
SENATE BILL 6343

State of Washington

66th Legislature

2020 Regular Session

By Senator Nguyen; by request of Department of Social and Health Services

1 AN ACT Relating to the abatement of child support for
2 incarcerated obligors; amending RCW 26.23.050, 74.20A.055,
3 74.20A.056, 74.20A.059, and 26.09.170; reenacting and amending RCW
4 74.20A.056; adding new sections to chapter 26.09 RCW; creating a new
5 section; providing an effective date; and providing an expiration
6 date.

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

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

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

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

20 (4) The legislature finds that there is a statewide movement to
21 assist justice-involved individuals reenter and reintegrate into

1 society, and to reduce state-caused pressures which tend to lead to
2 recidivism and a return to jail or prison.

3 (5) The legislature finds that, although there is currently a
4 statutory process for modification of child support orders, it is in
5 the best interests of the children of the state of Washington to
6 create an automatic process of abatement instead of making it the
7 sole responsibility of the justice-involved person to take action to
8 deal with his or her child support obligation while incarcerated.

9 (6) The legislature intends, therefore, to create a remedy
10 whereby court or administrative orders for child support entered in
11 Washington state may be automatically abated when the person required
12 to pay support is incarcerated for at least six months and has no
13 income or assets available to pay support.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 26.09
15 RCW to read as follows:

16 (1) When a child support order contains language providing for
17 automatic abatement based on incarceration of the person required to
18 pay child support, there is a rebuttable presumption that an
19 incarcerated person is unable to pay the child support obligation.
20 Unless the presumption is rebutted, the provisions of subsection (3)
21 of this section apply.

22 (2)(a) If the child support order does not contain language
23 providing for automatic abatement based on incarceration, the
24 department, the person required to pay support, the payee under the
25 order, or the person entitled to receive support may commence an
26 action in the appropriate forum to:

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

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

30 (b) In a proceeding brought under this subsection, there is a
31 rebuttable presumption that an incarcerated person is unable to pay
32 the child support obligation. The department, the payee under the
33 order, or the person entitled to receive support, may rebut the
34 presumption by demonstrating that the person required to pay support
35 has possession of, or access to, income or assets available to
36 provide support while incarcerated.

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

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

3 (a) The child support obligation under that order will be
4 automatically abated to ten dollars per month, without regard to the
5 number of children covered by that order, while the person required
6 to pay support is confined in a jail, prison, or correctional
7 facility for at least six months or is serving a sentence greater
8 than six months in a jail, prison, or correctional facility. Either
9 the department, the payee under the order, or the person entitled to
10 receive support may rebut the presumption by demonstrating the person
11 required to pay support has possession of, or access to, income or
12 assets available to provide support while incarcerated.

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

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

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

27 (ii) During the period of abatement, the department, the person
28 required to pay support, the payee under the order, or the person
29 entitled to receive support may commence an action to modify the
30 child support order under RCW 26.09.170 or 74.20A.059, in which case
31 the provision regarding reinstatement of the support amount at fifty
32 percent does not apply.

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

35 Either the department, the person required to pay support, the
36 payee under the order, or the person entitled to receive support may
37 make a request for abatement of child support to ten dollars per
38 month under an order for child support when the person required to
39 pay support is currently confined in a jail, prison, or correctional

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

3 (1) A request for the abatement of child support owed under one
4 child support order does not automatically qualify as a request for
5 abatement of support owed under every order that may exist requiring
6 that person to pay support. However, the request applies to any
7 support order which is being enforced by the department at the time
8 of the request.

