Chapter 26.23 RCW
STATE SUPPORT REGISTRY

Sections

26.23.010 Intent.
26.23.020 Definitions.
26.23.030 Registry—Creation—Duties—Interest on unpaid child support—Record retention.
26.23.033 State case registry—Submission of support orders.
26.23.035 Distribution of support payments—Rules—Child support pass through.
26.23.037 Insurer information exchange—Child support debt—Reporting requirements.
26.23.039 Insurance company's compliance—Insurance claim data collection organization.
26.23.040 Employment reporting requirements—Exceptions—Penalties—Retention of records.
26.23.045 Support enforcement services.
26.23.050 Support orders—Provisions—Enforcement—Confidential information form—Rules.
26.23.055 Support proceedings, orders, and registry—Required information—Duty to update—Service.
26.23.060 Income withholding order—Answer—Processing fee.
26.23.063 Income withholding order—Employer notice requirements of lump sum payments.
26.23.065 Requirement to remit payments by electronic funds transfer—Employer, business, or payroll processor—Waiver.
26.23.070 Payments to registry—Methods—Immunity from civil liability.
26.23.075 Payments—Dishonored checks—Fees—Rules.
26.23.080 Certain acts by employers prohibited—Penalties.
26.23.090 Employer liability for failure or refusal to respond or remit earnings.
26.23.100 Motion to quash, modify, or terminate payroll deduction—Grounds for relief.
26.23.110 Procedures when amount of support obligation needs to be determined—Notice—Adjudicative proceeding—Rules.
26.23.120 Information and records—Confidentiality—Disclosure—Adjudicative proceeding—Rules—Penalties.
26.23.130 Notice to department of child support or maintenance orders.
26.23.140 Collection and disclosure of social security numbers—Finding—Waiver requested to prevent fraud.
26.23.150 Recording of social security numbers—Compliance with federal requirement—Restricted disclosure.
26.23.900 Effective date—1987 c 435.

Authority of office of support enforcement to take support enforcement action against earnings within the state: RCW 74.20A.095.

RCW 26.23.010 Intent. The legislature recognizes the financial impact on custodial parents and children when child support is not received on time, or in the correct amount. The legislature also

recognizes the burden placed upon the responsible parent and the second family when enforcement action must be taken to collect delinquent support.

It is the intent of the legislature to create a central Washington state support registry to improve the recordkeeping of support obligations and payments, thereby providing protection for both parties, and reducing the burden on employers by creating a single standardized process through which support payments are deducted from earnings.

It is also the intent of the legislature that child support payments be made through income withholding if the responsible parent becomes delinquent in making support payments under a court or administrative order for support.

To that end, it is the intent of the legislature to interpret all existing statutes and processes to give effect to, and to implement, one central registry for recording and distributing support payments in this state. [2021 c 35 s 12; 1987 c 435 s 1.]

RCW 26.23.020 Definitions. The definitions contained in RCW 74.20A.020 shall be incorporated into and made a part of this chapter.

(1) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of an amount required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy support obligations, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW. Earnings shall specifically include all gain from capital, from labor, or from both combined, not including profit gained through sale or conversion of capital assets.

(3) "Employee" means a person in employment as defined in Title 50 RCW to whom an employer is paying, owes or anticipates paying earnings as a result of services performed.

(4) "Employer" means any person or entity who pays or owes earnings in employment as defined in Title 50 RCW to the responsible parent including but not limited to the United States government, or any state or local unit of government.

(5) "Lump sum payment" means income other than a periodic recurring payment of earnings on regular paydays and does not include reimbursement for expenses. Lump sum payment includes, but is not limited to, discretionary and nondiscretionary bonuses, commissions, performance bonuses, merit increases, safety awards, signing bonuses, moving and relocation incentive payments, holiday pay, termination pay, and severance pay. Lump sum payment also includes workers' compensation, insurance settlements, and personal injury settlements paid as replacement for wages owed.

(6) "Support order" means a superior court order or administrative order, as defined in RCW 74.20A.020. [2023 c 248 s 2; 1987 c 435 s 2.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Findings—2023 c 248: See note following RCW 26.23.063.

RCW 26.23.030 Registry—Creation—Duties—Interest on unpaid child support—Record retention. (1) There is created a Washington state support registry within the division of child support as the agency designated in Washington state to administer the child support program under Title IV-D of the federal social security act. The registry shall:

(a) Provide a central unit for collection of support payments made to the registry;

(b) Account for and disburse all support payments received by the registry;

(c) Maintain the necessary records including, but not limited to, information on support orders, support debts, the date and amount of support due; the date and amount of payments; and the names, social security numbers, and addresses of the parties;

(d) Develop procedures for providing information to the parties regarding action taken by, and support payments collected and distributed by the registry; and

(e) Maintain a state child support case registry to compile and maintain records on all child support orders entered in the state of Washington.

(2) The division of child support may assess and collect interest at the rate of twelve percent per year on unpaid child support that has accrued under any support order entered into the registry. This interest rate shall not apply to those support orders already specifying an interest assessment at a different rate.

(3) The secretary of social and health services shall adopt rules for the maintenance and retention of records of support payments and for the archiving and destruction of such records when the support obligation terminates or is satisfied. When a support obligation established under court order entered in a superior court of this state has been satisfied, a satisfaction of judgment form shall be prepared by the registry and filed with the clerk of the court in which the order was entered. [1997 c 58 s 905; 1989 c 360 s 6; 1988 c 275 s 18; 1987 c 435 s 3.]

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates—Severability—1988 c 275: See notes following RCW 26.19.001.

RCW 26.23.033 State case registry—Submission of support orders. (1) The division of child support, Washington state support registry shall operate a state case registry containing records of all orders establishing or modifying a support order that are entered after October 1, 1998.

(2) The superior court clerk, the office of administrative hearings, and the department of social and health services shall, within five days of entry, forward to the Washington state support registry, a true and correct copy of all superior court orders or

administrative orders establishing or modifying a support obligation that provide that support payments shall be made to the support registry.

(3) The division of child support shall reimburse the clerk for the reasonable costs of copying and sending copies of court orders to the registry at the reimbursement rate provided in Title IV-D of the federal social security act.

(4) Effective October 1, 1998, the superior court clerk, the office of administrative hearings, and the department of social and health services shall, within five days of entry, forward to the Washington state support registry a true and correct copy of all superior court orders or administrative orders establishing or modifying a support obligation.

