-14A-5004, filed 2/28/11, effective 3/31/11. Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.050, [26.23.]110, 74.20.040, 74.20A.030, [74.20A.]055, [74.20A.]056, and 74.20A.310. WSR 09-02-059, § 388-14A-5004, filed 1/5/09, effective 1/27/09. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310. WSR 01-03-089, § 388-14A-5004, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270.]

WAC 388-14A-5005 How does DCS distribute federal tax refund offset collections? The division of child support (DCS) distributes federal tax refund offset collections in accordance with 42 U.S.C. Sec. 657 and 42 U.S.C. Sec. 654(34), as follows:

(1) DCS distributes federal tax refund offset collections to arrears only, and not to current support.

(2) DCS distributes federal tax refund offset collections within an individual case depending on the type of case to which the collection is distributed:

(a) In a never assistance case, all amounts are distributed to family arrears, meaning those arrears that have never been assigned.

(b) In a former assistance case, all amounts are distributed first to permanently assigned arrears, then to conditionally assigned arrears, then to family arrears.

(c) In a current assistance case, all amounts are distributed first to permanently assigned arrears, then to temporarily assigned arrears, then to conditionally assigned arrears, and then to family arrears.

(3) Federal tax refund offset collections distributed to assigned support are retained by the state to reimburse the cumulative amount of assistance that has been paid to the family.

(4) DCS may distribute federal tax refund offset collections only to certified support debts. DCS must refund any excess to the noncustodial parent (NCP).

(5) DCS may retain the $35 annual fee required under RCW 74.20.040 from federal tax refund offset collections distributed to nonassistance cases.

(6) When the Secretary of the Treasury, through the federal Office of Child Support Enforcement (OCSE), notifies DCS that a collection from a federal tax refund offset is from a tax refund based on a joint return, DCS follows the procedures set forth in WAC 388-14A-5010.

[Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.110, 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310, and 74.20A.328. WSR 26-14-086, s 388-14A-5005, filed 6/29/26, effective 7/30/26. Statutory Authority: RCW 26.23.035 and 34.05.350 (1)(c). WSR 11-06-042, § 388-14A-5005, filed 2/28/11, effective 3/31/11. Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.050, [26.23.]110, 74.20.040, 74.20A.030, [74.20A.]055, [74.20A.]056, and 74.20A.310. WSR 09-02-059, § 388-14A-5005, filed 1/5/09, effective 1/27/09. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-5005, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 26.23.035, 74.08.090, 74.20A.310, and 45 C.F.R. 303.72 (h)(5). WSR 05-06-014, § 388-14A-5005, filed 2/22/05, effective 3/25/05. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310. WSR 01-03-089, § 388-14A-5005, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270.]

WAC 388-14A-5006 How does DCS distribute support collections when the paying parent has more than one case? Subject to the exceptions provided under WAC 388-14A-5005, the division of child support (DCS) distributes support collections in the following manner when the noncustodial parent (NCP) has more than one Title IV-D case:

(1) First, to the current support obligation on each Title IV-D case, in proportion to the amount of the current support order on each case; and

(2) Second, to the total of the support debts whether owed to the family or to the department for the reimbursement of public assistance on each Title IV-D case, in proportion to the amount of support debt owed by the NCP on each case; and

(3) Third, within each Title IV-D case according to WAC 388-14A-5002, 388-14A-5003, or 388-14A-5004.

[Statutory Authority: RCW 26.23.035 and 34.05.350 (1)(c). WSR 11-06-042, § 388-14A-5006, filed 2/28/11, effective 3/31/11. Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.050, [26.23.]110, 74.20.040, 74.20A.030, [74.20A.]055, [74.20A.]056, and 74.20A.310. WSR 09-02-059, § 388-14A-5006, filed 1/5/09, effective 1/27/09. Statutory Authority: RCW 26.23.035, 74.08.090, 74.20A.188, 74.20A.310, 42 U.S.C.

666(a)14. WSR 01-24-078, § 388-14A-5006, filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310. WSR 01-03-089, § 388-14A-5006, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270.]

WAC 388-14A-5007 If the paying parent has more than one case, can DCS apply support money to only one specific case? (1) The division of child support (DCS) applies amounts to a support debt owed for one family or household and distributes the amounts accordingly, rather than make a proportionate distribution between support debts owed to different families, when:

(a) Proportionate distribution is administratively inefficient; or

(b) The collection resulted from the sale or disposition of a specific piece of property against which a court awarded the custodial parent (CP) a judgment lien for child support;

(c) The collection is the result of a contempt order which provides that DCS must distribute the amounts to a particular case; or

(d) An Indian tribe has designated that funds withheld from a tribal benefit should not be applied to all of the cases of a particular noncustodial parent (NCP), but rather should be distributed based on a tribal court order, tribal law, or tribal custom.

(2) If the collection is the result of an automated enforcement of interstate (AEI) transaction under RCW 74.20A.188, DCS applies the payment as provided in WAC 388-14A-5006, even if the requesting state wants the payment applied to a specific case.

[Statutory Authority: RCW 26.23.035 and 74.08.090. WSR 18-11-047, § 388-14A-5007, filed 5/9/18, effective 7/1/18. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-5007, filed 5/19/11, effective 6/19/11. Statutory Authority: RCW 26.23.035, 74.08.090, 74.20A.188, 74.20A.310, 42 U.S.C. 666(a)14. WSR 01-24-078, § 388-14A-5007, filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310. WSR 01-03-089, § 388-14A-5007, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270.]

WAC 388-14A-5008 Can the noncustodial parent prepay support? (1) If the division of child support (DCS) receives or collects support money representing payment on the required support obligation for future months, DCS must:

(a) Apply the support money to future months only if the support debt is paid in full;

(b) Distribute the support money on a monthly basis when payments become due in the future; and

(c) Mail a notice to the last known address of the person entitled to receive support money.

(2) The notice in subsection (1)(c) above informs the person entitled to receive support money that:

(a) DCS received prepaid support money;

(b) DCS intends to distribute the prepaid money as support payments become due in the future; and

(c) The person may request a conference board under WAC 388-14A-6400 to determine if DCS should immediately distribute the prepaid support money.

(d) DCS does not mail the notice referred to in subsection (1)(c) of this section if the prepaid support is equal to or less than one month's support obligation.

[Statutory Authority: RCW 26.23.035, 74.08.090, 74.20A.310, and 45 C.F.R. 303.72 (h)(5). WSR 05-06-014, § 388-14A-5008, filed 2/22/05, effective 3/25/05. Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d), 26.23.035, 74.20A.057, 74.20A.310. WSR 03-20-072, § 388-14A-5008, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310. WSR 01-03-089, § 388-14A-5008, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270.]

WAC 388-14A-5009 What happens when an employer or other entity overcollects support from the noncustodial parent based on a DCS withholding order? (1) When an employer or other entity overcollects support from a noncustodial parent (NCP) based on a withholding order issued by the division of child support (DCS), DCS evaluates what to do with the overpayment on a case by case basis.

(2) Depending on the facts of the case and the wishes of the NCP, DCS may take one of the following actions:

(a) Refund the excess money to the NCP upon request;

(b) Hold the excess money in suspense to be applied to the next month's support obligation; or

(c) Any other action which comports with the requirements of this chapter and the federal regulations concerning distribution of support payments.

[Statutory Authority: RCW 26.23.035, 74.08.090, 74.20A.310, and 45 C.F.R. 303.72 (h)(5). WSR 05-06-014, § 388-14A-5009, filed 2/22/05, effective 3/25/05.]

WAC 388-14A-5010 How does the division of child support distribute federal tax refund offset collections from joint returns? (1) The division of child support (DCS) collects child support through the interception of federal tax refunds. This section deals with the issues that arise when the Secretary of the Treasury intercepts a tax refund based on a joint tax return filed by a noncustodial parent (NCP) and the NCP's spouse who does not owe child support.

(2) When the Secretary of the Treasury, through the federal Office of Child Support Enforcement (OCSE), notifies DCS that a collection on behalf of an NCP is from an intercepted tax refund based on a joint return, DCS may distribute fifty percent of that collection as provided in WAC 388-14A-5005 and hold the remainder for up to six months in case the NCP's spouse is entitled to a share of the federal tax refund.

(3) DCS distributes fifty percent of the collection according to WAC 388-14A-5005.

(4) DCS holds the other fifty percent of the collection in suspense until the earlier of the following:

(a) DCS is notified by OCSE or the Secretary of the Treasury whether DCS must pay back the unobligated spouse's portion of the refund; or

(b) For a period not to exceed six months from notification of the offset.

(5) After DCS holds part of a collection under subsection (4) of this section, DCS distributes the remainder of the collection to the NCP's support arrears according to WAC 388-14A-5005, unless DCS is required to return the unobligated spouse's portion of the refund. The CP may:

(a) Request that DCS distribute the payment to the NCP's support obligation sooner upon a showing of hardship to the CP; and

(b) Request a conference board if the CP disagrees with DCS' denial of a hardship claim.

[Statutory Authority: RCW 26.23.035 and 34.05.350 (1)(c). WSR 11-06-042, § 388-14A-5010, filed 2/28/11, effective 3/31/11. Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.050, [26.23.]110, 74.20.040, 74.20A.030, [74.20A.]055, [74.20A.]056, and 74.20A.310. WSR 09-02-059, § 388-14A-5010, filed 1/5/09, effective 1/27/09. Statutory Authority: RCW 26.23.035, 74.08.090, 74.20A.310, and 45 C.F.R. 303.72 (h)(5). WSR 05-06-014, § 388-14A-5010, filed 2/22/05, effective 3/25/05.]

WAC 388-14A-5015 What is a pass-through payment? (1) Between October 1, 2008 and April 30, 2011 and beginning again on February 1, 2021, the division of child support (DCS) passes through a portion of child support collections to a family receiving TANF.

(2) A pass-through payment is the portion of a support collection applied to assigned support that the state elects to pay to a family receiving TANF at the time the collection is received.

(3) Between October 1, 2008 and April 30, 2011, the pass-through payment was paid in the following amounts:

(a) Up to one hundred dollars per month to a family with one child in the assistance unit.

(b) Up to two hundred dollars per month to a family with two or more children in the assistance unit.

(4) Beginning February 1, 2021, the pass-through payment is paid in the following amounts:

(a) Up to fifty dollars per month to a family with one child in the assistance unit.

(b) Up to one hundred dollars per month to a family with two or more children in the assistance unit.

(5) The pass-through is paid from collections distributed to either current support or assigned arrears.

(6) The pass-through amount for any month cannot exceed the amount collected in that month.

[Statutory Authority: RCW 26.09.105(20), 26.18.170(21), 26.23.050, 26.23.110(14), 43.20A.550, 74.04.055, 74.04.057, 74.08.090, 74.20A.310. WSR 21-12-003, § 388-14A-5015, filed 5/19/21, effective 6/19/21. Statutory Authority: RCW 26.23.035 and 74.08.090. WSR 11-14-063, § 388-14A-5015, filed 6/30/11, effective 7/31/11. Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.050, [26.23.]110, 74.20.040, 74.20A.030, [74.20A.]055, [74.20A.]056, and 74.20A.310. WSR 09-02-059, § 388-14A-5015, filed 1/5/09, effective 1/27/09.]

WAC 388-14A-5050 When does DCS send a notice of intent to distribute support money? (1) The division of child support (DCS) may distribute support money to a custodial parent (CP) who is not the payee under the support order if the CP signs a sworn statement that:

(a) The CP has physical custody of and is caring for the child; and

(b) The CP is not wrongfully depriving the payee of physical custody.

(2) Before DCS begins distributing support money to a CP who is not the payee under the support order, DCS sends the payee under the support order and the noncustodial parent (NCP) a notice of intent to distribute support money and a copy of the sworn statement of the CP to their last known addresses by first class mail. The notice states:

(a) DCS intends to distribute support money collected under the support order to the CP; and

(b) The name of the CP.

(3) DCS distributes support money to the CP when the notice of intent to distribute support money becomes final.

(a) A notice of intent to distribute support money served in the state of Washington becomes final unless the payee under the support order, within twenty days of the date of mailing of the notice, files a request with DCS for a hearing under subsection (4) of this section. The effective date of a hearing request is the date DCS receives the request.

(b) A notice of intent to distribute support money served in another state becomes final according to WAC 388-14A-7200.

(4) A hearing on a notice of intent to distribute support money is for the limited purpose of resolving who is entitled to receive the support money.

(5) A copy of the notice of any hearing scheduled under this section must be mailed to the alleged CP at the CP's last known address. The notice advises the CP of the right to participate in the proceeding as a witness or observer.

(6) The payee under the support order may file a late hearing request on a notice of intent to distribute support money.

(a) The payee under the support order does not need to show good cause for filing a late hearing request.

(b) DCS may not reimburse the payee under the support order for amounts DCS sent to the CP before the administrative order on a late hearing request becomes final.

(7) The payee under the support order must give DCS and the CP notice of any judicial proceeding to contest a notice of intent to distribute support money.

(8) If the support order is a court order, DCS files a copy of the notice of intent to distribute support money or the final administrative order entered on a notice of intent to distribute support money with the clerk of the court where the support order was entered.

[Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310. WSR 01-03-089, § 388-14A-5050, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270 and 388-14-271.]

WAC 388-14A-5100 How does the division of child support notify the custodial parent about support collections? (1) The division of child support (DCS) mails a distribution and disbursement statement once each month to the last known address of a person for whom it re-

ceived a support collection during the month, except as provided under subsection (6) of this section.

(2) DCS includes the following information in the distribution and disbursement statement:

(a) The amount of support collections DCS received and the date of collection;

(b) A description of how DCS distributed each support collection between current support and the support debt and any fees required by state or federal law;

(c) The amount DCS claims as reimbursement for public assistance paid, if applicable;

(d) The amount kept by the state to repay public assistance paid to the family;

(e) The amount disbursed to the family as a pass-through payment under WAC 388-14A-5015;

(f) The amount disbursed to the family as a payment on support owed to the family;

(g) The amount kept by the state to pay the $35 annual fee, if applicable; and

(h) The amount kept by the state to repay child support paid to the family in error.

(3) The person to whom a distribution and disbursement statement is sent may file a request for a hearing under subsection (4) of this section within 90 days of the date of the statement to contest how DCS distributed the support collections, and must make specific objections to the statement. The effective date of a hearing request is the date DCS receives the request.

