



PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
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STATE OF WASHINGTON
FILED

DATE: January 14, 2025
TIME: 2:06 PM

WSR 25-03-068

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

☒ **Original Notice**

☐ **Supplemental Notice to WSR** _____

☐ **Continuance of WSR** _____

☒ **Preproposal Statement of Inquiry was filed as WSR** 24-08-063 ; or

☐ **Expedited Rule Making--Proposed notice was filed as WSR** _____; or

☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

☐ **Proposal is exempt under RCW** _____.

Title of rule and other identifying information: (describe subject) The department is amending 22 sections in chapter 388-14A WAC related to the Uniform Parentage Act to implement Engrossed Substitute Senate Bill 6037 (ESSB 6037, Chapter 6, Laws of 2018) and Substitute Senate Bill 5333 (SB 5333, Chapter 46, Laws of 2019), as codified in chapters 26.26A and 26.26B RCW. They are: WAC 388-14A-1020 – What definitions apply to the rules regarding child support enforcement?, 388-14A-1030 – What kinds of services can the division of child support provide?, 388-14A-1040 – What must a request for locate services contain?, 388-14A-1050 – The division of child support cooperates with tribes and other states and countries for support enforcement purposes., 388-14A-1060 – The division of child support cooperates with courts and law enforcement., 388-14A-2000 – Who can receive child support enforcement services from the division of child support?, 388-14A-2005 – When does an application for public assistance automatically become an application for support enforcement services?, 388-14A-2040 – Do I have to cooperate with the division of child support in establishing or enforcing child support?, 388-14A-2065 – Does the division of child support provide support enforcement services if the CSO decides I have “good cause level A” or “good cause level B”?, 388-14A-2070 – Does the division of child support provide support enforcement services if the CSO decides I have “good cause level B”?, 388-14A-2081 – Under what circumstances can DCS close a case when the application for services was made directly to DCS?, 388-14A-3100 – How does the division of child support establish a child support obligation when there is no child support order?, 388-14A-3102 – When the parents have signed a paternity acknowledgment, which support establishment notice does the division of child support serve on the noncustodial parent?, 388-14A-3105 – How does the division of child support serve support establishment notices?, 388-14A-3110 – When can a support establishment notice become a final order?, 388-14A-3115 – The notice and finding of financial responsibility is used to set child support when paternity is not at issue., 388-14A-3120 – The notice and finding of parental responsibility is used to set child support when the father’s duty of support is based upon an affidavit of paternity which is not a conclusive presumption of paternity., 388-14A-3125 – DCS may establish a medical support obligation when the custodial parent receiving medical assistance declines full child support enforcement services., 388-14A-3127 – How does DCS ask to add a monthly financial obligation to an existing administrative order for medical support only?, 388-14A-3350 – Are there any limits on how much back support the division of child support can seek to establish?, 388-14A-7610 – The division of child support complies with federal requirements regarding intergovernmental cases., and 388-14A-7820 – What is the division of child support (DCS) required to do when DCS acts as the responding jurisdiction in an intergovernmental case?

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
March 25, 2025	10:00 a.m.	Virtually via Teams or Call in	Hearings are held virtually, see the DSHS website at https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings for the most current information.

Date of intended adoption: Not sooner than March 26, 2025 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name DSHS Rules Coordinator
Address PO Box 45850, Olympia, WA 98504
Email DSHSRPAURulesCoordinator@dshs.wa.gov
Fax 360-664-6185
Other

Assistance for persons with disabilities:

Contact Shelley Tencza, DSHS Rules Consultant
Phone 360-664-6036
Fax 360-664-6185
TTY 711 Relay Service
Email Shelley.Tencza@dshs.wa.gov

Beginning (date and time) noon on January 22, 2025

Other

By (date and time) 5:00 p.m. on March 25, 2025

By (date) 5:00 p.m. on March 11, 2025

Purpose of the proposal and its anticipated effects, including any changes in existing rules: DCS proposes to amend 22 sections in chapter 388-14A WAC as we complete implementation of two bills related to the 2017 version of the Uniform Parentage Act and make other technical corrections.

In the 2018 session, the Washington State Legislature passed Engrossed Substitute Senate Bill 6037 (ESSB 6037, Chapter 6, Laws of 2018), making Washington the first state to adopt the 2017 version of the Uniform Parentage Act (UPA). The UPA recognizes a broader range of parentage by implementing Acknowledgment of Parentage, Assertion of Parentage, protections for gender divergent parenting, rules for surrogate arrangements, legal processes for creating family structures, and protections for children. The bill, which took effect on January 1, 2019: 1) created Chapter 26.26A in the Revised Code of Washington (RCW), 2) repealed most of chapter 26.26 RCW, and 3) moved the non-repealed sections of Chapter 26.26 to a new chapter, Chapter 26.26B RCW.

In the 2019 session, the Washington State Legislature passed Substitute Senate Bill 5333 (SSB 5333, Chapter 46, Laws of 2019) making many technical corrections and adding provisions to the UPA addressing records, notification, and consequences of sexual assault. SSB 5333 also amended RCW 74.20A.056, rendering the notice and finding of parental responsibility (NFPR) obsolete.

The UPA recognizes a broader range of parentage by implementing Acknowledgment of Parentage, Assertion of Parentage, protections for gender diverse parenting, rules for surrogate arrangements, legal processes for creating family structures, and protections for children. Adopting the UPA is a continuation of state and federal trends towards broadening the definition of "family" and recognizing the variety in "parent-child" relationships.

In this rulemaking action:

1. We add or amend definitions in WAC 388-14A-1020 to align with chapter 26.26A RCW.

- Birth mother – added
- Birth record – added
- Parentage or parent-child relationship – added
- Paternity – added
- Presumed parent – amended
- Reasonable efforts to locate - amended

2. We amend other definitions in WAC 388-14A-1020 based on the Office of the Code Reviser's drafting guidelines, Plain Talk, and inclusive language principles.

3. We make the following changes throughout the WAC sections noted above:

- We substitute the term parentage for paternity wherever appropriate, in line with chapters 26.26A and 26.26B RCW. In some sections, we retain the term paternity for historical context. This includes replacing paternity with parentage in the titles of some of the sections.
- We add references to the Acknowledgment of Parentage form currently used by the Department of Health (DOH).
- We update citations to specific sections in the Uniform Parentage Act to the act as currently codified in chapters 26.26A and 26.26B RCW. Unless required for historical context, references to sections in chapter 26.26 RCW are obsolete and have been stricken.
- We make other technical edits in line with the Office of the Code Reviser's drafting guidelines.

4. In WAC 388-14A-2000, we state that a man may request child support services to establish parentage alleging they are the child's biological or genetic parent.

5. We seek to amend WAC 388-14A-2065 in consideration of RCW 26.26A.465, to clarify how DCS provides child support services if the Community Services Division (CSD) grants good cause level A to a custodial parent. In particular, we add provisions around what happens if someone asks that a case previously closed for good cause level A be reopened. We also address what happens if the person whose actions are the basis for the good cause finding becomes the custodian of the child and either goes on Temporary Assistance for Needy Families (TANF) or submits a non-assistance application for services. We also seek to amend the title of this section to reflect the name of the division issuing the good cause decision as CSD.

6. We propose to add a subsection to WAC 388-14A-2070 addressing the actions taken by the prosecutor or attorney general's office when CSD advises good cause level B has been granted in a case, for consistency with WAC 388-14A-2065. We will also amend the title of this section to reflect CSD as the name of the division that issues good cause decisions.

7. In WAC 388-14A-3100, 388-14A-3102, 388-14A-3105, 388-14A-3110, 388-14A-3115, 388-14A-3120, 388-14A-3125, and 388-14A-3127, DCS removes references to the notice and finding of parental responsibility (NFPR) or makes those references historical. This includes the titles of some of the sections. Historically, a NFPR was used to set child support when the father's duty of support was based upon an affidavit of paternity that was not a conclusive presumption of paternity. The NFPR differs from a notice and finding of financial responsibility (NFFR) because the parties could timely request genetic testing contesting paternity. Since January 1, 2019, DCS has not served the NFPR due to amendments to RCW 74.20A.056. DCS does, however, still enforce debt accrued under a NFPR. A person who was served a NFPR before the form became obsolete may still request a late hearing on the monetary amounts stated in the notice, but DCS would no longer facilitate genetic testing in the matter. All children for whom it was possible to serve a NFPR have long since reached majority.

8. In WAC 388-14A-3100, we strike subsection (4) because DCS no longer served the NFPR or the notice and finding of medical responsibility (NFMR). We also revised other subsections regarding legal instruments creating a presumption of paternity including a paternity affidavit, paternity acknowledgment, or acknowledgment of parentage. These legal instruments

form the basis for service of a notice and finding of financial responsibility (NFFR) under WAC 388-14A-3115 or a "Medical support only" NFFR under WAC 388-14A-3125 if the case is open only to enforce medical support.

9. In WAC 388-14A-3102, we describe how the acknowledgment or affidavit has become a conclusive presumption of paternity or parentage under RCW 26.26A.220 even if one or both of the parents were under 18 years old when signing it. We clarify that DCS gives full faith and credit under RCW 26.26A.250 to an acknowledgment or affidavit of parentage or paternity filed with the vital records agency of another state and serve a NFFR. Finally, we propose to add the term parentage to the title of the section.

10. In WAC 388-14A-3110, we strike subsections (9)(b) and (9)(d) as obsolete. The office of administrative hearings (OAH) issues a final order as a result of a support establishment hearing, rather than an initial decision. Initial decisions can be appealed to the DSHS board of appeals, but final orders cannot.

11. In WAC 388-14A-3115, we describe the process of establishing child support when parentage is not at issue. We add a subsection about recognizing other jurisdictions' instruments that conclusively establish parentage, unless rescinded or successfully changes in that jurisdiction.

Reasons supporting proposal: This rulemaking ensures chapter 388-14A WAC aligns with the UPA and other changes that resulted from ESSB 6037 and SSB 5333. It is in the department's best interest to provide correct and current information.

Statutory authority for adoption: RCW 26.23.050, 26.23.110, 43.20A.550, 74.04.055, 74.04.057, 74.08.090, 74.20.040, 74.20A.055, 74.20A.056, and 74.20A.310

Statute being implemented: RCW 26.09.105, 26.18.170, 26.21A.230, 26.23.050, 26.26A.005 through 26.26A.903, 26.26B.010 through 26.26B.130, 74.20.330, 74.20A.055, 74.20A.056, and 74.20A.030,

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Department of Social and Health Services, Economic Services Administration, Division of Child Support

Type of proponent: ☐ Private. ☐ Public. ☒ Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Monica Turnbaugh, DCS	DCS HQ, PO Box 9162, Olympia WA 98507-9162	360-664-5339
Implementation	Monica Turnbaugh, DCS	DCS HQ, PO Box 9162, Olympia WA 98507-9162	360-664-5339
Enforcement	Monica Turnbaugh, DCS	DCS HQ, PO Box 9162, Olympia WA 98507-9162	360-664-5339

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? ☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

- ☒ No: Please explain: Although this rule meets the definition of a significant legislative rule under RCW 34.05.328(5), the requirement for a cost-benefit analysis does not apply because rules of the Department of Social and Health Services concerning liability for care of dependents are exempt under RCW 34.05.328(5)(b)(vii).