(5) Receipt of a support order by the registry or other action under this section on behalf of a person or persons who have not made a written application for support enforcement services to the division of child support and who are not recipients of public assistance is deemed to be:

(a) A request for payment services only if the order requires payment to the Washington state support registry;

(b) A submission for inclusion in the state case registry if the order does not require that support payments be made to the Washington state support registry. [1997 c 58 s 903.]

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

RCW 26.23.035 Distribution of support payments—Rules—Child support pass through. ***(Effective until July 1, 2029.)*** (1) The department of social and health services shall adopt rules for the distribution of support money collected by the division of child support. These rules shall:

(a) Comply with Title IV-D of the federal social security act as amended by the personal responsibility and work opportunity reconciliation act of 1996 and the federal deficit reduction act of 2005;

(b) Direct the division of child support to distribute support money within eight days of receipt, unless one of the following circumstances, or similar circumstances specified in the rules, prevents prompt distribution:

(i) The location of the custodial parent is unknown;

(ii) The support debt is in litigation;

(iii) The division of child support cannot identify the responsible parent or the custodian;

(c) Provide for proportionate distribution of support payments if the responsible parent owes a support obligation or a support debt for two or more Title IV-D cases; and

(d) Authorize the distribution of support money, except money collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to the IV-D custodian before the debt owed to the state when the custodian stops receiving a public assistance grant.

(2) The division of child support may distribute support payments to the payee under the support order or to another person who has

lawful physical custody of the child or custody with the payee's consent. The payee may file an application for an adjudicative proceeding to challenge distribution to such other person. Prior to distributing support payments to any person other than the payee, the registry shall:

(a) Obtain a written statement from the child's physical custodian, under penalty of perjury, that the custodian has lawful custody of the child or custody with the payee's consent;

(b) Mail to the responsible parent and to the payee at the payee's last known address a copy of the physical custodian's statement and a notice which states that support payments will be sent to the physical custodian; and

(c) File a copy of the notice with the clerk of the court that entered the original support order.

(3) If the Washington state support registry distributes a support payment to a person in error, the registry may obtain restitution by means of a set-off against future payments received on behalf of the person receiving the erroneous payment, or may act according to RCW 74.20A.270 as deemed appropriate. Any set-off against future support payments shall be limited to amounts collected on the support debt and ten percent of amounts collected as current support.

(4) Effective February 1, 2021, consistent with 42 U.S.C. Sec. 657(a) as amended by section 7301(b)(7)(B) of the federal deficit reduction act of 2005, the department shall pass through child support that does not exceed fifty dollars per month collected on behalf of a family, or in the case of a family that includes two or more children an amount that is not more than one hundred dollars per month. The department has rule-making authority to implement this subsection. [2020 c 349 s 1; 2010 2nd sp.s. c 3 s 1; 2007 c 143 s 2; 1997 c 58 s 933; 1991 c 367 s 38; 1989 c 360 s 34.]

Effective date—2010 2nd sp.s. c 3: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect May 1, 2011." [2010 2nd sp.s. c 3 s 2.]

Severability—2007 c 143: See note following RCW 26.18.170.

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Severability—Effective date—Captions not law—1991 c 367: See notes following RCW 26.09.015.

RCW 26.23.035 Distribution of support payments—Rules—Child support pass through. ***(Effective July 1, 2029.)*** (1) The department of social and health services shall adopt rules for the distribution of support money collected by the division of child support. These rules shall:

(a) Comply with Title IV-D of the federal social security act as amended by the personal responsibility and work opportunity reconciliation act of 1996 and the federal deficit reduction act of 2005;

(b) Direct the division of child support to distribute support money within eight days of receipt, unless one of the following circumstances, or similar circumstances specified in the rules, prevents prompt distribution:

(i) The location of the custodial parent is unknown;

(ii) The support debt is in litigation;

(iii) The division of child support cannot identify the responsible parent or the custodian;

(c) Provide for proportionate distribution of support payments if the responsible parent owes a support obligation or a support debt for two or more Title IV-D cases; and

(d) Authorize the distribution of support money, except money collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to the IV-D custodian before the debt owed to the state when the custodian stops receiving a public assistance grant.

(2) The division of child support may distribute support payments to the payee under the support order or to another person who has lawful physical custody of the child or custody with the payee's consent. The payee may file an application for an adjudicative proceeding to challenge distribution to such other person. Prior to distributing support payments to any person other than the payee, the registry shall:

(a) Obtain a written statement from the child's physical custodian, under penalty of perjury, that the custodian has lawful custody of the child or custody with the payee's consent;

(b) Mail to the responsible parent and to the payee at the payee's last known address a copy of the physical custodian's statement and a notice which states that support payments will be sent to the physical custodian; and

(c) File a copy of the notice with the clerk of the court that entered the original support order.

(3) If the Washington state support registry distributes a support payment to a person in error, the registry may obtain restitution by means of a set-off against future payments received on behalf of the person receiving the erroneous payment, or may act according to RCW 74.20A.270 as deemed appropriate. Any set-off against future support payments shall be limited to amounts collected on the support debt and 10 percent of amounts collected as current support.

(4) Consistent with 42 U.S.C. Sec. 657(a) as amended by section 7301(b)(7)(B) of the federal deficit reduction act of 2005, the department shall pass through to a family all amounts collected as current child support each month on behalf of the family. The department has rule-making authority to implement this subsection. [2024 c 174 s 1; 2020 c 349 s 1; 2010 2nd sp.s. c 3 s 1; 2007 c 143 s 2; 1997 c 58 s 933; 1991 c 367 s 38; 1989 c 360 s 34.]

Effective date—2025 c 402; 2024 c 174: "This act takes effect July 1, 2029." [2025 c 402 s 1; 2024 c 174 s 4.]

Effective date—2010 2nd sp.s. c 3: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect May 1, 2011." [2010 2nd sp.s. c 3 s 2.]

Severability—2007 c 143: See note following RCW 26.18.170.

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Severability—Effective date—Captions not law—1991 c 367: See notes following RCW 26.09.015.