(4) A hearing under this section is for the limited purpose of determining if DCS correctly distributed the support money described in the contested statement.

(a) There is no hearing right regarding fees that have been charged on a case.

(b) If a custodial parent (CP) wants to request a hardship waiver of the fee, the CP may request a conference board under WAC 388-14A-6400.

(5) A person who requests a late hearing must show good cause for being late.

(6) This section does not require DCS to send a distribution and disbursement statement to a recipient of payment services only.

[Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.110, 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310, and 74.20A.328. WSR 26-14-086, s 388-14A-5100, filed 6/29/26, effective 7/30/26. Statutory Authority: RCW 26.09.105(20), 26.18.170(21), 26.23.050, 26.23.110(14), 43.20A.550, 74.04.055, 74.04.057, 74.08.090, 74.20A.310. WSR 21-12-003, § 388-14A-5100, filed 5/19/21, effective 6/19/21. Statutory Authority: RCW 26.23.035 and 74.08.090. WSR 11-14-063, § 388-14A-5100, filed 6/30/11, effective 7/31/11. Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.050, [26.23.]110, 74.20.040, 74.20A.030, [74.20A.]055, [74.20A.]056, and 74.20A.310. WSR 09-02-059, § 388-14A-5100, filed 1/5/09, effective 1/27/09. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-5100, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310. WSR 01-03-089, § 388-14A-5100, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270 and 388-14-274.]

WAC 388-14A-5200 What is a "total versus total" notice? (1) The division of child support (DCS) identifies cases needing a "total versus total" calculation, which compares amounts of public assistance paid to the family with amounts of support collected and uncollected support debt. DCS performs a total versus total calculation upon the request of the custodial parent (CP) or a DCS field office, usually only after the assistance grant has ended.

(a) The total versus total calculation allocates the uncollected support debt between the state and the CP, based on the amounts of public assistance paid to the family.

(b) The total versus total calculation indicates the amounts of support paid by each noncustodial parent (NCP) and how DCS distributed the support.

(c) DCS may at any time review a case to determine if a total versus total calculation is appropriate.

(2) When DCS completes a total versus total calculation at the request of the CP, DCS mails a total versus total notice to the last known address of the former assistance recipient.

(3) The person to whom DCS sends a total versus total notice may, within ninety days of the date of the notice, file a request for a conference board under WAC 388-14A-6400 to contest the distribution of support money and the allocation of uncollected support debt. The person must state specific objections to the total versus total notice. The effective date of a request conference board is the date DCS receives the request.

[Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310. WSR 01-03-089, § 388-14A-5200, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-276.]

WAC 388-14A-5300 How does the division of child support recover a support payment which has already been distributed? (1) The division of child support (DCS) may serve a notice to recover a support payment on the person who received the payment when DCS:

(a) Distributed the money in error;

(b) Distributed the money based on a check that is later dishonored;

(c) Is required to refund or return the money to the person or entity that made the payment; or

(d) Distributed money under a support order that was later modified so as to create an overpayment.

(2) DCS serves a notice to recover a support payment like a summons in a civil action or by certified mail, return receipt requested.

(3) In the notice, DCS must identify the support payment DCS seeks to recover.

(4) DCS may take action to enforce the notice to recover a support payment without further notice once the notice becomes final.

(a) A notice to recover a support payment becomes final unless the person who received the payment requests a hearing under subsection (5) of this section within twenty days of service of the notice to recover a support payment in Washington. The effective date of a hearing request is the date DCS receives the request.

(b) A notice to recover a support payment may be served in another state to recover a payment disbursed by DCS under RCW 26.21A.290. A notice to recover a support payment served in another state becomes final according to WAC 388-14A-7200.

(5) A hearing on a notice to recover a support payment is for the limited purpose of resolving the existence and amount of the debt DCS is entitled to recover.

(6) A person who files a late request for a hearing on a notice to recover a support payment must show good cause for being late.

(7) In nonassistance cases and payment services only cases, DCS may recover a support payment under a final administrative order on a notice to recover a support payment by retaining ten percent of current support and one hundred percent of amounts collected on arrears in addition to any other remedy authorized by law.

(8) If a public assistance recipient receives a support payment directly from a noncustodial parent (NCP) and fails to remit it to DCS as required, DCS recovers the money as retained support under WAC 388-14A-5500.

(9) DCS may enforce the notice to recover a support payment as provided in subsection (7), or may act according to RCW 74.20A.270 as deemed appropriate.

[Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310. WSR 07-08-055, § 388-14A-5300, filed 3/29/07, effective 4/29/07. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310. WSR 01-03-089, § 388-14A-5300, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-272.]

WAC 388-14A-5400 How does the division of child support tell the custodial parent when DCS adjusts the amount of debt owed on the case? (1) The division of child support (DCS) mails a debt adjustment notice to the payee under a child support order within thirty days of the date DCS reduces the amount of the support debt it intends to collect if that reduction was due to:

(a) A mathematical error in the debt calculation;

(b) A typographical error in the stated debt;

(c) Proof that DCS should have suspended the support obligation for all or part of the time period involved in the calculation; or

(d) Proof the noncustodial parent (NCP) made payments that DCS had not previously credited against the support debt.

(2) The debt adjustment notice must contain the following information:

(a) The amount of the reduction;

(b) The reason DCS reduced the support debt, as provided under subsection (1) of this section;

(c) The name of the NCP and a statement that the NCP may attend and participate as an independent party in any hearing requested by the payee under this section; and

(d) A statement that DCS continues to provide support enforcement services whether or not the payee objects to the debt adjustment notice.

(3) A debt adjustment notice served in Washington becomes final unless the payee, within twenty days of service of the notice in Washington, files a request with DCS for a hearing under subsection (4) of this section. The effective date of a hearing request is the date DCS receives the request.

(4) A debt adjustment notice served in another state becomes final according to WAC 388-14A-7200.

(5) A hearing under this section is for the limited purpose of determining if DCS correctly reduced the support debt as stated in the notice of debt adjustment.

(6) A payee who requests a late hearing must show good cause for filing a late hearing request if it is filed more than one year after the date of the notice of debt adjustment.

[Statutory Authority: RCW 26.23.030(3), 34.05.220 (1)(a), 34.05.322, 74.20.101, and 74.08.090. WSR 19-19-060, § 388-14A-5400, filed 9/16/19, effective 10/17/19. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-5400, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-450.]

WAC 388-14A-5500 How does the division of child support collect support debts owed by someone other than a noncustodial parent? (1) Under RCW 74.20.320 and 74.20A.270, a custodian of children or other person who receives support money paid, in whole or in part, toward a support obligation under RCW 74.20.320, 74.20.330, or 74.20A.030 must remit that money to the division of child support (DCS) within eight days of receipt, and is indebted to the department for this amount of money.

(2) By not remitting support money described in subsection (1) of this section, a custodial parent (CP) or other person makes, without the necessity of signing any document, an irrevocable assignment to the department of an equal amount of any support debt not already assigned to the department, but owing to the CP or other person, or an equal amount of any support debt that may accrue in the future. DCS may use the collection procedures of chapter 74.20A RCW to collect this assigned delinquency, to satisfy a debt owed under subsection (1) of this section.

(3) DCS may also make a set-off to pay the debt under subsection (1) of this section from support money in DCS' possession or in the possession of a county clerk or other forwarding agent if that money was paid to satisfy a support delinquency.

(4) DCS may take action alternatively or simultaneously under subsections (1), (2), and (3) of this section but the department may not collect and retain more money than the debt described under subsection (1) of this section, refunding the excess, without deducting fees, to the CP.

(5) DCS must give the CP or other person an account of actions taken under subsections (2) or (3) of this section.

[Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.110, 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310, and 74.20A.328. WSR 26-14-086, s 388-14A-5500, filed 6/29/26, effective 7/30/26. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-5500, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-5505 DCS uses a notice of retained support to claim a debt owed to DCS. The division of child support (DCS) serves a notice of retained support setting forth:

(1) The amount of support money claimed by the department as property of the department by assignment, subrogation or by operation of law or legal process under chapter 74.20A RCW;

(2) The legal basis for the claim of ownership by the department;

(3) A description of the person, firm, corporation, association, or political subdivision who is or has been in possession of the support moneys together with enough detail to identify the amounts in issue;

(4) A statement that, effective with the date of service of the notice, the department will impound and hold in trust all money not yet disbursed or spent and all similar money received in the future, pending answer to the notice and any hearing which is requested;

(5) A statement that the notice must be answered, under oath and in writing, within twenty days of the date of service of the notice;

(6) A statement that the answer to the notice must include true answers to the questions in the notice and must either acknowledge the department's right to the money or request an administrative hearing to determine ownership of the money;

(7) A statement that the burden of proof in a hearing on a notice of retained support debt under this section is on the department to establish ownership of the support money claimed;

(8) A statement that, if the person, firm, corporation, association, or political subdivision or officer or agent thereof does not answer or make a request for hearing in a timely manner, the department's claim will be assessed and determined and subject to collection action as a support debt according to chapter 74.20A RCW; and

(9) A statement that the department may collect a support debt, as assessed and determined, and that the property of the debtor, without further advance notice or hearing, is subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver to satisfy the debt. The department may not take collection action against a recipient of public assistance during the period of time the recipient remains on assistance except as provided in RCW 74.20A.270 and WAC 388-14A-2040.

[Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-5505, filed 1/17/01, effective 2/17/01. Formerly WAC 388-13-090.]

WAC 388-14A-5510 How does DCS serve a notice of retained support? The division of child support (DCS) serves the notice of retained support on the person, firm, corporation, association, or political subdivision or any officer or agent thereof in the manner prescribed for the service of a summons in a civil action, or by certified mail, return receipt requested. The receipt is *prima facie* evidence of service.

[Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-5510, filed 1/17/01, effective 2/17/01. Formerly WAC 388-13-030.]

WAC 388-14A-5515 What happens if I don't respond to a notice of retained support or request a hearing? (1) After service of a notice of retained support under WAC 388-14A-5510, if the person, firm, corporation, association, or political subdivision or any officer or agent thereof fails to answer in a timely manner, the claim of the department is final and subject to collection action as a support debt according to chapter 74.20A RCW.

(2) To be timely, a hearing request or response must be received by the division of child support within twenty days of service of the notice.

[Statutory Authority: RCW 74.08.090, 34.05.220. WSR 01-03-089, § 388-14A-5515, filed 1/17/01, effective 2/17/01. Formerly WAC 388-13-040 and 388-13-110.]

WAC 388-14A-5520 What happens if I make a timely objection to a notice of retained support? (1) Any debtor who objects to all or any part of a notice of retained support may, within twenty days from the date of service of the notice, file an application for an administrative hearing. An objection under this section is the same thing as a general denial of liability to the department.

(2) The notice of retained support does not become final until there is a final administrative order.

(3) If the objection is timely, the department serves the notice of hearing on the appellant or the appellant's representative by first class mail.

(4) The department must notify the appellant that it is the appellant's responsibility to notify the department of the appellant's mailing address at the time the application is filed and also of any change of address after filing the application. Mailing by first class mail to the last address provided by the appellant constitutes service under chapters 74.20A and 34.05 RCW.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. WSR 02-06-098, § 388-14A-5520, filed 3/4/02, effective 4/4/02. Statutory Authority: RCW 74.08.090, 34.05.220. WSR 01-03-089, § 388-14A-5520, filed 1/17/01, effective 2/17/01. Formerly WAC 388-13-060.]

WAC 388-14A-5525 What happens at the hearing on a notice of retained support? (1) An administrative hearing on a notice of retained support is limited to the determination of the ownership of the amounts claimed in the notice or the reasonableness of a repayment agreement offered to a public assistance recipient for recovering child support under RCW 74.20A.270 and WAC 388-14A-5505.

(2) The department has the burden of proof to establish ownership of the support money claimed, including but not limited to amounts not yet disbursed or spent.

(3) The administrative law judge (ALJ) must allow the division of child support (DCS) to orally amend the notice of retained support at the hearing to conform to the evidence. The ALJ may grant a continuance, if necessary, to allow the debtor additional time to present evidence or argument in response to the amendment.

(4) The ALJ serves a copy of the initial decision on DCS and the debtor or the debtor's representative by first class mail to the last address provided by each party.

(5) If the debtor fails to appear at the hearing, the ALJ, upon a showing of valid service of the notice of retained support, enters an initial decision and order declaring that the amount of the support money claimed in the notice, is subject to collection action under chapter 74.20A RCW.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. WSR 02-06-098, § 388-14A-5525, filed 3/4/02, effective 4/4/02. Statutory Authority: RCW 74.08.090, 34.05.220. WSR 01-03-089,

§ 388-14A-5525, filed 1/17/01, effective 2/17/01. Formerly WAC 388-13-070 and 388-13-110.]

WAC 388-14A-5530 Can I request a late hearing on a notice of retained support? (1) Within one year from the date the division of child support (DCS) serves a notice of retained support, the person, firm, corporation, association, political subdivision or any officer or agent thereof may petition DCS for a hearing, upon a showing of any of the grounds listed in RCW 4.72.010 or CR 60.

(2) A copy of the objection must be served by first class mail on the district field office of DCS.

(3) The filing of the petition does not stay any collection action that DCS has taken, but the debtor may petition the secretary or the secretary's designee for an order staying collection action pending final decision of the secretary or the secretary's designee or the courts on an appeal made under chapter 34.05 RCW.

(4) Any money held or taken by collection action before any such stay and any support money claimed by the department, including amounts to be received in the future, to which the department may have a claim, must be held in trust pending the final decision and appeal, if any, to be disbursed in accordance with the final decision.

(5) If someone files a petition for a hearing, the department serves the notice of hearing on the appellant, the appellant's attorney, or other designated representative by first class mail.

(6) The department notifies the appellant that the appellant must notify the department of the appellant's mailing address at the time the petition is filed and also of any change of address after filing the petition. Mailing by first class mail to the last address provided by the appellant constitutes service under chapters 74.20A and 34.05 RCW.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. WSR 02-06-098, § 388-14A-5530, filed 3/4/02, effective 4/4/02. Statutory Authority: RCW 74.08.090, 34.05.220. WSR 01-03-089, § 388-14A-5530, filed 1/17/01, effective 2/17/01. Formerly WAC 388-13-050.]

WAC 388-14A-5535 How does DCS collect a debt established on a notice of retained support? The division of child support (DCS) may take action under chapter 74.20A RCW to collect debts determined under WAC 388-14A-5505.

[Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-5535, filed 1/17/01, effective 2/17/01. Formerly WAC 388-13-085.]

WAC 388-14A-5540 Can I just acknowledge that I owe money to the division of child support? If you answer the notice of retained support acknowledging that the department owns the support payments in question, the division of child support (DCS) may take collection action under chapter 74.20A RCW if you fail to pay the debt within twenty-one days of the date DCS receives the answer.

[Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-5540, filed 1/17/01, effective 2/17/01. Formerly WAC 388-13-100.]

PART F - HEARINGS AND CONFERENCE BOARDS

WAC 388-14A-6000 Which statutes and regulations govern the division of child support's hearing process? (1) Hearings under this chapter are governed by:

(a) The Administrative Procedure Act, chapter 34.05 RCW, RCW 74.20A.055; and

(b) Chapter 388-02 WAC.

(2) If any provision in this chapter conflicts with or is inconsistent with chapter 388-02 WAC, the provision in this chapter governs.

[Statutory Authority: RCW 74.08.090, 34.05.220. WSR 01-03-089, § 388-14A-6000, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-180 and 388-13-120.]

WAC 388-14A-6100 The division of child support accepts oral requests for hearing or conference board. (1) Except for the instances listed in subsections (8) and (9), the division of child support (DCS) accepts either a written or an oral request for hearing or conference board, even though other sections of this chapter or the relevant statutes may provide that objections and hearing requests should be in writing.

(2) The subject matter of the objection determines whether the matter is set as a conference board or hearing, unless there is a specific request for an administrative hearing under chapter 34.05 RCW.

(3) DCS processes oral and written requests for hearing in the same manner.

(4) An oral request for hearing is complete if it contains enough information to identify the person making the request, the DCS action, and the case or cases involved in the hearing request.

(5) The effective date of an oral request for hearing is the date that someone makes a complete oral request for hearing, to any DCS representative in person or by leaving a message on the automated voice mail system of any DCS field office.

(6) When making an oral request, you do not need to specify whether you want a hearing under chapter 34.05 RCW or a conference board under WAC 388-14A-6400.

(7) You can make an oral request for hearing or conference board on behalf of another person, if you have written authorization to act on their behalf. The effective date of an oral request for hearing or conference board made on behalf of another person is the later of the date of the complete oral request for hearing or the date that DCS receives the written authorization.

(8) There are three types of hearing requests which must be in writing:

(a) A petition for prospective modification under WAC 388-14A-3925;

(b) A petition for reimbursement for day care expenses under WAC 388-14A-4300; and

(c) A request to terminate or reverse an abatement under WAC 388-14A-3960.

(9) You must also make the following requests in writing:

(a) A request for a determination of controlling order under the Uniform Interstate Family Support Act (UIFSA), chapter 26.21A RCW, as described in WAC 388-14A-7305; and

(b) An objection to the determination of controlling order contained in a notice of support debt and registration issued by DCS under WAC 388-14A-7325. WAC 388-14A-7335 describes how to make this objection.

[Statutory Authority: RCW 26.09.916, 74.08.090, 74.20A.055. WSR 22-02-063, § 388-14A-6100, filed 1/4/22, effective 2/4/22. Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310. WSR 07-08-055, § 388-14A-6100, filed 3/29/07, effective 4/29/07. Statutory Authority: RCW 74.08.090, 34.05.220. WSR 01-03-089, § 388-14A-6100, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-500.]

WAC 388-14A-6105 What is the difference between an initial order and a final order in a hearing involving the division of child support? (1) In an administrative hearing involving the DSHS division of child support (DCS), the administrative law judge (ALJ) enters either an initial order, which is subject to review by the DSHS board of appeals (BOA), or a final order, which is not subject to review by BOA.

(2) The terms **"initial order"**, **"final order"**, and **"review"** are defined in WAC 388-02-0010, and those definitions are paraphrased here for ease of reference:

(a) **"Initial order"** is a hearing decision made by an ALJ that may be reviewed by a BOA review judge under WAC 388-02-0215(4). An initial order is sometimes called an **"initial decision."**

(b) **"Final order"** means an order that is the final DSHS decision.

(c) **"Review"** means the act of reviewing initial orders and making the final agency decision as provided by RCW 34.05.464.

(3) WAC 388-14A-6110 and 388-14A-6115 describe how to determine what kind of order is entered. Whether the ALJ enters an initial order or a final order does not depend on the date the hearing is held or the date the order is entered.

(4) WAC 388-14A-6120 describes what you can do if you disagree with an initial order or final order.

(5) WAC 388-14A-6125 describes when DCS may take enforcement action on an initial order or final order.

[Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.110, 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310, and 74.20A.328. WSR 26-14-086, s 388-14A-6105, filed 6/29/26, effective 7/30/26. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199. WSR 03-17-013, § 388-14A-6105, filed 8/12/03, effective 9/12/03.]

WAC 388-14A-6110 When must an ALJ enter an initial order in a DCS hearing proceeding? An administrative law judge (ALJ) must enter an initial order in a division of child support (DCS) hearing proceeding if:

(1) The case involves the disclosure of a party's address under WAC 388-14A-2114 through 388-14A-2140;

(2) A custodial parent (CP) or noncustodial parent (NCP) files a hearing request before November 15, 2002;

(3) A CP or NCP files a petition for modification with DCS or the office of administrative headings (OAH) before November 15, 2002; or

(4) DCS petitions for modification of an administrative order, and either the NCP or the CP is served with the notice of hearing before November 15, 2002.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199. WSR 03-17-013, § 388-14A-6110, filed 8/12/03, effective 9/12/03.]

WAC 388-14A-6115 When must an ALJ enter a final order in a DCS hearing proceeding? Except for cases regarding address disclosure under WAC 388-14A-2114 through 388-14A-2140, an administrative law judge (ALJ) must enter a final order in a DCS hearing proceeding if:

(1) A custodial parent (CP) or noncustodial parent (NCP) files a hearing request on or after November 15, 2002;

(2) An NCP or CP files a petition for modification with DCS or the office of administrative hearings (OAH) on or after November 15, 2002;

(3) DCS petitions for modification of an administrative order, and neither the NCP nor the CP is served before November 15, 2002.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199. WSR 03-17-013, § 388-14A-6115, filed 8/12/03, effective 9/12/03.]

WAC 388-14A-6120 What can I do if I do not agree with an initial order or final order entered by an administrative law judge? (1) Except for the DCS representative, any party to an initial order entered by an administrative law judge (ALJ) has the right to request review pursuant to chapter 388-02 WAC.

(2) No party may request administrative review of a final order entered by an ALJ.

(3) Any party to an initial order or a final order may petition to vacate an order of dismissal or default, pursuant to WAC 388-14A-3700 and 388-14A-6150.

(4) Any party to an initial order or final order may request correction of a clerical error in the order, pursuant to WAC 388-02-0540 through 388-02-0555.

(5) Any party to a final order may request reconsideration of the order, pursuant to WAC 388-02-0605 through 388-02-0635.

(6) Except for the DCS representative, any party to a final order may petition for judicial review, pursuant to RCW 34.05.510 through 34.05.598. You do not need to request reconsideration of the order before you petition for judicial review.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199. WSR 03-17-013, § 388-14A-6120, filed 8/12/03, effective 9/12/03.]

WAC 388-14A-6125 When does an initial order or final order entered by an ALJ become enforceable? (1) If no party requests review within twenty-one days of the date OAH mailed an initial order, the DSHS division of child support (DCS) may take enforcement action on the twenty-second day after OAH mailed the order.

(2) DCS may take enforcement action on a final order immediately upon entry of the order.

(a) Even if a party files a request for reconsideration, a request to correct a clerical error, a petition to vacate, or a petition for judicial review, DCS does not stop enforcement of the order.

(b) To stop DCS from enforcing a final order, you must obtain a court order staying (stopping) enforcement of the order.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199. WSR 03-17-013, § 388-14A-6125, filed 8/12/03, effective 9/12/03.]

WAC 388-14A-6150 What can I do if there was a default order entered against me in an administrative hearing? (1) Any party against whom the administrative law judge (ALJ) has entered an initial decision and order on default may petition the DSHS board of appeals for vacation of the default order, subject to the provisions, including time limits, of civil rule 60.

(2) Specific rules on administrative support establishment notices are in WAC 388-14A-3700.

(3) Upon receipt of a request to vacate a default order, the department must ask the office of administrative hearings (OAH) to:

(a) Schedule a hearing to determine whether or not the petitioner has good cause for vacating the default order; and

(b) Give any other parties to the hearing notice of the time and date of the hearing. The notice is sent to the party's last known address.

(4) In a hearing under this section, the ALJ must first determine if the petitioner has good cause for vacating the default order by applying civil rule 60 to determine whether the petition has good cause, in making this determination, the ALJ must consider the following factors:

(a) Whether there is substantial evidence to support a prima facie defense to the notice which was the subject of the hearing;

(b) Whether the petitioner's failure to appear at the hearing was due to mistake, inadvertance, surprise or excusable neglect;

(c) Whether the petition to vacate has been brought in a timely manner; and

(d) Whether vacating the initial decision would result in a substantial hardship to the parent who did appear for hearing.

(5) If the ALJ finds good cause to vacate the default order, the ALJ:

(a) Must conduct a hearing on the merits of the petitioner's objection to the notice that was the basis for the hearing at which the petitioner failed to appear; and

(b) May stay any further collection to the extent provided for under the rules governing the notice the party originally objected to.

(6) If the parent who did not appear at the hearing is unsuccessful in the motion to vacate the default order, the ALJ may treat the petition as a petition to modify the support order.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. WSR 01-24-081, § 388-14A-6150, filed 12/3/01, effective 1/3/02.]

WAC 388-14A-6200 What remedies are available to contest the division of child support's seizure of my bank account? (1) If the division of child support (DCS) takes collection action against a bank account, safe deposit box, or other property held by a bank, credit union, or savings and loan (collectively, "the account"), the noncustodial parent (NCP) or the joint owner of record of the account may contest the action.

(2) The effective date of an objection is the date DCS receives the request.

(3) The NCP or the joint owner must file the objection within 20 days of the date DCS mailed a copy of the order to withhold and deliver to the NCP's last known address for the objection to be considered timely.

(4) The NCP or joint owner of record must state in the objection the facts supporting the allegation that the account, or a portion of the account, is exempt from satisfaction of the NCP's child support obligation.

(5) If either the NCP or the joint owner of record submits a timely objection to the collection action, DCS schedules a hearing solely for the purpose of determining whether one of the following exemptions applies to the account attached by the order to withhold and deliver:

(a) Under RCW 26.16.200 and 74.20A.120, the property or funds in the community bank account, joint bank account, or safe deposit box, or a portion of the property or funds that can be identified as the earnings of the NCP's spouse who does not owe a support obligation to the NCP's child or children, are exempt from satisfaction of the child support obligation of the NCP;

(b) The funds in a bank account, or a portion of those funds can be identified as TANF, SSI benefits, or other kinds of funds that are legally exempt from collection action; or

(c) The funds or property attached by the order to withhold and deliver that can be identified as being solely owned by the joint owner of record of the bank account or safe deposit box who does not owe a child support obligation to the child or children of the NCP, are exempt from satisfaction of the NCP's child support obligation.

(6) If either the NCP or the joint owner of record submits an untimely or late objection to the collection action, the objection is treated as a request for a conference board under WAC 388-14A-6400 through 388-14A-6415.

[Statutory Authority: RCW 26.23.035, 74.08.090, and 74.20A.310. WSR 26-12-075, s 388-14A-6200, filed 6/3/26, effective 7/4/26. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310, 45 C.F.R. 303.106. WSR 01-24-079, § 388-14A-6200, filed 12/3/01, effective 1/3/02; WSR 01-03-089, § 388-14A-6200, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-390.]

WAC 388-14A-6205 What happens at a hearing on an objection to seizure of a bank account? (1) If either the noncustodial parent

(NCP) or the joint owner of record submits a timely objection to a division of child support (DCS) collection action against a bank account, DCS schedules a hearing solely for the purpose of determining whether one of the following exemptions applies to the funds in the bank account, or to the other property attached by the order to withhold and deliver:

(a) Under RCW 26.16.200 and 74.20A.120, the property or funds in the community bank account, joint bank account, or safe deposit box, or a portion of the property or funds that can be identified as the earnings of the NCP's spouse who does not owe a support obligation to the NCP's child or children, are exempt from satisfaction of the child support obligation of the NCP;

(b) The funds in the bank account, or a portion of those funds can be identified as TANF, SSI benefits, or other kinds of funds that are legally exempt from collection action; or

(c) The funds or property attached by the order to withhold and deliver can be identified as being solely owned by the joint owner of record of the bank account or safe deposit box who does not owe a child support obligation to the child or children of the NCP and are exempt from satisfaction of the NCP's child support obligation.

(2) The person challenging the collection action has the burden of tracing the funds and proving the property or funds in the bank account, or property in a safe deposit box, are exempt from satisfaction of the NCP's child support obligation.

(3) The administrative law judge (ALJ) is limited to the determination of whether the funds in the bank account, or the other property attached by the order to withhold and deliver, are exempt from satisfaction of the NCP's child support obligation.

[Statutory Authority: RCW 26.23.035, 74.08.090, and 74.20A.310. WSR 26-12-075, s 388-14A-6205, filed 6/3/26, effective 7/4/26. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310, 45 C.F.R. 303.106. WSR 01-24-079, § 388-14A-6205, filed 12/3/01, effective 1/3/02.]

WAC 388-14A-6210 What happens to the seized money once an objection is filed? (1) If the objection is timely, the division of child support (DCS) holds money or property withheld as a result of collection action taken against a bank account or safe deposit box and delivered to DCS at the time of an objection, pending the final administrative order or during any appeal to the courts.

(2) If DCS does not receive a timely objection, DCS distributes the seized money or property to the noncustodial parent's case or cases under WAC 388-14A-5000 through 388-14A-5008.

(3) If the objection is untimely or late, DCS holds the seized money or property still in its possession pending a conference board decision, after distribution of the funds required under WAC 388-14A-5000 through 388-14A-5008.

[Statutory Authority: RCW 26.23.035, 74.08.090, and 74.20A.310. WSR 26-12-075, s 388-14A-6210, filed 6/3/26, effective 7/4/26. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310, 45 C.F.R. 303.106. WSR 01-24-079, § 388-14A-6210, filed 12/3/01, effective 1/3/02.]

