
SUBSTITUTE SENATE BILL 5612

State of Washington

61st Legislature

2009 Regular Session

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

READ FIRST TIME 02/25/09.

1 AN ACT Relating to medical support obligations; amending RCW
2 26.09.105, 26.18.170, 26.18.180, 26.23.050, 26.23.110, 74.20A.300,
3 74.20A.055, 74.20A.056, and 74.20A.059; and providing an effective
4 date.

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

6 **Sec. 1.** RCW 26.09.105 and 1994 c 230 s 1 are each amended to read
7 as follows:

8 (1) ~~((In entering or modifying))~~ Whenever a child support order is
9 entered or modified under this chapter, ((the court shall require)) the
10 court shall provide medical support for any child named in the order,
11 in the nature of health care coverage or cash medical support, as
12 provided in this section.

13 (2) As used in this section:

14 (a) "Cash medical support" means the amount that a parent must pay
15 to the other parent as a proportionate share of the cost of uninsured
16 medical expenses and the cost of health insurance coverage provided by
17 medicaid or by another parent.

18 (b) "Health insurance coverage" does not include medical assistance
19 provided under chapter 74.09 RCW.

1 (c) "Proportionate share" means the parent's share of the expense
2 that is the same percentage as the parent's share of the combined
3 monthly net income of both parents as computed when determining a
4 parent's child support obligation under chapter 26.19 RCW.

5 (3)(a) Either or both parents ((to)) shall maintain or provide
6 health insurance coverage ((except as provided in subsection (2) of
7 this section,)) for any child named in the order if:

8 ((a)) (i) Coverage that can be extended to cover the child is or
9 becomes available to that parent through employment or is union-
10 related; and

11 ((b)) (ii) The cost of such coverage does not exceed twenty-five
12 percent of the ((obligated)) providing parent's basic child support
13 obligation.

14 ((2)) (b) The court ((shall consider the best interests of the
15 child and have discretion to)) may order a parent to provide health
16 insurance coverage ((when entering or modifying a support order under
17 this chapter if the cost of such coverage)) that exceeds twenty-five
18 percent of the ((obligated)) providing parent's basic support
19 obligation if it is in the best interests of the child to provide
20 coverage.

21 ((3)) (4) A parent who provides health insurance coverage may:

22 (a) Have the premium paid for health insurance coverage included in
23 the calculation of child support under chapter 26.19 RCW if coverage is
24 being provided at the time the order is entered; or

25 (b) Seek to enforce cash medical support in the amount of the other
26 parent's proportionate share of the insurance premium, not to exceed
27 twenty-five percent of the obligated parent's basic child support
28 obligation.

29 (5) If no private health insurance coverage is otherwise available
30 and a parent is receiving health insurance coverage for the child
31 through medicaid, the other parent shall pay cash medical support in an
32 amount equal to the obligated parent's proportionate share of the
33 health insurance premium, not to exceed twenty-five percent of the
34 obligated parent's basic child support obligation.

35 (6) Each parent is responsible for his or her proportionate share
36 of uninsured medical expenses for the child or children covered by the
37 support order.

1 ~~(7)~~ The parents ~~((shall))~~ must maintain ~~((such))~~ health insurance
2 coverage as required under this section until:

3 (a) Further order of the court;

4 (b) The child is emancipated, if there is no express language to
5 the contrary in the order; or

6 (c) Health insurance is no longer available through the parents'
7 employer or union and no conversion privileges exist to continue
8 coverage following termination of employment.

9 ~~((+4))~~ (8) A parent who is required to extend health insurance
10 coverage to a child under this section is liable for any covered health
11 care costs for which the parent receives direct payment from an
12 insurer.

13 ~~((+5))~~ (9) This section shall not be construed to limit the
14 authority of the court to enter or modify support orders containing
15 provisions for payment of uninsured health expenses, health care costs,
16 or insurance premiums which are in addition to and not inconsistent
17 with this section.

18 ~~((+6))~~ (10) A parent ordered to provide health insurance coverage
19 ~~((shall))~~ must provide proof of such coverage or proof that such
20 coverage is unavailable within twenty days of the entry of the order
21 to:

22 (a) The physical custodian; or

23 (b) The department of social and health services if the parent has
24 been notified or ordered to make support payments to the Washington
25 state support registry.

26 ~~((+7))~~ (11) Every order requiring a parent to provide health care
27 or insurance coverage ~~((shall))~~ must be entered in compliance with RCW
28 26.23.050 and be subject to direct enforcement as provided under
29 chapter 26.18 RCW.

30 ~~((+8) "Health insurance coverage" as used in this section does not~~
31 ~~include medical assistance provided under chapter 74.09 RCW.))~~ (12) The
32 department of social and health services has rule-making authority to
33 enact rules in compliance with 45 C.F.R. Parts 302, 303, 304, 305, and
34 308.