RCW 26.23.037 Insurer information exchange—Child support debt—Reporting requirements. (1)(a) Except as otherwise provided in subsection (8) of this section, each insurer shall, not later than 10 days after opening a tort liability claim for bodily injury or wrongful death, a workers' compensation claim, or a claim under a policy of life insurance, exchange information with the division of child support in the manner prescribed by the department to verify whether the claimant owes debt for the support of one or more children to the department or to a person receiving services from the division of child support. To the extent feasible, the division of child support shall facilitate a secure electronic process to exchange information with insurers pursuant to this subsection. The obligation of an insurer to exchange information with the division of child support is discharged upon complying with the requirements of this subsection.

(b) The exchange of information pursuant to chapter 168, Laws of 2021 must comply with privacy protections under applicable state and federal laws and regulations, including the federal health insurance portability and accountability act.

(2) In order to determine whether a claimant owes a debt being enforced by the division of child support, all insurance companies doing business in the state of Washington that issue qualifying payments to claimants must provide minimum identifying information about the claimant to:

(a) An insurance claim data collection organization;

(b) The federal office of child support enforcement or the child support lien network; or

(c) The division of child support directly in a manner satisfactory to the department; however, the division of child support shall minimize the use of directly reported social security numbers unless the claimant cannot be identified using the claimant's full name, current physical address, and date of birth.

(3) Insurers must take the steps necessary to authorize an insurance claim data collection organization to share minimum identifying information with the federal office of child support enforcement and the child support claim lien network.

(4) Except as otherwise provided in subsections (5) and (7) of this section, if an insurer is notified by the division of child support that a claimant owes debt for the support of one or more children to the department or to a person receiving services from the division of child support, the insurer shall, upon the receipt of a notice issued by the department identifying the amount of debt owed pursuant to chapter 74.20A RCW:

(a) Withhold from payment on the claim the amount specified in the notice; and

(b) Remit the amount withheld from payment to the department within 20 days.

(5) The department shall give any lien, claim, or demand for reasonable claim-related attorneys' fees, property damage, and medical costs priority over any withholding of payment pursuant to subsection (4) of this section.

(6) Any information obtained pursuant to chapter 168, Laws of 2021 must be used only for the purpose of carrying out the provisions of chapter 168, Laws of 2021. An insurer or other entity described in subsection (2) of this section may not be held liable in any civil or criminal action for any act made in good faith pursuant to this section including, but not limited to:

(a) Any disclosure of information to the department or the division of child support; or

(b) The withholding of any money from payment on a claim or the remittance of such money to the department.

(7) An insurer may not delay the disbursement of a payment on a claim to comply with the requirements of this section. An insurer is not required to comply with subsection (4) of this section if the notice issued by the department is received by the insurer after the insurer has disbursed the payment on the claim. In the case of a claim that will be paid through periodic payments, the insurer:

(a) Is not required to comply with the provisions of subsection (4) of this section with regard to any payments on the claim disbursed to the claimant before the notice was received by the insurer; and

(b) Must comply with the provisions of subsection (4) of this section with regard to any payments on the claim scheduled to be made after the receipt of the notice.

(8) If periodic payment will be made to a claimant, an insurer is only required to engage in the exchange of information pursuant to subsection (1) of this section before issuing the initial payment.

(9) An insurance company's failure to comply with the reporting requirements of chapter 168, Laws of 2021 does not amount to noncompliance with a requirement of the division of child support as described in RCW 74.20A.350.

(10) For the purposes of this section, the following definitions apply:

(a) "Claimant" means any person who: (i) Brings a tort liability claim for bodily injury or wrongful death; (ii) is receiving workers' compensation benefits; or (iii) is a beneficiary under a life insurance policy. "Claim for bodily injury" does not include a claim for uninsured or underinsured vehicle coverage or medical payments coverage under a motor vehicle liability policy.

(b) "Insurance claim data collection organization" means an organization that maintains a centralized database of information concerning insurance claims to assist insurers that subscribe to the database in processing claims and detecting and preventing fraud, and also cooperates and coordinates with the federal or state child support entities to share relevant information for insurance intercept purposes.

(c) "Insurer" means: (i) A person who holds a certificate of authority to transact insurance in the state; or (ii) a chapter 48.15 RCW unauthorized insurer.

(d) "Qualifying payment" means a payment that is either a one-time lump sum or an installment payment issued by an insurance company doing business in the state of Washington, which is made for the purpose of satisfying, compromising, or settling, a tort or insurance claim where the payment is in excess of $500 and is intended to go

directly to the claimant and not to a third party, such as a health care provider.

(e) "Tort or insurance claim" means: (i) A claim for general damages, which are also called noneconomic damages; or (ii) a claim for lost wages. "Tort or insurance claim" does not include claims for property damage under either liability insurance or uninsured motorist insurance. [2024 c 126 s 1; 2021 c 168 s 2.]

Findings—2021 c 168: "(1) The legislature finds that it is in the interests of the citizens of the state of Washington to enhance and increase the efficiency of the processes for collecting child support debts owed to the state or owed to a custodial parent.

(2) The legislature further finds that liens filed in the state of Washington are filed on a county-by-county basis, and there is no statewide registry or clearinghouse where a comprehensive collection of liens may be checked by a party or other entity before funds are disbursed to the debtor.

(3) The legislature further finds that it would enhance the collection opportunities for child support to require insurance companies doing business in the state of Washington to participate in a reporting scheme that would allow a data match with child support debts." [2021 c 168 s 1.]

Rules—2021 c 168: "The department may enact rules necessary to implement and administer this act." [2021 c 168 s 5.]

Effective date—2021 c 168: "This act takes effect January 1, 2022." [2021 c 168 s 6.]

RCW 26.23.039 Insurance company's compliance—Insurance claim data collection organization. An insurance company may comply with the obligation to exchange information with the division of child support described in RCW 26.23.037(1) by using an insurance claim data collection organization as described in RCW 26.23.037(2). [2021 c 168 s 3.]

Findings—Rules—Effective date—2021 c 168: See notes following RCW 26.23.037.

RCW 26.23.040 Employment reporting requirements—Exceptions—Penalties—Retention of records. (1) All employers doing business in the state of Washington shall report to the Washington state support registry:

(a) The hiring of any person who resides or works in this state to whom the employer anticipates paying earnings and who:

(i) Has not previously been employed by the employer; or

(ii) Was previously employed by the employer but has been separated from such employment for at least sixty consecutive days; and

(b) The date on which the employee first performed services for pay for the employer, or, in the case of an employee described in (a)(ii) of this subsection the date on which the employee returned to perform services for pay after a layoff, furlough, separation, or leave without pay.

