Washington State Department of Social & Health Services
Transforming lives

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
DIVISION OF CHILD SUPPORT (DCS)

Nonassistance Support Enforcement Information

(Chapters 26.18, 26.23, 34.05, 74.20, and 74.20A RCW)

Keep this form; it contains important legal information about your child support case.

Parties to Your Support Order

The two parties to your support order are the noncustodial parent and the custodial parent or physical custodian. The noncustodial parent is the person who must pay support. The custodial parent or physical custodian is the person with whom the children normally lives. Both the custodial or noncustodial parents may be required to provide health insurance coverage and / or medical support for the children.

- Medical support includes a proportional share of uninsured medical expenses and a medical premium share (cash payment) if required by your order when health insurance is not provided.

Division of Child Support

The Division of Child Support (DCS) has offices located throughout the state. DCS manages and enforces child support cases. To have DCS enforce your support order, one of the parties to the order must request support enforcement services in writing.

If your support order requires payment through the Washington State Support Registry (see the next section) but DCS does not receive a request for services, DCS will open a Payment Services Only (PSO) case for you. DCS provides only payment processing and record keeping for PSO cases.

Washington State Support Registry

The Washington State Support Registry (WSSR) is a part of DCS that keeps records and distributes support payments. DCS will enter your support order into WSSR when either of the following occurs.

1. Either party to your support order asks DCS for support enforcement services.
2. Your support order requires the noncustodial parent to pay support through WSSR.

What You Must Do

Once you ask DCS for support enforcement services, you must:

1. Send DCS all payments that you receive directly from the noncustodial parent. DCS must have a record of all payments to work your case. If you received support payments before you asked for DCS services, you must give DCS a declaration listing those payments. When you send DCS payments that you receive directly from the noncustodial parent, DCS loads the amount onto your DCS debit card or deposits the amount into your direct deposit account.
2. Tell DCS if you change your address or telephone number. DCS needs this information to contact you about your case. DCS may serve you legal notices by first class mail.
3. Tell DCS immediately if you reunite with the noncustodial parent or the children goes elsewhere to live. You must provide DCS additional information when asked.
4. Tell DCS if you hire an attorney or private agency to collect your support. You must give DCS the name and address of the attorney or private agency. You must tell DCS what the attorney or private agency will work on.
    a. DCS may be unable to collect your support while an attorney or private agency is trying to collect.
    b. If you hire an attorney to change your support order, you or your attorney must serve notice on the noncustodial parent and DCS.
5. Give DCS or help DCS get copies of all support orders entered for your case.

Requirements for Receiving Nonassistance Support Enforcement Services

If you do not have legal custody of the children for whom you are requesting support enforcement services, you must declare that you are not wrongfully keeping the children from the legal custodian.

DCS collects a $35 fee each federal fiscal year that DCS sends you $550 in support if you **have never received** Temporary Assistance to Needy Families (TANF), Tribal TANF, or Aid to Families with Dependent Children (AFDC) for any children. The fiscal year starts October 1st and ends September 30th each year. DCS collects this fee from you by retaining the $35 from support collections after DCS sends you the first $550. If you have more than one case because your children have different fathers, you may be subject to more than one annual fee. If you received TANF, Tribal TANF, or AFDC from another state you must send proof, such as a sworn statement from the public assistance agency from another state or a certified copy of your assistance record, to DCS. DCS will charge the fee until we receive the proof. If paying the $35 fee creates a hardship for your family, you may ask DCS for an exception by requesting a Conference Board.

Support Enforcement Services

If you have a support order that sets the support amount, DCS will try to collect that amount. DCS usually does not calculate and collect interest as it accrues on your order. In some cases, DCS must serve a notice on both parties to the support order before starting collection action.

If you do not have a support order or your support order does not address both child support and medical support, DCS will serve a notice on both parties to the support order.