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(3). Check all that apply:

☐ [RCW 34.05.310](#) (4)(b)
(Internal government operations)

☐ [RCW 34.05.310](#) (4)(e)
(Dictated by statute)

☐ [RCW 34.05.310](#) (4)(c)
(Incorporation by reference)

☐ [RCW 34.05.310](#) (4)(f)
(Set or adjust fees)

☐ [RCW 34.05.310](#) (4)(d)
(Correct or clarify language)

☐ [RCW 34.05.310](#) (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☒ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(4). (Does not affect small businesses).

☒ This rule proposal, or portions of the proposal, is exempt under RCW [34.05.328\(5\)\(b\)\(vii\)](#).

Explanation of how the above exemption(s) applies to the proposed rule: This proposal does not affect small businesses. This rule is exempt under RCW 34.05.328(5)(b)(vii) – Rules of the department of social and health services ... concerning liability for care of dependents.

(2) Scope of exemptions: *Check one.*

☒ The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.

☐ The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

☐ The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Date: January 9, 2025	Signature: 
Name: Katherine I. Vasquez	
Title: DSHS Rules Coordinator	

WAC 388-14A-1020 What definitions apply to the rules regarding child support enforcement? For purposes of this chapter, the following definitions apply:

"Abatement" means the temporary reduction of child support obligations of an incarcerated person who is required to pay support.

"Absence of a court order" means that there is no court order either setting a support obligation for the noncustodial parent (NCP), or specifically relieving the NCP of a support obligation, for a particular child.

"Absent parent" is a term used for a noncustodial parent.

"Accessible coverage" means health care coverage which provides primary care services to the children with reasonable effort by the custodial parent.

"Accrued debt" means past-due child support which has not been paid.

"Acknowledged father" means a man who has established a father-child relationship by:

(1) Signing a valid acknowledgment of paternity under RCW 26.26.300 through 26.26.375 prior to January 1, 2019;

(a) Chapter 26.26 RCW was repealed effective January 1, 2019, under chapter 6, section 907, laws of 2018;

(b) Chapter 26.26A RCW was enacted effective January 1, 2019;

(2) Signing a valid acknowledgment of parentage under RCW 26.26A.200 through 26.26A.265 on or after January 1, 2019; or

(3) Signing a valid acknowledgment of paternity or parentage under another jurisdiction's laws.

"Acknowledged parent" means ~~((an individual))~~ a person who, after January 1, 2019, has established a parent-child relationship by signing a valid acknowledgment of parentage under RCW 26.26A.200 through 26.26A.265.

"Adjudicated parent" means a person who has been adjudicated by a court of competent jurisdiction to be the parent of a child.

"Administrative order" means a determination, finding, decree, or order for support issued under RCW 74.20A.055, 74.20A.056, ~~((or))~~ 74.20A.059, or by the agency of an Indian tribe or another state or country's agency under an administrative process, establishing the existence of a support obligation (including medical support) and ordering the payment of a set or determinable amount of money for current support, ~~((and/or))~~ a support debt, or both. Administrative orders include:

(1) An order entered under chapter 34.05 RCW;

(2) An agreed settlement or consent order entered under WAC 388-14A-3600; and

(3) A support establishment notice which has become final by operation of law.

"Agency" means the Title IV-D provider of a state or tribe, or the central authority of another country. For the state of Washington, the Title IV-D provider is the division of child support (DCS) within the department of social and health services (DSHS).

"Agreed settlement" is an administrative order that reflects the agreement of the noncustodial parent, the custodial parent, and the division of child support. An agreed settlement does not require the approval of an administrative law judge.

"Aid" or "public assistance" means cash assistance under the temporary assistance for needy families (TANF) program, the aid to families with dependent children (AFDC) program, federally funded or state-funded foster care, and includes day care benefits and medical benefits provided to families as an alternative or supplement to TANF.

"Alternate recipient" means a child of the employee or retiree named within a support order as being entitled to coverage under an employer's group health plan.

"Annual fee" means the fee charged on never-assistance cases based on the amount of collections between October 1 and September 30 each year, required by the Federal Deficit Reduction Act of 2005 and RCW 74.20.040.

"Applicant/custodian" means a person who applies for nonassistance support enforcement services on behalf of a child or children residing in their household.

"Applicant/recipient," "applicant," ((and)) or "recipient" means a person who receives public assistance on behalf of a child or children residing in their household.

"Arrears" means the debt amount owed for a period of time before the current month.

"Assistance" means cash assistance under the state program funded under Title IV-A of the federal Social Security Act.

"Assistance unit" means a cash assistance unit as defined in WAC 388-408-0005. An assistance unit is the group of people who live together and whose income or resources the department counts to decide eligibility for benefits and the amount of benefits.

"Birth costs" means medical expenses incurred by the custodial parent or the state, tribe, or country for the birth of a child.

"Birth mother" means a person who gave birth to the child and is not a genetic or gestational surrogate.

"Birth record" means a report of birth that has been filed with and registered by a state's registrar of vital statistics or equivalent agency.

"Cash medical support" means a combination of:

(1) A parent's monthly payment toward the premium paid for coverage provided by a public entity or by another parent, which represents the obligated parent's proportionate share of the premium paid, but this amount is limited to no more than (~~((twenty-five percent))~~) 25% of the obligated parent's basic support obligation; and

(2) A parent's proportionate share of uninsured medical expenses.

"Central authority" means the agency designated by a government to facilitate support enforcement with a foreign reciprocating country (FRC) pursuant to section 459A of the federal Social Security Act.

"Child((~~7~~))" for the purposes of this chapter, means:

(a) (~~((An individual))~~) A person for whom a child support obligation is being established or enforced; or

(b) A dependent child as defined in RCW 74.20A.020(3); and

(c) Unless the context or the facts of a particular case clearly requires otherwise, "child" may be used interchangeably with the term "children."

"Children((~~7~~))" for the purpose of this chapter, means more than one child, unless the context or the facts of a particular case clearly requires the term to refer to only one child.

"Conditionally assigned arrears" means those temporarily assigned arrears remaining on a case after the period of public assistance ends.

"Conference board" means a method used by the division of child support for resolving complaints regarding DCS cases and for granting exceptional or extraordinary relief from debt.

"Consent order" means a support order that reflects the agreement of the noncustodial parent, the custodial parent, and the division of child support. A consent order requires the approval of an administrative law judge.

"Controlling order" means the only order issued or, where multiple orders exist, the order determined by a tribunal to control prospective current support pursuant to the Uniform Interstate Family Support Act (UIFSA), chapter 26.21A RCW.

"Controlling order state" means the state in which the only order was issued or, where multiple orders exist, the state in which the order determined by a tribunal to control prospective current support pursuant to the UIFSA was issued.

"Country" means a foreign country (or a political subdivision thereof) declared to be a Foreign Reciprocating Country (FRC) under 42 U.S.C. 659A and any foreign country (or political subdivision thereof) with which the state has entered into a reciprocal arrangement for the establishment and enforcement of support obligations to the extent consistent with federal law pursuant to 42 U.S.C. 659A.

"Court order" means a judgment, decree, or order of a Washington state superior court, or a court of comparable jurisdiction of an Indian tribe or another state or country.

"Current support" or **"current and future support"** means the amount of child support which is owed for each month.

"Custodial parent ((or CP))" or **"CP"** means the person, whether a parent or not, with whom a dependent child resides the majority of the time period for which the division of child support seeks to establish or enforce a support obligation.

"Date the state assumes responsibility for the support of a dependent child on whose behalf support is sought" means the date that the TANF or AFDC program grant is effective. For purposes of this chapter, the state remains responsible for the support of a dependent child until public assistance terminates, or support enforcement services end, whichever occurs later.

"Delinquency" means failure to pay current child support when due.

"Department" means the Washington state department of social and health services (DSHS).

"Dependent child" means a person:

- (1) Seventeen years of age or younger who is not self-supporting, married, or a member of the United States armed forces;
- (2) Eighteen years of age or older for whom a court order requires support payments past age ((eighteen)) 18;
- (3) Eighteen years of age or older, but under ((nineteen)) 19 years of age, for whom an administrative support order exists if the child is participating full-time in a secondary school program or the same level of vocational or technical training.

"Determination of parentage" means the establishment of the parent-child relationship by:

- (1) A judicial proceeding;
- (2) The signing of a valid acknowledgment of paternity under:
 - (a) RCW 26.26.300 through 26.26.375 prior to January 1, 2019;
 - (i) Chapter 26.26 RCW was repealed effective January 1, 2019, under chapter 6, section 907, laws of 2018;
 - (ii) Chapter 26.26A RCW was enacted effective January 1, 2019; or

(b) Another jurisdiction's laws dealing with the acknowledgment or affidavit of paternity or the acknowledgment of parentage; or

(3) The signing of a valid acknowledgment of parentage under RCW 26.26A.200 through 26.26A.265 on or after January 1, 2019.

"Differentiated support amount" means an amount of child support that represents a parent's support obligation for more than one child and may justifiably be divided into "per child" amounts for each child covered by the support order, based on information contained in the support order.

"Differentiated support order" means a child support order which provides a monthly amount of child support for two or more children, and either provides a specific support obligation for each child or provides enough information in the order so that the monthly amount may justifiably be divided into a "per child" amount for each child covered by the support order.

"Disbursement" means the amount of child support distributed to a case that is paid to the family, state, other child support enforcement agency in another state or foreign country, Indian tribe, or person or entity making the payment.

"Disposable earnings" means the amount of earnings remaining after the deduction of amounts required by law to be withheld.

"Distribution" means how a collection is allocated or split within a case or among multiple cases.

"Domestic partner" means a state registered domestic partner as defined in chapter 26.60 RCW.

"Earnings" means compensation paid or payable for personal service. Earnings include:

- (1) Wages or salary;
- (2) Commissions and bonuses;
- (3) Periodic payments under pension plans, retirement programs, and insurance policies of any type;
- (4) Disability payments under Title 51 RCW;
- (5) Unemployment compensation under RCW 50.40.020, 50.40.050, and Title 74 RCW;
- (6) Benefits under the family and medical leave insurance program under Title 50A RCW;
- (7) Gains from capital, labor, or a combination of the two; and
- (8) The fair value of nonmonetary compensation received in exchange for personal services.

"Employee" means a person to whom an employer is paying, owes, or anticipates paying earnings in exchange for services performed for the employer.

"Employer" means any person or organization having an employment relationship with any person. This includes:

- (1) Partnerships and associations;
- (2) Trusts and estates;
- (3) Joint stock companies and insurance companies;
- (4) Domestic and foreign corporations;
- (5) The receiver or trustee in bankruptcy; and
- (6) The trustee or legal representative of a deceased person.