The secretary of the department of social and health services may adopt rules to establish additional exemptions if needed to reduce unnecessary or burdensome reporting.

(2) Employers shall report to the extent practicable by W-4 form, or, at the option of the employer, an equivalent form, and may mail the form by first-class mail, or may transmit it electronically, or by other means authorized by the registry which will result in timely reporting.

(3) Employers shall submit reports within twenty days of the hiring, rehiring, or return to work of the employee, except as provided in subsection (4) of this section. The report shall contain:

(a) The employee's name, address, social security number, and date of birth; and

(b) The employer's name, address, and identifying number assigned under section 6109 of the internal revenue code of 1986.

(4) In the case of an employer transmitting reports magnetically or electronically, the employer shall report those employees described in subsection (1) of this section, in two monthly transmissions, if necessary, not less than twelve days nor more than sixteen days apart.

(5) An employer who fails to report as required under this section shall be subject to a civil penalty of:

(a) Twenty-five dollars per month per employee; or

(b) Five hundred dollars, if the failure to report is the result of a conspiracy between the employer and the employee not to supply the required report, or to supply a false report. All violations within a single month shall be considered a single violation for purposes of assessing the penalty. The penalty may be imposed and collected by the division of child support under RCW 74.20A.350.

(6) The registry shall retain the information for a particular employee only if the registry is responsible for establishing, enforcing, or collecting a support debt of the employee. The registry may, however, retain information for a particular employee for as long as may be necessary to:

(a) Transmit the information to the national directory of new hires as required under federal law; or

(b) Provide the information to other state agencies for comparison with records or information possessed by those agencies as required by law.

Information that is not permitted to be retained shall be promptly destroyed. Agencies that obtain information from the department of social and health services under this section shall maintain the confidentiality of the information received, except as necessary to implement the agencies' responsibilities. [2012 c 109 s 1; 1998 c 160 s 5; 1997 c 58 s 944; 1997 c 58 s 943; 1994 c 127 s 1; 1993 c 480 s 1; 1989 c 360 s 39; 1987 c 435 s 4.]

Effective date—1998 c 160 ss 1, 5, and 8: See note following RCW 74.20A.080.

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates—1997 c 58: See note following RCW 74.20A.320.

Effective date—1993 c 480: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 17, 1993]." [1993 c 480 s 2.]

Effective dates—1989 c 360 ss 9, 10, 16, and 39: See note following RCW 74.20A.060.

RCW 26.23.045 Support enforcement services. (1) The division of child support, Washington state support registry, shall provide support enforcement services under the following circumstances:

(a) Whenever public assistance under RCW 74.20.330 is paid;

(b) Whenever a request for support enforcement services under RCW 74.20.040 is received;

(c) When a support order which contains language directing a responsible parent to make support payments to the Washington state support registry under RCW 26.23.050 is submitted and the division of child support receives a written application for services or is already providing services;

(d) When the obligor submits a support order or support payment, and an application, to the Washington state support registry.

(2) The division of child support shall continue to provide support enforcement services for so long as and under such conditions as the department shall establish by regulation or until the superior court enters an order removing the requirement that the obligor make support payments to the Washington state support registry as provided for in RCW 26.23.050. [1997 c 58 s 902; 1994 c 230 s 8; 1989 c 360 s 33.]

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

RCW 26.23.050 Support orders—Provisions—Enforcement—Confidential information form—Rules. ***(Effective until April 1, 2027.)*** (1) If the division of child support is providing support enforcement services under RCW 26.23.045, or if a party is applying for support enforcement services by signing the application form on the bottom of the support order, the superior court shall include in all court orders that establish or modify a support obligation:

(a) A provision that orders and directs the person required to pay support to make all support payments to the Washington state support registry;

(b) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the person required to pay support at any time after entry of the court order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) A statement that the payee under the order or the person entitled to receive support might be required to submit an accounting of how the support, including any cash medical support, is being spent to benefit the child;

(d) A statement that a party to the support order who is required to provide health care coverage for the child or children covered by the order must notify the division of child support and the other party to the support order when the coverage terminates;

(e) A statement that any privilege of the person required to pay support to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the person is not in compliance with a support order as provided in RCW 74.20A.320; and

(f) A statement that the support obligation under the order may be abated as provided in RCW 26.09.320 if the person required to pay support is 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.

As used in this subsection and subsection (3) of this section, "good cause not to require immediate income withholding" means a written determination of why implementing immediate wage withholding would not be in the child's best interests and, in modification cases, proof of timely payment of previously ordered support.

(2) In all other cases not under subsection (1) of this section, the court may order the person required to pay support to make payments directly to the person entitled to receive the payments, to the Washington state support registry, or may order that payments be made in accordance with an alternate arrangement agreed upon by the parties.

(a) The superior court shall include in all orders under this subsection that establish or modify a support obligation:

(i) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the person required to pay support at any time after entry of the court order, unless:

(A) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(B) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(ii) A statement that the payee under the order or the person entitled to receive support may be required to submit an accounting of how the support is being spent to benefit the child;

(iii) A statement that any party to the order required to provide health care coverage for the child or children covered by the order must notify the division of child support and the other party to the order when the coverage terminates; and

(iv) A statement that a party to the order seeking to enforce the other party's obligation to provide health care coverage may:

(A) File a motion in the underlying superior court action; or

(B) If there is not already an underlying superior court action, initiate an action in the superior court.

As used in this subsection, "good cause not to require immediate income withholding" is any reason that the court finds appropriate.

(b) The superior court may order immediate or delayed income withholding as follows:

(i) Immediate income withholding may be ordered if the person required to pay support has earnings. If immediate income withholding is ordered under this subsection, all support payments shall be paid to the Washington state support registry. The superior court shall issue a mandatory wage assignment order as set forth in chapter 26.18 RCW when the support order is signed by the court. The payee under the order or the person entitled to receive the transfer payment is responsible for serving the employer with the order and for its enforcement as set forth in chapter 26.18 RCW.

(ii) If immediate income withholding is not ordered, the court shall require that income withholding be delayed until a payment is past due. The support order shall contain a statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the person required to pay support, after a payment is past due.