35 **Sec. 2.** RCW 26.18.170 and 2007 c 143 s 1 are each amended to read
36 as follows:

37 (1) Whenever a parent ~~((who))~~ has been ordered to provide ~~((health~~

1 ~~insurance coverage~~) medical support for a dependent child (~~((fails to~~
2 ~~provide such coverage or lets it lapse~~)), the department or a parent
3 may seek enforcement of the (~~(coverage order)~~) medical support as
4 provided under this section.

5 (2) The department may first attempt to enforce a parent's
6 requirement to provide health insurance coverage for the dependent
7 child. If health insurance coverage is not available through the
8 parent's employment or union at a cost not to exceed twenty-five
9 percent of the parent's basic support obligation, or as otherwise
10 provided in the support order, the department may enforce any cash
11 medical support obligation ordered to be provided under RCW 26.09.105
12 or 74.20A.300.

13 (3) A parent seeking to enforce another parent's cash medical
14 support obligation under RCW 26.09.105 may initiate an action in
15 superior court to determine the amount owed by the obligated parent.

16 (4)(a) The department may serve a notice of support owed under RCW
17 26.23.110 on a parent to determine the amount of the obligated parent's
18 cash medical support obligation.

19 (b) Whether or not the child receives temporary assistance for
20 needy families or medicaid, the department may enforce the obligated
21 parent's cash medical support obligation on behalf of the other parent.
22 When the child receives state-financed medical coverage through the
23 department under chapter 74.09 RCW for which there is an assignment,
24 the department may disburse amounts collected to the other parent to be
25 used for the medical costs of the child or the department may retain
26 amounts collected and apply them toward the cost of providing the
27 child's state-financed medical coverage. The department may disregard
28 cash medical support payments in accordance with federal law.

29 (5)(a) If the (~~(parent's)~~) order to provide health insurance
30 coverage contains language notifying the parent ordered to provide
31 coverage that failure to provide such coverage or proof that such
32 coverage is unavailable may result in direct enforcement of the order
33 and orders payments through, or has been submitted to, the Washington
34 state support registry for enforcement, then the department may,
35 without further notice to the parent, send a national medical support
36 notice pursuant to 42 U.S.C. Sec. 666(a)(19), and sections 401 (e) and
37 (f) of the federal child support and performance incentive act of 1998
38 to the parent's employer or union. The notice shall be served:

- 1 (i) By regular mail;
- 2 (ii) In the manner prescribed for the service of a summons in a
3 civil action;
- 4 (iii) By certified mail, return receipt requested; or
- 5 (iv) By electronic means if there is an agreement between the
6 secretary of the department and the person, firm, corporation,
7 association, political subdivision, department of the state, or agency,
8 subdivision, or instrumentality of the United States to accept service
9 by electronic means.

10 (b) The notice shall require the employer or union to enroll the
11 child in the health insurance plan as provided in subsection ~~((+3+))~~
12 (8) of this section.

13 (c) The returned part A of the national medical support notice to
14 the division of child support by the employer constitutes proof of
15 service of the notice in the case where the notice was served by
16 regular mail.

17 ~~((+d+))~~ (6) Upon receipt of a national medical support notice from
18 a child support agency operating under Title IV-D of the federal social
19 security act:

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

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

26 (c) The plan administrator is responsible for complying with the
27 provisions of the notice.

28 (7) If the parent's order to provide health insurance coverage does
29 not order payments through, and has not been submitted to, the
30 Washington state support registry for enforcement:

31 ~~((+i+))~~ (a) The parent seeking enforcement may, without further
32 notice to the other parent, send a certified copy of the order
33 requiring health insurance coverage to the ~~((obligor's))~~ parent's
34 employer or union by certified mail, return receipt requested; and

35 ~~((+ii+))~~ (b) The parent seeking enforcement shall attach a
36 notarized statement to the order declaring that the order is the latest
37 order addressing coverage entered by the court and require the employer

1 or union to enroll the child in the health insurance plan as provided
2 in subsection ~~((3))~~ (8) of this section.

3 ~~((3))~~ (8) Upon receipt of an order that provides for health
4 insurance coverage:

5 (a) The parent's employer or union shall answer the party who sent
6 the order within twenty days and confirm that the child:

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

8 (ii) Will be enrolled; or

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

11 (b) The employer or union shall withhold any required premium from
12 the parent's income or wages;

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

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

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

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

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

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

33 ~~(5))~~ (9) If the order for coverage contains no language notifying
34 either or both parents that failure to provide health insurance
35 coverage or proof that such coverage is unavailable may result in
36 direct enforcement of the order, the department or the parent seeking
37 enforcement may serve a written notice of intent to enforce the order
38 on the other parent by certified mail, return receipt requested, or by

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

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

15 ~~((+7+))~~ (11) If the department serves a notice under subsection
16 ~~((+6+))~~ (10) of this section the parent required to provide medical
17 support shall, within twenty days of the date of service:

18 (a) File an application for an adjudicative proceeding; or

19 (b) Provide written proof to the department that the parent has
20 either applied for, or obtained, coverage accessible to the child.