WAC 388-14A-6215 What happens if the judge decides the seized money was exempt? If the final decision of the department or courts on appeal is that the division of child support (DCS) has caused money or property that is exempt from satisfaction of the NCP's child support obligation to be withheld by the bank or delivered to the department, DCS must:

(1) Promptly release the order to withhold and deliver; or

(2) Refund the proportionate share of the funds having been identified as being exempt. The department is not liable for any interest accrued on any money withheld under RCW 74.20A.080.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310, 45 C.F.R. 303.106. WSR 01-24-079, § 388-14A-6215, filed 12/3/01, effective 1/3/02.]

WAC 388-14A-6220 What remedies are available to contest the division of child support's seizure of my DOC inmate account? If the division of child support (DCS) takes collection action against the inmate account of a noncustodial parent (NCP) who is an inmate of a department of corrections (DOC) facility, the NCP may contest the seizure of the inmate account in the same way an NCP could challenge a bank account seizure, as provided in WAC 388-14A-6200 through 388-14A-6215.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310, 45 C.F.R. 303.106. WSR 01-24-079, § 388-14A-6220, filed 12/3/01, effective 1/3/02.]

WAC 388-14A-6300 Duty of the administrative law judge in a hearing to determine the amount of a support obligation. (1) A support order entered under this chapter must conform to the requirements set forth in RCW 26.09.105, 26.18.170, 26.23.050, and 26.23.110. The administrative law judge (ALJ) must comply with the DSHS rules on child support and include a Washington state child support schedule worksheet when entering a support order.

(2) In hearings held under this chapter to contest a notice and finding of financial responsibility or a notice and finding of parental responsibility or other notice or petition, the ALJ must determine:

(a) The noncustodial parent's obligation to provide support under RCW 74.20A.057;

(b) The names and dates of birth of the children covered by the support order;

(c) The net monthly income of the noncustodial parent (NCP) and the other parent of the children;

(d) The NCP's share of the basic support obligation and any adjustments to that share, according to his or her circumstances;

(e) Each parent's proportionate share of costs such as uninsured medical expenses, day care and special child rearing expenses;

(f) If requested by a party, the NCP's proportionate share of costs such as uninsured medical expenses or day care expenses in a sum certain amount per month;

(g) A statement that either or both parents are obligated to provide medical support under RCW 26.09.105 and 26.18.170, as provided in subsection (3) of this section, including but not limited to notice

that if proof of health care coverage or proof that the coverage is unavailable is not provided to DCS within twenty days, DCS may seek direct enforcement through the obligated parent's employer or union without further notice to the parent;

(h) The NCP's accrued debt and order payments toward the debt in a monthly amount to be determined by the division of child support (DCS);

(i) The NCP's current and future monthly support obligation as a sum certain amount per month, and also as a "per month per child" amount if appropriate under WAC 388-14A-3200(4) and 388-14A-4800, and order payments in that amount.

(3) In determining the medical support obligation of the parents, the ALJ must:

(a) Require both parents to provide medical support for the children covered by the order. Medical support includes both:

(i) The obligation to provide health care coverage for the children:

(A) If coverage that can be extended to cover the children is or becomes available through the obligated parent's employer or union:

(B) If the obligated parent can enroll the children in public health care coverage; or

(C) When coverage is not available, to make a monthly contribution toward the premium paid for coverage by the other parent or the state; and

(ii) The obligation to pay his or her proportionate share of uninsured medical expenses.

(b) Determine whether one (but not both) of the parents should be excused from the obligation to provide coverage or contribute to a premium.

(i) The ALJ must state the reasons for excusing a parent from the coverage obligation.

(ii) The ALJ may not excuse that parent from the obligation to contribute his or her proportionate share of uninsured medical expenses.

(4) Having made the determinations required in subsection (2) above, the ALJ must order the NCP to make payments to the Washington state support registry (WSSR).

(5) The ALJ must allow DCS to orally amend the notice at the hearing to conform to the evidence. The ALJ may grant a continuance, when necessary, to allow the NCP or the CP additional time to present rebutting evidence or argument as to the amendment.

(6) The ALJ may not require DCS to produce or obtain information, documents, or witnesses to assist the NCP or CP in proof of defenses to liability. However, this rule does not apply to relevant, nonconfidential information or documents that DCS has in its possession.

(7) In a hearing held on a notice of support owed served on the NCP under WAC 388-14A-3310 or 388-14A-3311, the ALJ must comply with WAC 388-14A-3323 and 388-14A-3325 to determine, depending on what was requested in the notice:

(a) Whether a condition precedent in the order to begin or adjust the support obligation was met;

(b) The amount of monthly support as a fixed dollar amount;

(c) Any accrued arrears;

(d) Any difference between the amount calculated in the order resulting from a previous notice of support owed and the actual amount of the NCP's obligation for the period covered by the order; and

(e) The amount of the NCP's share of daycare or child care expenses for the children, including:

(i) The amount that the NCP must pay each month as his or her ongoing share of daycare or child care expenses for the children; and

(ii) The amount of NCP's accrued debt for daycare or child care expenses.

(8) In a hearing held on a notice of support owed served on either the NCP or the CP issued under WAC 388-14A-3312, the ALJ must determine either or both of the following, depending on what was requested in the notice:

(a) The amount owed by the obligated parent to the other for unreimbursed medical expenses;

(b) The monthly amount to be paid by the obligated parent as his or her proportionate share of the health care coverage premium paid by the other parent or the state.

(9) Except as provided in WAC 388-14A-3324, the ALJ does not specify how the amounts owed by the obligated parent should be paid.

(10) In the event that DCS has served a notice of support owed under WAC 388-14A-3312 on both the NCP and the CP, the ALJ must issue a separate administrative order for each notice issued, and may not set off the debts against each other.

(11) An administrative final order on a notice of support owed must include a provision that any subsequent notice of support owed created for the purposes of reviewing the amounts established by the final order may be served on any party to the order by regular mail to their last known address.

[Statutory Authority: RCW 26.09.105, 26.23.110, 74.04.055, 74.08.090, 74.20.040, and 74.20A.310. WSR 21-24-063, § 388-14A-6300, filed 11/29/21, effective 12/30/21. Statutory Authority: Part I of 2018 c 150 and RCW 26.09.105, 26.18.170, 26.23.050, 34.05.220 (1)(a), 34.05.350(1), 74.08.090, and 74.20.040(9). WSR 19-02-017, § 388-14A-6300, filed 12/21/18, effective 1/21/19. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-6300, filed 5/19/11, effective 6/19/11. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-6300, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 34.05.220 (1)(a), 74.20A.055. WSR 07-06-053, § 388-14A-6300, filed 3/2/07, effective 4/2/07. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.160. WSR 06-09-015, § 388-14A-6300, filed 4/10/06, effective 5/11/06. Statutory Authority: RCW 26.23.050, 34.05.220, 74.08.090, 74.20A.310. WSR 05-14-102, § 388-14A-6300, filed 6/30/05, effective 7/31/05. Statutory Authority: RCW 74.08.090, 26.23.050, 34.05.220, 74.20A.055, 74.20A.056, 45 C.F.R. 303.11, 45 C.F.R. 303.100. WSR 01-03-089, § 388-14A-6300, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-100 and 388-11-210.]

WAC 388-14A-6400 The division of child support's grievance and dispute resolution method is called a conference board. (1) The division of child support (DCS) provides conference boards for the resolution of complaints and problems regarding DCS cases, and for granting exceptional or extraordinary relief. A conference board is an informal review of case actions and of the circumstances of the parties and children related to a child support case.

(a) The term conference board can mean either of the following, depending on the context:

(i) The process itself, including the review and any meeting convened; or

(ii) The DCS staff who make up the panel which convenes the hearing and makes factual and legal determinations.

(b) A conference board chair is an attorney employed by DCS in the conference board unit. In accordance with section WAC 388-14A-6415, the conference board chair reviews a case, and:

(i) Issues a decision without a hearing, or

(ii) Sets a hearing to take statements from interested parties before reaching a decision.

(2) A person who disagrees with any DCS action related to establishing, enforcing or modifying a support order may ask for a conference board.

(3) DCS uses the conference board process to:

(a) Help resolve complaints and problems over agency actions;

(b) Determine when hardship in the paying parent's household, as defined in RCW 74.20A.160, justifies the release of collection action or the refund of a support payment;

(c) Determine when hardship in the custodial parent's household justifies the waiver of any required fee;

(d) Set a repayment rate on a support debt; and

(e) Determine when it is appropriate to write off support debts owed to the department based on:

(i) Hardship to the paying parent or that parent's household;

(ii) Settlement by compromise of disputed claims;

(iii) Probable costs of collection in excess of the support debt; or

(iv) An error or legal defect that reduces the possibility of collection.

(4) A conference board is not a formal hearing under the Administrative Procedure Act, chapter 34.05 RCW.

(5) A conference board does not replace any formal hearing right created by chapters 388-14A WAC, or by chapters 26.23, 74.20 or 74.20A RCW.

(6) This section and WAC 388-14A-6405 through 388-14A-6415 govern the conference board process in DCS cases.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-6400, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310. WSR 01-03-089, § 388-14A-6400, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-385.]

WAC 388-14A-6405 How to apply for a conference board. (1) A person may request a conference board, orally or in writing, at any division of child support (DCS) office.

(2) Oral requests for conference boards are governed by WAC 388-14A-6100.

(3) DCS may start conference board proceedings in appropriate circumstances.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310. WSR 01-03-089, § 388-14A-6405, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-386.]

WAC 388-14A-6410 Explanation of the conference board process. (1) An applicant for a conference board must make reasonable efforts to resolve the dispute with division of child support (DCS) staff before the conference board can act in the case.

(2) A conference board chair reviews each application to determine appropriate action:

(a) If there are questions of both law and fact or if the dispute involves only facts, the chair may schedule a conference board hearing to gather evidence;

(b) If the factual dispute would not provide a basis on which the conference board could grant relief, even if all facts were resolved in favor of the applicant, the chair may issue a decision without a hearing; or

(c) If the dispute can be resolved as a matter of law without relying upon disputed facts, the conference board chair may issue a decision without scheduling a hearing.

(3) If the conference board chair schedules a hearing, the conference board is made up of the conference board chair and staff from the DCS field office which handles the child support case, if needed.

(a) At the hearing, the conference board makes determinations of relevant disputed facts. Decisions on factual issues are made by a majority of the conference board.

(b) Decisions on issues of law are made by the conference board chair alone.

(c) The DCS worker regularly assigned to a case may not be part of a conference board dealing with that case.

(4) The conference board chair prepares a decision, if necessary, and provides that decision to the parties to the conference board, and to the DCS staff responsible for the case.

(5) The director of DCS, or a person designated by the director, may review conference board decisions, and may alter, amend, vacate or remand decisions that are inconsistent with Washington law or DCS policy, or are grossly unfair.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310. WSR 01-03-089, § 388-14A-6410, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-387.]

WAC 388-14A-6415 Scope of authority of conference board chair defined. The conference board chair has the authority to:

(1) Subpoena witnesses and documents, administer oaths and take testimony;

(2) Grant relief by setting payment plans, writing off debt owed to the department, waiving fees, or refunding collected money;

(3) Adjust support debts based on evidence gathered during the conference board process;

(4) Direct distribution of collected support; and

(5) Take any action consistent with Washington law and DCS policy to resolve disputes, grant relief or address issues of equity.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-6415, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310. WSR 01-03-089, § 388-14A-6415, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-388.]

WAC 388-14A-6500 Can I use equitable estoppel as a defense in a hearing with the division of child support? (1) Equitable estoppel is available in adjudicative proceedings conducted under this chapter.

(2) When a party raises, or the facts indicate, a claim that equitable estoppel applies to a party to the proceeding, the administrative law judge (ALJ) must:

(a) Consider equitable estoppel according to the precedents set by reported Washington state appellate case law, where not contrary to public policy; and

(b) Enter findings of fact and conclusions of law sufficient to determine if the elements of equitable estoppel are met and apply.

(3) The party asserting, or benefitting from, equitable estoppel must prove each element of that defense by clear, cogent and convincing evidence.

(4) The ALJ must consider on the record whether a continuance is necessary to allow the parties to prepare to argue equitable estoppel when:

(a) A party raises equitable estoppel; or

(b) The facts presented require consideration of equitable estoppel.

(5) When the ALJ orders a continuance under subsection (4) of this section, the ALJ enters an initial decision and order for current support if:

(a) Current support is an issue in the proceeding; and

(b) The claim for current support is unaffected by the equitable estoppel defense.

(6) The defense of equitable estoppel is not available to a party when the:

(a) Party raises the defense against the department's claim for reimbursement of public assistance; and

(b) Act or representation forming the basis for an estoppel claim:

(i) Was made by a current or former public assistance recipient;

(ii) Was made on or after the effective date of the assignment of support rights; and

(iii) Purported to waive, satisfy, or discharge a support obligation assigned to the department.

[Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-6500, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-067.]

PART G - INTERGOVERNMENTAL ISSUES

WAC 388-14A-7000 The division of child support may register an order from a non-Washington jurisdiction for enforcement or modification. (1) A child support order issued by a tribunal of another state, country, or jurisdiction is referred to in this chapter as a foreign order or an intergovernmental order. As described in subsection (3) of this section, there is a type of foreign order known as a convention order.

(2) Except for convention orders described in subsection (3) of this section, a child support order issued by a tribunal of another state or jurisdiction may be registered in this state for enforcement or modification at the request of a party to the order or at the request of the support enforcement agency of a tribe or of another state

or country, using the notice of support debt and registration (NOSDR) as provided in WAC 388-14A-7100.

(3) Support orders issued by a tribunal in a foreign country which has ratified the convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance (known as the Hague Convention on Child Support) are known as convention orders. Convention orders may be registered in this state for enforcement or modification at the request of a party to the order or at the request of that country, using the Notice of Support Debt and Registration-Hague Convention on Child Support (NOSDR-HC) as provided in WAC 388-14A-7005.

(4) The Hague Convention on Child Support may, for the purposes of this chapter, also be known as the "Hague Convention."

[Statutory Authority: RCW 26.21A.601 through 26.21A.630, 74.08.090. WSR 19-08-086, § 388-14A-7000, filed 4/3/19, effective 5/4/19.]

