

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 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) DCS uses the medical support only NFFR or NFPR as of October 1, 2009.

(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 NFPR 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 NFPR fully and fairly advises the parties of their rights and responsibilities under the medical support only NFFR or medical support only NFPR.

(4) The medical support only NFFR or medical support only NFPR 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 NFPR 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 NFPR 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 NFPR, 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 NFPR 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. WAC 388-14A-3810 describes when the obligation under the medical support only NFFR or medical support only NFPR can end sooner or later than age eighteen.

(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 NFPR 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 (NFPR) under WAC 388-14A-3120. To convert the hearing, DCS serves a NFFR or NFPR 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 NFPR, 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 NFPR 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 NFPR to establish the administrative support order. See WAC 388-14A-3127.

[Statutory Authority: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11). WSR 11-12-006, § 388-14A-3125, filed 5/19/11, effective 6/19/11. Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d), 34.05.220(1), 74.20A.055, 74.20A.056. WSR 03-20-072, § 388-14A-3125, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. WSR 00-15-016 and 00-20-022, § 388-14A-3125, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-215 and 388-11-295.]