21 ~~((+8+))~~ (12) If the parent seeking enforcement serves a notice
22 under subsection ~~((+6+))~~ (10) of this section, within twenty days of
23 the date of service the parent required to provide medical support
24 shall provide written proof to the parent seeking enforcement that the
25 parent required to provide medical support has either applied for, or
26 obtained, coverage accessible to the child.

27 ~~((+9+))~~ (13) If the parent required to provide medical support
28 fails to respond to a notice served under subsection ~~((+6+))~~ (10) of
29 this section to the party who served the notice, the party who served
30 the notice may purchase the health insurance coverage specified in the
31 notice directly. The amount of the monthly premium shall be added to
32 the support debt and be collectible without further notice. The amount
33 of the monthly premium may be collected or accrued until the parent
34 required to provide medical support provides proof of the required
35 coverage.

36 ~~((+10+))~~ (14) The signature of the parent seeking enforcement or of
37 a department employee shall be a valid authorization to the coverage
38 provider or issuer for purposes of processing a payment to the child's

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

16 ~~((+11))~~ (15) This section shall not be construed to limit the
17 right of the parents or parties to the support order to bring an action
18 in superior court at any time to enforce, modify, or clarify the
19 original support order.

20 ~~((+12))~~ (16) Where a child does not reside in the issuer's service
21 area, an issuer shall cover no less than urgent and emergent care.
22 Where the issuer offers broader coverage, whether by policy or
23 reciprocal agreement, the issuer shall provide such coverage to any
24 child otherwise covered that does not reside in the issuer's service
25 area.

26 ~~((+13))~~ (17) If a parent required to provide medical support fails
27 to pay his or her portion, determined under RCW 26.19.080, of any
28 deductible, copay, or uninsured medical expense incurred on behalf of
29 the child, pursuant to a child support order, the department or the
30 obligee parent may enforce collection of that parent's portion of the
31 deductible, copay, or uninsured medical expense incurred on behalf of
32 the child. If the department is enforcing the order, the parent
33 required to provide medical support shall have his or her portion of
34 the deductible, copay, or uninsured medical expenses incurred on behalf
35 of the child added to the support debt and be collectible without
36 further notice, following the reduction of the expenses to a sum
37 certain either in a court order or by the department, pursuant to RCW
38 26.23.110.

1 (~~(14)~~) (18) The department has rule-making authority to enact
2 rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec.
3 666(a)(19) as amended by section 7307 of the deficit reduction act of
4 2005. Additionally, the department has rule-making authority to
5 implement regulations required under (~~(parts)~~) 45 C.F.R. Parts 302,
6 303, 304, 305, and 308.

7 **Sec. 3.** RCW 26.18.180 and 2000 c 86 s 3 are each amended to read
8 as follows:

9 (1) (~~(An obligated parent's)~~) The employer or union of a parent who
10 has been ordered to provide health insurance coverage shall be liable
11 for a fine of up to one thousand dollars per occurrence, if the
12 employer or union fails or refuses, within twenty days of receiving the
13 order or notice for health insurance coverage to:

14 (a) Promptly enroll the (~~(obligated)~~) parent's child in the health
15 insurance plan; or

16 (b) Make a written answer to the person or entity who sent the
17 order or notice for health insurance coverage stating that the child:

18 (i) Will be enrolled in the next available open enrollment period;
19 or

20 (ii) Cannot be covered and explaining the reasons why coverage
21 cannot be provided.

22 (2) Liability may be established and the fine may be collected by
23 the office of support enforcement under chapter 74.20A or 26.23 RCW
24 using any of the remedies contained in those chapters.

25 (3) Any employer or union who enrolls a child in a health insurance
26 plan in compliance with chapter 26.18 RCW shall be exempt from
27 liability resulting from such enrollment.

28 **Sec. 4.** RCW 26.23.050 and 2007 c 143 s 3 are each amended to read
29 as follows:

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

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

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

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

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

11 (c) A statement that the receiving parent might be required to
12 submit an accounting of how the support, including any cash medical
13 support, is being spent to benefit the child;

14 (d) A statement that any parent required to provide health
15 insurance coverage for the child or children covered by the order must
16 notify the division of child support and the other parent when the
17 coverage terminates; and

18 ~~((d))~~ (e) A statement that the responsible parent's privileges to
19 obtain and maintain a license, as defined in RCW 74.20A.320, may not be
20 renewed, or may be suspended if the parent is not in compliance with a
21 support order as provided in RCW 74.20A.320.