WAC 388-14A-7005 The division of child support may register an order from a foreign country under the Hague Convention on Child Support for enforcement or modification. (1) A child support order issued by a tribunal of a foreign country which has ratified the convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance (known as the Hague Convention on Child Support) may be registered in this state for enforcement pursuant to chapter 26.21A RCW at the request of a party to the convention order or at the request of the support enforcement agency of the foreign country.

(a) Such an order is, for the purposes of this chapter, known as a "convention order."

(b) At the option of the division of child support (DCS), a convention order may be registered with the superior court pursuant to RCW 26.21A.505 or it may be registered with the administrative tribunal according to subsection (2) of this section. Either method of registration is valid.

(c) A convention order is registered when the order is filed with the registering tribunal of this state.

(d) DCS may enforce a registered convention order in the same manner and subject to the same procedures as an order issued by a tribunal of this state.

(e) DCS may assess and collect interest on amounts owed under convention orders entered or established in a jurisdiction other than the state of Washington as provided in WAC 388-14A-7110.

(f) DCS notifies the parties that it is enforcing a convention order using the Notice of Support Debt and Registration under the Hague Convention (NOSDR-HC) as provided in this section.

(2) DCS must give notice to the nonregistering party when it administratively registers a convention order. DCS gives this notice by using the Notice of Support Debt and Registration under the Hague Convention (NOSDR-HC).

(a) The notice must inform the nonregistering party:

(i) That a registered convention order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state;

(ii) That if a party wants a hearing to contest the validity or enforcement of the registered convention order, the party must request a hearing within thirty days after service of the notice on the nonre-

gistering party, or if the contesting party does not reside in the United States, the contest must be filed no later than sixty days after notice of the registration;

(iii) That failure to contest the validity or enforcement of the registered convention order in a timely manner will result in confirmation and enforcement of the convention order and any alleged arrearages and such failure to contest the notice precludes further contest of the convention order with respect to any matter that could have been asserted;

(iv) Of the amount of any alleged arrearages, including interest, if interest is being assessed under WAC 388-14A-7110; and

(v) Whether DCS has made a determination of controlling order under chapter 26.21A RCW, as described in WAC 388-14A-7325.

(b) The Notice of Support Debt and Registration under the Hague Convention (NOSDR-HC) must be:

(i) Served on the nonregistering party by certified or registered mail or by any means of personal service authorized by the laws of the state of Washington; and

(ii) Served on the registering party or entity by first class mail at the last known address; and

(iii) Accompanied by a copy of the registered convention order and any documents and relevant information accompanying the convention order submitted by the registering party.

(c) The effective date of a request for hearing to contest the validity or enforcement of the registered convention order is the date DCS receives the request.

(3) A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued by a foreign country that has ratified the Hague Convention on Child Support may register the convention order in this state according to RCW 26.21A.613 through 26.21A.615.

(a) The convention order must be registered as provided in subsection (1)(b) if the order has not yet been registered.

(b) A petition for modification may be filed at the same time as a request for registration, or later. The petition must specify the grounds for modification.

(c) DCS may enforce a convention child support order registered for purposes of modification, as if a tribunal of this state had issued the order, but the registered convention order may be modified only if the requirements of RCW 26.21A.550 are met.

(4) Interpretation of the registered convention order is governed by RCW 26.21A.515.

[Statutory Authority: RCW 26.21A.601 through 26.21A.630, 74.08.090. WSR 19-08-086, § 388-14A-7005, filed 4/3/19, effective 5/4/19.]

WAC 388-14A-7010 What happens at a hearing on a notice of support debt and registration under the Hague Convention on Child Support? (1) After the service of a Notice of Support Debt and Registration under the Hague Convention (NOSDR-HC) as described in WAC 388-14A-7005, either party to the convention order may object and request a hearing on the notice.

(2) A hearing under this section is for the limited purpose of determining if the nonregistering party (also called the contesting party for the purposes of this section) can prove one or more of the defenses listed in RCW 26.21A.617.

(3) If the contesting party presents evidence establishing a full or partial defense under 26.21A.617, the presiding officer must:

(a) Not limit the right of the division of child support (DCS) to enforce any severable parts of the convention order;

(b) Continue the proceeding to allow the parties to gather additional relevant evidence; or

(c) Issue other appropriate orders.

(4) As provided in RCW 26.21A.620, DCS may enforce an uncontested portion of the registered convention order by all remedies available under the law of this state before there is a final administrative order.

(5) If the contesting party does not establish a defense under 26.21A.617 to the validity or enforcement of the convention order, the presiding officer must issue an order confirming the registered convention order.

(6) The other party to the convention order may participate as a party to any hearing under this section.

(7) The following grounds are the only grounds on which a tribunal of this state may refuse recognition and enforcement of a registered convention support order:

(a) Recognition and enforcement of the order is manifestly incompatible with public policy, including the failure of the issuing tribunal to observe minimum standards of due process, which include notice and an opportunity to be heard;

(b) The issuing tribunal lacked personal jurisdiction consistent with RCW 26.21A.100;

(c) The order is not enforceable in the issuing country;

(d) The order was obtained by fraud in connection with a matter of procedure;

(e) A record transmitted in accordance with RCW 26.21A.613 lacks authenticity or integrity;

(f) A proceeding between the same parties and having the same purpose is pending before a tribunal of this state and that proceeding was the first to be filed;

(g) The order is incompatible with a more recent support order involving the same parties and having the same purpose if the more recent support order is entitled to recognition and enforcement under this chapter in this state;

(h) Payment, to the extent alleged arrears have been paid in whole or in part;

(i) In a case in which the respondent neither appeared nor was represented in the proceeding in the issuing foreign country:

(i) If the law of that country provides for prior notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard; or

(ii) If the law of that country does not provide for prior notice of the proceedings, the respondent did not have proper notice of the order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal; or

(j) The order was made in violation of RCW 26.21A.625.

(8) If the presiding officer does not recognize the convention support order under subsection (7)(b), (7)(d) or (7)(i) of this section, the presiding officer may not dismiss the proceeding without allowing a reasonable time for a party to request the establishment of a new convention support order.

(9) DCS must take all appropriate measures to request a child support order for the obligee if the application for recognition and enforcement was received under RCW 26.21A.607.

[Statutory Authority: RCW 26.21A.601 through 26.21A.630, 74.08.090. WSR 19-08-086, § 388-14A-7010, filed 4/3/19, effective 5/4/19.]

WAC 388-14A-7100 The division of child support may register an order from a tribe or another state or country for enforcement or modification. (1) A child support order or an income-withholding order for support issued by a tribunal of another state or jurisdiction may be registered in this state for enforcement pursuant to chapter 26.21A RCW at the request of a party to the order or at the request of the support enforcement agency of an Indian tribe or of another state or country.

(a) At the option of the division of child support (DCS), the support order or income-withholding order may be registered with the superior court pursuant to RCW 26.21A.505 or it may be registered with the administrative tribunal according to subsection (2) of this section. Either method of registration is valid.

(b) A support order or income-withholding order issued in another state or jurisdiction is registered when the order is filed with the registering tribunal of this state.

(c) DCS may enforce a registered order issued in another state or jurisdiction in the same manner and subject to the same procedures as an order issued by a tribunal of this state.

(d) DCS may assess and collect interest on amounts owed under support orders entered or established in a jurisdiction other than the state of Washington as provided in WAC 388-14A-7110.

(e) DCS may notify the parties that it is enforcing a non-Washington support order using the notice of support debt and demand for payment under WAC 388-14A-3304 or using the notice of support debt and registration as provided in this section and in WAC 388-14A-7110. Either method of notice is valid.

(2) DCS must give notice to the nonregistering party when it administratively registers a support order or income-withholding order issued in another state or jurisdiction. DCS gives this notice with the notice of support debt and registration (NOSDR).

(a) The notice must inform the nonregistering party:

(i) That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state;

(ii) That if a party wants a hearing to contest the validity or enforcement of the registered order, the party must request a hearing within twenty days after service of the notice on the nonregistering party within Washington state. If the nonregistering party was served with the notice outside of Washington state, the party has sixty days after service of the notice to request a hearing to contest the validity or enforcement of the registered order;

(iii) That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted;

(iv) Of the amount of any alleged arrearages, including interest, if interest is being assessed under WAC 388-14A-7110; and

(v) Whether DCS has made a determination of controlling order under chapter 26.21A RCW, as described in WAC 388-14A-7325.

(b) The notice must be:

(i) Served on the nonregistering party by certified or registered mail or by any means of personal service authorized by the laws of the state of Washington; and

(ii) Served on the registering party by first class mail at the last known address; and

(iii) Accompanied by a copy of the registered order and any documents and relevant information accompanying the order submitted by the registering party.

(c) The effective date of a request for hearing to contest the validity or enforcement of the registered order is the date DCS receives the request.

(3) A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state or jurisdiction may register the order in this state according to RCW 26.21A.540 through 26.21A.550.

(a) The order must be registered as provided in subsection (1)(a) if the order has not yet been registered.

(b) A petition for modification may be filed at the same time as a request for registration, or later. The petition must specify the grounds for modification.

(c) DCS may enforce a child support order of another state or jurisdiction registered for purposes of modification, as if a tribunal of this state had issued the order, but the registered order may be modified only if the requirements of RCW 26.21A.550 are met.

(4) Interpretation of the registered order is governed by RCW 26.21A.515.

(5) For information about the registration of a child support order under the 23 November 2007 Convention on the International Recover of Child Support and Other Forms of Family Maintenance, see WAC 388-14A-7005.

[Statutory Authority: RCW 26.21A.601 through 26.21A.630, 74.08.090. WSR 19-08-086, § 388-14A-7100, filed 4/3/19, effective 5/4/19. 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-7100, filed 12/18/12, effective 1/18/13. Statutory Authority: RCW 26.23.120, 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310, and 45 C.F.R. Parts 301.1, 302.35, 302.36, 303.3, 303.7, 303.11, 303.20, 305.63, 307.13, and 308.2. WSR 11-22-116, § 388-14A-7100, filed 11/2/11, effective 12/3/11. Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310. WSR 07-08-055, § 388-14A-7100, filed 3/29/07, effective 4/29/07. Statutory Authority: RCW 26.21.016. WSR 05-07-059, § 388-14A-7100, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310. WSR 01-03-089, § 388-14A-7100, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-260 and 388-14-495.]

WAC 388-14A-7110 The division of child support may enforce interest on amounts owed under support orders entered or established in a jurisdiction other than Washington state. (1) The division of child

support (DCS) may accept an intergovernmental request to enforce interest when:

(a) The request is from:

(i) Another state's IV-D agency;

(ii) An Indian tribe;

(iii) A foreign country which has entered into a reciprocal agreement with the United States of America or with the state of Washington;

(iv) A foreign country which has ratified the Hague Convention on Child Support; or

(v) A custodial parent (CP) or noncustodial parent (NCP) who resides outside of Washington state who has filed a petition under the Uniform Interstate Family Support Act (UIFSA), chapter 26.21A RCW.

(b) The party requesting that DCS enforce interest provides a calculation of the interest claimed which has been certified by a IV-D agency or a certified public accountant (CPA); and

(c) The support order was entered or established in a jurisdiction other than Washington state.

(2) When a foreign support order has been submitted for enforcement under UIFSA, DCS may, at its option, either:

(a) Use the notice of support debt and demand for payment to enforce interest on an out-of-state support order. See WAC 388-14A-3304 for the rules regarding the notice of support debt and demand for payment; or

(b) Use a notice of support debt and registration to enforce interest on the foreign order. See WAC 388-14A-7100 and 388-14A-7005 for the rules regarding registration of a foreign order.

(3) When an out of state order has been submitted for registration for enforcement and modification under UIFSA, DCS uses a notice of support debt and registration to enforce interest on the out of state order. See WAC 388-14A-7100 and 388-14A-7005 for the rules regarding registration of a foreign support order.

(4) Any hearing held on a notice of support debt and registration which includes a claim for interest is conducted in accordance with WAC 388-14A-7125, 388-14A-7115, and 388-14A-7005.

(a) WAC 388-14A-7135 describes the procedures for confirmation of the registered order.

(b) WAC 388-14A-7135 describes the effect of confirmation of the registered order.

(5) At any time after the notice of support debt and registration becomes a final administrative order, DCS may update the amount of interest as provided in WAC 388-14A-7120.

[Statutory Authority: RCW 26.21A.601 through 26.21A.630, 74.08.090. WSR 19-08-086, § 388-14A-7110, filed 4/3/19, effective 5/4/19. 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-7110, filed 12/18/12, effective 1/18/13. Statutory Authority: RCW 26.23.120, 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310, and 45 C.F.R. Parts 301.1, 302.35, 302.36, 303.3, 303.7, 303.11, 303.20, 305.63, 307.13, and 308.2. WSR 11-22-116, § 388-14A-7110, filed 11/2/11, effective 12/3/11. Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310. WSR 07-08-055, § 388-14A-7110, filed 3/29/07, effective 4/29/07. Statutory Authority: RCW 26.21.016. WSR 05-07-059, § 388-14A-7110, filed 3/11/05, effective 4/11/05.]

WAC 388-14A-7115 Are there special rules for a hearing on a notice seeking to enforce interest on a support order? (1) When the division of child support serves a notice of support debt and demand for payment or a notice of support debt and registration under WAC 388-14A-7110(2) and the notice becomes the subject of a hearing, this section applies to a determination of interest.

(2) The calculation of the amount of interest which has been certified by a IV-D agency, a certified public accountant (CPA) or a foreign country's equivalent of a CPA must be accepted as evidence at a hearing on a notice of support debt and demand for payment or on a notice of support debt and registration.

(a) Such certified calculation is prima facie evidence of the amount of interest owed by the NCP.

(b) Any party challenging the certified calculation has the burden of proving that the amount of interest claimed is incorrect.

(3) A party challenging the certified calculation may challenge the calculation for one or more of the following reasons:

(a) The amount of principal is incorrect because credit was not given for payments made;

(b) The amount of principal is incorrect because credit was given for payments which were not actually made; or

(c) The interest calculation was not properly done according to the law of the state, tribe or country issuing the order.

(4) If the administrative law judge (ALJ) finds that the party challenging the interest calculation has shown that the amount of principal is incorrect, the ALJ:

(a) Enters an order stating the correct amount of principal;

(b) Orders the party which submitted the original interest calculation to:

(i) Recalculate or have recalculated the interest based on the new principal amount; and

(ii) Submit the new certified calculation to the ALJ within a reasonable amount of time; and

(c) After receiving the new certified calculation, enters an order determining the amount of debt, including interest, for the period claimed in the notice.

