



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 05, 2018

TIME: 11:37 AM

WSR 18-18-103

Agency: Department of Social and Health Services, Economic Services Administration

Subject of possible rule making: The department is planning to amend sections in chapter 388-14A WAC in order to streamline procedures regarding the use of a form called the Notice to Payee. The Division of Child Support (DCS) uses the Notice to Payee to do the following: 1) Provide notice to a custodial parent when DCS serves a Notice of Support Debt or Notice of Support Owed to establish the amount of back support debt or proportionate share of expenses owed by a noncustodial parent; or 2) Provide notice to a noncustodial parent when DCS serves a Notice of Support Owed to establish the amount of back support debt or proportionate share of expenses owed by a custodial parent.

In order to carry out this rulemaking project, the department may also amend, repeal, or adopt other related sections of chapter 388-14A WAC as may be required.

Statutes authorizing the agency to adopt rules on this subject: RCW 26.09.105, RCW 26.18.170, RCW 26.23.110, RCW 34.05.220, RCW 74.04.055, RCW 74.08.090, RCW 74.20.040, RCW 74.20A.310

Reasons why rules on this subject may be needed and what they might accomplish: Current rules regarding the Notice to Payee require DCS to wait to send a Notice to Payee until after DCS has successfully served a Notice of Support Debt or Notice of Support Owed on a noncustodial parent (NCP), or to wait to send a Notice to Payee until after DCS has successfully served a Notice of Support Owed on a custodial parent (CP). Experience has shown that delaying the mailing of the Notice to Payee until after DCS receives proof of service occasionally leads to delayed or no notice, which creates due process concerns.

The planned change will allow DCS to send the Notice to Payee at the same time DCS starts the process to serve the Notice of Support Debt or Notice of Support Owed, instead of waiting until after service.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) DCS engages in modified collaborative rulemaking. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS Division of Child Support (DCS) Headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at <https://www.dshs.wa.gov/esa/division-child-support> or on the DSHS Economic Services Administration's Policy Review web site, which can be found at <https://fortress.wa.gov/dshs/f2ws03esaapps/extpolicy/>.

Rulemaking forms and draft rules may also be found on the DSHS Filings and Rules page at <https://www.dshs.wa.gov/sesa/rpau/filings-and-rulings>.

DSHS/DCS encourages the public to take part in developing rules. After the rules are drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule-making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

Name: Nancy Koptur, DCS Rules Coordinator
Address: Division of Child Support HQ
PO Box 9162
Olympia WA 98507-9162
Phone: 360-664-5065

(If necessary)
Name:
Address:
Phone:

Fax: 360-664-5342
TTY: 1-800-833-6384
Email: nkoptur@dshs.wa.gov
Web site: www.childsupportonline.wa.gov
Other:

Fax:
TTY:
Email:
Web site:
Other:

Additional comments:

Date: September 4, 2018

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:

A handwritten signature in blue ink that reads "Katherine I. Vasquez". The signature is written in a cursive style with a long, sweeping underline.