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

27 (2) In all other cases not under subsection (1) of this section,
28 the court may order the responsible parent to make payments directly to
29 the person entitled to receive the payments, to the Washington state
30 support registry, or may order that payments be made in accordance with
31 an alternate arrangement agreed upon by the parties.

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

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

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

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

6 (ii) A statement that the receiving parent may be required to
7 submit an accounting of how the support is being spent to benefit the
8 child;

9 (iii) A statement that any parent required to provide health
10 insurance coverage for the child or children covered by the order must
11 notify the division of child support and the other parent when the
12 coverage terminates; and

13 (iv) A statement that a parent seeking to enforce the other
14 parent's obligation to provide health insurance coverage may initiate
15 an action in the superior court.

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

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

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

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

35 (c) If a mandatory wage withholding order under chapter 26.18 RCW
36 is issued under this subsection and the division of child support
37 provides support enforcement services under RCW 26.23.045, the existing

1 wage withholding assignment is prospectively superseded upon the
2 division of child support's subsequent service of an income withholding
3 notice.

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

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

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

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

32 (5) Every support order shall state:

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

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

- 1 (i) One of the parties demonstrates, and the court finds, that
2 there is good cause not to require immediate income withholding; or
3 (ii) The parties reach a written agreement that is approved by the
4 court that provides for an alternate arrangement;
5 (c) The income of the parties, if known, or that their income is
6 unknown and the income upon which the support award is based;
7 (d) The support award as a sum certain amount;
8 (e) The specific day or date on which the support payment is due;
9 (f) The names and ages of the dependent children;
10 (g) A provision requiring both the responsible parent and the
11 custodial parent to keep the Washington state support registry informed
12 of whether he or she has access to health insurance coverage at
13 reasonable cost and, if so, the health insurance policy information;
14 (h) That either or both the responsible parent and the custodial
15 parent shall be obligated to provide (~~health insurance coverage~~)
16 medical support for his or her child through health insurance coverage
17 if coverage that can be extended to cover the child is or becomes
18 available to the parent through employment or is union-related, or, in
19 the absence of such coverage, through an additional sum certain amount,
20 as a cash medical support obligation as provided under RCW 26.09.105;
21 (i) That a parent providing health insurance coverage must notify
22 both the division of child support and the other parent when coverage
23 terminates;
24 (j) That if proof of health insurance coverage or proof that the
25 coverage is unavailable is not provided within twenty days, the parent
26 seeking enforcement or the department may seek direct enforcement of
27 the coverage through the employer or union of the parent required to
28 provide medical support without further notice to the parent as
29 provided under chapter 26.18 RCW;
30 (~~(+j)~~) (k) The reasons for not ordering health insurance coverage
31 if the order fails to require such coverage;
32 (~~(+k)~~) (l) That the responsible parent's privileges to obtain and
33 maintain a license, as defined in RCW 74.20A.320, may not be renewed,
34 or may be suspended if the parent is not in compliance with a support
35 order as provided in RCW 74.20A.320;
36 (~~(+l)~~) (m) That each parent must:
37 (i) Promptly file with the court and update as necessary the

1 confidential information form required by subsection (7) of this
2 section; and

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

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

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

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

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

18 (8) The department has rule-making authority to enact rules
19 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as
20 amended by section 7307 of the deficit reduction act of 2005.
21 Additionally, the department has rule-making authority to implement
22 regulations required under (~~parts~~) 45 C.F.R. Parts 302, 303, 304,
23 305, and 308.

24 **Sec. 5.** RCW 26.23.110 and 2007 c 143 s 4 are each amended to read
25 as follows:

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

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

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

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

1 (2) The department may serve a notice of support owed on a parent
2 who has been designated to pay per a support order a portion of
3 uninsured medical costs, copayments, or deductibles incurred on behalf
4 of the child, but only when the support order does not reduce the costs
5 to a fixed dollar amount.

6 (3) The department may serve a notice of support owed on a parent
7 who has been designated to pay cash medical support as defined in RCW
8 26.09.105, if the support order does not reduce the obligated parent's
9 share of the premium to a fixed dollar amount.

10 (4) The notice of support owed shall facilitate enforcement of the
11 support order and implement and effectuate the terms of the support
12 order, rather than modify those terms. When the office of support
13 enforcement issues a notice of support owed, the office shall inform
14 the payee under the support order.