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

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

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

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

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

29 (a) Review the support order for abatement once the department
30 receives notice from the person required to pay support or someone
31 acting on his or her behalf that the person may qualify for automatic
32 abatement of support;

33 (b) Review its records and other available information to
34 determine if the person required to pay support has possession of, or
35 access to, income or assets available to provide support while
36 incarcerated; and

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

1 (2) If the department decides that abatement of the person's
2 support obligation is appropriate, the department must notify the
3 person required to pay support, and the payee under the order or the
4 person entitled to receive support, that the incarcerated person's
5 support obligation has been abated and that the abatement will
6 continue until the first day of the fourth month after the person is
7 released from confinement. The notification must include the
8 following information:

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

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

13 (ii) Any objection will be forwarded to the office of
14 administrative hearings for an adjudicative proceeding under chapter
15 34.05 RCW;

16 (iii) The department, the person required to pay support, and the
17 payee under the order or the person entitled to receive support, all
18 have the right to participate in the administrative hearing as
19 parties; and

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

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

25 (c) The estimated date of release;

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

27 (e) That, if the abated obligation was established by a court
28 order, the department will file a copy of the notification in the
29 court file.

30 (3) If the department decides that abatement of the incarcerated
31 person's support obligation is not appropriate, the department must
32 notify the person required to pay support and the payee under the
33 order or the person entitled to receive support, that the department
34 does not believe that abatement of the support obligation should
35 occur. The notification must include the following information:

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

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

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

3 (ii) Any objection will be forwarded to the office of
4 administrative hearings for an adjudicative proceeding under chapter
5 34.05 RCW; and

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

9 (c) That, if the administrative law judge enters an order
10 providing that abatement is appropriate, the department will take
11 appropriate steps to document the abatement and will advise the
12 parties of:

13 (i) The effective date of the abatement of support;

14 (ii) The estimated date of release;

15 (iii) The estimated date that the abatement will end; and

16 (iv) That, if the abated obligation was established by a court
17 order, the department will file a copy of the notification in the
18 court file.

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

21 (1) When a court or administrative order does not contain
22 language regarding automatic abatement based on incarceration of the
23 person required to pay support and the department receives notice
24 that the person is currently confined in a jail, prison, or
25 correctional facility for at least six months or is serving a
26 sentence greater than six months in a jail, prison, or correctional
27 facility, the department must refer the case to the appropriate forum
28 for a determination of whether the order should be modified to:

29 (a) Contain abatement language as provided in this act; and

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

32 (2) In a proceeding brought under this section, there is a
33 rebuttable presumption that an incarcerated person is unable to pay
34 the child support obligation. The department, the payee under the
35 order, or the person entitled to receive support may rebut the
36 presumption by demonstrating that the incarcerated person has
37 possession of, or access to, income or assets available to provide
38 support while incarcerated.

1 (3) Unless the presumption is rebutted, the court or
2 administrative forum must enter an order providing that the child
3 support obligation under the order is abated to ten dollars per
4 month, without regard to the number of children covered by the order,
5 if the person required to pay support is confined in a jail, prison,
6 or correctional facility for at least six months, or is serving a
7 sentence greater than six months in a jail, prison, or correctional
8 facility.

9 (4) The order must:

10 (a) Include the appropriate language required by this act in
11 order to provide for a rebuttable presumption of automatic abatement
12 to ten dollars per month per order; and

13 (b) Provide that the order must be reinstated at fifty percent of
14 the previously ordered support amount but not less than the
15 presumptive minimum obligation of fifty dollars per month per child,
16 effective on the first day of the fourth month after the person's
17 release from confinement.

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

20 The effective date of abatement of a child support obligation
21 based on incarceration to ten dollars per month per order under this
22 act is the date on which the person required to pay support is
23 confined in a jail, prison, or correctional facility for at least six
24 months or begins serving a sentence greater than six months in a
25 jail, prison, or correctional facility, regardless of when the
26 department is notified of the incarceration. However:

27 (1) The person required to pay support is not entitled to a
28 refund of any support collections or payments that were received by
29 the department prior to the date on which the department is notified
30 of the incarceration; and

31 (2) The department, the payee under the order, or the person
32 entitled to receive support is not required to refund any support
33 collections or payments that were received by the department prior to
34 the date on which the department is notified of the incarceration.

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

37 (1) At any time during the period of incarceration, the
38 department, the payee under the order, or the person entitled to

1 receive support may file a request to reverse or terminate the
2 abatement of support by demonstrating that the incarcerated person
3 has possession of, or access to, income or assets available to
4 provide support while incarcerated.