"Employment" means personal services of whatever nature, including service in interstate commerce, performed for earnings or under any contract for personal services. Such a contract may be written or oral, express, or implied.

"Family" means the person or persons on whose behalf support is sought, which may include a custodial parent and one or more children,

or one or more children in foster care placement. The family is sometimes called the assistance unit.

"Family arrears" means the amount of past-due support owed to the family, which has not been conditionally, temporarily, or permanently assigned to a state. Also called "nonassistance arrears."

"Family member" means the caretaker relative, the child or children, and any other person whose needs are considered in determining eligibility for assistance.

"Foreign order" means a court or administrative order entered by a tribunal other than one in the state of Washington, including an order entered by a tribunal in an Indian tribe or another state or country.

"Foreign reciprocating country" or ((FRC)) **"FRC"** means a country which the federal government has declared to be a foreign reciprocating country, which means that the foreign country has established, or undertakes to establish, procedures for the establishment and enforcement of duties of support owed to custodial parents who are residents of the United States, and that such procedures are substantially in conformity with the standards prescribed under title IV-D of the federal Social Security Act.

"Foster care case" means a case referred to the Title IV-D agency by the Title IV-E agency, which is the department of children, youth, and families (DCYF).

"Fraud((~~7~~))" for the purposes of vacating an agreed settlement or consent order, means:

(1) The representation of the existence or the nonexistence of a fact;

(2) The representation's materiality;

(3) The representation's falsity;

(4) The speaker's knowledge that the representation is false;

(5) The speaker's intent that the representation should be acted on by the person to whom it is made;

(6) Ignorance of the falsity on the part of the person to whom it is made;

(7) The latter's:

(a) Reliance on the truth of the representation;

(b) Right to rely on it; and

(c) Subsequent damage.

"Full support enforcement services" means the entire range of services available in a Title IV-D case.

"Good cause" for the purposes of late hearing requests and petitions to vacate orders on default means a substantial reason or legal justification for delay, including but not limited to the grounds listed in civil rule 60. The time periods used in civil rule 60 apply to good cause determinations in this chapter.

"Head of household" means the parent or parents with whom the dependent child or children were residing at the time of placement in foster care.

"Health care costs" means medical expenses. Certain statutes in chapter 26.19 RCW refer to medical expenses as health care costs.

"Health care coverage" means fee for service, health maintenance organization, preferred provider organization, and other types of private health insurance and public health care coverage under which medical services could be provided to a dependent child or children. These services include, but are not limited to: Medical((~~/surgical~~)) and surgical care (inpatient, outpatient, physician) ((~~care~~)), medical equipment (crutches, wheel_ chairs, prosthesis, etc.), pharmacy prod-

ucts, optometric care, dental care, orthodontic care, preventive care, mental health care, and physical therapy. The term "health care coverage" includes, but is not limited to, health insurance coverage.

"Health insurance" or **"health insurance coverage"** is included in the definition of "health care coverage." Health insurance coverage includes any coverage under which medical services are provided by an employer or a union whether that coverage is provided through a self-insurance program, under the employee retirement income security act of 1974, a commercial insurer pursuant to chapters 48.20 and 48.21 RCW, a health care service contractor pursuant to chapter 48.44 RCW, or a health maintenance organization pursuant to chapter 48.46 RCW, and the state through chapter 41.05 RCW.

"Hearing" means an adjudicative proceeding authorized by this chapter, or chapters 26.23, 74.20, and 74.20A RCW, conducted under chapter 388-02 WAC and chapter 34.05 RCW.

((**"I/me"**)) **"I"** or **"me"** means the person asking the question which appears as the title of a rule.

"Incarcerated person" for purposes of abatement means a person who is totally or partially confined in a jail, prison, or correctional facility for at least six months or is serving a sentence of at least six months in a jail, prison, or correctional facility.

"Income" includes:

- (1) All gains in real or personal property;
- (2) Net proceeds from the sale or exchange of real or personal property;
- (3) Earnings;
- (4) Interest and dividends;
- (5) Proceeds of insurance policies;
- (6) Other periodic entitlement to money from any source; and
- (7) Any other property subject to withholding for support under the laws of this state.

"Income withholding action" includes all withholding actions which DCS is authorized to take, and includes but is not limited to the following actions:

- (1) Asserting liens under RCW 74.20A.060;
- (2) Serving and enforcing liens under chapter 74.20A RCW;
- (3) Issuing orders to withhold and deliver under chapter 74.20A RCW;
- (4) Issuing notices of payroll deduction under chapter 26.23 RCW; and
- (5) Obtaining wage assignment orders under RCW 26.18.080.

"Initiating agency" or **"initiating jurisdiction"** means a state or Tribal IV-D agency or the central authority of another country, as defined in this rule, in which ((an individual)) a person has applied for or is receiving services.

"Intergovernmental IV-D case" means a IV-D case in which the non-custodial parent lives ((and/)) or works in a different jurisdiction than the custodial parent and children that has been referred by an initiating agency to a responding agency for services. An intergovernmental IV-D case may include any combination of referrals between states, tribes, and countries. An intergovernmental IV-D case also may include cases in which a state agency is seeking only to collect support arrearages, whether owed to the family or assigned to the state.

"Locate" can mean efforts to obtain service of a support establishment notice in the manner prescribed by WAC 388-14A-3105.

"Medical assistance" means medical benefits under Title XIX of the federal Social Security Act provided to families as an alternative

or supplement to TANF. This term includes public health care coverage, which is called apple health in Washington state.

"Medical expenses (~~(~~7~~)~~)" for the purpose of establishing support obligations under RCW 26.09.105, 74.20A.055, and 74.20A.056, or for the purpose of enforcement action under chapters 26.18, 26.23, 74.20, and 74.20A RCW, including the notice of support debt and the notice of support owed, means medical costs incurred on behalf of a child, which include:

- Medical services related to (~~(an individual's)~~) a person's general health and well-being, including but not limited to, medical(~~(~~7~~)~~) care, surgical care, preventive care, mental health care, and physical therapy; and
- Prescribed medical equipment and prescribed pharmacy products;
- Health care coverage, such as coverage under a health insurance plan, including the cost of premiums for coverage of a child;
- Dental, orthodontic, and optometrical costs incurred on behalf of a child; and
- Copayments and (~~(~~or~~)~~) deductibles incurred on behalf of a child.

Medical expenses are sometimes also called health care costs or medical costs.

"Medical support" consists of:

(1) Health care coverage, which may be health insurance coverage or public health care coverage; and

(2) Cash medical support, which consists of:

(a) A parent's monthly payment toward the premium paid for coverage provided by a public entity or by another parent, which represents the obligated parent's proportionate share of the premium paid, but no more than (~~(twenty-five percent)~~) 25% of the obligated parent's basic support obligation; and

(b) A parent's proportionate share of uninsured medical expenses.

"Monthly payment toward the premium" means a parent's contribution toward premiums paid for coverage provided by a public entity or by another parent, which is based on the obligated parent's proportionate share of the premium paid, but is limited to no more than (~~(twenty-five percent)~~) 25% of the obligated parent's basic support obligation.

"National Medical Support Notice" or "NMSN" is a federally mandated form that DCS uses to enforce a health insurance support obligation; the NMSN is a notice of enrollment as described in RCW 26.18.170.

"Noncustodial parent (~~(or NCP)~~)" or "NCP" means the natural or biological parent, adoptive parent, adjudicated parent, presumed parent, responsible stepparent, or person who signed and filed an affidavit acknowledging paternity or parentage, from whom the state seeks support for a dependent child. A parent is considered to be an NCP when for the majority of the time during the period for which support is sought, the dependent child resided somewhere other than with that parent.

"Nonmedical expenses" means amounts incurred on behalf of a child which are not medical expenses as defined in this chapter. Nonmedical expenses include, but are not limited to, day care or other special childrearing expenses such as tuition and long-distance transportation costs to and from the parents for visitation purposes.

"Obligated parent" means a parent who is required under a child support order to provide medical support, which could include health care coverage or to reimburse the other parent for (~~(his or her)~~)

their share of uninsured medical expenses for a dependent child. The obligated parent could be either the NCP or the CP.

"Other ordinary expense" means an expense incurred by a parent which:

- (1) Directly benefits the dependent child; and
- (2) Relates to the parent's residential time or visitation with the child.

"Parent" means (~~(an individual)~~) a person who has established a parent-child relationship under:

- (1) RCW 26.26.101 prior to January 1, 2019;
 - (a) Chapter 26.26 RCW was repealed effective January 1, 2019, under chapter 6, section 907, laws of 2018;
 - (b) Chapter 26.26A RCW was enacted effective January 1, 2019;
- (2) RCW 26.26A.100 on or after January 1, 2019; or
- (3) Under the laws of another jurisdiction.

"Parentage" or **"((Parent)) parent-child relationship"** means the legal relationship between a child and a parent of the child. The term includes but is not limited to the mother-child relationship and the father-child relationship.

"Participant" means an employee or retiree who is eligible for coverage under an employer group health plan.

"Pass-through" means the portion of a support collection distributed to assigned support that the state pays to a family currently receiving TANF.

"Past support" means support arrears.

"Paternity" means the legal relationship between a father and child. It is one type of parentage.

"Paternity testing" means blood testing or genetic tests of blood, tissue, or bodily fluids. This is also called genetic testing.

"Payment services only" or **"PSO"** means a case on which the division of child support's activities are limited to recording and distributing child support payments(~~(r)~~) and maintaining case records. A PSO case is not a IV-D case.

"Permanently assigned arrears" means those arrears which the state may collect and retain up to the amount of unreimbursed assistance.

"Physical custodian" means custodial parent (CP).

"Plan administrator" means the person or entity which performs those duties specified under 29 U.S.C. 1002 (16) (A) for a health plan. If no plan administrator is specifically so designated by the plan's organizational documents, the plan's sponsor is the administrator of the plan. Sometimes an employer acts as its own plan administrator.

"Premium" means the amount paid for coverage provided by a public entity or by another parent for a child covered by a child support order. This term may also mean "cost of coverage."

"Presumed parent" means a person who, by operation of law under RCW (~~(26.26.116)~~) 26.26A.115, is recognized as the parent of a child until that status is rebutted or confirmed in a judicial proceeding, or a valid denial or rescission is filed under RCW 26.26A.210 or 26.26A.235.

"Private insurance" is a term used in this chapter to refer to accessible health insurance for a child provided by a parent without the need for service of a national medical support notice, and does not include public health care coverage provided by the state.

"Proportionate share" or **"proportional share"** means an amount equal to a parent's percentage share of the combined monthly net in-

come of ~~((both))~~ the parents as computed on the worksheets when determining a parent's child support obligation under chapter 26.19 RCW.

"Public health care coverage(~~(7)~~)" sometimes called "state purchased health care(~~(7)~~)" means state-financed or federally financed medical coverage, whether or not there is an assignment of rights. For children residing in Washington state, public health care coverage is called apple health; this includes coverage through the department of social and health services or the health care authority, except for coverage under chapter 41.05 RCW. For children residing outside of Washington, this includes coverage through another state's agencies that administer state purchased health care programs.