1. In this notice, DCS will set child support and medical support amounts as needed. DCS will base the child support amount on the combined incomes of both parties and the number of children involved.
2. Your order must require each obligated parent to provide health insurance coverage when coverage is available through the parent's employer or union at a cost of no more than 25 percent of the parent's basic support obligation.
3. The order may include a medical support obligation toward a premium paid by either you or the State if medical insurance is not provided by the obligated parent.

If your support order does not set a fixed support amount but states a formula to determine the amount, DCS will serve a ***Notice of Support Owed*** on both parties to your support order.

1. In this notice, DCS will set a fixed support amount. Either party to your support order can ask for a hearing to dispute the support amount DCS sets.
2. DCS may try to reach an agreement for the support amount with both parties to your support order.

Once the support amount is set and if DCS knows the noncustodial parent's employer, DCS will issue an ***Income Withholding for Support*** notice to the employer. This notice requires the employer to withhold support from the noncustodial parent's income or wages. If DCS does not know the noncustodial parent's employer, DCS will try to find the source of wages or income and try to collect your support.

If your support order contains provisions for medical support of the children, DCS will attempt to enforce those provisions. The actions DCS takes depends on the provisions of your order.

1. If you have an order that requires the noncustodial parent to provide health insurance coverage, pay a proportionate share of uninsured medical expenses, deductibles, and copayments, or pay an additional dollar amount when the noncustodial parent does not have health insurance coverage available, DCS will enforce any of these medical support requirements.
2. If you have a support order that does not require the noncustodial parent to provide health insurance for your children, DCS may try to modify your order.
3. If you have a support order that requires you to provide health insurance coverage, pay a proportionate share of uninsured medical expenses, copayments, and deductibles, or pay a share of the other parent's health insurance premium if you are not providing health insurance coverage, DCS may enforce those requirements if the noncustodial parent applies for support enforcement services.

If you have health insurance coverage for the children, you should provide DCS with proof of coverage. You may complete and return the enclosed ***Custodial Parent Health Insurance Information*** form as your proof.

If you have health insurance coverage and do not want DCS to enforce the medial support requirements of your support order, you must provide DCS with proof of coverage and tell DCS in writing that you do not want enforcement of the medical support provisions.

If the mother and father never married, and:

1. One or both of them did not sign a ***Paternity Acknowledgement***, a state or tribal court must determine the legal father. DCS will refer your case to a prosecuting attorney, tribal court, or Office of the Attorney General for action.
2. Both of them signed a ***Paternity Acknowledgement***, DCS may establish a support order without a court action.

If the other party to your support order asks DCS to do so, DCS may provide full support enforcement services even if you do not want them.

If neither party to the support order lives in Washington State, DCS will provide support enforcement services if both of the following are true.

1. Neither party to your support order receive support enforcement services from another state.
2. The noncustodial parent has contact with Washington State. Contact includes earning wages from employers doing business in Washington, owning assets in Washington, etc. The noncustodial parent must have enough contact with Washington State to allow DCS to collect support.

If the noncustodial parent lives in another state and has no contact with Washington State, and you live in Washington State, DCS may do any of the following.

1. Try to establish jurisdiction for the case and collect support under Washington State law.
2. Ask the state the noncustodial parent lives in to collect support. The other state will act under their laws.

DCS will make an arrangement with the noncustodial parent for monthly past-due support payments. DCS bases this payment on the support requirement set in your support order and the total amount of past-due support owed for the case.

If you have a support order that allows DCS to serve an ***Income Withholding for Support***, DCS will serve the notice on the noncustodial parent's employer (if known).

If you have a support order that does not allow DCS to serve an ***Income Withholding for Support***, DCS will serve a ***Notice of Support Debt and Demand for Payment*** on the noncustodial parent. The ***Notice of Support Debt and Demand for Payment*** states the support amount and gives DCS the authority to serve an ***Income Withholding for Support***.