(5) If the ALJ orders a new certified calculation, DCS may enforce any amounts of principal the ALJ found to be due and owing under the support order while the administrative order under subsection (4)(c) of this section is pending.

(6) A claim that the interest calculation was not properly done must be supported by an interest calculation which is certified by a IV-D agency, a CPA or the foreign equivalent. The ALJ then determines which calculation is best supported by the evidence.

(7) The division of child support does not perform certified interest calculations for use in a hearing under this section.

[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-7115, filed 12/18/12, effective 1/18/13. Statutory Authority: RCW 26.23.120, 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310, and 45 C.F.R. Parts 301.1, 302.35, 302.36, 303.3, 303.7, 303.11, 303.20, 305.63, 307.13, and 308.2. WSR 11-22-116, § 388-14A-7115, filed 11/2/11, effective 12/3/11. Statutory Authority: RCW 26.21.016. WSR 05-07-059, § 388-14A-7115, filed 3/11/05, effective 4/11/05.]

WAC 388-14A-7117 Are there special rules for a conference board on a notice seeking to assess and collect interest on a support order? (1) When the division of child support serves a notice of support debt and demand for payment or a notice of support debt and registration under WAC 388-14A-7110(2) and the notice becomes the subject of a conference board under WAC 388-14A-6400, this section applies to a determination of interest.

(2) The calculation of the amount of interest which has been certified by a IV-D agency or a CPA must be accepted as evidence at a conference board on a notice of support debt and demand for payment or on a notice of support debt and registration.

(a) Such certified calculation is prima facie evidence of the amount of interest owed by the NCP.

(b) Any party challenging the certified calculation has the burden of proving that the amount of interest claimed is incorrect.

(3) A party challenging the certified calculation may challenge the calculation for one or more of the following reasons:

(a) The amount of principal is incorrect because credit was not given for payment made;

(b) The amount of principal is incorrect because credit was given for payments which were not actually made; or

(c) The interest calculation was not properly done.

(4) If the conference board determines that the amount of principal is incorrect, the conference board may request that the IV-D agency or a certified public accountant that performed the initial calculation provide a new calculation based on the new principal amount.

(5) DCS may collect undisputed amounts of principal while the final conference board decision is pending.

(6) A claim that the interest calculation was not properly done must be supported by an interest calculation which is certified by a IV-D agency or a certified public accountant. The conference board then determines which calculation is best supported by the evidence.

(7) The division of child support does not perform certified interest calculations for use in a conference board under this section.

(8) The conference board issues a decision, based on the evidence, determining the debt amount, including interest, for the period claimed in the notice.

[Statutory Authority: RCW 26.21.016. WSR 05-07-059, § 388-14A-7117, filed 3/11/05, effective 4/11/05.]

WAC 388-14A-7120 When does DCS update the interest on an intergovernmental case for enforcement? (1) When the division of child support (DCS) accepts an intergovernmental case for enforcement of interest under WAC 388-14A-7110(1), DCS may, at any time after service of a notice of support debt and registration or a notice of support debt and demand for payment, update the amount of interest to be enforced on the case.

(2) To notify the parties to the order that DCS has updated the amount of interest, DCS uses a form called the interest enforcement letter.

(a) The interest enforcement letter is based upon the annual notification of accrued interest from the IV-D agency or an updated interest calculation from a certified public accountant (CPA) or a foreign country's equivalent of a CPA.

(b) DCS sends the interest enforcement letter to the noncustodial parent (NCP), by first class mail to the NCP's last known address.

(3) The interest enforcement letter may advise the NCP of:

(a) The new, updated amount of interest owed for the arrears period; and

(b) The updated total amount of support owed, including interest.

(4) An NCP who objects to an interest enforcement letter must contact the IV-D agency or the CPA or equivalent who did the calculation to dispute the amount of interest claimed.

[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-7120, filed 12/18/12, effective 1/18/13. Statutory Authority: RCW 26.23.120, 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310, and 45 C.F.R. Parts 301.1, 302.35, 302.36, 303.3, 303.7, 303.11, 303.20, 305.63, 307.13, and 308.2. WSR 11-22-116, § 388-14A-7120, filed 11/2/11, effective 12/3/11. Statutory Authority: RCW 26.21.016. WSR 05-07-059, § 388-14A-7120, filed 3/11/05, effective 4/11/05.]

WAC 388-14A-7125 What happens at a hearing on a notice of support debt and registration? A hearing under this section is for the limited purpose of determining if the nonregistering party can prove one or more of the defenses listed in RCW 26.21A.530(1).

(1) If the contesting party presents evidence establishing a full or partial defense under RCW 26.21A.530(1), the presiding officer may:

(a) Stay enforcement of the registered order;

(b) Continue the proceeding to allow the parties to gather additional relevant evidence; or

(c) Issue other appropriate orders.

(2) DCS may enforce an uncontested portion of the registered order by all remedies available under the law of this state.

(3) If the contesting party does not establish a defense under RCW 26.21A.530(1) to the validity or enforcement of the order, the presiding officer must issue an order confirming the registered order.

(4) The custodial parent (CP) or payee of the order may participate as a party to any hearing under this section.

[Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310. WSR 07-08-055, § 388-14A-7125, filed 3/29/07, effective 4/29/07.]

WAC 388-14A-7135 What is the effect of confirmation of a registered order on the finality of the support debt calculation? (1) Except as provided below in subsections (2) and (3) of this section, confirmation of a registered order precludes further contest of the order with respect to any matter that could have been asserted at the time of registration. Confirmation may occur:

(a) By operation of law upon failure to contest registration; or

(b) By order of the administrative law judge (ALJ).

(2) Confirmation of a registered order that does not include interest does not relieve the noncustodial parent (NCP) of any interest that may have accrued or may accrue under the confirmed order.

(a) If interest is later assessed, the NCP or the custodial parent (CP) may not dispute the confirmed amount of the support debt.

(b) The NCP or CP may dispute the amount of interest due and owing on that confirmed amount by requesting a conference board under WAC 388-14A-6400.

(3) Confirmation of a registered order that does include interest confirms only the amount of debt, including interest, that is due and owing for the indicated time periods. Such confirmation does not relieve the NCP of any interest that may have accrued or may accrue for any other time period.

[Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310. WSR 07-08-055, § 388-14A-7135, filed 3/29/07, effective 4/29/07.]

WAC 388-14A-7200 DCS can serve notices in other states under the Uniform Interstate Family Support Act. (1) Except as specified in WAC 388-14A-3105, where grounds for personal jurisdiction exist under RCW 26.21A.100 or other Washington law, the division of child support (DCS) may serve the following legal actions in another state by certified mail, return receipt requested or by personal service, under chapter 26.21A RCW:

(a) A notice and finding of financial responsibility under WAC 388-14A-3115; and

(b) A notice and finding of parental responsibility under WAC 388-14A-3120;

(c) A notice of paternity test costs under WAC 388-14A-8300; or

(d) An affidavit of birth costs under WAC 388-14A-3555.

(2) A notice and finding of financial responsibility, a notice of paternity test costs, or an affidavit of birth costs becomes final and subject to immediate wage withholding and enforcement without further notice under chapters 26.18, 26.23, and 74.20A RCW unless the noncustodial parent (NCP), within sixty days of service in another state:

(a) Contacts DCS and signs an agreed settlement or consent order; or

(b) Files a written request for a hearing under:

(i) WAC 388-14A-3115 for a notice and finding of financial responsibility;

(ii) WAC 388-14A-3555 for an affidavit of birth costs; or

(iii) WAC 388-14A-8300 for a notice of paternity test costs.

(3) The effective date of a hearing request is the date DCS receives the hearing request.

(4) A notice and finding of parental responsibility becomes final and subject to immediate wage withholding and enforcement without further notice under chapters 26.18, 26.23, and 74.20A RCW unless the NCP, within sixty days of service in another state:

(a) Contacts DCS and signs an agreed settlement or consent order;

(b) Files a written request for a hearing under WAC 388-14A-3120 with DCS; or

(c) Files a written request for paternity testing under WAC 388-14A-8300 to determine if he is the natural father of the dependent child named in the notice and cooperates in the testing. A request for a hearing or paternity testing is filed on the date the request is received by DCS.

(5) If the results of paternity tests requested under subsection (4) of this section do not exclude the NCP as the natural father of

the dependent child, the notice and finding of parental responsibility becomes final and subject to immediate wage withholding without further notice under chapters 26.18, 26.23, and 74.20A RCW unless the NCP, within sixty days of service of the paternity test costs in another state:

(a) Contacts DCS and signs an agreed settlement or consent order; or

(b) Files a written request for a hearing under WAC 388-14A-3120.

(6) Administrative law judges and parties must conduct administrative hearings on notices served in another state under this section under the special rules of evidence and procedure in chapter 26.21A RCW and according to chapter 34.05 RCW.

[Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310. WSR 07-08-055, § 388-14A-7200, filed 3/29/07, effective 4/29/07. Statutory Authority: RCW 74.08.090, 34.05.220, 74.20A.055, 74.20A.056. WSR 01-03-089, § 388-14A-7200, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-305 and 388-14-260.]

WAC 388-14A-7305 How does a party, IV-D agency or jurisdiction ask for a determination of controlling order? (1) When there are multiple current support orders covering the same obligor and the same children, a party to a support order may request that the division of child support (DCS) make a determination of controlling order under the Uniform Interstate Family Support Act, chapter 26.21A RCW.

(2) When another state's IV-D agency or another jurisdiction has identified that there are multiple support orders in existence and DCS has personal jurisdiction over both of the parties to the orders, the IV-D agency or jurisdiction may request a determination of controlling order from DCS.

(3) A request for a determination of controlling order may be made at any time, unless there has already been a determination of controlling order for the same obligor and children.

(4) DCS can provide a form which contains all the required elements for a request for determination of controlling order. A request for a determination of controlling order:

(a) Must be in writing;

(b) Must contain copies of any child support orders known to the requesting party. DCS waives this requirement if DCS has a true copy of the order on file; and

(c) Must identify the order that the requesting party believes should be the controlling order.

(5) A request for determination of controlling order does not constitute a petition for modification of a support order.

[Statutory Authority: RCW 26.23.120, 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310, and 45 C.F.R. Parts 301.1, 302.35, 302.36, 303.3, 303.7, 303.11, 303.20, 305.63, 307.13, and 308.2. WSR 11-22-116, § 388-14A-7305, filed 11/2/11, effective 12/3/11. Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310. WSR 07-08-055, § 388-14A-7305, filed 3/29/07, effective 4/29/07.]

WAC 388-14A-7315 When might DCS deny a request for a determination of controlling order? (1) The division of child support (DCS) may deny a request for determination of controlling order made by a party to a child support order or another state's IV-D agency for the following reasons:

(a) There is only one support order for the obligor and the children;

(b) There is no current support owing under any existing support order for the obligor and the children; or

(c) There has already been a determination of controlling order performed for the obligor and the children.

(2) The denial of a request for determination of controlling order does not:

(a) Stop the party or other state's IV-D agency from bringing an action in superior court.

(b) Give rise to a right to administrative hearing.

[Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310. WSR 07-08-055, § 388-14A-7315, filed 3/29/07, effective 4/29/07.]

WAC 388-14A-7325 How does DCS notify the parties that a determination of the controlling order is going to be made? (1) When the division of child support (DCS) decides that a determination of controlling order is required, or when a party, IV-D agency or jurisdiction asks for a determination of controlling order, DCS reviews the multiple child support orders for the same obligor and children to determine which order should be enforced.

(a) If DCS decides that the order that should be enforced is a Washington order, DCS refers the matter to the superior court for a determination of controlling order proceeding under chapter 26.21A RCW.

(b) If DCS decides that the order that should be enforced is an order which was not entered in the state of Washington, DCS follows the procedures set out in subsections (2) through (4) of this section.

(2) DCS serves a notice of support debt and registration as provided in WAC 388-14A-7100. DCS serves the notice of support debt and registration on the obligor, the obligee, and on all identified interested parties. The notice of support debt and registration includes a determination of controlling order.

(3) DCS serves the notice of support debt and registration on a party who did not request the determination of controlling order by certified mail, return receipt requested, or by personal service.

(4) DCS serves the notice on the party who requested the determination of controlling order and on any other identified interested parties by first class mail to the last known address.

[Statutory Authority: RCW 26.23.120, 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310, and 45 C.F.R. Parts 301.1, 302.35, 302.36, 303.3, 303.7, 303.11, 303.20, 305.63, 307.13, and 308.2. WSR 11-22-116, § 388-14A-7325, filed 11/2/11, effective 12/3/11. Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310. WSR 07-08-055, § 388-14A-7325, filed 3/29/07, effective 4/29/07.]

WAC 388-14A-7335 What happens if someone objects to a notice of support debt and registration which contains a determination of the presumed controlling order? (1) If any party, IV-D agency or jurisdiction objects to the determination of presumed controlling order issued under WAC 388-14A-7325, that objection must be in writing and signed under penalty of perjury. The division of child support (DCS) provides an objection form with the notice of support debt and registration.

(2) An objection to the determination of presumed controlling order must contain:

(a) The reason the party, IV-D agency or jurisdiction objects. Examples of reasons to object include, but are not limited to:

(i) There is another order that was not considered in making the determination;

(ii) The alleged controlling order has been vacated, suspended or modified by a later order, which is attached to the objection;

(iii) The issuing tribunal lacked personal jurisdiction over the nonpetitioning party;

(iv) The order was obtained by fraud; or

(v) Any other legal defense available under chapter 26.21A RCW.

(b) A copy of the order which the party, IV-D agency or jurisdiction believes should be the controlling order, if that order was not included with the notice.

(c) A statement of facts in support of the objection.

(3) When DCS receives an objection to the proposed determination of controlling order, DCS refers the objection to the prosecuting attorney or attorney general to bring an action for determination of controlling order under RCW 26.21A.130 in the superior court.

[Statutory Authority: RCW 26.23.120, 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310, and 45 C.F.R. Parts 301.1, 302.35, 302.36, 303.3, 303.7, 303.11, 303.20, 305.63, 307.13, and 308.2. WSR 11-22-116, § 388-14A-7335, filed 11/2/11, effective 12/3/11. Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310. WSR 07-08-055, § 388-14A-7335, filed 3/29/07, effective 4/29/07.]

