

RCW 26.09.325 Child support—Who may make request for abatement based on incarceration—Procedures when multiple orders requiring incarcerated person to pay support exist. Either the department, the person required to pay support, the payee under the order, or the person entitled to receive support may make a request for abatement of child support to ten dollars per month under an order for child support when the person required to pay support is currently confined in a jail, prison, or correctional facility for at least six months, or is serving a sentence greater than six months in a jail, prison, or correctional facility.

(1) A request for the abatement of child support owed under one child support order does not automatically qualify as a request for abatement of support owed under every order that may exist requiring that person to pay support. However, the request applies to any support order which is being enforced by the department at the time of the request.

(2) If there are multiple orders requiring the incarcerated person to pay child support, the issue of whether abatement of support due to incarceration is appropriate must be considered for each order.

(a) The payee or person entitled to receive support under each support order is entitled to notice and an opportunity to be heard regarding the potential abatement of support under that order.

(b) If the child or children covered by a support order are not residing with the payee under the order, any other person entitled to receive support for the child or children must be provided notice and an opportunity to be heard regarding the potential abatement of support under that order. [2020 c 227 § 5.]

Reviser's note: For the purposes of this section, "department" appears to refer to the department of social and health services, division of child support.

Effective date—2020 c 227 §§ 3-13: See note following RCW 26.09.320.

Findings—Intent—2020 c 227: See note following RCW 26.09.320.