1. If you are the court-ordered payee, DCS will send you a copy of the notice that states the support amount. If you receive a copy and do not agree with the amounts stated in the notice, you may ask for a hearing.
2. The noncustodial parent may ask for a Conference Board (an informal hearing) to dispute the terms of the notice that states the support amount. You may take part in the Conference Board.
3. If you ask for a hearing and the noncustodial parent asks for a Conference Board, you can decide whether to have a hearing or a Conference Board.

In any proceeding to establish, enforce, or modify a support order, DCS may serve written notices on the parties to the order by first class mail. DCS may serve these notices to the last-known addresses of the parties. If DCS serves a notice on you, it may become a final order without further notice to you. A court or Administrative Law Judge (ALJ) may grant a petition for modification of a support order by default if a party fails to appear at a modification proceeding. This applies even if DCS cannot prove that the party who failed to appear actually received the notice of the hearing sent by first class mail to the last-know address of the party.

DCS cannot establish or enforce custody or visitation provisions for your children.

Representation

DCS and all Attorney General offices and Prosecuting Attorney offices working with DCS represent the Department of Social and Health Services. These offices do not represent either party to your support order.

Hearings

Chapter 34.05 RCW allows both parties to your support order to take part in hearings held about your support order. Either party may attend a hearing in person or by telephone. Hearings affect your support amount. If you do not participate in a hearing, an ALJ may grant requests made by DCS or the other party to your support order without further notice to you. You may want legal counsel to represent you at a hearing.

Abatement

Washington law allows for child support to be temporarily reduced if the noncustodial parent is confined to or sentenced to at least six months in a jail, prison, or correctional facility and does not have the ability to pay child support. This process is called abatement. You, the noncustodial parent, or DCS can request the abatement. If abatement applies to your case, you will receive notification from DCS explaining the terms of the abatement and each person's right to ask for a hearing if they disagree.

Collection Services

DCS will try to:

1. Collect current and past-due (if any) support.
    - Under limited circumstances, DCS may enter into a temporary agreement that allows the noncustodial parent to pay less than the monthly current support amount listed in your support order. The payments increase over time to allow DCS to recover all current and past-due support.
2. Collect interest on past-due support. DCS will do so only if you have a support order or a state or tribal court judgment that states the total amount of accrued interest.
3. Collect child care costs, if required in your support order.
4. Collect spousal support (alimony) if required by your support order. DCS does not set spousal support amounts.
5. Enforce medical support requirements. DCS may try to collect unreimbursed medical expenses (such as copayments, deductibles, and premiums) for the children covered by the order using remedies available under Chapters 74.20 and RCW 74.20A RCW. WAC 388-14A-1020 defines uninsured medical expenses. DCS may serve a ***National Medical Support Notice*** to enforce the health insurance requirements or enforce a cash contribution not to exceed the obligated parent's proportionate share of expenses, limited to 25 percent of the parent's basic child support obligation.
6. Enforce post-secondary education support for children continuing their education after completing high school. Only a state or tribal court can order this kind of support. DCS cannot establish this kind of support.

You do not have to ask DCS to take the actions listed in this section. DCS acts as your case requires. However, you may find new information that could help DCS collect your support. If you do, you must tell DCS. Include the following information on all correspondence with DCS.

1. Your name, address, telephone number, and case number.
2. The noncustodial parent's name and social security number (if known).

Stopping DCS Services

If you want DCS to stop providing full collection services, you must ask DCS in writing. If you have a support order that requires the noncustodial parent to pay support through WSSR, DCS stops providing full collection services, changes your case to PSO, and tells the noncustodial parent. If your support order does not require payment through the WSSR, DCS closes your case.
If you or your children reunites with the noncustodial parent, DCS stops collecting current support. DCS tells you about any changes to the types of service you receive.