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

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

11 (c) If the request for a hearing does not include documents or
12 evidence showing that the incarcerated person has possession of, or
13 access to, income or assets, the department may file a motion asking
14 that the request for a hearing be dismissed before a hearing is
15 scheduled or held.

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

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

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

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

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

30 (a) The request for reversal or termination of the abatement may
31 be filed with the department or with the office of administrative
32 hearings.

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

35 (3) Abatement of a support obligation under this act does not
36 constitute modification or adjustment of the order.

37 **Sec. 8.** RCW 26.23.050 and 2019 c 46 s 5026 are each amended to
38 read as follows:

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

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

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

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

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

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

24 (d) A statement that any (~~parent~~) person required to provide
25 health care coverage for the child or children covered by the order
26 must notify the division of child support and the other (~~parent~~)
27 party to the support order when the coverage terminates; (~~and~~)

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

33 (f) A statement that the support obligation under the order may
34 be automatically abated as provided in section 2 of this act if the
35 person required to pay support is confined in a jail, prison, or
36 correctional facility for at least six months, or is serving a
37 sentence greater than six months in a jail, prison, or correctional
38 facility.

39 As used in this subsection and subsection (3) of this section,
40 "good cause not to require immediate income withholding" means a

1 written determination of why implementing immediate wage withholding
2 would not be in the child's best interests and, in modification
3 cases, proof of timely payment of previously ordered support.

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

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

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

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

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

23 (ii) A statement that the (~~receiving parent~~) payee under the
24 order or the person entitled to receive support may be required to
25 submit an accounting of how the support is being spent to benefit the
26 child;

27 (iii) A statement that any (~~parent~~) person required to provide
28 health care coverage for the child or children covered by the order
29 must notify the division of child support and the other (~~parent~~)
30 party when the coverage terminates; and

31 (iv) A statement that a (~~parent~~) person seeking to enforce the
32 obligation to provide health care coverage may:

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

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

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

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

1 (i) Immediate income withholding may be ordered if the
2 (~~responsible parent~~) person required to pay support has earnings.
3 If immediate income withholding is ordered under this subsection, all
4 support payments shall be paid to the Washington state support
5 registry. The superior court shall issue a mandatory wage assignment
6 order as set forth in chapter 26.18 RCW when the support order is
7 signed by the court. The (~~parent~~) payee under the order or the
8 person entitled to receive the transfer payment is responsible for
9 serving the employer with the order and for its enforcement as set
10 forth in chapter 26.18 RCW.

11 (ii) If immediate income withholding is not ordered, the court
12 shall require that income withholding be delayed until a payment is
13 past due. The support order shall contain a statement that
14 withholding action may be taken against wages, earnings, assets, or
15 benefits, and liens enforced against real and personal property under
16 the child support statutes of this or any other state, without
17 further notice to the (~~responsible parent~~) person required to pay
18 support, after a payment is past due.

19 (c) If a mandatory wage withholding order under chapter 26.18 RCW
20 is issued under this subsection and the division of child support
21 provides support enforcement services under RCW 26.23.045, the
22 existing wage withholding assignment is prospectively superseded upon
23 the division of child support's subsequent service of an income
24 withholding notice.

25 (3) The office of administrative hearings and the department of
26 social and health services shall require that all support obligations
27 established as administrative orders include a provision which orders
28 and directs that the (~~responsible parent~~) person required to pay
29 support shall make all support payments to the Washington state
30 support registry. All administrative orders shall also state that
31 (~~the responsible parent's privileges~~) any privilege of the person
32 required to pay support to obtain and maintain a license, as defined
33 in RCW 74.20A.320, may not be renewed, or may be suspended if the
34 (~~parent~~) person is not in compliance with a support order as
35 provided in RCW 74.20A.320. All administrative orders shall also
36 state that withholding action may be taken against wages, earnings,
37 assets, or benefits, and liens enforced against real and personal
38 property under the child support statutes of this or any other state
39 without further notice to the (~~responsible parent~~) person required
40 to pay support at any time after entry of the order, unless:

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

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

6 (4) If the support order does not include the provision ordering
7 and directing that all payments be made to the Washington state
8 support registry and a statement that withholding action may be taken
9 against wages, earnings, assets, or benefits if a support payment is
10 past due or at any time after the entry of the order, or that ((a
11 ~~parent's~~)) licensing privileges of the person required to pay support
12 may not be renewed, or may be suspended, the division of child
13 support may serve a notice on the ((~~responsible parent~~)) person
14 stating such requirements and authorizations. Service may be by
15 personal service or any form of mail requiring a return receipt.