WAC 388-14A-7345 What is the effect of a determination of controlling order on the finality of the debt calculation? As provided in RCW 26.21A.130, the final order in a proceeding for determination of controlling order operates as a final determination of the total amount of consolidated arrears and accrued interest, if any, under all of the support orders.

[Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310. WSR 07-08-055, § 388-14A-7345, filed 3/29/07, effective 4/29/07.]

WAC 388-14A-7400 What can I do if I want to contest an intergovernmental order to withhold income served on my employer? (1) RCW 26.21A.425 provides that a noncustodial parent (NCP) may contest the validity or enforcement of an income-withholding order issued by an Indian tribe or another state or country and received directly by an employer in this state.

(2) Acting as an administrative tribunal under chapter 26.21A RCW, the division of child support (DCS) does not have the authority to quash income-withholding orders.

(3) An NCP who seeks to contest an income-withholding order as described in subsection (1) must seek relief in the superior court under RCW 26.18.140.

[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-7400, filed 12/18/12, effective 1/18/13. Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310. WSR 07-08-055, § 388-14A-7400, filed 3/29/07, effective 4/29/07.]

WAC 388-14A-7500 What can I do if I am concerned about the release of my personal information in an intergovernmental referral? (1) When the division of child support (DCS) refers a case to an Indian tribe or another state or country, DCS must provide personal information regarding the parties to that other jurisdiction. DCS notifies the party residing in Washington that we are preparing to refer your case and that we must release your personal information.

(2) If you believe that it would be dangerous for DCS to release your personal information to the responding jurisdiction (RJ), you may make a request for nondisclosure of your personal information under RCW 26.21A.255.

(3) The way DCS handles your request for nondisclosure depends on what version of the Uniform Interstate Family Support Act (UIFSA) has been adopted by the RJ where DCS is referring your case.

(a) The RJ may have enacted a version of UIFSA which is similar to the version enacted by the state of Washington as chapter 26.21A RCW (known as "UIFSA 2001");

(b) The RJ may have enacted a version of UIFSA which is similar to the version which was formerly enacted by the state of Washington as chapter 26.21 RCW (known as "UIFSA 1996"); or

(c) The RJ may not have enacted UIFSA or any similar law.

(4) If DCS is making an intergovernmental referral to an RJ which has enacted UIFSA 2001:

(a) DCS must disclose your personal information to the RJ.

(b) DCS sends to the RJ a declaration for nondisclosure of information which you have signed under penalty of perjury.

(c) The RJ must seal your personal information and may not disclose that information to the other party or to the public unless a tribunal orders disclosure of the information in the interest of justice, after a hearing in which the tribunal considers your (or your child's) health, safety and liberty.

(5) If DCS is making an intergovernmental referral to an RJ which has enacted UIFSA 1996:

(a) DCS holds a conference board under WAC 388-14A-6400.

(b) If the conference board finds that your (or your child's) health, safety or liberty would be unreasonably put at risk by the disclosure of the information, the conference board issues a nondisclosure finding.

(c) DCS does not disclose your personal information to the RJ, and instead provides the RJ with the nondisclosure finding.

(6) If DCS is making an intergovernmental referral to an RJ which has not adopted UIFSA or a similar law, DCS follows the procedure set out in subsection (5) of this section.

[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-7500, filed 12/18/12, effective 1/18/13. Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310. WSR 07-08-055, § 388-14A-7500, filed 3/29/07, effective 4/29/07.]

WAC 388-14A-7600 Does DCS provide the same services in an intergovernmental case as it provides in a case where both parties reside in the state of Washington? (1) When acting as the responding jurisdiction in an intergovernmental child support case, the division of child support (DCS) provides the full range of services available under our state plan pursuant to Title IV-D of the federal Social Security Act to:

(a) Another state;

(b) A Tribal IV-D program or child support agency; and

(c) A country as defined in 45 C.F.R. 301.1.

(2) The DCS central registry provides the same services for all IV-D cases, including intergovernmental cases.

(3) See WAC 388-14A-1030 for a list of the services provided by DCS.

[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-7600, filed 12/18/12, effective 1/18/13.]

WAC 388-14A-7610 The division of child support complies with federal requirements regarding intergovernmental cases. As required under 45 C.F.R. 303.7 (a)(3), the division of child support (DCS) ensures that its organizational structure and staff are adequate to provide for the administration or supervision of the functions specified in 45 C.F.R. 303.20(c) for its intergovernmental IV-D caseload, including but not limited to:

(1) Intake;

(2) Establishment of parentage;

(3) Location of noncustodial parents;

(4) Establishment of child support orders;

(5) Collection and enforcement;

(6) Monitoring; and

(7) Review and adjustment of orders.

[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-7610, 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-7610, filed 12/18/12, effective 1/18/13.]

WAC 388-14A-7620 How does DCS provide information to another jurisdiction in an intergovernmental case? (1) The division of child support (DCS) uses federally approved forms in intergovernmental IV-D cases, unless a country has provided alternative forms as part of its chapter in A Caseworker's Guide to Processing Cases with Foreign Reciprocating Countries.

(2) DCS uses electronic means to transmit these forms unless a paper version is required under the laws of Washington State or the other jurisdiction.

(3) For intergovernmental cases, DCS transmits requests for information and provides requested information electronically to the greatest extent possible.

(4) When using a paper version of a form, DCS provides one complete set of required documents unless the laws of the responding jurisdiction require multiple copies.

(5) When the child support agency of a tribe or another state or country requests any order or payment record information in order to perform a controlling order determination and reconciliation of arrearages, DCS provides that information within thirty working days of a request, or notifies the state IV-D agency when the information will be provided.

(6) DCS notifies the other agency within ten working days of receipt of new information on the case.

[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-7620, filed 12/18/12, effective 1/18/13.]

WAC 388-14A-7630 What limited services does DCS provide? (1) For intergovernmental cases, the division of child support (DCS) cooperates with requests for the following limited services:

(a) Quick locate;

(b) Service of process;

(c) Assistance with discovery;

(d) Assistance with genetic testing;

(e) Teleconferenced hearings;

(f) Administrative reviews;

(g) High-volume automated administrative enforcement in interstate cases under section 466 (a)(14) of the act; and

(h) Copies of court orders and payment records.

(2) DCS may also honor requests for other limited services as appropriate.

[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-7630, filed 12/18/12, effective 1/18/13.]

WAC 388-14A-7640 Payment and recovery of costs in intergovernmental IV-D cases. (1) When acting as the responding agency in an intergovernmental IV-D case, the division of child support (DCS) pays the costs it incurs in processing the case, including the costs of genetic testing.

(2) See WAC 388-14A-8300 for the rules regarding payment of genetic testing costs in any IV-D case.

(3) DCS may recover its costs of providing services in intergovernmental nonassistance (both never-assistance and former-assistance) cases as provided under 45 C.F.R. 302.33(d), but when the initiating jurisdiction is a foreign reciprocating country (FRC):

(a) DCS may not assess costs against either the FRC or the custodial parent residing in an FRC; and

(b) DCS may assess costs against the noncustodial parent in such a case.

[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-7640, filed 12/18/12, effective 1/18/13.]

WAC 388-14A-7650 What kind of federal audit requirements are there for intergovernmental cases? (1) When the division of child support (DCS) is acting as either the initiating jurisdiction (IJ) or the responding jurisdiction (RJ) in an intergovernmental case, there are certain audit requirements which must be met in at least seventy-five percent of the cases reviewed.

(2) For all intergovernmental cases requiring services during the review period, DCS must determine the last required action on each case and determine whether the action was taken during the appropriate time frame.

(3) DCS must use the audit criteria set forth in 45 C.F.R. 308.2(g) when reviewing intergovernmental cases.

[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-7650, filed 12/18/12, effective 1/18/13.]

WAC 388-14A-7700 How does the division of child support (DCS) decide that a new case is an intergovernmental case? When the division of child support (DCS) opens a new IV-D case, DCS must:

(1) Determine whether or not there is already an existing child support order or orders in effect in the case. DCS uses the state and federal case registries, state records, information provided by the recipient of services, and other relevant information;

(2) Determine which jurisdiction may make a determination of the controlling order and reconciliation of arrearages if there are multiple orders; and

(3) Determine whether the noncustodial parent (NCP) is in another jurisdiction and whether it is appropriate to use its one-state remedies to establish paternity and establish, modify, and enforce a support order, including medical support and income withholding.

[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-7700, filed 12/18/12, effective 1/18/13.]

WAC 388-14A-7710 What does the division of child support (DCS) do when it decides that a case is an intergovernmental case? Within twenty calendar days of completing the determinations required in WAC 388-14A-7700 and, if appropriate, receipt of any necessary information needed to process the case, the division of child support:

(1) Asks the appropriate intrastate tribunal, or refers the case to the appropriate responding state IV-D agency, for a determination of the controlling order and a reconciliation of arrearages if such a determination is necessary; and

(2) Refers any intergovernmental IV-D case to the appropriate state central registry, Tribal IV-D program, or central authority of a country for action, if one-state remedies are not appropriate.

[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-7710, filed 12/18/12, effective 1/18/13.]

WAC 388-14A-7720 What is the division of child support (DCS) required to do when Washington is the initiating jurisdiction in an intergovernmental case? When acting as the initiating jurisdiction in an intergovernmental case, the division of child support (DCS) must:

(1) Provide the responding jurisdiction (RJ) sufficient, accurate information to act on the case by submitting with each case any necessary documentation and intergovernmental forms required by the RJ;

(2) Provide the RJ with an updated intergovernmental form and any necessary additional documentation within thirty calendar days of receipt of the request for information, or notify the RJ when the information will be provided;

(3) Notify the RJ at least annually, and upon request in an individual case, of interest charges, if any, owed on overdue support under an initiating state order being enforced in the RJ;

(4) Submit all past-due support owed in IV-D cases that meet the certification requirements under §303.72 of this part for federal tax refund offset;

(5) Send a request for review of a child support order to another state within twenty calendar days of determining that a request for review of the order should be sent to the other state and of receipt of information from the requestor necessary to conduct the review in accordance with section 466 (a)(10) of the Act and §303.8 of this part;

(6) Distribute and disburse any support collections received in accordance with this section and §§302.32, 302.51, and 302.52 of this chapter, sections 454(5), 454B, 457, and 1912 of the Act, and instructions issued by the office;

(7) Notify the RJ within ten working days of case closure that DCS has closed its case, and the basis for case closure as provided in WAC 388-14A-2083;

(8) Instruct the RJ to close its intergovernmental case and to stop any withholding order or notice the RJ has sent to an employer before DCS transmits a withholding order or notice, with respect to the same case, to the same or another employer unless the two states reach an alternative agreement on how to proceed; and

(9) If DCS has closed its case pursuant to WAC 388-14A-2083 and has not notified the RJ to close its corresponding case, DCS must make a diligent effort to locate the obligee, including use of the federal

parent locator service and the state parent locator service, and accept, distribute and disburse any payment received from the RJ.

[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-7720, filed 12/18/12, effective 1/18/13.]

WAC 388-14A-7800 What is the division of child support (DCS) required to do when Washington receives a request for intergovernmental child support services? When the division of child support (DCS) receives a request for intergovernmental child support enforcement services from an Indian tribe, another state or another country, DCS is known as the responding jurisdiction (RJ). As the RJ, DCS must:

(1) Accept and process an intergovernmental request for services, regardless of whether the initiating jurisdiction (IJ) elected not to use remedies that may be available under the law of that jurisdiction;

(2) Within seventy-five calendar days of receipt of an intergovernmental form and documentation:

(a) Provide locate services under WAC 388-14A-1035, if the request is for locate services or if the form or documentation does not include adequate locate information on the noncustodial parent (NCP);

(b) If unable to proceed with the case because of inadequate documentation, notify the IJ of the necessary additions or corrections to the form or documentation; and

(c) If the documentation received with a case is incomplete and cannot be remedied without the assistance of the IJ, process the case to the extent possible pending necessary action by the IJ.

(3) If DCS locates the NCP in another state, DCS returns the intergovernmental referral to the IJ within ten days.

(a) DCS provides the NCP's locate information to the IJ.

(b) Upon request of the IJ, DCS may forward or transmit the intergovernmental referral to the central registry in the state where the NCP has been located.

[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-7800, filed 12/18/12, effective 1/18/13.]

WAC 388-14A-7810 What is the division of child support (DCS) required to do when DCS receives a request for a determination of controlling order? When the division of child support (DCS) receives an intergovernmental request for a determination of controlling order, DCS must:

(1) File the controlling order determination request with the appropriate tribunal in its state within thirty calendar days of receipt of the request or location of the noncustodial parent, whichever occurs later; and

(2) Notify the initiating state agency, the controlling order state and any state where a support order in the case was issued or registered, of the controlling order determination and any reconciled arrearages within thirty calendar days of receipt of the determination from the tribunal.

[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-7810, filed 12/18/12, effective 1/18/13.]

WAC 388-14A-7820 What is the division of child support (DCS) required to do when DCS acts as the responding jurisdiction in an intergovernmental case? (1) When the division of child support (DCS) opens a IV-D case upon receipt of a request for intergovernmental child support enforcement services from an Indian tribe, another state, or another country and acts as the responding jurisdiction (RJ), DCS provides any necessary services as it would in any other IV-D case including:

(a) Establishing parentage and, if appropriate, attempting to obtain a judgment for costs of establishment of parentage;

(b) Establishing a child support order;

(c) Reporting overdue support to consumer reporting agencies, in accordance with WAC 388-14A-2160;

(d) Processing and enforcing orders referred by the initiating jurisdiction (IJ), whether pursuant to the Uniform Interstate Family Support Act (UIFSA) or other legal processes, using all appropriate remedies available;

(e) Submitting the case for such federal enforcement techniques as DCS determines to be appropriate;

(f) Collecting and monitoring any support payments from the noncustodial parent and forwarding payments to the location specified by the IJ. In doing so, DCS:

(i) Includes sufficient information to identify the case;

(ii) Indicates the date of collection as defined in WAC 388-14A-5001(3); and

(iii) Includes the RJ's case identifier and locator code, in accordance with federal regulations.

(g) Reviewing and adjusting child support orders upon request, as provided in WAC 388-14A-3900 through 388-14A-3907.

(2) DCS provides timely notice to the IJ in advance of any hearing that may result in the establishment, modification or adjustment of an order.

(3) DCS identifies any fees or costs deducted from support payments when forwarding payments to the IJ in accordance with RCW 74.20.040 and WAC 388-14A-2200.