"Putative father" includes all men who may possibly be the biological or genetic father of the child or children on whose behalf the application for assistance or support enforcement services is made.

"Reasonable efforts to locate" means any of the following actions performed by the division of child support:

(1) Mailing a support establishment notice to the noncustodial parent in the manner described in WAC 388-14A-3105;

(2) Referral to a sheriff or other server of process, or to a locate service or department employee for locate activities;

(3) Tracing activity such as:

(a) Checking local telephone directories and attempts by telephone or mail to contact the custodial parent, relatives of the non-custodial parent, past or present employers, or the post office;

(b) Contacting state agencies, unions, financial institutions, or fraternal organizations;

(c) Searching periodically for identification information recorded by other state agencies, federal agencies, credit bureaus, or other record-keeping agencies or entities; or

(d) Maintaining a case in the division of child support's automated locate program, which is a continuous search process.

(4) Referral to the state or federal parent locator service;

(5) Referral to the attorney general, prosecuting attorney, the IV-D agency of another state, or the Department of the Treasury for specific legal or collection action;

(6) Attempting to confirm the existence of and to obtain a copy of an order adjudicating paternity or parentage, or an affidavit or ((a paternity)) acknowledgment of paternity or parentage; or

(7) Conducting other actions reasonably calculated to produce information regarding the NCP's whereabouts.

"Required support obligation for the current month" means the amount set by a superior court order, tribal court order, or administrative order for support which is due in the month in question.

"Resident" means a person physically present in the state of Washington who intends to make their home in this state. A temporary absence from the state does not destroy residency once it is established.

"Residential care" means foster care, either state or federally funded.

"Residential parent" means the custodial parent (CP), or the person with whom the child resides ~~((that))~~ a majority of the time.

"Responding agency" or **"responding jurisdiction"** means the agency that is providing services in response to a referral from an initiating agency in an intergovernmental IV-D case.

"Responsible parent" is a term sometimes used for a noncustodial parent.

"Responsible stepparent" means a stepparent who has established an in loco parentis relationship with the dependent child.

"Retained support((r))" depending on the context in which it is used, can mean one of the following:

(1) An amount paid directly to the custodial parent by the non-custodial parent during a time when there is an open TANF grant, which the custodial parent does not immediately report or turn over to the department;

(2) A debt owed to the division of child support by anyone other than a noncustodial parent; or

(3) Amounts collected and retained by the division of child support which are applied to current or past due child support obligations which have been assigned to the state.

"Satisfaction of judgment" means payment in full of a court-ordered support obligation, or a determination that such an obligation is no longer enforceable.

"Secretary" means the secretary of the department of social and health services or the secretary's designee.

"Self-support reserve" or **"self support reserve"** means an amount equal to (~~one hundred twenty-five percent~~) 125% of the federal poverty guideline for a one-person family.

"State" means a state or political subdivision, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a federally recognized Indian tribe, or a foreign country.

"Superior court order" means a judgment, decree, or order of a Washington state superior court, or of a court of comparable jurisdiction in an Indian tribe, or another state or country.

"Support debt" means support which was due under a support order but has not been paid. This includes:

(1) Delinquent support;

(2) A debt for the payment of expenses for the reasonable or necessary care, support, and maintenance including uninsured medical expenses, birth costs, child care costs, and special child rearing expenses of a dependent child or other person;

(3) A debt under RCW 74.20A.100 or 74.20A.270; or

(4) Accrued interest, fees, or penalties charged on a support debt, and attorney's fees and other litigation costs awarded in an action under Title IV-D to establish or enforce a support obligation.

"Support enforcement services" means all actions the Title IV-D agency is required to perform under Title IV-D of the Social Security Act and state law.

"Support establishment notice" means a notice and finding of financial responsibility under WAC 388-14A-3115, a notice and finding of parental responsibility under WAC 388-14A-3120, or a notice and finding of medical responsibility under WAC 388-14A-3125.

"Support money" means money paid to satisfy a support obligation, whether it is called child support, spousal support, alimony, maintenance, reimbursement for uninsured medical expenses, health care coverage, or birth costs.

"Support obligation" means the obligation to provide for the necessary care, support, and maintenance of a dependent child or other person as required by law, including health care coverage, uninsured medical expenses, birth costs, and child care or special child rearing expenses.

"Support order" means a court order, administrative order, or tribal court order which contains a determination, finding, decree, or

order that sets a child support obligation (including medical support) and orders either the payment of a set or determinable amount of money for current support ~~((and/or))~~ a support debt, ((or)) the provision of medical support, or ~~((both))~~ any combination of the three. For purposes of abatement under this chapter, a support order includes the child support obligation and the obligations based on the terms of the basic child support order, such as those determined by notices of support owed.

"Temporarily assigned arrears" means those arrears which accrue prior to the family receiving assistance, for assistance applications dated on or after October 1, 1997, but before October 1, 2008. After the family terminates assistance, temporarily assigned arrears become conditionally assigned arrears.

"Temporary assistance for needy families((,))" or **"TANF"** means cash assistance under the temporary assistance for needy families (TANF) program under Title IV-A of the Social Security Act.

"Title IV-A" means Title IV-A of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 U.S.C.

"Title IV-A agency" means the part of the department of social and health services ~~((which))~~ that carries out the state's responsibilities under the temporary assistance for needy families (TANF) program (and the aid for dependent children (AFDC) program when it existed).

"Title IV-D" means Title IV-D of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 U.S.C.

"Title IV-D agency" or **"IV-D agency"** means the agency responsible for carrying out the Title IV-D plan in a state or tribe. For the state of Washington, this is the division of child support (DCS) within the department of social and health services (DSHS).

"Title IV-D case" is a case in which the division of child support provides services which qualifies for funding under the Title IV-D plan.

"Title IV-D plan" means the plan established under the conditions of Title IV-D and approved by the secretary, Department of Health and Human Services.

"Title IV-E" means Title IV-E of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 U.S.C.

"Title IV-E case" means a foster care case.

"Tribal TANF" means a temporary assistance for needy families (TANF) program run by a tribe.

"Tribunal" means a state court, tribal court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage, and includes such courts, agencies, or entities in other states or countries.

"Underlying order" means an existing child support order for which DCS serves a notice of support owed under RCW 26.23.110 to determine a sum certain support obligation.

"Undifferentiated support amount" means an amount of child support that represents a parent's support obligation for more than one child which cannot justifiably be divided into "per child" amounts for each child covered by the support order.

"Undifferentiated support order" means a child support order which provides a monthly amount of child support for two or more children, but does not provide a specific support obligation for each

child or does not contain enough information in either the order or the worksheets associated with the order to justify dividing the monthly amount into "per child" amounts for each child covered by the support order.

"Uninsured medical expenses((7))" for the purpose of establishing or enforcing support obligations, means:

(1) Medical expenses not paid by insurance for medical, dental, orthodontic, prescription, and optometrical costs incurred on behalf of a child; and

(2) Premiums, copayments, or deductibles incurred on behalf of a child.

"Unreimbursed assistance" means the cumulative amount of assistance which was paid to the family and which has not been reimbursed by assigned support collections.

"Unreimbursed medical expenses" means any amounts paid by one parent for uninsured medical expenses, which that parent claims the obligated parent owes under a child support order, which percentage share is stated in the child support order itself, not just in the worksheets.

"Washington State Support Registry" or "WSSR" is the entity created under RCW 26.23.030 within the division of child support (DCS) which, among other duties, contains a central unit for the collection, accounting, and disbursement of support payments.

"We" means the division of child support, part of the department of social and health services of the state of Washington.

"You" means the reader of the rules, a member of the public, or a recipient of support enforcement services.

AMENDATORY SECTION (Amending WSR 13-01-075, filed 12/18/12, effective 1/18/13)

WAC 388-14A-1030 What kinds of services can the division of child support provide? The services provided by the division of child support include, but are not limited to the following:

(1) Receiving payments and distributing the payments (see WAC 388-14A-5000);

(2) Establishing or modifying administrative child support orders (see WAC 388-14A-3100 and 388-14A-3925);

(3) Enforcing and modifying court orders for child support or maintenance (see WAC 388-14A-3304, 388-14A-3310, and 388-14A-3900);

(4) Referral to the prosecuting attorney for establishment of ((paternity)) parentage;

(5) Providing locate services as provided in WAC 388-14A-1035;

(6) Referral for welfare to work services in conjunction with other parts of DSHS, the employment security department (ESD), and private contractors;

(7) Cooperation with the IV-D agencies of Indian tribes and other states, and the central authorities of other countries (see WAC 388-14A-1060); and

(8) Providing any other services allowed by the state plan and applicable state and federal law.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-1040 What must a request for locate services contain? A request or referral asking the division of child support (DCS) to provide locate services must contain the following information:

- (1) The name of the noncustodial parent (NCP);
- (2) The NCP's Social Security number, if known;
- (3) Whether the NCP is now or has been a member of the armed services;
- (4) Whether the NCP is now receiving or has received any federal benefits;
- (5) A request for a referral to the federal parent locator service (FPLS);
- (6) A statement that the request is being made to locate a person only for one of the following purposes:
 - (a) Establishing (~~((paternity))~~) parentage;
 - (b) Securing support(~~((r))~~) i or
 - (c) In connection with parental (~~((kidnaping))~~) kidnapping or child custody cases.
- (7) A statement acknowledging that any information obtained from the FPLS must be kept confidential.

AMENDATORY SECTION (Amending WSR 13-01-075, filed 12/18/12, effective 1/18/13)

WAC 388-14A-1050 The division of child support cooperates with tribes and other states and countries for support enforcement purposes. The division of child support (DCS) cooperates with the IV-D agencies of tribes and other states and the central authorities of other countries, according to rules and policies set by the Secretary of the Department of Health and Human Services and (~~((/or))~~) the federal Office of Child Support (~~((Enforcement (OCSE)))~~) Services (OCSS). Areas of cooperation include:

- (1) Establishing (~~((paternity))~~) parentage;
- (2) Locating a noncustodial parent (NCP) who resides in Washington;
- (3) Enforcing the support obligation of an NCP who resides in Washington but whose support order was entered by an Indian tribe or another state or country; and
- (4) Any other functions required under a Title IV-D plan.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-1060 The division of child support cooperates with courts and law enforcement. (1) The division of child support (DCS) is authorized to enter into cooperative arrangements and written agreements including financial arrangements with the appropriate

courts and law enforcement officials (including Indian tribes) to assist DCS in administering the state plan for support enforcement.

(2) These cooperative arrangements include the investigation and prosecution of fraud related to ~~((paternity))~~ parentage and child support.

(3) DCS shares the federal funds it receives under 42 U.S.C. 655 according to the cooperative and financial agreements.

(4) Any support payments that are made by a noncustodial parent (NCP) after DCS refers a case to a court or law enforcement official must be submitted to the Washington state support registry.