16 (5) Every support order shall state:

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

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

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

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

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

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

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

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

32 (g) A provision requiring both the ((~~responsible parent~~)) person
33 required to pay support and the ((~~eustodial parent~~)) payee under the
34 order or the person entitled to receive support to keep the
35 Washington state support registry informed of whether he or she has
36 access to health care coverage at reasonable cost and, if so, the
37 health care coverage information;

38 (h) That either or both the ((~~responsible parent~~)) person
39 required to pay support and the ((~~eustodial parent~~)) payee under the
40 order or the person entitled to receive support shall be obligated to

1 provide medical support for (~~his or her~~) a child or children
2 covered by the order through health care coverage if:

3 (i) The obligated (~~parent~~) person provides accessible coverage
4 for the child or children through private or public health care
5 coverage; or

6 (ii) Coverage that can be extended to cover the child or children
7 is or becomes available to the (~~parent~~) person through employment
8 or is union-related; or

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

12 (i) That a (~~parent~~) person providing health care coverage must
13 notify both the division of child support and the other (~~parent~~)
14 party to the order when coverage terminates;

15 (j) That if proof of health care coverage or proof that the
16 coverage is unavailable is not provided within twenty days, the
17 (~~parent~~) person seeking enforcement or the department may seek
18 direct enforcement of the coverage through the employer or union of
19 the (~~parent~~) person required to provide medical support without
20 further notice to the (~~parent~~) person as provided under chapter
21 26.18 RCW;

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

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

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

30 (i) Promptly file with the court and update as necessary the
31 confidential information form required by subsection (7) of this
32 section; and

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

35 (n) That parties to administrative support orders shall provide
36 to the state case registry and update as necessary their residential
37 addresses and the address of the (~~responsible parent's~~) employer of
38 the person required to pay support. The division of child support may
39 adopt rules that govern the collection of parties' current residence
40 and mailing addresses, telephone numbers, dates of birth, social

1 security numbers, the names of the children, social security numbers
2 of the children, dates of birth of the children, driver's license
3 numbers, and the names, addresses, and telephone numbers of the
4 parties' employers to enforce an administrative support order. The
5 division of child support shall not release this information if the
6 division of child support determines that there is reason to believe
7 that release of the information may result in physical or emotional
8 harm to the party or to the child, or a restraining order or
9 protective order is in effect to protect one party from the other
10 party.

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

25 (7) All petitioners and parties to all court actions under
26 chapters 26.09, 26.10, 26.12, 26.18, 26.21A, 26.23, 26.26A, 26.26B,
27 and 26.27 RCW shall complete to the best of their knowledge a
28 verified and signed confidential information form or equivalent that
29 provides the parties' current residence and mailing addresses,
30 telephone numbers, dates of birth, social security numbers, driver's
31 license numbers, and the names, addresses, and telephone numbers of
32 the parties' employers. The clerk of the court shall not accept
33 petitions, except in parentage actions initiated by the state, orders
34 of child support, decrees of dissolution, or parentage orders for
35 filing in such actions unless accompanied by the confidential
36 information form or equivalent, or unless the confidential
37 information form or equivalent is already on file with the court
38 clerk. In lieu of or in addition to requiring the parties to complete
39 a separate confidential information form, the clerk may collect the
40 information in electronic form. The clerk of the court shall transmit

1 the confidential information form or its data to the division of
2 child support with a copy of the order of child support or parentage
3 order, and may provide copies of the confidential information form or
4 its data and any related findings, decrees, parenting plans, orders,
5 or other documents to the state administrative agency that
6 administers Title IV-A, IV-D, IV-E, or XIX of the federal social
7 security act. In state initiated parentage actions, the parties
8 adjudicated the parents of the child or children shall complete the
9 confidential information form or equivalent or the state's attorney
10 of record may complete that form to the best of the attorney's
11 knowledge.