(4) DCS stops its income withholding order or notice and closes the intergovernmental IV-D case within 10 working days of receipt of instructions for case closure from the IJ, unless DCS and the IJ reach an alternative agreement on how to proceed; and

(5) DCS notifies the IJ when a case is closed pursuant to WAC 388-14A-2083 and 388-14A-2090.

[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-7820, 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-7820, filed 12/18/12, effective 1/18/13.]

PART H - MISCELLANEOUS

WAC 388-14A-8100 Are there special rules for setting child support for children in foster care? (1) Child support obligations for children in foster care are set according to the Washington state child support schedule (the WSCSS), found in chapter 26.19 RCW.

(2) When a child or children are placed in foster care, DCS may use the administrative process to set a support obligation:

(a) As a separate obligation for each parent; or

(b) For just one parent, if:

(i) There is already a court or administrative order setting the support obligation of the other parent;

(ii) The other parent is dead; or

(iii) The other parent is unknown.

(3) When setting a support obligation for only one parent, DCS follows the procedure set out in WAC 388-14A-8125.

(4) Prior to May 1, 2022, DCS used the administrative process to set a joint support obligation for parents who are married or in a registered domestic partnership and residing together. When setting a joint obligation, DCS followed the procedures set out in WAC 388-14A-8130.

[Statutory Authority: RCW 26.09.105, 26.18.170, 26.23.050, 26.23.110, 34.05.220, 74.08.090, and 74.20A.055. WSR 22-08-067, § 388-14A-8100, filed 4/4/22, effective 5/5/22. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. WSR 06-16-073, § 388-14A-8100, filed 7/28/06, effective 8/28/06. Statutory Authority: RCW 13.34.160(3), 13.34.270(7), 74.08.090, 74.13.031(11), 74.13.350, 74.20A.030(4), and 74.20A.310. WSR 05-12-135, § 388-14A-8100, filed 6/1/05, effective 7/2/05. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-8100, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-8105 Does the cost of care affect how much child support I pay when my child is in foster care? (1) Child support obligations for children in foster care are set according to chapter 26.19 RCW, without regard to how much the department is expending in foster care funds.

(2) The administrative law judge or review judge may not limit the noncustodial parent's support obligation to the amount the department expends each month for foster care.

[Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-8105, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-8110 What happens to the money if current support is higher than the cost of care? (1) When the division of child support (DCS) collects child support on a foster care case, DCS sends the amounts collected to the department of children, youth, and families (DCYF), which administers foster care funds.

(2) DCYF applies child support payments collected by DCS and deposits in a trust account for the child any child support payments which it doesn't use to reimburse foster care expenses.

[Statutory Authority: RCW 26.09.105, 26.18.170, 26.23.050, 26.23.110, 26.23.120, 34.05.020, 34.05.060, 74.08.090, 74.20.040, 74.20A.055, and 74.20A.056. WSR 24-15-143, § 388-14A-8110, filed 7/23/24, effective 8/23/24. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-8110, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-8120 Are there special rules for collection in foster care cases? (1) The noncustodial parent (NCP) or parents (NCPs) satisfy their obligation to support the child or children by paying to the division of child support (DCS) the amount specified in a court order or administrative order, if a support order exists, when:

(a) The department of children, youth, and families (DCYF) provides residential care (foster care) for a dependent child; and

(b) DCYF refers the NCP or NCPs to DCS for DCS to take action.

(2) DCS takes action under the provisions of chapters 74.20 and 74.20A RCW and this chapter to enforce and collect support obligations owed for children receiving foster care services.

(3) If, during a month when a child is in foster care, the NCP is the "head of household" with other dependent children in the home, DCS does not collect and retain a support payment if:

(a) The household's income is below the need standard for temporary assistance for needy families (TANF) WAC 388-478-0015; or

(b) Collection of support would reduce the household's income below the need standard.

(4) The NCP's support obligation for the child or children in foster care continues to accrue during any month DCS is prevented from collecting and retaining support payments under this section.

(5) If DCS has collected support payments from the head of household during the months which qualify under subsection (3) of this section, the NCP may request a conference board in accordance with WAC 388-14A-6400.

(6) The NCP must prove at the conference board that the income of the household was below or was reduced below the need standard during the months DCS collected payments.

(7) If the conference board determines that DCS has collected support payments from the head of household that the department or DCYF is not entitled to retain according to this section, DCS must promptly refund, without interest, any support payments, or the portion of a payment which reduced the income of the household below the need standard.

(8) This section does not apply to payments collected prior to August 23, 1983.

[Statutory Authority: RCW 26.09.105, 26.18.170, 26.23.050, 26.23.110, 26.23.120, 34.05.020, 34.05.060, 74.08.090, 74.20.040, 74.20A.055, and 74.20A.056. WSR 24-15-143, § 388-14A-8120, filed 7/23/24, effective 8/23/24. Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-8120, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-395.]

WAC 388-14A-8125 How does DCS complete the WSCSS worksheets when setting the child support obligation for one parent of a child in foster care? (1) When the division of child support (DCS) is setting a

support obligation for only one parent, DCS follows the steps set out in this section.

(2) The noncustodial parent (NCP) for whom DCS is setting support is called the party NCP, because that parent is a party to the administrative action.

(3) The parent for whom DCS is not setting support is called the nonparty NCP, because that parent is not a party to the administrative action.

(4) DCS completes a Washington state child support schedule (WSCSS) worksheet using income information for both the party NCP and for the nonparty NCP, instead of setting support based solely on the income of the party NCP.

(5) DCS uses the best available information regarding the income of both the party NCP and the nonparty NCP, as provided in WAC 388-14A-3205.

(6) DCS does not include the income of a nonparty NCP in the worksheets if:

(a) Paternity has not been established for the child;

(b) The nonparty NCP's parental rights have been terminated; or

(c) The nonparty NCP is known but deceased.

(7) DCS determines the support obligation of the party NCP without regard to:

(a) The amount of the nonparty NCP's support obligation for the same child or children; or

(b) The cost of foster care placement, as provided in WAC 388-14A-8105.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. WSR 06-16-073, § 388-14A-8125, filed 7/28/06, effective 8/28/06.]

WAC 388-14A-8130 How did DCS complete the WSCSS worksheets when setting a joint child support obligation for a child in foster care prior to May 1, 2022? (1) Prior to May 1, 2022, the division of child support (DCS) prepared an administrative support notice to establish a joint support obligation for the parents of a child in foster care, DCS followed the steps set out in this section for completing the worksheets under the Washington state child support schedule (WSCSS).

(2) DCS established a joint support obligation when, at the time of order establishment, the parents resided together and were either married or in a registered domestic partnership, unless a child support order covering current support for that child had already been established for one of the parents.

(3) DCS calculated each parent's income under the rules set out in WAC 388-14A-3205, and then calculated the income of the marital or domestic partnership community by combining both parents' income in one column of the worksheet and did not put any income or other information in the other column.

(4) DCS calculated the joint support obligation using the limitations contained in RCW 26.19.065:

(a) The joint child support obligation could not exceed 45% of the net income of the community except for good cause.

(b) DCS followed WAC 388-14A-3410 when calculating and applying the self-support reserve limitation.

(c) Even though there were two parents involved, and despite the application of any limitations, the presumptive minimum obligation of

$50 per month per child applied when DCS set a joint child support obligation.

(d) If DCS or the administrative law judge (ALJ) found reasons for deviation, the reasons were supported with appropriate findings of fact in the support order.

(5) As described in subsection (3) of this section, the support obligation in the column of the WSCSS worksheet which contains information regarding both parents is the joint support obligation of the parents.

(6) DCS determined the joint support obligation of the parents without regard to the cost of foster care placement, as provided in WAC 388-14A-8105.

(7) The rules in this section still apply if parties request modification of joint noncustodial parent (NCP) obligations established by administrative orders prior to May 1, 2022.

[Statutory Authority: RCW 26.09.105, 26.18.170, 26.23.050, 26.23.110, 34.05.220, 74.08.090, and 74.20A.055. WSR 22-08-067, § 388-14A-8130, filed 4/4/22, effective 5/5/22. Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-8130, filed 5/19/11, effective 6/19/11. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. WSR 06-16-073, § 388-14A-8130, filed 7/28/06, effective 8/28/06.]

WAC 388-14A-8200 All Washington employers must report new hires to the Washington state support registry. (1) RCW 26.23.040 requires all employers doing business in the state of Washington to comply with the employer reporting requirements regarding new hires.

(2) For the purposes of this section, a "new hire" is defined as any person who resides or works in the state of Washington to whom the employer anticipates paying earnings and who:

(a) Has not previously been employed by the employer; or

(b) Was previously employed by the employer but has been separated from such employment for at least sixty consecutive days.

(3) The minimum information that an employer must report is the employee's name, date of birth, Social Security number, and date of hire.

(a) For purposes of this section, the "date of hire" is defined as the date on which the employee first performed services for pay for the employer.

(b) The "date of hire" of an employee described in subsection (2)(b) of this section, is the date on which the employee returned to perform services for pay after a layoff, furlough, separation, or leave without pay.

(4) Employers must report the required information to the Washington State Support Registry (WSSR). An employer may report using the employee's W-4 form or any equivalent form, and may submit the information by:

(a) First class mail;

(b) Fax;

(c) Electronic transmission; or

(d) Any other means authorized by the WSSR which will result in timely reporting.

(5) An employer who submits a copy of the employee's completed W-4 form complies with the reporting requirements of RCW 26.23.040(3).

(6) If an employer reports by submitting a W-4 form, the employer may choose to report the additional statutory elements by writing or typing the employee's date of birth and date of hire on the form.

[Statutory Authority: 2012 c 109, RCW 26.23.040(1), 34.05.350 (1)(b), 43.20A.550, 74.04.055, 74.08.090, and 74.20A.310. WSR 12-18-026, § 388-14A-8200, filed 8/27/12, effective 9/27/12. Statutory Authority: RCW 74.08.090, 26.23.040. WSR 01-03-089, § 388-14A-8200, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-490.]

WAC 388-14A-8300 Who pays for genetic testing when paternity is an issue? (1) As provided in WAC 388-14A-3120(14), the noncustodial parent (NCP) and/or the mother of the child may request genetic testing, also called paternity tests, after the service of a notice and finding of parental responsibility.

(2) After receiving a request for paternity tests, the division of child support (DCS) must:

(a) Arrange and pay for the genetic testing, except as provided in subsection (6) of this section, with a laboratory under contract with the department; and

(b) Notify the NCP and the mother of the time and place to appear to give blood samples.

(3) After DCS receives the test results, DCS must mail a notice of the test results to the:

(a) NCP's last known address by certified mail, return receipt requested; and

(b) Mother's and/or custodial parent's last known address by first class mail.

(4) When the genetic tests do not exclude the NCP from being the father, DCS may require the NCP to reimburse the department for the costs of the tests. If DCS seeks reimbursement from the NCP, DCS must notify the NCP:

(a) Of the costs of the tests;

(b) That an administrative order entered as a result of the notice and finding of parental responsibility will include the cost of the tests; and

(c) That DCS may take collection action to collect the genetic testing costs twenty days after the date the NCP receives notice in Washington, or within the time specified in WAC 388-14A-7200, of the test results if the NCP fails to:

(i) Request either a hearing on the issue of reimbursement to DCS for genetic testing costs under WAC 388-14A-3120 or the initiation of a parentage action in superior court; or

(ii) Negotiate an agreed settlement; and

(d) That if the notice and finding of parental responsibility was served in another state, DCS may take collection action according to WAC 388-14A-7200.

(5) When the paternity tests exclude the NCP from being the father, DCS must:

(a) File a copy of the results with the state center for health statistics;

(b) Withdraw the notice and finding of parental responsibility; and

(c) Request the dismissal of any pending action based on the notice and finding of parental responsibility.

(6) RCW 74.20A.056 does not require DCS to arrange or pay for genetic testing when:

(a) Such tests were previously conducted; or

(b) A court order establishing paternity has been entered.

(7) In an intergovernmental case where DCS is the responding jurisdiction, DCS pays the costs of genetic testing for the initiating jurisdiction and may seek reimbursement from the NCP as provided in this section.

[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-8300, filed 12/18/12, effective 1/18/13. Statutory Authority: RCW 74.08.090, 74.20A.055, 74.20A.056. WSR 01-03-089, § 388-14A-8300, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-048 and 388-11-220.]

WAC 388-14A-8400 Does the division of child support have the right to approve my child support order before the court enters it? (1) If the department is providing or has provided cash assistance to the family, parties to a court order must give the division of child support (DCS) twenty calendar days prior notice of the entry of any final order and five days prior notice of the entry of any temporary order in any proceeding involving child support or maintenance, because the department has a financial interest based on an assignment of support rights under RCW 74.20.330 or the state has a subrogated interest under RCW 74.20A.030.

(2) Either party may serve notice on DCS, by personal service on, or mailing by any form of mail requiring a return receipt to, the office of the attorney general.

(3) If you don't give sufficient notice before entering the support order, DCS may ask the prosecuting attorney or attorney general to vacate the terms of the support order.

(4) DCS or the department are not entitled to terms for a party's failure to serve the department within the time requirements for this section, unless the department proves that the party knew that the department had an assignment of support rights or a subrogated interest and that the failure to serve the department was intentional.

[Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-8400, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-8500 Can the division of child support issue subpoenas? (1) The division of child support (DCS) issues subpoenas requiring the production of documents or records, or appearance of witnesses, under RCW 34.05.588 and 74.04.290.

(2) Compliance with DCS subpoenas is enforced under RCW 34.05.588 and 74.20A.350.

[Statutory Authority: RCW 74.08.090. WSR 01-03-089, § 388-14A-8500, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-220.]

WAC 388-14A-8600 Does the division of child support enforce interest on unpaid support arrears? (1) Under RCW 26.23.030(2), the division of child support (DCS) has the authority to assess and collect interest on unpaid child support that has accrued under any support order entered into the Washington state support registry (WSSR).

(2) DCS does not assess or collect interest on administrative or court orders for support entered in the state of Washington unless the amount of interest has been reduced to a judgment.

(3) DCS may assess and collect interest on support orders entered outside of Washington state as provided in WAC 388-14A-7110.

(4) DCS may update the interest assessed on a case as provided in WAC 388-14A-7120.

[Statutory Authority: RCW 26.21.016. WSR 05-07-059, § 388-14A-8600, filed 3/11/05, effective 4/11/05.]