(c) If a mandatory income withholding order under chapter 26.18 RCW is issued under this subsection and the division of child support provides support enforcement services under RCW 26.23.045, the existing wage withholding assignment is prospectively superseded upon the division of child support's subsequent service of an income withholding order.

(3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the person required to pay support shall make all support payments to the Washington state support registry. All administrative orders shall also state that any privilege of the person required to pay support to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the person is not in compliance with a support order as provided in RCW 74.20A.320. All administrative orders shall also state that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state without further notice to the person required to pay support at any time after entry of the order, unless:

(a) One of the parties demonstrates, and the presiding officer finds, that there is good cause not to require immediate income withholding; or

(b) The parties reach a written agreement that is approved by the presiding officer that provides for an alternate agreement.

(4) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that withholding action may be taken against wages, earnings, assets, or benefits if a support payment is past due or at any time after the entry of the order, or that licensing privileges of the person required to pay support may not be renewed, or may be suspended, the division of child support may serve a notice on the person stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

(5) Every support order shall state:

(a) The address where the support payment is to be sent;

(b) That withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state,

without further notice to the person required to pay support at any time after entry of a support order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The names and ages of the dependent children;

(g) A provision requiring both the person required to pay support, and the payee under the order or the person entitled to receive support who is a parent of the child or children covered by the order, to keep the Washington state support registry informed of whether he or she has access to health care coverage at reasonable cost and, if so, the health care coverage information;

(h) That either or both the person required to pay support, and the payee under the order or the person entitled to receive support who is a parent of the child or children covered by the order, shall be obligated to provide medical support for a child or children covered by the order through health care coverage if:

(i) The person obligated to provide medical support provides accessible coverage for the child or children through private or public health care coverage; or

(ii) Coverage that can be extended to cover the child or children is or becomes available to the person obligated to provide medical support through employment or is union-related; or

(iii) In the absence of such coverage, through an additional sum certain amount, as that obligated person's monthly payment toward the premium as provided under RCW 26.09.105;

(i) That a person obligated to provide medical support who is providing health care coverage must notify both the division of child support and the other party to the order when coverage terminates;

(j) That if proof of health care coverage or proof that the coverage is unavailable is not provided within twenty days, the person seeking enforcement or the department may seek direct enforcement of the coverage through the employer or union of the person required to provide medical support without further notice to the person as provided under chapter 26.18 RCW;

(k) The reasons for not ordering health care coverage if the order fails to require such coverage;

(l) That any privilege of the person required to pay support to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the person is not in compliance with a support order as provided in RCW 74.20A.320;

(m) That each party to the support order must:

(i) Promptly file with the court and update as necessary the confidential information form required by subsection (7) of this section; and

(ii) Provide the state case registry and update as necessary the information required by subsection (7) of this section; and

(n) That parties to administrative support orders shall provide to the state case registry and update as necessary their residential addresses and the address of the employer of the person required to pay support. The division of child support may adopt rules that govern the collection of parties' current residence and mailing addresses,

telephone numbers, dates of birth, social security numbers, the names of the children, social security numbers of the children, dates of birth of the children, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers to enforce an administrative support order. The division of child support shall not release this information if the division of child support determines that there is reason to believe that release of the information may result in physical or emotional harm to the party or to the child, or a restraining order or protective order is in effect to protect one party from the other party.

(6) After the person required to pay support has been ordered or notified to make payments to the Washington state support registry under this section, that person shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income-withholding action. The person required to pay support shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry except as provided under RCW 74.20.101. A civil action may be brought by the person required to pay support to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section.

(7) All petitioners and parties to all court actions under chapters 26.09, 26.12, 26.18, 26.21A, 26.23, 26.26A, 26.26B, and 26.27 RCW and minor guardianships under chapter 11.130 RCW shall complete to the best of their knowledge a verified and signed confidential information form or equivalent that provides the parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers, to ensure that the parties' information is added to the judicial information system's person database. The clerk of the court shall not accept petitions, except in parentage actions initiated by the state, orders of child support, decrees of dissolution, or parentage orders for filing in such actions unless accompanied by the confidential information form or equivalent, or unless the confidential information form or equivalent is already on file with the court clerk. In lieu of or in addition to requiring the parties to complete a separate confidential information form, the clerk may collect the information in electronic form. The clerk of the court shall transmit the confidential information form or its data to the division of child support with a copy of the order of child support or parentage order, and may provide copies of the confidential information form or its data and any related findings, decrees, parenting plans, orders, or other documents to the state administrative agency that administers Title IV-A, IV-D, IV-E, or XIX of the federal social security act. In state initiated parentage actions, the parties adjudicated the parents of the child or children shall complete the confidential information form or equivalent or the state's attorney of record may complete that form to the best of the attorney's knowledge.

(8) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308. [2022 c 243 s 4; 2021 c 35 s 14; (2021 c 35 s 13 expired February 1, 2021); 2020 c 227 s 9; 2019 c 46 s 5026; 2018 c 150 s 104;

2009 c 476 s 4; 2007 c 143 s 3; 2001 c 42 s 3; 1998 c 160 s 2; 1997 c 58 s 888; 1994 c 230 s 9; 1993 c 207 s 1; 1991 c 367 s 39; 1989 c 360 s 15; 1987 c 435 s 5.]

Effective date—2022 c 243 s 4: "Section 4 of this act takes effect January 1, 2023." [2022 c 243 s 9.]

Effective date—2021 c 35 s 14: "Section 14 of this act takes effect February 1, 2021." [2021 c 35 s 21.]

Expiration date—2021 c 35 s 13: "Section 13 of this act expires February 1, 2021." [2021 c 35 s 20.]

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

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

Rule-making authority—2020 c 227: See RCW 26.09.916.

Effective date—2009 c 476: See note following RCW 26.09.105.

Severability—2007 c 143: See note following RCW 26.18.170.

Effective date—Severability—2001 c 42: See notes following RCW 26.09.020.

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Intent—1997 c 58: See note following RCW 74.20A.320.

Severability—Effective date—Captions not law—1991 c 367: See notes following RCW 26.09.015.