AMENDATORY SECTION (Amending WSR 13-01-075, filed 12/18/12, effective 1/18/13)

WAC 388-14A-2000 Who can receive child support enforcement services from the division of child support? (1) The division of child support (DCS) provides payment processing and records maintenance services (called "payment services only") to parties to a court order who are not receiving a public assistance grant when:

(a) A Washington superior court order, tribal court order, administrative order, or wage assignment order under chapter 26.18 RCW directs payments through DCS or through the Washington state support registry (WSSR);

(b) The custodial parent (CP) of a dependent child or a noncustodial parent (NCP) requests payment services only, provided that:

(i) An NCP's request for payment services only may not cause a reduction of service from the level of service provided under ~~((section))~~ subsection (2) of this section; and

(ii) The support obligation is set by a Washington state superior court order, tribal court order, administrative order, or wage assignment order, directing payment to DCS or to WSSR.

(2) DCS provides full support enforcement services under Title IV-D of the Social Security Act to ~~((custodial parents))~~ CPs or ~~((non-custodial parents))~~ NCPs who are not receiving a public assistance grant when:

(a) The ~~((custodial parent))~~ CP or former physical custodian of a child requests support enforcement services;

(b) The ~~((noncustodial parent))~~ NCP of a dependent child requests support enforcement services;

(c) An NCP submits a support order for inclusion in or a support payment to the WSSR, together with an application for support enforcement services;

(d) A public assistance recipient stops receiving a cash grant under the temporary assistance for needy families program;

(e) The department provides medicaid-only benefits to a CP on behalf of a dependent child, unless the recipient of the medicaid-only benefits declines support enforcement services not related to ~~((paternity))~~ establishment of parentage, medical support establishment, or medical support enforcement;

(f) A man requests ~~((paternity establishment))~~ services to establish parentage alleging ~~((he is))~~ they are the ~~((father of a dependent child))~~ child's biological or genetic parent; or

(g) An Indian tribe or another state or country requests services in an intergovernmental case.

(3) DCS provides payment processing, records maintenance, (~~(paternity)~~) establishment of parentage, medical support establishment, and medical support enforcement services when a recipient of medicaid-only benefits declines support enforcement services in writing.

AMENDATORY SECTION (Amending WSR 06-03-120, filed 1/17/06, effective 2/17/06)

WAC 388-14A-2005 When does an application for public assistance automatically become an application for support enforcement services?

(1) When a custodial parent (CP) or physical custodian (also called the CP) applies for or receives cash assistance on behalf of a minor child, the family authorizes the division of child support (DCS) to provide full support enforcement services to the family.

(2) These services continue until the support enforcement case is closed under WAC 388-14A-2080.

(3) The CP's public assistance application is an assignment of support rights.

(4) An application for medicaid, medical assistance, or medical benefits under Title XIX of the federal Social Security Act is an assignment of the medical support rights of anyone receiving those benefits, and the CP authorizes DCS to provide support enforcement services to the family as follows:

(a) DCS provides full support enforcement services as provided under subsection (1) (~~(above)~~) of this section for a family receiving cash assistance, or under WAC 388-14A-2000 (2)(d) to a family receiving medicaid-only benefits;

(b) As set forth in WAC 388-14A-2000(3), DCS provides only payment processing, records maintenance, (~~(paternity)~~) establishment of parentage, medical support establishment, and medical support enforcement services when a recipient of medicaid-only benefits declines full support enforcement services in writing.

(5) WAC 388-14A-2036 describes the assignment of support rights.

(6) If the community services (~~(office)~~) division grants the CP good cause not to cooperate under WAC 388-422-0020, DCS does not provide services. See WAC 388-14A-2065.

AMENDATORY SECTION (Amending WSR 12-18-027, filed 8/27/12, effective 9/27/12)

WAC 388-14A-2040 Do I have to cooperate with the division of child support in establishing or enforcing child support?

(1) You must cooperate with the division of child support (DCS) when you receive public assistance unless the department determines there is good cause not to cooperate under WAC 388-422-0020.

(2) As described in WAC 388-14A-2080, DCS may close a nonassistance case if the custodial parent (CP) fails to cooperate, if cooperation is essential for the next step in enforcement.

(3) For purposes of this section and WAC 388-14A-2075, cooperating with DCS includes cooperating with those acting on behalf of DCS (its "representatives"), namely the prosecuting attorney, the attorney

general, or a private attorney paid per RCW 74.20.350. In cases where ~~((paternity))~~ parentage is at issue, the ~~((custodial parent (CP)))~~ CP of a child who receives assistance must cooperate whether or not the parent receives assistance.

(4) Cooperation means giving information, attending interviews, attending hearings, or taking actions to help DCS establish and collect child support. This information and assistance is necessary for DCS to:

(a) Identify and locate the responsible parent;

(b) Establish the ~~((paternity))~~ parentage of the ~~((child(ren)))~~ child or children on assistance in the CP's care; and

(c) Establish or collect support payments or resources such as property due the CP or the ~~((child(ren)))~~ child or children.

(5) The CP must also cooperate by sending to DCS any child support received by the CP while on assistance, as required by RCW 74.20A.275(3)(c). If the client keeps these payments, known as re-tained support, the CP must sign an agreement to repay under RCW 74.20A.275, and the CP must honor that agreement.

(6) The cooperation requirements of subsections (1), (3), and (4) ~~((above))~~ of this section, but not subsection (5), apply to a recipient of medicaid-only assistance.

AMENDATORY SECTION (Amending WSR 01-24-080, filed 12/3/01, effective 1/3/02)

WAC 388-14A-2065 Does the division of child support provide support enforcement services if the ~~((CSO))~~ community services division decides I have "good cause level A"? (1) If the community services ~~((office (CSO)))~~ division (CSD) grants you good cause level A ~~((+))~~

~~((+1))~~ The division of child support (DCS) closes the case and does not take any action to establish or enforce support for the children covered by the good cause finding.

(a) DCS does not reopen the case while you and the children still receive temporary assistance for needy families (TANF), unless the good cause decision is later withdrawn or denied;

(b) DCS does not reopen the case after your TANF grant ends unless you:

(i) Reapply for TANF and tell CSD that you no longer wish to claim good cause not to cooperate with DCS; or

(ii) Apply for nonassistance child support services by submitting an application to DCS.

(2) ~~((If the noncustodial parent (NCP) applies for paternity establishment or support enforcement services, DCS denies the NCP's application for services.~~

~~((3))~~ If ~~((the community services office))~~ CSD grants good cause level A after ~~((the case))~~ DCS has ~~((been))~~ referred your case to the county prosecuting attorney or attorney general's office, DCS advises the prosecutor or attorney general's office of the good cause finding.

~~((+4))~~ (3) When DCS advises the prosecutor or attorney general's office that good cause level A ~~((applies))~~ has been granted in ~~((a))~~ your case, DCS requests that the prosecutor or attorney general's office dismiss any action that has been filed and cease all activities to establish or enforce a child support obligation for the children covered by the good cause finding.

(4) If the person whose actions were the basis for the good cause level A finding later receives TANF or submits an application for non-assistance child support services:

(a) DCS provides child support enforcement services to that person only if the children covered by the good cause finding no longer reside with you and currently reside with that person; and

(b) DCS does not provide services to establish that person's parentage of the children covered by the good cause finding, even if the children receive TANF as a member of that person's household, unless your good cause decision is withdrawn or denied.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-2070 Does the division of child support provide support enforcement services if the ((CSO)) community services division determines I have "good cause level B"? (1) If the community services ((office-(CSO))) division (CSD) grants you good cause level B, the division of child support provides support enforcement services without requiring the custodial parent (CP) to provide information or cooperate with DCS in any way.

(2) When DCS advises the prosecutor or attorney general's office that good cause level B has been granted in your case, the prosecutor or attorney general's office decides whether there is sufficient evidence to proceed without the CP's cooperation with respect to any action that has been filed to establish or enforce a child support obligation for the child covered by the good cause finding.

AMENDATORY SECTION (Amending WSR 11-22-116, filed 11/2/11, effective 12/3/11)

WAC 388-14A-2081 Under what circumstances can DCS close a case when the application for services was made directly to DCS? When the application for services was made directly to the division of child support (DCS) by one of the parties, including when DCS opened the case as the result of an application for public assistance in the state of Washington, the case must remain open unless DCS determines that:

(1) There is no current support order, and the support debt owed by the noncustodial parent (NCP) is less than ((five hundred dollars)) \$500, or cannot be enforced under Washington law;

(2) The NCP or putative (alleged) father is dead with no assets, income, or estate available for collection;

(3) The NCP has no assets or income available for collection and is not able to provide support during the child's minority because of being:

(a) Institutionalized in a psychiatric facility;

(b) Incarcerated without possibility of parole; or

(c) Medically verified as totally and permanently disabled with no evidence of ability to provide support.

(4) The applicant or recipient of nonassistance services submits a written request for closure, and there is no current assignment of medical or support rights;

(5) DCS has enough information to use an automated locate system, and has not been able to locate the NCP after three years of diligent efforts;

(6) DCS does not have enough information to use an automated locate system, and has not been able to locate the NCP after one year of diligent efforts;

(7) DCS is unable to contact the applicant or recipient of services for at least ~~((sixty))~~ 60 days;

(8) DCS or the prosecutor documents failure to cooperate by the custodial parent (CP), and that cooperation is essential for the next step in enforcement;

(9) DCS cannot obtain a ~~((paternity))~~ parentage order because:

(a) The putative father is dead;

(b) Genetic testing has excluded all putative fathers;

(c) The child is at least ~~((eighteen))~~ 18 years old;

(d) DCS, the prosecutor, a court of competent jurisdiction, or an administrative hearing determines that establishing ~~((paternity))~~ parentage would not be in the best interests of the child in a case involving incest, rape, or pending adoption; or

(e) The biological father is unknown and cannot be identified after diligent efforts, including at least one interview by DCS or its representative with the recipient of support enforcement services.

(10) DCS, the prosecutor, a court of competent jurisdiction, or an administrative hearing determines that the recipient of services has wrongfully deprived the NCP of physical custody of the child as provided in WAC 388-14A-3370(3);

(11) DCS, the prosecutor, the department of social and health services, a court of competent jurisdiction, or an administrative hearing determines that action to establish or enforce a support obligation cannot occur without a risk of harm to the child or the CP;

(12) DCS has provided locate-only services in response to a request for state parent locator services (SPLS);

(13) The NCP is a citizen and resident of a foreign country, and:

(a) The NCP has no assets which can be reached by DCS; and

(b) The country where the NCP resides does not provide reciprocity in child support matters.

(14) The child is incarcerated or confined to a juvenile rehabilitation facility for a period of ~~((ninety))~~ 90 days or more; or

(15) Any other circumstances exist which would allow closure under 45 C.F.R. 303.11 or any other federal statute or regulation.

AMENDATORY SECTION (Amending WSR 12-01-002, filed 12/7/11, effective 1/7/12)

WAC 388-14A-3100 How does the division of child support establish a child support obligation when there is no child support order?