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

18 **Sec. 9.** RCW 74.20A.055 and 2019 c 46 s 5052 are each amended to
19 read as follows:

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

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

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

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

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

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

38 (d) A statement that, if neither the ((~~responsible parent~~))
39 person required to pay support nor the ((~~eustodial parent~~)) person
40 entitled to receive support files in a timely fashion an application

1 for an adjudicative proceeding, the support debt and payments stated
2 in the notice and finding, including periodic support payments in the
3 future, shall be assessed and determined and ordered by the
4 department and that this debt and amounts due under the notice shall
5 be subject to collection action;

6 (e) A statement that the property of the (~~debtor~~) person
7 required to pay support, without further advance notice or hearing,
8 will be subject to lien and foreclosure, distraint, seizure and sale,
9 order to withhold and deliver, notice of payroll deduction or other
10 collection action to satisfy the debt and enforce the support
11 obligation established under the notice;

12 (f) A statement that one or both (~~parents~~) parties to the
13 support order are responsible for either:

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

16 (A) Is available through health insurance or public health care
17 coverage; or

18 (B) Is or becomes available to the (~~parent~~) person through that
19 (~~parent's~~) person's employment or union; or

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

22 (g) A statement that the support obligation under the order may
23 be automatically abated to ten dollars per month per order as
24 provided in section 2 of this act if the person required to pay
25 support is confined in a jail, prison, or correctional facility for
26 at least six months, or is serving a sentence greater than six months
27 in a jail, prison, or correctional facility.

28 (4) A (~~responsible parent~~) person required to pay support or
29 (~~eustodial parent~~) a person entitled to receive support who objects
30 to the notice and finding of financial responsibility may file an
31 application for an adjudicative proceeding within twenty days of the
32 date of service of the notice or thereafter as provided under this
33 subsection.

34 (a) If the (~~responsible parent~~) person required to pay support
35 or (~~eustodial parent~~) the person entitled to receive support files
36 the application within twenty days, the office of administrative
37 hearings shall schedule an adjudicative proceeding to hear the
38 (~~parent's~~) party's or (~~parents'~~) parties' objection and determine
39 the support obligation for the entire period covered by the notice
40 and finding of financial responsibility. The filing of the

1 application stays collection action pending the entry of a final
2 administrative order;

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

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

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

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

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

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

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

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

37 (6) If either the ((~~responsible parent~~)) person required to pay
38 support or the ((~~eustodial parent~~)) person entitled to receive
39 support fails to attend or participate in the hearing or other stage
40 of an adjudicative proceeding, upon a showing of valid service, the

1 presiding officer shall enter an order of default against each party
2 who did not appear and may enter an administrative order declaring
3 the support debt and payment provisions stated in the notice and
4 finding of financial responsibility to be assessed and determined and
5 subject to collection action. The parties who appear may enter an
6 agreed settlement or consent order, which may be different than the
7 terms of the department's notice. Any party who appears may choose to
8 proceed to the hearing, after the conclusion of which the presiding
9 officer or reviewing officer may enter an order that is different
10 than the terms stated in the notice, if the obligation is supported
11 by credible evidence presented by any party at the hearing.

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

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

19 (9) The department has rule-making authority to enact rules
20 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19)
21 as amended by section 7307 of the deficit reduction act of 2005.
22 Additionally, the department has rule-making authority to implement
23 regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and
24 308.

25 **Sec. 10.** RCW 74.20A.056 and 2019 c 46 s 5053 are each amended to
26 read as follows:

27 (1)(a) If an acknowledged parent has signed an acknowledgment of
28 parentage that has been filed with the state registrar of vital
29 statistics:

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

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

1 (iii) A statement that either (~~or both parents~~) the person
2 required to pay support or the person entitled to receive support are
3 responsible for providing health care coverage for the child if
4 accessible coverage that can be extended to cover the child is or
5 becomes available to the (~~parent~~) person through employment or is
6 union-related as provided under RCW 26.09.105; (~~and~~)

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

14 (v) A statement that the support obligation under the order may
15 be automatically abated to ten dollars per month per order as
16 provided in section 2 of this act if the person required to pay
17 support is confined in a jail, prison, or correctional facility for
18 at least six months, or is serving a sentence greater than six months
19 in a jail, prison, or correctional facility.