15 ((+4)) (5) The notice of support owed shall be served on a
16 responsible parent by personal service or any form of mailing requiring
17 a return receipt. The notice shall be served on the applicant or
18 recipient of services by first-class mail to the last known address.
19 The notice of support owed shall contain an initial finding of the
20 fixed dollar amount of current and future support obligation that
21 should be paid or the fixed dollar amount of the support debt owed
22 under the support order, or both.

23 ((+5)) (6) A parent who objects to the fixed dollar amounts stated
24 in the notice of support owed has twenty days from the date of the
25 service of the notice of support owed to file an application for an
26 adjudicative proceeding or initiate an action in superior court.

27 ((+6)) (7) The notice of support owed shall state that the parent
28 may:

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

35 (b) Initiate an action in superior court.

36 ((+7)) (8) If either parent does not file an application for an
37 adjudicative proceeding or initiate an action in superior court, the

1 fixed dollar amount of current and future support obligation or support
2 debt, or both, stated in the notice of support owed shall become final
3 and subject to collection action.

4 ~~((+8+))~~ (9) If an adjudicative proceeding is requested, the
5 department shall mail a copy of the notice of adjudicative proceeding
6 to the parties.

7 ~~((+9+))~~ (10) If either parent does not initiate an action in
8 superior court, and serve notice of the action on the department and
9 the other party to the support order within the twenty-day period, the
10 parent shall be deemed to have made an election of remedies and shall
11 be required to exhaust administrative remedies under this chapter with
12 judicial review available as provided for in RCW 34.05.510 through
13 34.05.598.

14 ~~((+10+))~~ (11) An adjudicative order entered in accordance with this
15 section shall state the basis, rationale, or formula upon which the
16 fixed dollar amounts established in the adjudicative order were based.
17 The fixed dollar amount of current and future support obligation or the
18 amount of the support debt, or both, determined under this section
19 shall be subject to collection under this chapter and other applicable
20 state statutes.

21 ~~((+11+))~~ (12) The department shall also provide for:

22 (a) An annual review of the support order if either the office of
23 support enforcement or the parent requests such a review; and

24 (b) A late adjudicative proceeding if the parent fails to file an
25 application for an adjudicative proceeding in a timely manner under
26 this section.

27 ~~((+12+))~~ (13) If an annual review or late adjudicative proceeding
28 is requested under subsection ~~((+11+))~~ (12) of this section, the
29 department shall mail a copy of the notice of adjudicative proceeding
30 to the parties' last known address.

31 ~~((+13+))~~ (14) The department has rule-making authority to enact
32 rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec.
33 666(a)(19) as amended by section 7307 of the deficit reduction act of
34 2005. Additionally, the department has rule-making authority to
35 implement regulations required under ~~((parts))~~ 45 C.F.R. Parts 302,
36 303, 304, 305, and 308.

1 **Sec. 6.** RCW 74.20A.300 and 1994 c 230 s 22 are each amended to
2 read as follows:

3 (1) Whenever a support order is entered or modified under this
4 chapter, the department shall require (~~(the responsible)~~) either or
5 both parents to (~~(maintain or provide health insurance coverage)~~)
6 provide medical support for any dependent child, in the nature of
7 health insurance coverage or cash medical support, as provided under
8 RCW 26.09.105.

9 (2) "Health insurance coverage" as used in this section does not
10 include medical assistance provided under chapter 74.09 RCW.

11 (3) A parent ordered to provide health insurance coverage shall
12 provide proof of such coverage or proof that such coverage is
13 unavailable to the department within twenty days of the entry of the
14 order.

15 (4) A parent required to provide health insurance coverage must
16 notify the department and the other parent when coverage terminates.

17 (5) Every order requiring a parent to provide health insurance
18 coverage shall be entered in compliance with RCW 26.23.050 and be
19 subject to direct enforcement as provided under chapter 26.18 RCW.

20 **Sec. 7.** RCW 74.20A.055 and 2007 c 143 s 8 are each amended to read
21 as follows:

22 (1) The secretary may, if there is no order that establishes the
23 responsible parent's support obligation or specifically relieves the
24 responsible parent of a support obligation or pursuant to an
25 establishment of paternity under chapter 26.26 RCW, serve on the
26 responsible parent or parents and custodial parent a notice and finding
27 of financial responsibility requiring the parents to appear and show
28 cause in an adjudicative proceeding why the finding of responsibility
29 and/or the amount thereof is incorrect, should not be finally ordered,
30 but should be rescinded or modified. This notice and finding shall
31 relate to the support debt accrued and/or accruing under this chapter
32 and/or RCW 26.16.205, including periodic payments to be made in the
33 future. The hearing shall be held pursuant to this section, chapter
34 34.05 RCW, the Administrative Procedure Act, and the rules of the
35 department. A custodian who has physical custody of a child has the
36 same rights that a custodial parent has under this section.