RCW 26.23.050 Support orders—Provisions—Enforcement—Confidential information form—Rules. *(Effective April 1, 2027.)* (1) If the division of child support is providing support enforcement services under RCW 26.23.045, or if a party is applying for support enforcement services by signing the application form on the bottom of the support order, the superior court shall include in all court orders that establish or modify a support obligation:

(a) A provision that orders and directs the person required to pay support to make all support payments to the Washington state support registry;

(b) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the person required to pay support at any time after entry of the court order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) A statement that the payee under the order or the person entitled to receive support might be required to submit an accounting of how the support, including any cash medical support, is being spent to benefit the child;

(d) A statement that a party to the support order who is required to provide health care coverage for the child or children covered by the order must notify the division of child support and the other party to the support order when the coverage terminates;

(e) A statement that any privilege of the person required to pay support to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the person is not in compliance with a support order as provided in RCW 74.20A.320;

(f) A statement that the support obligation under the order may be abated as provided in RCW 26.09.320 if the person required to pay support is 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; and

(g) A statement that the support obligation under the order may be abated as provided in RCW 26.09.345 if the person required to pay support is undergoing court-ordered behavioral health treatment issued under chapter 71.05 RCW.

As used in this subsection and subsection (3) of this section, "good cause not to require immediate income withholding" means a written determination of why implementing immediate wage withholding would not be in the child's best interests and, in modification cases, proof of timely payment of previously ordered support.

(2) In all other cases not under subsection (1) of this section, the court may order the person required to pay support to make payments directly to the person entitled to receive the payments, to the Washington state support registry, or may order that payments be made in accordance with an alternate arrangement agreed upon by the parties.

(a) The superior court shall include in all orders under this subsection that establish or modify a support obligation:

(i) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the person required to pay support at any time after entry of the court order, unless:

(A) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(B) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(ii) A statement that the payee under the order or the person entitled to receive support may be required to submit an accounting of how the support is being spent to benefit the child;

(iii) A statement that any party to the order required to provide health care coverage for the child or children covered by the order must notify the division of child support and the other party to the order when the coverage terminates; and

(iv) A statement that a party to the order seeking to enforce the other party's obligation to provide health care coverage may:

(A) File a motion in the underlying superior court action; or

(B) If there is not already an underlying superior court action, initiate an action in the superior court.

As used in this subsection, "good cause not to require immediate income withholding" is any reason that the court finds appropriate.

(b) The superior court may order immediate or delayed income withholding as follows:

(i) Immediate income withholding may be ordered if the person required to pay support has earnings. If immediate income withholding is ordered under this subsection, all support payments shall be paid to the Washington state support registry. The superior court shall issue a mandatory wage assignment order as set forth in chapter 26.18 RCW when the support order is signed by the court. The payee under the order or the person entitled to receive the transfer payment is responsible for serving the employer with the order and for its enforcement as set forth in chapter 26.18 RCW.

(ii) If immediate income withholding is not ordered, the court shall require that income withholding be delayed until a payment is past due. The support order shall contain a statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the person required to pay support, after a payment is past due.

(c) If a mandatory income withholding order under chapter 26.18 RCW is issued under this subsection and the division of child support provides support enforcement services under RCW 26.23.045, the existing wage withholding assignment is prospectively superseded upon the division of child support's subsequent service of an income withholding order.

(3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the person required to pay support shall make all support payments to the Washington state support registry. All administrative orders shall also state that any privilege of the person required to pay support to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the person is not in compliance with a support order as provided in RCW 74.20A.320. All administrative orders shall also state that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state without further notice to the person required to pay support at any time after entry of the order, unless:

(a) One of the parties demonstrates, and the presiding officer finds, that there is good cause not to require immediate income withholding; or

(b) The parties reach a written agreement that is approved by the presiding officer that provides for an alternate agreement.

(4) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that withholding action may be taken against wages, earnings, assets, or benefits if a support payment is past due or at any time after the entry of the order, or that licensing privileges of the person required to pay support may not be

renewed, or may be suspended, the division of child support may serve a notice on the person stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

(5) Every support order shall state:

(a) The address where the support payment is to be sent;

(b) That withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the person required to pay support at any time after entry of a support order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The names and ages of the dependent children;

(g) A provision requiring both the person required to pay support, and the payee under the order or the person entitled to receive support who is a parent of the child or children covered by the order, to keep the Washington state support registry informed of whether he or she has access to health care coverage at reasonable cost and, if so, the health care coverage information;

(h) That either or both the person required to pay support, and the payee under the order or the person entitled to receive support who is a parent of the child or children covered by the order, shall be obligated to provide medical support for a child or children covered by the order through health care coverage if:

(i) The person obligated to provide medical support provides accessible coverage for the child or children through private or public health care coverage; or

(ii) Coverage that can be extended to cover the child or children is or becomes available to the person obligated to provide medical support through employment or is union-related; or

(iii) In the absence of such coverage, through an additional sum certain amount, as that obligated person's monthly payment toward the premium as provided under RCW 26.09.105;

(i) That a person obligated to provide medical support who is providing health care coverage must notify both the division of child support and the other party to the order when coverage terminates;

(j) That if proof of health care coverage or proof that the coverage is unavailable is not provided within 20 days, the person seeking enforcement or the department may seek direct enforcement of the coverage through the employer or union of the person required to provide medical support without further notice to the person as provided under chapter 26.18 RCW;

(k) The reasons for not ordering health care coverage if the order fails to require such coverage;

(l) That any privilege of the person required to pay support to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the person is not in compliance with a support order as provided in RCW 74.20A.320;

(m) That each party to the support order must:

(i) Promptly file with the court and update as necessary the confidential information form required by subsection (7) of this section; and

(ii) Provide the state case registry and update as necessary the information required by subsection (7) of this section; and

(n) That parties to administrative support orders shall provide to the state case registry and update as necessary their residential addresses and the address of the employer of the person required to pay support. The division of child support may adopt rules that govern the collection of parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, the names of the children, social security numbers of the children, dates of birth of the children, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers to enforce an administrative support order. The division of child support shall not release this information if the division of child support determines that there is reason to believe that release of the information may result in physical or emotional harm to the party or to the child, or a restraining order or protective order is in effect to protect one party from the other party.

(6) After the person required to pay support has been ordered or notified to make payments to the Washington state support registry under this section, that person shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income-withholding action. The person required to pay support shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry except as provided under RCW 74.20.101. A civil action may be brought by the person required to pay support to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section.