20 (b) If neither (~~the acknowledged parent nor the other~~) party to
21 the notice files an application for an adjudicative proceeding or the
22 signatories to the acknowledgment or denial do not commence a
23 proceeding to rescind or challenge the acknowledgment of parentage,
24 the amount of support stated in the notice and finding of financial
25 responsibility becomes final, subject only to a subsequent
26 determination under RCW 26.26A.400 through 26.26A.515 that the
27 parent-child relationship does not exist. The division of child
28 support does not refund nor return any amounts collected under a
29 notice that becomes final under this section or RCW 74.20A.055, even
30 if a court later determines that the acknowledgment is void.

31 (c) An acknowledged parent or other party to the notice who
32 objects to the amount of support requested in the notice may file an
33 application for an adjudicative proceeding up to twenty days after
34 the date the notice was served. An application for an adjudicative
35 proceeding may be filed within one year of service of the notice and
36 finding of parental responsibility without the necessity for a
37 showing of good cause or upon a showing of good cause thereafter. An
38 adjudicative proceeding under this section shall be pursuant to RCW
39 74.20A.055. The only issues shall be the amount of the accrued debt
40 and the amount of the current and future support obligation.

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

4 (ii) If the application for an adjudicative proceeding is not
5 filed within twenty days of the service of the notice, any amounts
6 collected under the notice shall be neither refunded nor returned if
7 the ~~((alleged genetic parent))~~ person required to pay support under
8 the notice is later found not to be ~~((a responsible parent))~~ required
9 to pay support.

10 (d) If neither ~~((the acknowledged parent nor the custodial~~
11 ~~parent))~~ party to the notice requests an adjudicative proceeding, or
12 if no timely action is brought to rescind or challenge the
13 acknowledgment or denial after service of the notice, the notice of
14 financial responsibility becomes final for all intents and purposes
15 and may be overturned only by a subsequent superior court order
16 entered under RCW 26.26A.400 through 26.26A.515.

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

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

21 (4) The department has rule-making authority to enact rules
22 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19)
23 as amended by section 7307 of the deficit reduction act of 2005.
24 Additionally, the department has rule-making authority to implement
25 regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and
26 308.

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

29 (1)(a) If an acknowledged parent has signed an acknowledgment of
30 parentage that has been filed with the state registrar of vital
31 statistics:

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

38 (ii) The notice shall include a statement that the acknowledged
39 parent or any other signatory may commence a proceeding in court to

1 rescind or challenge the acknowledgment or denial of parentage under
2 RCW 26.26A.235 and 26.26A.240;

3 (iii) A statement that either or both (~~parents~~) the person
4 required to pay support or the person entitled to receive support are
5 responsible for providing health care coverage for the child if
6 accessible coverage that can be extended to cover the child is or
7 becomes available to the (~~parent~~) person through employment or is
8 union-related as provided under RCW 26.09.105; (~~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,
15 if the notice has not yet become a final order; and

16 (v) A statement that the support obligation under the order may
17 be automatically abated to ten dollars per month per order as
18 provided in section 2 of this act if the person required to pay
19 support is confined in a jail, prison, or correctional facility for
20 at least six months, or is serving a sentence greater than six months
21 in a jail, prison, or correctional facility.

22 (b) If neither (~~the acknowledged parent nor the other~~) party to
23 the notice files an application for an adjudicative proceeding or the
24 signatories to the acknowledgment or denial do not commence a
25 proceeding to rescind or challenge the acknowledgment of parentage,
26 the amount of support stated in the notice and finding of financial
27 responsibility becomes final, subject only to a subsequent
28 determination under RCW 26.26A.400 through 26.26A.515 that the
29 parent-child relationship does not exist. The division of child
30 support does not refund nor return any amounts collected under a
31 notice that becomes final under this section or RCW 74.20A.055, even
32 if a court later determines that the acknowledgment is void.