1 (2) The notice and finding of financial responsibility shall be
2 served in the same manner prescribed for the service of a summons in a
3 civil action or may be served on the responsible parent by certified
4 mail, return receipt requested. The receipt shall be prima facie
5 evidence of service. The notice shall be served upon the debtor within
6 sixty days from the date the state assumes responsibility for the
7 support of the dependent child or children on whose behalf support is
8 sought. If the notice is not served within sixty days from such date,
9 the department shall lose the right to reimbursement of payments made
10 after the sixty-day period and before the date of notification:
11 PROVIDED, That if the department exercises reasonable efforts to locate
12 the debtor and is unable to do so the entire sixty-day period is tolled
13 until such time as the debtor can be located. The notice may be served
14 upon the custodial parent who is the nonassistance applicant or public
15 assistance recipient by first-class mail to the last known address. If
16 the custodial parent is not the nonassistance applicant or public
17 assistance recipient, service shall be in the same manner as for the
18 responsible parent.

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

23 (a) A statement of the name of the custodial parent and the name of
24 the child or children for whom support is sought;

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

27 (c) A statement that the responsible parent or custodial parent may
28 object to all or any part of the notice and finding, and file an
29 application for an adjudicative proceeding to show cause why the terms
30 set forth in the notice should not be ordered;

31 (d) A statement that, if neither the responsible parent nor the
32 custodial parent files in a timely fashion an application for an
33 adjudicative proceeding, the support debt and payments stated in the
34 notice and finding, including periodic support payments in the future,
35 shall be assessed and determined and ordered by the department and that
36 this debt and amounts due under the notice shall be subject to
37 collection action;

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

6 (f) A statement that either or both parents are responsible for
7 providing health insurance for his or her child if coverage that can be
8 extended to cover the child is or becomes available to the parent
9 through employment or is union-related, or for paying a cash medical
10 support obligation if no such coverage is available, as provided under
11 RCW 26.09.105.

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

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

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

29 (c) If the responsible parent or custodial parent files the
30 application more than twenty days after, but within one year of the
31 date of service, the office of administrative hearings shall schedule
32 an adjudicative proceeding to hear the parent's or parents' objection
33 and determine the support obligation for the entire period covered by
34 the notice and finding of financial responsibility. The filing of the
35 application does not stay further collection action, pending the entry
36 of a final administrative order, and does not affect any prior
37 collection action;

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

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

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

19 (e) If the responsible parent's support obligation was based upon
20 imputed median net income, the grant standard, or the family need
21 standard, the division of child support may file an application for
22 adjudicative proceeding more than twenty days after the date of service
23 of the notice. The office of administrative hearings shall schedule an
24 adjudicative proceeding and provide notice of the hearing to the
25 responsible parent and the custodial parent. The presiding officer
26 shall determine the support obligation for the entire period covered by
27 the notice, based upon credible evidence presented by the division of
28 child support, the responsible parent, or the custodial parent, or may
29 determine that the support obligation set forth in the notice is
30 correct. The division of child support demonstrates good cause by
31 showing that the responsible parent's support obligation was based upon
32 imputed median net income, the grant standard, or the family need
33 standard. The filing of the application by the division of child
34 support does not stay further collection action, pending the entry of
35 a final administrative order, and does not affect any prior collection
36 action.

37 (f) The department shall retain and/or shall not refund support
38 money collected more than twenty days after the date of service of the

1 notice. Money withheld as the result of collection action shall be
2 delivered to the department. The department shall distribute such
3 money, as provided in published rules.

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

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

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

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

35 (9) The department has rule-making authority to enact rules
36 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as
37 amended by section 7307 of the deficit reduction act of 2005.

1 Additionally, the department has rule-making authority to implement
2 regulations required under (~~parts~~) 45 C.F.R. Parts 302, 303, 304,
3 305, and 308.

4 **Sec. 8.** RCW 74.20A.056 and 2007 c 143 s 9 are each amended to read
5 as follows:

6 (1) If an alleged father has signed an affidavit acknowledging
7 paternity which has been filed with the state registrar of vital
8 statistics before July 1, 1997, the division of child support may serve
9 a notice and finding of parental responsibility on him and the
10 custodial parent. Procedures for and responsibility resulting from
11 acknowledgments filed after July 1, 1997, are in subsections (8) and
12 (9) of this section. Service of the notice shall be in the same manner
13 as a summons in a civil action or by certified mail, return receipt
14 requested, on the alleged father. The custodial parent shall be served
15 by first-class mail to the last known address. If the custodial parent
16 is not the nonassistance applicant or public assistance recipient,
17 service shall be in the same manner as for the responsible parent. The
18 notice shall have attached to it a copy of the affidavit or
19 certification of birth record information advising of the existence of
20 a filed affidavit, provided by the state registrar of vital statistics,
21 and shall state that:

