



# PREPROPOSAL STATEMENT OF INQUIRY

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

Do NOT use for expedited rule making

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FILED

DATE: July 22, 2019

TIME: 12:00 PM

WSR 19-15-101

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

**Subject of possible rule making:** The Division of Child Support (DCS) intends to amend WAC 388-14A-3903 "How does DCS decide whether to petition for modification of a support order?" and other related rules as may be required in order to implement §§ 2 and 3 of Engrossed Substitute House Bill 1916 (ESHB 1916, Chapter 275, Laws of 2019), which takes effect on July 28, 2019.

At the same time DCS files this *Preproposal Statement of Inquiry*, DCS is filing a CR-103E, *Rule-Making Order*, to adopt an emergency amendment of WAC 388-14A-3903; that emergency rule will implement the bill while DCS goes through the regular rulemaking process under chapter 34.05 RCW. DCS may make additional changes to the modification criteria that will allow for greater flexibility for child support order modifications; as part of this rulemaking process, DCS may amend or repeal existing sections, or may adopt new sections, in chapter 388-14A WAC.

**Statutes authorizing the agency to adopt rules on this subject:** Implementation of ESHB 1916 (Chapter 275, Laws of 2019), which takes effect on July 28, 2019, is authorized under RCW 26.09.105, RCW 26.18.170, RCW 34.05.220(1)(a), RCW 34.05.322, RCW 74.04.055, RCW 74.08.090, RCW 74.20.040(9), and RCW 74.20A.310.

**Reasons why rules on this subject may be needed and what they might accomplish:** ESHB 1916 (Chapter 275, Laws of 2019), which takes effect on July 28, 2019, amended RCW 26.09.170 and 74.20A.059 to change the criteria for modification or adjustment of child support orders. This change potentially allows more families to benefit from modification of their child support orders by reducing the requirement that the child support amount change as a result of the review by 25% to 15%. Another change, adopted due to federal requirements, provides that incarceration of the noncustodial parent in and of itself can serve as a reason for modification review of the child support order at any time, without a showing of a substantial change in circumstances or a 15% change in the order amount. In order to implement ESHB 1916, DCS must amend WAC 388-14A-3903.

**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:**

(If necessary)

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Other:

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Email:

Web site:

Other:

Additional comments:

**Date:** July 22, 2019

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**