(1) When there is no order setting the amount of child support a non-custodial parent (NCP) should pay, the division of child support (DCS) serves a support establishment notice on the NCP and the custodial parent (CP). A support establishment notice is an administrative notice

that can become an enforceable order for support if nobody requests a hearing on the notice.

(2) DCS may serve a support establishment notice when there is no order that:

(a) Establishes the NCP's support obligation for the ~~((child(ren)))~~ child or children named in the notice; or

(b) Specifically relieves the NCP of a support obligation for the ~~((child(ren)))~~ child or children named in the notice.

(3) Whether support is based upon an administrative order or a court order, DCS may serve a support establishment notice when the parties to a paternity or parentage order subsequently marry each other and then separate, or parties to a decree of dissolution remarry each other and then separate. The remaining provisions of the paternity or parentage order or the decree of dissolution, including provisions establishing ~~((paternity))~~ parentage, remain in effect.

~~(4) ((Depending on the legal relationship between the NCP and the child for whom support is being set and on the type of child support obligation which is being established, DCS serves one of the support establishment notices listed in subsections (5), (6) or (7). WAC 388-14A-3102 describes which notice DCS uses to set the support obligation of a father who has signed a paternity acknowledgment or an affidavit of paternity.~~

~~(5))~~ DCS may serve a notice and finding of financial responsibility (NFFR) under WAC 388-14A-3115. DCS uses this notice when the NCP's parentage of the child is based on:

(a) The presumption arising from the existence of a marriage or a registered domestic partnership;

(b) The entry of a court order adjudicating the parent-child relationship;

(c) The entry of an adoption order;

(d) The man's having signed and filed a paternity affidavit, paternity acknowledgment, or acknowledgment of parentage under RCW ~~((26.26.300))~~ 26.26A.200 through ~~((26.26.375))~~ 26.26A.265, unless the acknowledgment has been rescinded or successfully challenged; or

(e) The ~~((woman's))~~ NCP's being the biological mother of ~~((r))~~ and having given birth to ~~((r))~~ the child.

~~((+6))~~ (5) Until January 1, 2019, DCS ((may serve a)) used the notice and finding of parental responsibility (NFFR) ((under WAC 388-14A-3120. DCS uses this notice when the NCP was not married to the mother but has filed an)) to establish support orders if the parents filed a paternity affidavit, paternity acknowledgment, or acknowledgment of paternity which did not become a conclusive presumption of paternity.

~~((+7))~~ (6) DCS may serve a "Medical support only" NFFR ((or NFFR)) under WAC 388-14A-3125.

(a) Until October 1, 2009, DCS used the notice and finding of medical responsibility (NFFR) for this purpose.

(b) From October 1, 2009, until January 1, 2019, DCS used the medical support only NFFR or NFFR for this purpose.

(c) A medical support only NFFR ((or NFFR, whichever is appropriate,)) is used when DCS seeks to set only a medical support obligation instead of a monetary child support obligation.

AMENDATORY SECTION (Amending WSR 12-01-002, filed 12/7/11, effective 1/7/12)

WAC 388-14A-3102 When the parents have signed a paternity or parentage acknowledgment, which support establishment notice does the division of child support serve on the noncustodial parent? (1) When the parents of a child are not married, they may sign ~~((a paternity))~~ an acknowledgment of parentage, which may also be called an affidavit of paternity or paternity acknowledgment. The legal effect of the acknowledgment or affidavit depends on when it is filed, in what state it is filed, and whether both parents were over age ~~((eighteen))~~ 18 when the acknowledgment was signed.

(2) For acknowledgments or affidavits filed on or before July 1, 1997, with the center for health statistics in the state of Washington, the division of child support (DCS) ~~((serves))~~ served a notice and finding of parental responsibility (NFFR) under WAC 388-14A-3120. DCS stopped serving the NFFR on January 1, 2019.

(3) For acknowledgments or affidavits filed after July 1, 1997, with the center for health statistics in the state of Washington, DCS serves a notice and finding of financial responsibility (NFFR) under WAC 388-14A-3115, because the acknowledgment or affidavit has become a conclusive presumption of ~~((paternity))~~ parentage under RCW ~~((26.26.320))~~ 26.26A.220.

(4) For acknowledgments or affidavits filed with the vital records agency of another state, DCS ~~((determines whether to serve a NFFR or NFFR depending on the laws of the state where the acknowledgment is filed))~~ gives full faith and credit to the acknowledgment or affidavit under RCW 26.26A.250 and serves a NFFR.

(5) DCS relies on the acknowledgment, even if ~~((the mother or father))~~ one or more parents were not yet ~~((eighteen))~~ 18 years of age at the time they signed or filed the acknowledgment, as provided in RCW ~~((26.26.315(4)))~~ 26.26A.215(4).

(6) If, at the time of the child's birth, the birth mother was married or in a state registered domestic partnership and the ~~((man))~~ person acknowledging ~~((paternity))~~ parentage was not the birth mother's ~~((husband))~~ spouse or domestic partner, DCS may not serve an administrative support establishment notice on the acknowledged ~~((father))~~ parent unless ~~((+~~

~~((a) The man to whom the mother was married also signed and filed a denial of paternity; or~~

~~((b) The))~~ the birth mother's spouse or domestic partner also signed and filed a denial of paternity or parentage.

(7) If the acknowledgment or affidavit is legally deficient in any way, DCS may refer the case for ~~((paternity))~~ establishment of parentage in the superior court.

(8) If the birth mother is the noncustodial parent, DCS serves a NFFR.

AMENDATORY SECTION (Amending WSR 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00)

WAC 388-14A-3105 How does the division of child support serve support establishment notices? The division of child support (DCS)

serves a notice and finding of financial responsibility (NFFR) (~~((, notice and finding of parental responsibility (NFPR), or notice and finding of medical responsibility (NFMR)))~~) in the following manner:

- (1) On the noncustodial parent:
 - (a) By certified mail, return receipt requested; or
 - (b) By personal service.
- (2) On the custodial parent:
 - (a) By first class mail to the last known address, if the custodial parent is the one who applied for services.
 - (b) In the same manner as on the noncustodial parent, if the custodial parent is not the one who applied for services.

AMENDATORY SECTION (Amending WSR 03-17-013, filed 8/12/03, effective 9/12/03)

WAC 388-14A-3110 When can a support establishment notice become a final order? (1) The notice and finding of financial responsibility (NFFR) (~~((, notice and finding of parental responsibility (NFPR), or notice and finding of medical responsibility (NFMR)))~~) becomes a final, enforceable order if neither the custodial parent (CP) (~~((or))~~) nor the noncustodial parent (NCP) objects and requests a timely hearing on the notice. An objection is also called a hearing request.

(2) If a timely objection is filed, the division of child support (DCS) cannot enforce the terms of the notice until a final order as defined in this section is entered.

(3) To be timely, the ~~((noncustodial parent))~~ NCP must object within the following time limits:

(a) Within ~~((twenty))~~ 20 days of service, if the ~~((noncustodial parent))~~ NCP was served in Washington state.

(b) Within ~~((sixty))~~ 60 days of service, if the ~~((noncustodial parent))~~ NCP was served outside of Washington state.

(4) To be timely, the ~~((custodial parent))~~ CP must object within ~~((twenty))~~ 20 days of service.

(5) An objection to a support establishment notice is a request for hearing on the notice.

(6) The effective date of the hearing request is the date ~~((the division of child support (DCS)))~~ DCS receives the request for hearing.

(7) When ~~((an))~~ a NFPR ~~((is))~~ was served, the order ~~((will not become))~~ became a final order if ~~((either))~~ neither parent ~~((requests))~~ requested genetic testing under WAC 388-14A-3120 ~~((+14))~~ (19) within the following time limits:

(a) The ~~((noncustodial parent))~~ NCP must ~~((request))~~ have requested genetic testing within ~~((twenty))~~ 20 days of service, if the ~~((noncustodial parent))~~ NCP was served in Washington state.

(b) The ~~((noncustodial parent))~~ NCP must ~~((request))~~ have requested genetic testing within ~~((sixty))~~ 60 days of service, if the ~~((noncustodial parent))~~ NCP was served outside of Washington state.

(c) The ~~((custodial parent))~~ CP must ~~((request))~~ have requested genetic testing within ~~((twenty))~~ 20 days of service of the notice.

(8) The ~~((noncustodial parent))~~ NCP or ~~((custodial parent))~~ CP must make the hearing request ~~((or request for genetic testing,))~~ either in writing or orally, at any DCS office. See WAC 388-14A-6100 regarding oral requests for hearing.

(9) After a timely request for hearing, the final order is one of the following, whichever occurs latest:

(a) An agreed settlement or consent order under WAC 388-14A-3600;
or

~~(b) ((An initial decision as defined in WAC 388-14A-6105 and further described in WAC 388-14A-6110, for which twenty-one days have passed and no party has filed a petition for review (this includes an order of default if neither party appears for hearing); or~~

~~(c)) A final order as defined in WAC 388-14A-6105 and further described in WAC 388-14A-6115 ((~~or~~~~

~~(d) A review decision)).~~

AMENDATORY SECTION (Amending WSR 12-01-002, filed 12/7/11, effective 1/7/12)

WAC 388-14A-3115 The notice and finding of financial responsibility is used to set child support when ((paternity)) parentage is not an issue. (1) A notice and finding of financial responsibility (NFFR) is an administrative notice served by the division of child support (DCS) that can become an enforceable order for support, pursuant to RCW 74.20A.055.

(2) DCS may serve a NFFR when the noncustodial parent (NCP) is a legal parent of the child, based on:

(a) The presumption arising from the existence of a marriage or registered domestic partnership;

(b) The entry of a court order adjudicating the parent-child relationship;

(c) The entry of an adoption order;

(d) The ~~((man's))~~ parents having signed and filed a paternity acknowledgment under RCW 26.26.300 through 26.26.375, or an acknowledgment of parentage under RCW 26.26A.200 through 26.26A.265, unless the acknowledgment has been rescinded or successfully challenged; or

(e) The parents having signed an acknowledgment of parentage, paternity acknowledgment, or affidavit of paternity in another jurisdiction, and by that jurisdiction's laws parentage is therefore conclusively established, unless the acknowledgment or affidavit has been rescinded or successfully challenged; or

~~(f) The ((woman's)) NCP's being the ((biological mother of, and having given))~~ parent who gave birth to((r)) the child.

(3) DCS serves a NFFR in the situations listed in this section and in WAC 388-14A-3100. There may be other bases on which a court can determine parentage ~~((and/or))~~ to establish a child support obligation, or both.

(4) The NFFR:

(a) Advises the NCP and the custodial parent (CP) of the support obligation for the child or children named in the notice. The NFFR fully and fairly advises the parents of their rights and responsibilities under the NFFR.

(b) Includes the information required by RCW 26.23.050 and 74.20A.055.

(c) Includes a provision that ~~((both))~~ the parents are obligated to provide medical support, as required by RCW 26.09.105, 26.18.170, and 26.23.050. This requirement does not apply to the CP when the CP is not one of the parents of the child covered by the order.