Federal Income Tax Refund Offset, Administrative Offset, and Passport Denial

DCS will tell the Internal Revenue Service (IRS) when the noncustodial parent owes past-due support if your case meets all the following criteria:

1. DCS knows the noncustodial parent's social security number.
2. The past-due support debt is owed under a support order.
3. The noncustodial parent owes a total past-due support debt of $500.00 or more. If DCS cannot determine the total past-due support owed, DCS may limit the debt to the amount accrued since DCS accepted your case.

The IRS sends DCS the noncustodial parent's tax refunds to pay past-due child support owed.

If the noncustodial parent filed a joint tax return, DCS may hold the refund for six months before sending you the money. DCS may hold the tax return to allow the other joint filer to the tax return to claim their share of the refund.

Other payments owed by the federal government to the noncustodial parent may also be offset to pay past-due support.

If the noncustodial parent owes at least $2,500.00, the federal government can deny the noncustodial parent a passport.

Payment Distribution

There are strict federal and state regulations for distributing support payments. DCS uses the payment receipt date to decide how to apply support money. Neither party to a support order can choose the period the payment covers.

1. DCS will apply any money received each month, except tax refund payments from the IRS, first to current support for that month. IRS payments are only applied to past-due child support.
2. DCS may retain an annual $35 fee payment, if you have never received TANF, Tribal TANF, or AFDC funds as a custodian of minor children. DCS will collect the fee after $550 in support is disbursed to you on the case between October 1st and September 30th each year.
3. If DCS receives more than the current support amount, DCS will apply the additional payment to past-due support.
4. If the noncustodial parent owes current support to more than one family, DCS applies money to all current support obligations before applying any money to past-due support. Neither you nor the noncustodial parent can specify how DCS distributes payments.
    - There is one exception to the rule above. The noncustodial parent can specify distribution of payments to PSO cases. PSO refers to those cases where DCS provides record keeping and payment distribution but does not enforce a support order.

DCS will send current support payments to you. If you sign up for direct deposit, DCS will deposit payments directly into your bank account by Electronic Funds Transfer (EFT).

NOTICE: If you do not authorize direct deposit, DCS will automatically mail you a stored-value Visa debit card, called the DCS debit card. If you have a DCS debit card, DCS deposits your child support to the card rather than to your bank account. In most cases, child support payments are available in your bank account or on your DCS debit card within three business days after DCS applies them to your case. You can use the DCS debit card anywhere VISA is accepted and at Automated Teller Machines. You can get more information about electronic payments. Find out about your other options for receiving payments, by calling 800-468-7422 or on-line at www.dshs.wa.gov/dcs.

Past-due support payments may or may not go to you.

1. If you and your children never received public assistance, DCS sends you the money.
2. If you received public assistance and there is no debt assigned to any jurisdiction, DCS sends you the money.
3. If you received public assistance in the past, DCS distributes past-due support received after you stop receiving public assistance as follows:
    a. First, to any past-due support owed to you that was never assigned to the state.
    b. Second, to any past-due support that was temporarily assigned to the state by an assignment made on or after October 1, 1997, and before October 1, 2008, and which is not a part of the permanently assigned past-due support described in d below.
    c. Third, to any past-due support owed to you for the children's medical support.
    d. Fourth, to any past-due support that was permanently assigned to the state by a public assistance assignment made before October 1, 1997, or assigned after that date because a public assistance grant was paid to you in that month.
    e. Fifth, to any children's past-due medical support assigned to the state.
    f. Payments received from the IRS are distributed to past-due support and past-due medical support assigned to the state before being distributed to any past-due support owed to you.
4. If the noncustodial parent owes past-due support to more than one family, DCS divides the money collected proportionally between the families.

Payment Recovery

Pursuant to RCW 26.23.035(3) and 74.20A.270, DCS recovers payments from you that are overpayments and payments that were sent to you in error.