33 (c) An acknowledged parent or other party to the notice who
34 objects to the amount of support requested in the notice may file an
35 application for an adjudicative proceeding up to twenty days after
36 the date the notice was served. An application for an adjudicative
37 proceeding may be filed within one year of service of the notice and
38 finding of parental responsibility without the necessity for a
39 showing of good cause or upon a showing of good cause thereafter. An
40 adjudicative proceeding under this section shall be pursuant to RCW

1 74.20A.055. The only issues shall be the amount of the accrued debt
2 and the amount of the current and future support obligation.

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

6 (ii) If the application for an adjudicative proceeding is not
7 filed within twenty days of the service of the notice, any amounts
8 collected under the notice shall be neither refunded nor returned if
9 the ~~((alleged genetic parent))~~ person required to pay support under
10 the notice is later found not to be ~~((a responsible parent))~~ required
11 to pay support.

12 (d) If neither the acknowledged parent nor the ~~((custodial~~
13 ~~parent))~~ person entitled to receive support requests an adjudicative
14 proceeding, or if no timely action is brought to rescind or challenge
15 the acknowledgment or denial after service of the notice, the notice
16 of financial responsibility becomes final for all intents and
17 purposes and may be overturned only by a subsequent superior court
18 order entered under RCW 26.26A.400 through 26.26A.515.

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

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

23 (4) The department has rule-making authority to enact rules
24 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19)
25 as amended by section 7307 of the deficit reduction act of 2005.
26 Additionally, the department has rule-making authority to implement
27 regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and
28 308.

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

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

35 (a) The administrative order has not been superseded by a
36 superior court order; and

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

1 (2) The department, the person entitled to receive support, the
2 payee under the order, or the person required to pay support may
3 petition for a prospective modification of a final administrative
4 order if the person required to pay support is currently confined in
5 a jail, prison, or correctional facility for at least six months or
6 is serving a sentence greater than six months in a jail, prison, or
7 correctional facility, and the support order does not contain
8 language regarding automatic abatement due to incarceration.

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

12 (b) As part of the petition for modification, the petitioner may
13 also request that the support obligation be abated to ten dollars per
14 month per order due to incarceration, as provided in section 2 of
15 this act.

16 (3) An order of child support may be modified at any time without
17 a showing of substantially changed circumstances if incarceration of
18 the ((parent who is obligated)) person required to pay support is the
19 basis for the inconsistency between the existing child support order
20 amount and the amount of support determined as a result of a review.

21 ((+3)) (4) An order of child support may be modified one year or
22 more after it has been entered without showing a substantial change
23 of circumstances:

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

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

31 ((+4)) (5) An order may be modified without showing a
32 substantial change of circumstances if the requested modification is
33 to:

34 (a) Require medical support under RCW 26.09.105 for a child
35 covered by the order; or

36 (b) Modify an existing order for health care coverage.

37 ((+5)) (6) Support orders may be adjusted once every twenty-four
38 months based upon changes in the income of the ((parents)) parties to
39 the order without a showing of substantially changed circumstances.

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

11 (b) If, pursuant to subsection ~~((5))~~ (6) of this section or (a)
12 of this subsection, the order modifies a child support obligation by
13 more than thirty percent and the change would cause significant
14 hardship, the change may be implemented in two equal increments, one
15 at the time of the entry of the order and the second six months from
16 the entry of the order. Twenty-four months must pass following the
17 second change before a petition for modification under subsection
18 ~~((5))~~ (6) of this section may be filed.

19 ~~((7))~~ (8) An increase in the wage or salary of the ~~((parent or~~
20 ~~custodian who is receiving))~~ person entitled to receive the support
21 transfer payments is not a substantial change in circumstances for
22 purposes of modification under subsection (1)(b) of this section.
23 ~~((An obligor's))~~ The voluntary unemployment or voluntary
24 underemployment of the person required to pay support, by itself, is
25 not a substantial change of circumstances.

26 ~~((8))~~ (9) The department shall file the petition and a
27 supporting affidavit with the secretary or the secretary's designee
28 when the department petitions for modification.