(d) Includes a provision that apportions the share of uninsured medical expenses to ~~((both))~~ the ~~((mother and the father))~~ parents, pursuant to RCW 26.09.105, 26.18.170, and 26.23.050.

(e) May include an obligation for the NCP to contribute ~~((his or her))~~ their proportionate share of the cost of day care or childcare, which may be stated either as a sum certain amount per month, or as a proportion of the expenses incurred by the CP.

(f) Warns the NCP and the CP that at an administrative hearing, the administrative law judge (ALJ) may set the support obligation in an amount higher or lower than, or different from, the amount stated in the NFFR, if necessary for an accurate support order.

(5) As provided in WAC 388-14A-3125, DCS may serve a ~~((notice and finding of financial responsibility))~~ NFFR that can become an enforceable order for support to establish and enforce a health insurance obligation. This type of NFFR is called "medical support only" NFFR.

(6) DCS uses a medical support only NFFR when the CP has requested medical support enforcement services only and has asked DCS in writing not to collect monetary child support.

(7) A medical support only NFFR does not include a monthly financial support obligation, but may include:

(a) An obligation to pay a monthly payment toward the premium paid by the CP or the state for health insurance coverage for the ~~((child(ren)))~~ child or children; and

(b) An obligation to pay a proportionate share of the ~~((child(ren)'s))~~ child's or children's uninsured medical expenses.

(8) An administrative order resulting from a medical support only NFFR may later be modified to include a monthly financial support obligation, as provided in WAC 388-14A-3127.

(9) After service of the NFFR, the NCP and the CP must notify DCS of any change of address, or of any changes that may affect the support obligation.

(10) The NCP must make all support payments to the Washington state support registry after service of the NFFR. DCS does not give the NCP credit for payments made to any other party after service of a NFFR, except as provided by WAC 388-14A-3375.

(11) DCS may take immediate wage withholding action and enforcement action without further notice under chapters 26.18, 26.23, and 74.20A RCW when the NFFR is a final order. WAC 388-14A-3110 describes when the notice becomes a final order.

(12) In most cases, a child support obligation continues until the child reaches the age of ~~((eighteen))~~ 18. WAC 388-14A-3810 describes when the obligation under the NFFR can end sooner or later than age ~~((eighteen))~~ 18.

(13) If ~~((paternity))~~ parentage has been established by a paternity acknowledgment, ~~((or))~~ an affidavit of paternity, or acknowledgment of parentage, DCS attaches a copy of the acknowledgment, affidavit, or certificate of birth record information to the notice. A party wishing to rescind or challenge the acknowledgment or denial of ~~((paternity))~~ parentage may only ~~((bring an action in court to rescind or challenge the acknowledgment or denial of paternity))~~ do so under RCW ~~((26.26.330 and 26.26.335))~~ 26.26A.235 through 26.26A.245 or equivalent laws of the jurisdiction where the acknowledgment or denial was filed.

(14) If the parents filed a paternity acknowledgment, ~~((or))~~ an affidavit of paternity, or acknowledgment of parentage in another ~~((state))~~ jurisdiction, and by that ~~((state's))~~ jurisdiction's law

((paternity)) parentage is therefore conclusively established, DCS may serve a NFFR to establish a support obligation.

(15) A hearing on a NFFR is for the limited purpose of resolving the NCP's accrued support debt and current support obligation. The hearing is not for the purpose of setting a payment schedule on the support debt. The NCP has the burden of proving any defenses to liability.

AMENDATORY SECTION (Amending WSR 11-12-006, filed 5/19/11, effective 6/19/11)

WAC 388-14A-3120 The notice and finding of parental responsibility ((is)) was used to set child support when the father's duty of support ((is)) was based upon an affidavit of paternity which ((is)) was not a conclusive presumption of paternity. (1) A notice and finding of parental responsibility (NFFR) ((is)) was an administrative notice served by the division of child support (DCS) ~~((that can become an enforceable order for support))~~ prior to January 1, 2019, pursuant to RCW 74.20A.056.

(2) The NFFR differs from a notice and finding of financial responsibility (NFFR) (see WAC 388-14A-3115) because the parties ((may)) could make a timely request genetic testing to contest paternity after being served with a NFFR.

(3) DCS ((serves)) served a NFFR when:

(a) An affidavit acknowledging paternity is on file with the center for health statistics and was filed before July 1, 1997; or

(b) An affidavit ((acknowledging)) or acknowledgment of paternity, or an acknowledgment of parentage, is on file with the vital records agency of another state and the laws of that state allow the parents to withdraw the affidavit or acknowledgment or challenge paternity.

(4) DCS served the NFFR in the manner described in WAC 388-14A-3105.

(5) DCS ((attaches)) attached a copy of the acknowledgment of paternity or certification of birth record information to the NFFR.

((+5+)) (6) The NFFR advises the noncustodial parent (NCP) and the custodial parent (who is either the mother or the physical custodian of the child) of the support obligation for the child or children named in the notice. The NFFR fully and fairly advises the parents of their rights and responsibilities under the NFFR. The NFFR warns the NCP and the custodial parent (CP) that at an administrative hearing on the notice, the administrative law judge (ALJ) may set the support obligation in an amount higher or lower than, or different from, the amount stated in the NFFR, if necessary for an accurate support order.

((+6+)) (7) The NFFR includes the information required by RCW 26.23.050, 74.20A.055, and 74.20A.056.

((+7+)) (8) The NFFR includes a provision that both parents are obligated to provide medical support, pursuant to RCW 26.09.105, 26.18.170, and 26.23.050. This requirement does not apply to the custodial parent when the custodial parent is not one of the parents of the child covered by the order.

((+8+)) (9) The NFFR includes a provision that apportions the share of uninsured medical expenses to both the ~~((mother and the father))~~ parents, pursuant to RCW 26.09.105, 26.18.170, and 26.23.050.

~~((9))~~ (10) The NFPR may include an obligation for the noncustodial parent to contribute ~~((his or her))~~ their proportionate share of the cost of day care expenses or childcare, which may be stated either as a sum certain amount per month, or as a proportion of the expenses incurred by the custodial parent.

~~((10) DCS may)~~ (11) A NFPR does not assess an accrued support debt for a period longer than five years before the NFPR ~~((is))~~ was served. This limitation does not apply to the extent that the NCP hid or left the state of Washington for the purpose of avoiding service.

~~((11) As provided in WAC 388-14A-3125)~~ (12) Prior to January 1, 2019, DCS ~~((may))~~ could serve a notice and finding of parental responsibility that ~~((can))~~ could become an enforceable order for support to establish and enforce a health insurance obligation. This type of NFPR is called a "medical support only" NFPR.

~~((12))~~ (13) DCS ~~((uses))~~ used a medical support only NFPR when the custodial parent ~~((has))~~ requested medical support enforcement services only and ~~((has))~~ asked DCS in writing not to collect monetary child support.

~~((13))~~ (14) A medical support only NFPR ~~((does))~~ did not include a monthly financial support obligation, but ~~((may))~~ could include:

(a) An obligation to pay a monthly payment toward the premium paid by the CP or the state for health insurance coverage for the ~~((child(ren)))~~ child or children; and

(b) An obligation to pay a proportionate share of the ~~((child(ren)'s))~~ child's or children's uninsured medical expenses.

~~((14))~~ (15) An administrative order resulting from a medical support only NFPR ~~((may))~~ could later be modified to include a monthly financial support obligation, as provided in WAC 388-14A-3925~~((2))~~.

~~((15))~~ (16) After service of the NFPR, the NCP and the CP must notify DCS of any change of address, or of any changes that may affect the support obligation.

~~((16))~~ (17) The NCP must make all support payments to the Washington state support registry after service of the NFPR. DCS does not give the NCP credit for payments made to any other party after service of the NFPR, except as provided by 388-14A-3375.

~~((17))~~ (18) DCS may take immediate wage withholding action and enforcement action without further notice under chapters 26.18, 26.23, and 74.20A RCW when the NFPR is a final order. See WAC 388-14A-3110 for when the notice becomes a final order.

~~((18))~~ (19) In most cases, a child support obligation continues until the child reaches the age of ~~((eighteen))~~ 18. WAC 388-14A-3810 describes when the obligation under the NFPR can end sooner or later than age ~~((eighteen))~~ 18.

~~((19))~~ (20) Either the NCP~~((,))~~ or the mother, if she is also the CP, ~~((may))~~ could request genetic tests subject to the time limits set out in WAC 388-14A-3110. A mother who is not the CP ~~((may at any time request))~~ could have requested that DCS refer the case for paternity establishment in the superior court.

~~((20))~~ (21) DCS ~~((does))~~ did not stop enforcement of the order unless DCS ~~((receives))~~ received a timely request for hearing or a timely request for genetic tests. See WAC 388-14A-3110 for time limits. DCS does not refund any money collected under the notice if the NCP is later:

(a) Excluded from being the father by genetic tests; or

(b) Found not to be the father by a court of competent jurisdiction.

~~((21))~~ (22) If the NCP requested genetic tests and was not excluded as the father, he ~~((may request))~~ could have requested within ~~((twenty))~~ 20 days from the date of service of the genetic tests in Washington, or ~~((sixty))~~ 60 days from the date of service of the genetic tests outside of Washington:

(a) A hearing on the NFPR.

(b) That DCS initiate a parentage action in superior court under chapter 26.26 RCW.

~~((22))~~ (23) If the NCP was not excluded as the father, the CP (or the mother, if she is also the CP), ~~((may))~~ could have within ~~((twenty))~~ 20 days of the date of service of the genetic tests request:

(a) A hearing on the NFPR; or

(b) That DCS initiate a parentage action in superior court under chapter 26.26 RCW.

~~((23))~~ (24) If the NCP ~~((is))~~ was excluded by genetic testing, DCS ~~((may refer))~~ referred the case for paternity establishment in the superior court.

~~((24))~~ (25) A hearing on a NFPR is for the limited purpose of resolving the NCP's current support obligation, accrued support debt, and amount of reimbursement to DCS for paternity-related costs. The hearing is not for the purpose of setting a payment schedule on the support debt. The NCP has the burden of proving any defenses to liability.

AMENDATORY SECTION (Amending WSR 11-12-006, filed 5/19/11, effective 6/19/11)

WAC 388-14A-3125 DCS may establish a medical support obligation when the custodial parent receiving medical assistance declines full child support enforcement services. (1) When a custodial parent (CP) has requested medical support enforcement services only and has asked in writing that the department not collect monetary child support, the division of child support (DCS) serves ~~((either))~~ a notice and finding of financial responsibility (NFFR) under RCW 74.20A.055 ~~((, or a notice and finding of parental responsibility (NFPR) under RCW 74.20A.056, as appropriate,))~~ on the noncustodial parent (NCP) to establish an administrative support order that can become an enforceable order for support to establish and enforce a ~~((health insurance))~~ medical support obligation.