22 (a) Either or both parents are responsible for providing health
23 insurance for their child if coverage that can be extended to cover the
24 child is or becomes available to the parent through employment or is
25 union-related, or for paying a cash medical support obligation if no
26 such coverage is available, as provided under RCW 26.09.105;

27 (b) The alleged father or custodial parent may file an application
28 for an adjudicative proceeding at which they both will be required to
29 appear and show cause why the amount stated in the notice as to support
30 is incorrect and should not be ordered;

31 (c) An alleged father or mother, if she is also the custodial
32 parent, may request that a blood or genetic test be administered to
33 determine whether such test would exclude him from being a natural
34 parent and, if not excluded, may subsequently request that the division
35 of child support initiate an action in superior court to determine the
36 existence of the parent-child relationship; and

1 (d) If neither the alleged father nor the custodial parent requests
2 that a blood or genetic test be administered or files an application
3 for an adjudicative proceeding, the amount of support stated in the
4 notice and finding of parental responsibility shall become final,
5 subject only to a subsequent determination under RCW 26.26.500 through
6 26.26.630 that the parent-child relationship does not exist.

7 (2) An alleged father or custodial parent who objects to the amount
8 of support requested in the notice may file an application for an
9 adjudicative proceeding up to twenty days after the date the notice was
10 served. An application for an adjudicative proceeding may be filed
11 within one year of service of the notice and finding of parental
12 responsibility without the necessity for a showing of good cause or
13 upon a showing of good cause thereafter. An adjudicative proceeding
14 under this section shall be pursuant to RCW 74.20A.055. The only
15 issues shall be the amount of the accrued debt, the amount of the
16 current and future support obligation, and the reimbursement of the
17 costs of blood or genetic tests if advanced by the department. A
18 custodian who is not the parent of a child and who has physical custody
19 of a child has the same notice and hearing rights that a custodial
20 parent has under this section.

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

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

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

29 (4) An alleged father or the mother, if she is also the custodial
30 parent, may request that a blood or genetic test be administered at any
31 time. The request for testing shall be in writing, or as the
32 department may specify by rule, and served on the division of child
33 support. If a request for testing is made, the department shall
34 arrange for the test and, pursuant to rules adopted by the department,
35 may advance the cost of such testing. The department shall mail a copy
36 of the test results by certified mail, return receipt requested, to the
37 alleged father's and mother's, if she is also the custodial parent,
38 last known address.

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

9 (6) The alleged father or mother, if she is also the custodial
10 parent, may, within twenty days after the date of receipt of the test
11 results, request the division of child support to initiate an action
12 under RCW 26.26.500 through 26.26.630 to determine the existence of the
13 parent-child relationship. If the division of child support initiates
14 a superior court action at the request of the alleged father or mother
15 and the decision of the court is that the alleged father is a natural
16 parent, the parent who requested the test shall be liable for court
17 costs incurred.

18 (7) If the alleged father or mother, if she is also the custodial
19 parent, does not request the division of child support to initiate a
20 superior court action, or fails to appear and cooperate with blood or
21 genetic testing, the notice of parental responsibility shall become
22 final for all intents and purposes and may be overturned only by a
23 subsequent superior court order entered under RCW 26.26.500 through
24 26.26.630.

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

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

31 (i) The division of child support may serve a notice and finding of
32 financial responsibility under RCW 74.20A.055 based on the
33 acknowledgment. The division of child support shall attach a copy of
34 the acknowledgment or certification of the birth record information
35 advising of the existence of a filed acknowledgment of paternity to the
36 notice;

37 (ii) The notice shall include a statement that the acknowledged

1 father or any other signatory may commence a proceeding in court to
2 rescind or challenge the acknowledgment or denial of paternity under
3 RCW 26.26.330 and 26.26.335;

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

9 (iv) The party commencing the action to rescind or challenge the
10 acknowledgment or denial must serve notice on the division of child
11 support and the office of the prosecuting attorney in the county in
12 which the proceeding is commenced. Commencement of a proceeding to
13 rescind or challenge the acknowledgment or denial stays the
14 establishment of the notice and finding of financial responsibility, if
15 the notice has not yet become a final order.

16 (c) If neither the acknowledged father nor the other party to the
17 notice files an application for an adjudicative proceeding or the
18 signatories to the acknowledgment or denial do not commence a
19 proceeding to rescind or challenge the acknowledgment of paternity, the
20 amount of support stated in the notice and finding of financial
21 responsibility becomes final, subject only to a subsequent
22 determination under RCW 26.26.500 through 26.26.630 that the parent-
23 child relationship does not exist. The division of child support does
24 not refund nor return any amounts collected under a notice that becomes
25 final under this section or RCW 74.20A.055, even if a court later
26 determines that the acknowledgment is void.