29 ~~((9))~~ (10) The ~~((responsible parent))~~ person required to pay
30 support or the ~~((physical custodian))~~ payee under the order or the
31 person entitled to receive support shall follow the procedures in
32 this chapter for filing an application for an adjudicative proceeding
33 to petition for modification.

34 ~~((10))~~ (11) Upon the filing of a proper petition or
35 application, the secretary or the secretary's designee shall issue an
36 order directing each party to appear and show cause why the order
37 should not be modified.

38 ~~((11))~~ (12) If the presiding or reviewing officer finds a
39 modification is appropriate, the officer shall modify the order and
40 set current and future support under chapter 26.19 RCW.

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

3 (1) Except as otherwise provided in RCW 26.09.070(7), the
4 provisions of any decree respecting maintenance or support may be
5 modified: (a) Only as to installments accruing subsequent to the
6 petition for modification or motion for adjustment except motions to
7 compel court-ordered adjustments, which shall be effective as of the
8 first date specified in the decree for implementing the adjustment;
9 and, (b) except as otherwise provided in this section, only upon a
10 showing of a substantial change of circumstances. The provisions as
11 to property disposition may not be revoked or modified, unless the
12 court finds the existence of conditions that justify the reopening of
13 a judgment under the laws of this state.

14 (2) Unless otherwise agreed in writing or expressly provided in
15 the decree the obligation to pay future maintenance is terminated
16 upon the death of either party or the remarriage of the party
17 receiving maintenance or registration of a new domestic partnership
18 of the party receiving maintenance.

19 (3) Unless otherwise agreed in writing or expressly provided in
20 the decree, provisions for the support of a child are terminated by
21 emancipation of the child or by the death of the (~~parent-obligated~~
22 ~~to~~) person required to pay support for the child.

23 (4) Unless expressly provided by an order of the superior court
24 or a court of comparable jurisdiction, provisions for the support of
25 a child are terminated upon the marriage or registration of a
26 domestic partnership to each other of parties to a paternity or
27 parentage order, or upon the remarriage or registration of a domestic
28 partnership to each other of parties to a decree of dissolution. The
29 remaining provisions of the order, including provisions establishing
30 (~~paternity~~) parentage, remain in effect.

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

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

37 (6) An order of child support may be modified at any time to add
38 language regarding automatic abatement to ten dollars per month per
39 order due to the incarceration of the person required to pay support,
40 as provided in section 2 of this act.

1 (a) The department of social and health services, the person
2 entitled to receive support or the payee under the order, or the
3 person required to pay support may petition for a prospective
4 modification of a child support order if the person required to pay
5 support is currently confined in a jail, prison, or correctional
6 facility for at least six months or is serving a sentence greater
7 than six months in a jail, prison, or correctional facility, and the
8 support order does not contain language regarding automatic abatement
9 due to incarceration.

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

12 (c) As part of the petition for modification, the petitioner may
13 also request that the support obligation be abated to ten dollars per
14 month per order due to incarceration, as provided in section 2 of
15 this act.

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

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

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

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

26 ~~((7))~~ (8)(a) If twenty-four months have passed from the date of
27 the entry of the order or the last adjustment or modification,
28 whichever is later, the order may be adjusted without a showing of
29 substantially changed circumstances based upon:

30 (i) Changes in the income of the ~~((parents))~~ parties to the
31 order; or

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

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

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

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

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

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

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

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

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

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

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

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

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

32 ~~((+9))~~ (10) The department of social and health services may
33 file an action to modify or adjust an order of child support under
34 subsections (5) through (~~((+7))~~) (8) of this section if:

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

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

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

1 (~~(10)~~) (11) If testimony other than affidavit is required in
2 any proceeding under this section, a court of this state shall permit
3 a party or witness to be deposed or to testify under penalty of
4 perjury by telephone, audiovisual means, or other electronic means,
5 unless good cause is shown.

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

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

10 NEW SECTION. **Sec. 15.** Section 10 of this act expires January 1,
11 2021.

12 NEW SECTION. **Sec. 16.** Section 11 of this act takes effect
13 January 1, 2021.

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