1. You must return payments DCS sends you if:
   a. DCS sends you the money in error.
   b. DCS sends you more money than the noncustodial parent owes, also called an overpayment.
2. If you have a payment services only (PSO) case, DCS will first recover overpayments and payments that were sent to you in error by withholding the amount from future payments received for you. RCW 26.23.035(3) allows this action with no notice to you.
   a. DCS will automatically withhold 10 percent of future current support payments.
   b. DCS will automatically withhold 100 percent of future past-due support payments.
3. DCS may take other collection actions allowed by RCW 74.20A.270 to recover overpayments and payments that were sent to you in error. This applies even after you stop receiving support payments through DCS. If DCS chooses this option, DCS will serve a notice on you. If no objection is received, DCS is allowed to:
   a. Send your employer or other person or organization that holds assets for you an Income Withholding Order for Support. The order / notice requires your employer or other person or organization to withhold the amount of the payment in error and / or overpayment from your earnings, income, and assets.
   b. File liens against your real and personal property.
   c. Use any DCS collection remedy available under Chapters 26.09, 26.18, 26.23, and 74.20 RCW.

Tribal Information

Unless DCS and the tribe have an agreement to do so, DCS enforcement and collection procedures listed in this form do not apply to employees who work for tribes, tribally-owned businesses, or Indian-owned businesses located on reservations. If the noncustodial parent is an employee of an Indian tribe, tribally-owned business, or an Indian-owned business located on a reservation DCS may:

1. Ask the tribe to enforce your support order. DCS will do this if Washington State and the tribe has a process to do so.
2. File an action in a tribal court to establish or enforce your support order. If DCS files an action in a tribal court, DCS may use procedures outlined in agreements between Washington State and the Indian tribes or use existing tribal court procedures.

DCS may assign your case to a tribal enforcement unit if either of the following applies to your case.

1. Either party to your support order or your children are members of an Indian tribe.
2. The noncustodial parent is an employee of an Indian tribe, tribally-owned business, or an Indian-owned business located on a reservation or trust land.
3. Either party to your support order is covered by a cooperative child support process or agreement.
4. Either party to your support order receives services from a Tribal TANF or Tribal child support program.
5. Your case involves other Tribal issues.

Laws and Policy That Affect Child Support

The following chapters of the Revised Code of Washington (RCW) and the Washington Administrative Code (WAC) govern the services that DCS provides.

Chapter 26.09 RCW
Chapter 26.18 RCW
Chapter 26.21A RCW
Chapter 26.23 RCW
Chapter 74.20 RCW
Chapter 74.20A RCW
Chapter 388-14A WAC

The statute of limitations may apply to a child support debt. If it applies, the noncustodial parent may use the statute of limitations as a defense to owing all or a portion of a support debt.

Telephone Calls

Call the "KIDS" automated telephone system at 800-442-5437 to get information about your case. Please use this system as much as possible. If you have a matter that the "KIDS" system cannot handle, call the DCS office that is handling your case. Remember, telephone calls take time away from other collection work on your case. Reducing the number of calls allows DCS to serve you better.

If you must contact DCS, use the telephone numbers listed below. Please use the toll-free telephone numbers for long distance calls only. TTY/TDD services are available for the speech or hearing impaired.

Seattle:	(206) 341-7000 or (800) 526-8658	Vancouver:	(360) 696-6100 or (800) 345-9984
Tacoma:	(253) 597-3700 or (800) 345-9976	Wenatchee:	(509) 886-6800 or (800) 535-1113
Everett:	(425) 438-4800 or (800) 729-7580	Yakima:	(509) 249-6000 or (800) 441-0859
Spokane:	(509) 363-5000 or (800) 345-9982	Olympia:	(360) 664-6900 or (800) 345-9964
Kennewick:	(509) 374-2000 or (800) 345-9981		

For information about electronic payments, call 800-468-7422 or visit the DCS web site at www.dshs.wa.gov/dcs. You can register to view your case payment history on-line at https://secureaccess.wa.gov.

No person because of race, color, national origin, creed, religion, sex, age, or disability, shall be discriminated against in employment, services, or any aspect of the program's activities. This form is available in alternative formats upon request.