(7) All petitioners and parties to all court actions under chapters 26.09, 26.12, 26.18, 26.21A, 26.23, 26.26A, 26.26B, and 26.27 RCW and minor guardianships under chapter 11.130 RCW shall complete to the best of their knowledge a verified and signed confidential information form or equivalent that provides the parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers, to ensure that the parties' information is added to the judicial information system's person database. The clerk of the court shall not accept petitions, except in parentage actions initiated by the state, orders of child support, decrees of dissolution, or parentage orders for filing in such actions unless accompanied by the confidential information form or equivalent, or unless the confidential information form or equivalent is already on file with the court clerk. In lieu of or in addition to requiring the parties to complete a separate confidential information form, the clerk may collect the information in electronic form. The clerk of the court shall transmit the confidential information form or its data to the division of child support with a copy of the order of child support or parentage order, and may provide copies of the confidential information form or its data and any related findings, decrees, parenting plans, orders, or other documents to the state administrative agency that administers Title IV-A, IV-D, IV-E, or XIX of the federal social security act. In state initiated parentage actions, the parties adjudicated the parents

of the child or children shall complete the confidential information form or equivalent or the state's attorney of record may complete that form to the best of the attorney's knowledge.

(8) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308. [2025 c 272 s 9; 2022 c 243 s 4; 2021 c 35 s 14; (2021 c 35 s 13 expired February 1, 2021); 2020 c 227 s 9; 2019 c 46 s 5026; 2018 c 150 s 104; 2009 c 476 s 4; 2007 c 143 s 3; 2001 c 42 s 3; 1998 c 160 s 2; 1997 c 58 s 888; 1994 c 230 s 9; 1993 c 207 s 1; 1991 c 367 s 39; 1989 c 360 s 15; 1987 c 435 s 5.]

Effective date—2025 c 272 ss 4-12: See note following RCW 26.09.345.

Rule-making authority—2025 c 272: See note following RCW 26.09.345.

Effective date—2022 c 243 s 4: "Section 4 of this act takes effect January 1, 2023." [2022 c 243 s 9.]

Effective date—2021 c 35 s 14: "Section 14 of this act takes effect February 1, 2021." [2021 c 35 s 21.]

Expiration date—2021 c 35 s 13: "Section 13 of this act expires February 1, 2021." [2021 c 35 s 20.]

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

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

Rule-making authority—2020 c 227: See RCW 26.09.916.

Effective date—2009 c 476: See note following RCW 26.09.105.

Severability—2007 c 143: See note following RCW 26.18.170.

Effective date—Severability—2001 c 42: See notes following RCW 26.09.020.

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Intent—1997 c 58: See note following RCW 74.20A.320.

Severability—Effective date—Captions not law—1991 c 367: See notes following RCW 26.09.015.

RCW 26.23.055 Support proceedings, orders, and registry—Required information—Duty to update—Service. (1) Each party to a paternity or child support proceeding must provide the court and the Washington state child support registry with the confidential information form as required under RCW 26.23.050.

(2) Each party to an order entered in a child support or paternity proceeding shall update the information required under subsection (1) of this section promptly after any change in the information. The duty established under this section continues as long as any monthly support or support debt remains due under the support order.

(3) In any proceeding to establish, enforce, or modify the child support order between the parties, a party may demonstrate to the presiding officer that he or she has diligently attempted to locate the other party. Upon a showing of diligent efforts to locate, the presiding officer shall deem service of process for the action by delivery of written notice to the address most recently provided by the party under this section to be adequate notice of the action.

(4) All support orders shall contain notice to the parties of the obligations established by this section and possibility of service of process according to subsection (3) of this section. [2001 c 42 s 4; 1998 c 160 s 3; 1997 c 58 s 904.]

Effective date—Severability—2001 c 42: See notes following RCW 26.09.020.

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

RCW 26.23.060 Income withholding order—Answer—Processing fee. (1) The division of child support may issue an income withholding order:

(a) As authorized by a support order that contains a notice clearly stating that child support may be collected by withholding from earnings, wages, or benefits without further notice to the obligated parent; or

(b) After service of a notice containing an income-withholding provision under this chapter or chapter 74.20A RCW.

(2) The division of child support shall serve an income withholding order upon a responsible parent's employer or upon the employment security department for the state in possession of or owing any benefits from the unemployment compensation fund to the responsible parent pursuant to Title 50 RCW or from the paid family and medical leave program under Title 50A RCW:

(a) In the manner prescribed for the service of a summons in a civil action;

(b) By certified mail, return receipt requested;

(c) By electronic means if there is an agreement between the secretary and the person, firm, corporation, association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States to accept service by electronic means; or

(d) By regular mail to a responsible parent's employer unless the division of child support reasonably believes that service of process in the manner prescribed in (a) or (b) of this subsection is required for initiating an action to ensure employer compliance with the withholding requirement.

(3) Service of an income withholding order upon an employer or employment security department requires the employer or employment security department to immediately make a mandatory payroll deduction from the responsible parent's unpaid disposable earnings or benefits paid by the employment security department. The amount to be withheld stated in the income withholding order is as follows:

(a) If the income withholding order is not for a lump sum payment under RCW 26.23.063, the employer or employment security department shall thereafter deduct each pay period the amount stated in the order divided by the number of pay periods per month. The payroll deduction each pay period shall not exceed 50 percent of the responsible parent's disposable earnings; or

(b) If the income withholding order is for a lump sum payment under RCW 26.23.063, the employer shall withhold the lump sum payment or the amount stated in the order, whichever is less, unless a portion of the lump sum payment is disposable earnings. If a portion of the lump sum payment is comprised of disposable earnings, 50 percent of the portion considered disposable earnings is not subject to the income withholding order.

(4) An income withholding order for support shall have priority over any wage assignment, garnishment, attachment, or other legal process.

(5) The income withholding order shall be in writing and include:

(a) The name and social security number of the responsible parent;

(b) The amount to be deducted from the responsible parent's disposable earnings each month, or alternate amounts and frequencies as may be necessary to facilitate processing of the payroll deduction;

(c) A statement that the total amount withheld shall not exceed 50 percent of the responsible parent's disposable earnings;

(d) The address to which the payments are to be mailed or delivered; and

(e) A notice to the responsible parent warning the responsible parent that, despite the payroll deduction, the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as defined in RCW 74.20A.320.

(6) An informational copy of the income withholding order shall be mailed to the last known address of the responsible parent by regular mail.