27 (d) An acknowledged father or other party to the notice who objects
28 to the amount of support requested in the notice may file an
29 application for an adjudicative proceeding up to twenty days after the
30 date the notice was served. An application for an adjudicative
31 proceeding may be filed within one year of service of the notice and
32 finding of parental responsibility without the necessity for a showing
33 of good cause or upon a showing of good cause thereafter. An
34 adjudicative proceeding under this section shall be pursuant to RCW
35 74.20A.055. The only issues shall be the amount of the accrued debt
36 and the amount of the current and future support obligation.

37 (i) If the application for an adjudicative proceeding is filed

1 within twenty days of service of the notice, collection action shall be
2 stayed pending a final decision by the department.

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

7 (e) If neither the acknowledged father nor the custodial parent
8 requests an adjudicative proceeding, or if no timely action is brought
9 to rescind or challenge the acknowledgment or denial after service of
10 the notice, the notice of financial responsibility becomes final for
11 all intents and purposes and may be overturned only by a subsequent
12 superior court order entered under RCW 26.26.500 through 26.26.630.

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

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

18 (11) The department has rule-making authority to enact rules
19 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as
20 amended by section 7307 of the deficit reduction act of 2005.
21 Additionally, the department has rule-making authority to implement
22 regulations required under (~~(parts)~~) 45 C.F.R. Parts 302, 303, 304,
23 305, and 308.

24 **Sec. 9.** RCW 74.20A.059 and 1991 c 367 s 47 are each amended to
25 read as follows:

26 (1) The department, the physical custodian, or the responsible
27 parent may petition for a prospective modification of a final
28 administrative order if:

29 (a) The administrative order has not been superseded by a superior
30 court order; and

31 (b) There has been a substantial change of circumstances, except as
32 provided under RCW 74.20A.055(4)(d).

33 (2) An order of child support may be modified one year or more
34 after it has been entered without showing a substantial change of
35 circumstances:

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

1 (b) If a party requests an adjustment in an order for child support
2 that was based on guidelines which determined the amount of support
3 according to the child's age, and the child is no longer in the age
4 category on which the current support amount was based; or

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

10 (3) An order may be modified without showing a substantial change
11 of circumstances if the requested modification is to:

12 (a) Require (~~(health insurance coverage)~~) medical support under RCW
13 26.09.105 for a child covered by the order; or

14 (b) Modify an existing order for health insurance coverage.

15 (4) Support orders may be adjusted once every twenty-four months
16 based upon changes in the income of the parents without a showing of
17 substantially changed circumstances.

18 (5)(a) All administrative orders entered on, before, or after
19 September 1, 1991, may be modified based upon changes in the child
20 support schedule established in chapter 26.19 RCW without a substantial
21 change of circumstances. The petition may be filed based on changes in
22 the child support schedule after twelve months has expired from the
23 entry of the administrative order or the most recent modification order
24 setting child support, whichever is later. However, if a party is
25 granted relief under this provision, twenty-four months must pass
26 before another petition for modification may be filed pursuant to
27 subsection (4) of this section.

28 (b) If, pursuant to subsection (4) of this section or (a) of this
29 subsection, the order modifies a child support obligation by more than
30 thirty percent and the change would cause significant hardship, the
31 change may be implemented in two equal increments, one at the time of
32 the entry of the order and the second six months from the entry of the
33 order. Twenty-four months must pass following the second change before
34 a petition for modification under subsection (4) of this section may be
35 filed.

36 (6) An increase in the wage or salary of the parent or custodian
37 who is receiving the support transfer payments (~~(as defined in section~~
38 ~~24 of this act)~~) is not a substantial change in circumstances for

1 purposes of modification under subsection (1)(b) of this section. An
2 obligor's voluntary unemployment or voluntary underemployment, by
3 itself, is not a substantial change of circumstances.

4 (7) The department shall file the petition and a supporting
5 affidavit with the secretary or the secretary's designee when the
6 department petitions for modification.

7 (8) The responsible parent or the physical custodian shall follow
8 the procedures in this chapter for filing an application for an
9 adjudicative proceeding to petition for modification.

10 (9) Upon the filing of a proper petition or application, the
11 secretary or the secretary's designee shall issue an order directing
12 each party to appear and show cause why the order should not be
13 modified.

14 (10) If the presiding or reviewing officer finds a modification is
15 appropriate, the officer shall modify the order and set current and
16 future support under chapter 26.19 RCW.

17 NEW SECTION. **Sec. 10.** This act takes effect October 1, 2009.

--- END ---