(a) A NFFR ~~((or NFPR))~~ served to establish an administrative support order that can become an enforceable order for support to establish and enforce a health insurance obligation is called a "medical support only" NFFR ~~((or NFPR))~~.

(b) Prior to October 1, 2009, DCS used another notice, called the notice and finding of medical responsibility (NFMR), for this purpose.

(c) Between October 1, 2009, and January 1, 2019, DCS used either the NFFR or another notice, called the notice and finding of parental responsibility (NFPR), to set medical support only.

(d) DCS uses the medical support only NFFR ~~((or NFPR))~~ as of ~~((October 1, 2009))~~ January 1, 2019.

(2) DCS may serve a medical support only NFFR ~~((or a medical support only NFPR))~~ when:

(a) The custodial parent (who is either a parent or the physical custodian of the child) or a dependent child receives or is certified eligible to receive medical assistance and is not receiving cash grant public assistance under 74.12 RCW; and

(b) The custodial parent has requested medical support enforcement services only and has asked DCS in writing not to collect monetary child support.

(3) The medical support only NFFR (~~((or medical support only NFFR))~~) advises the noncustodial parent (NCP) and the CP (when appropriate) of their respective medical support obligations for the children named in the notice. The medical support only NFFR (~~((or medical support only NFFR))~~) fully and fairly advises the parties of their rights and responsibilities under the medical support only NFFR (~~((or medical support only NFFR))~~).

(4) The medical support only NFFR (~~((or medical support only NFFR))~~) warns the NCP and the CP that at an administrative hearing on the notice, the administrative law judge (ALJ) may set the support obligation in an amount higher or lower than, or different from, the amount stated in the notice, if necessary for an accurate support order.

(5) The medical support only NFFR (~~((or medical support only NFFR))~~) includes:

(a) The information required by RCW 26.23.050;

(b) The medical support obligation of both parents, pursuant to RCW 26.18.170;

(c) The maximum premium amount each obligated parent must pay; and

(d) The income basis used to calculate the maximum premium amount, pursuant to WAC 388-14A-3200.

(6) The income basis for an obligation established by DCS for a medical support only NFFR (~~((or medical support only NFFR))~~) is not binding on any party in any later action to establish a monthly financial child support obligation.

(7) After service of the medical support only NFFR (~~((or medical support only NFFR))~~), both the NCP and CP must notify DCS of any change of address, or of any changes that may affect the support obligation.

(8) DCS may take enforcement action under RCW 26.18.170 and chapter 388-14A WAC without further notice when the medical support only NFFR (~~((or medical support only NFFR))~~) is a final order. See WAC 388-14A-3110 for how a notice becomes a final order.

(9) In most cases, a child support obligation continues until the child reaches the age of ~~((eighteen))~~ 18. WAC 388-14A-3810 describes when the obligation under the medical support only NFFR (~~((or medical support only NFFR))~~) can end sooner or later than age ~~((eighteen))~~ 18.

(10) If the CP applies for full enforcement services or if a TANF grant opens while a hearing on a medical support only NFFR (~~((or medical support only NFFR))~~) is pending, DCS may, at any time before the hearing record is closed, convert the hearing to a hearing on a notice and finding of financial responsibility (NFFR) under WAC 388-14A-3115 (~~((or a notice and finding of parental responsibility (NFFR) under WAC 388-14A-3120))~~). To convert the hearing, DCS serves a NFFR (~~((or NFFR))~~) on the parents and files a copy with the administrative law judge (ALJ). The ALJ may grant a continuance if a party requests additional time to respond to the claim for monetary child support.

(11) In a hearing on a medical support only NFFR (~~((or medical support only NFFR))~~), the ALJ must determine the:

(a) Basic support obligation, without deviations; and

(b) Maximum premium amount for both parents under chapter 26.19 RCW.

(12) A hearing on a medical support only NFFR (~~(or medical support only NFFR)~~) is for the limited purpose of resolving the parents' medical support responsibility. The parties each have the burden of proving defenses to their own liability.

(13) If the CP later applies for full enforcement services or if a child covered by the order receives public assistance, DCS may add a monthly financial support obligation to an administrative child support order for medical support only. The procedure required to add the monthly financial support obligation (~~((depends on whether DCS serve a medical support only NFFR or medical support only NFFR to establish the administrative support order. See))~~) is addressed in WAC 388-14A-3127.

AMENDATORY SECTION (Amending WSR 11-12-006, filed 5/19/11, effective 6/19/11)

WAC 388-14A-3127 How does DCS ask to add a monthly financial obligation to an existing administrative order for medical support only?

(1) The division of child support (DCS) may ask to add a monthly financial support obligation to an administrative child support order for medical support only, if:

(a) The custodial parent who previously requested medical support only services, files an application for full support enforcement services; or

(b) A child covered by the order receives public assistance.

(2) The procedure required to add the monthly financial support obligation depends on whether DCS served a notice and finding of medical responsibility (NFMR) (~~(r)~~) or medical support only notice and finding of financial responsibility (NFFR) (~~((or medical support only notice and finding of parental responsibility (NFFR))~~) to establish the administrative support order:

(a) If the medical support obligation was established through service of a NFMR, DCS serves a NFFR under WAC 388-14A-3115 (~~(or a NFFR under WAC 388-14A-3120)~~) which requests a monthly financial obligation.

(b) If the medical support obligation was established through service of a NFFR (~~(or a NFFR)~~), DCS files a petition to modify the previous administrative order under WAC 388-14A-3925.

AMENDATORY SECTION (Amending WSR 13-01-075, filed 12/18/12, effective 1/18/13)

WAC 388-14A-3350 Are there any limits on how much back support the division of child support can seek to establish?

(1) When no public assistance is being paid to the custodial parent (CP) and the children, the division of child support (DCS) starts the claim for support as of the date:

(a) DCS receives the application for nonassistance services if the CP applies directly to DCS for services; or

(b) An Indian tribe, ~~((or))~~ another state, or country received the application for nonassistance services or the actual date the tribe, state, or country requests that child support start, whichever is later, if the initiating jurisdiction requests DCS to establish a support order.

(2) When the children are receiving medicaid-only benefits, DCS starts the claim for support as of the date the medicaid benefits began. See WAC 388-14A-2005(4) to determine whether DCS seeks to establish medical support only for a particular case.

(3) This section does not limit in any way the right of the court to order payment for back support as provided in RCW ~~((26.26.130))~~ 26.26A.470, 26.26B.020, and ~~((26.26.134))~~ 26.26B.040 if the case requires ~~((paternity))~~ establishment of parentage.

(4) When an Indian tribe, ~~((or))~~ another state, or country is paying public assistance to the CP and children, DCS starts the claim for support as of the date specified by the tribe, state, or country.

(5) For the notice and finding of parental responsibility, WAC 388-14A-3120~~((+9))~~ (11) limits the back support obligation.

(6) When the state of Washington is paying public assistance to the CP and~~((or))~~ the children, or just the children, the following rules apply:

(a) For support obligations owed for months on or after September 1, 1979, DCS must exercise reasonable efforts to locate the noncustodial parent (NCP);

(b) DCS serves a notice and finding of financial ~~((or parental))~~ responsibility within ~~((sixty))~~ 60 days of the date the state assumes responsibility for the support of a dependent child on whose behalf support is sought;

(c) If DCS does not serve the notice within ~~((sixty))~~ 60 days, DCS loses the right to reimbursement of public assistance payments made after the ~~((sixtieth))~~ 60th day and before the notice is served;

(d) DCS does not lose the right to reimbursement of public assistance payments for any period of time:

(i) During which DCS exercised reasonable efforts to locate the NCP; or

(ii) For ~~((sixty))~~ 60 days after the date on which DCS received an affidavit or acknowledgment of paternity or acknowledgment of parentage for the child for whom the state has assumed responsibility, and ~~((paternity))~~ parentage has not been established.

(7) The limitation in subsection (6) of this section does not apply to:

(a) Cases in which the physical custodian is claiming good cause for not cooperating with the department; and

(b) Cases where parentage is an issue and:

(i) Has not been established by superior court order; or

(ii) Is not the subject of a presumption under RCW ~~((26.26.320))~~ 26.26A.220.

(8) DCS considers a prorated share of each monthly public assistance payment as paid on each day of the month.

AMENDATORY SECTION (Amending WSR 13-01-075, filed 12/18/12, effective 1/18/13)

WAC 388-14A-7610 The division of child support complies with federal requirements regarding intergovernmental cases. As required under 45 C.F.R. 303.7(a)(3), the division of child support (DCS) ensures that its organizational structure and staff are adequate to provide for the administration or supervision of the functions specified in 45 C.F.R. 303.20(c) for its intergovernmental IV-D caseload, including but not limited to:

- (1) Intake;
- (2) Establishment of ((paternity)) parentage;
- (3) Location of noncustodial parents;
- (4) Establishment of child support orders;
- (5) Collection and((~~en~~)) enforcement;
- (6) Monitoring; and
- (7) Review and adjustment of orders.

AMENDATORY SECTION (Amending WSR 13-01-075, filed 12/18/12, effective 1/18/13)

WAC 388-14A-7820 What is the division of child support (DCS) required to do when DCS acts as the responding jurisdiction in an intergovernmental case? (1) When the division of child support (DCS) opens a IV-D case upon receipt of a request for intergovernmental child support enforcement services from an Indian tribe, another state, or another country and acts as the responding jurisdiction (RJ), DCS provides any necessary services as it would in any other IV-D case including:

(a) Establishing ((paternity)) parentage and, if appropriate, attempting to obtain a judgment for costs of ((paternity)) establishment of parentage;

(b) Establishing a child support order;

(c) Reporting overdue support to consumer reporting agencies, in accordance with WAC 388-14A-2160;

(d) Processing and enforcing orders referred by the initiating jurisdiction (IJ), whether pursuant to the Uniform Interstate Family Support Act (UIFSA) or other legal processes, using all appropriate remedies available;

(e) Submitting the case for such federal enforcement techniques as DCS determines to be appropriate;

(f) Collecting and monitoring any support payments from the non-custodial parent and forwarding payments to the location specified by the IJ. In doing so, DCS:

(i) Includes sufficient information to identify the case;

(ii) Indicates the date of collection as defined in WAC 388-14A-5001(3); and

(iii) Includes the RJ's case identifier and locator code, in accordance with federal regulations.

(g) Reviewing and adjusting child support orders upon request, as provided in WAC 388-14A-3900 through 388-14A-3907.

(2) DCS provides timely notice to the IJ in advance of any hearing that may result in the establishment, modification or adjustment of an order.

(3) DCS identifies any fees or costs deducted from support payments when forwarding payments to the IJ in accordance with RCW 74.20.040 and WAC 388-14A-2200.

(4) DCS stops its income withholding order or notice and closes the intergovernmental IV-D case within (~~ten~~) 10 working days of receipt of instructions for case closure from the IJ, unless DCS and the IJ reach an alternative agreement on how to proceed; and

(5) DCS notifies the IJ when a case is closed pursuant to WAC 388-14A-2083 and 388-14A-2090.