

WAC 388-14A-3331 What are the procedures for the accelerated review of a notice of support owed for daycare expenses? (1) RCW 26.23.110 provides for an accelerated review of the amounts established by a prior notice of support owed if the division of child support (DCS), the noncustodial parent (NCP), or the custodial parent (CP) requests a review.

(a) Either the CP or the NCP may request an accelerated review of the support order.

(b) DCS may request an accelerated review of the support order but has no duty to do so.

(2) For purposes of chapter 388-14A WAC, an "accelerated review of a support order" is defined as:

(a) A review of the daycare expenses established under a prior notice of support owed;

(b) The collection by DCS of necessary information from CP and NCP;

(c) The service of a notice of support owed to review the amounts determined under a previous notice of support owed; and

(d) The service of a notice of support owed less than 12 months after the effective date of the last notice of support owed or the last administrative based on a notice of support owed.

(3) DCS may accelerate the review of a notice of support owed for daycare expenses if:

(a) The CP informs DCS in writing that daycare expenses have terminated and are not expected to resume;

(b) The NCP alleges that daycare expenses have terminated and not expected to resume and the CP fails to provide documentation to indicate continuing daycare expenses;

(c) A new child support order modifies the proportionate shares of the parties' obligations that may change the NCP's daycare obligation;

(d) A child emancipates who is the subject of a current notice of support owed.

(4) A notice of support owed on an accelerated review includes a determination of the fixed dollar amount of:

(a) Any support debt owed by the NCP; and

(b) Any amounts calculated under an order resulting from the prior notice of support owed that exceed the NCP's actual obligation after actual income or expenses are considered.

(5) If the notice of support owed contains a determination that the amount owed by the NCP under the prior notice of support owed is more than his or her actual current and future support obligation or his or her actual share of expenses, the notice addresses how the difference may be credited or repaid.

(a) Any overpayment may be applied as an offset to nonassistance child support arrears owed by the NCP on that case only.

(b) If there is no nonassistance debt owed on the case, the reimbursement must be in the form of a credit against the NCP's future child support obligation:

(i) Spread equally over a 12 month period starting the month after the administrative order becomes final; or

(ii) In a case where the underlying order provides that the NCP's support obligation will end in less than 12 months, spread equally over the remaining life of the order.

(6) In a notice of support owed under this section, DCS includes:

(a) The information required by RCW 26.23.110 and WAC 388-14A-3110;

(b) A description of any provisions or factors contained in the underlying order regarding how to calculate the monthly support obligation or the amounts claimed for daycare expenses; and

(c) Any other information not contained in the order that DCS used to calculate the amounts in the notice.

(7) An order resulting from an accelerated review of a notice of support owed is subject to the rules in chapter 388-14A WAC regarding annual review of notices of support owed.

[Statutory Authority: RCW 26.09.105, 26.23.110, 74.04.055, 74.08.090, 74.20.040, and 74.20A.310. WSR 21-24-063, § 388-14A-3331, filed 11/29/21, effective 12/30/21.]