(7) An employer or employment security department that receives an income withholding order shall make immediate deductions from the responsible parent's unpaid disposable earnings and remit proper amounts to the Washington state support registry within seven working days of the date the earnings are payable to the responsible parent.

(8) An employer, or the employment security department, upon whom an income withholding order is served, shall make an answer to the division of child support within 20 days after the date of service. The answer shall confirm compliance and institution of the payroll deduction or explain the circumstances if no payroll deduction is in effect. The answer shall also state whether the responsible parent is employed by or receives earnings from the employer or receives benefit

payments from the employment security department, whether the employer or employment security department anticipates paying earnings or benefits and the amount of earnings or benefit payments. If the responsible parent is no longer employed, or receiving earnings from the employer, the answer shall state the present employer's name and address, if known. If the responsible parent is no longer receiving benefit payments from the employment security department, the answer shall state the present employer's name and address, if known.

The returned answer or a payment remitted to the division of child support by the employer constitutes proof of service of the income withholding order in the case where the order was served by regular mail.

(9) The employer may deduct a processing fee from the remainder of the responsible parent's earnings after withholding under the income withholding order, even if the remainder is exempt under RCW 26.18.090. The processing fee may not exceed: (a) Ten dollars for the first disbursement made to the Washington state support registry; and (b) one dollar for each subsequent disbursement to the registry.

(10) The income withholding order shall remain in effect until released by the division of child support, the court enters an order terminating the income withholding order and approving an alternate arrangement under RCW 26.23.050, or until the employer no longer employs the responsible parent and is no longer in possession of or owing any earnings to the responsible parent. The employer shall promptly notify the office of support enforcement when the employer no longer employs the parent subject to the income withholding order. For the employment security department, the income withholding order shall remain in effect until released by the division of child support or until the court enters an order terminating the income withholding order.

(11) The division of child support must use income withholding forms adopted and required by the United States department of health and human services to take withholding actions under this section whether the responsible parent is receiving earnings or unemployment compensation in this state or in another state. [2023 c 248 s 3; 2021 c 35 s 15; 2020 c 125 s 15; 2019 c 13 s 66. Prior: 2000 c 86 s 4; 2000 c 29 s 1; 1998 c 160 s 8; 1997 c 58 s 890; 1994 c 230 s 10; 1991 c 367 s 40; 1989 c 360 s 32; 1987 c 435 s 6.]

Findings—2023 c 248: See note following RCW 26.23.063.

Severability—2000 c 29: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2000 c 29 s 2.]

Conflict with federal requirements—2000 c 29: "If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of

federal unemployment tax credits to employers in this state." [2000 c 29 s 3.]

Effective date—2000 c 29: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 17, 2000]." [2000 c 29 s 4.]

Effective date—1998 c 160 ss 1, 5, and 8: See note following RCW 74.20A.080.

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates—Intent—1997 c 58: See notes following RCW 74.20A.320.

Severability—Effective date—Captions not law—1991 c 367: See notes following RCW 26.09.015.

RCW 26.23.063 Income withholding order—Employer notice requirements of lump sum payments. (1) An employer who has been served with an income withholding order for a responsible parent under this chapter, or chapter 74.20A or 26.21A RCW, that includes a provision for payment toward child support arrears shall notify the division of child support before making any lump sum payment of more than $500 to the responsible parent. An employer may report a lump sum payment of a smaller amount or an amount yet to be determined by the division of child support.

(2) The employer provides notice by contacting:

(a) The division of child support; or

(b) The federal office of child support enforcement.

(3) An employer who reports a lump sum payment under this section shall determine the portion of the lump sum payment which consists of disposable earnings and may disburse 50 percent of that amount to the responsible parent.

(4) The employer must withhold and remit to the division of child support the amount needed to comply with the income withholding order.

(5) Notwithstanding any other provision of state law, unless otherwise agreed to by the employer and the division of child support, the employer may not disburse the remaining amount of the lump sum payment before the earlier of:

(a) The 15th calendar day after the date on which the employer reports the lump sum payment; or

(b) The date on which the income payer receives authorization from the division of child support to make all or a portion of the lump sum payment.

(6) Upon receipt of notice of a lump sum payment under this section, the division of child support shall respond to the employer within 14 calendar days after receiving the employer's report of a lump sum payment by providing:

(a) A written release indicating that some or all of the portion of the lump sum payment retained by the income payer may be disbursed to the obligor; or

(b) An amended or supplemental income withholding order or other written demand specifying the amount of the lump sum payment to be remitted to the division of child support on behalf of the responsible parent.

(7) The duties of an employer under this section are governed by the laws of the state of the responsible parent's principal place of employment.

(8) Failure to timely provide notice of a lump sum payment may constitute noncompliance under RCW 74.20A.350. [2023 c 248 s 5.]

Findings—2023 c 248: "(1) The legislature recognizes the importance of child support for families and the crucial role employers play as the primary source of income for many parents who owe child support.

(2) The legislature finds that when states have adopted a program for withholding and collection of lump sum payments from employers for child support arrears, those states have seen an increase in funds going to children. Employers, however, face a risk of liability for failing to timely pay employees their earned income by holding a lump sum payment pending a state response on whether arrears for child support are owed and withholding is required. Employers also face a risk of liability if a lump sum payment is released to an employee before receiving a state response about arrears for child support and withholding, even if the employer is complying with state wage and hour laws.

(3) As a result, the legislature finds that adopting a program for withholding and collection of lump sum payments from employers for child support arrears that states the requirements of the department of social and health services and employers benefits families by increasing funds going to children and also mitigates risks to employers." [2023 c 248 s 1.]

RCW 26.23.065 Requirement to remit payments by electronic funds transfer—Employer, business, or payroll processor—Waiver. (1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Electronic funds transfer" means any transfer of funds, other than a transaction originated or accomplished by conventional check, drafts, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit a checking or other deposit account. "Electronic funds transfer" includes payments made:

(i) By electronic check (echeck); and

(ii) By any means made available through the division of child support's web-based payment services.

(b) "Income withholding order" means an order to withhold income, order to withhold and deliver, or notice of payroll deduction issued under this chapter or chapter *26.10, 26.18, 74.20, or 74.20A RCW.

(c) "Payroll processor" means a person, entity, agent, or company which provides payroll services to an employer or other business such

as calculating paychecks and providing electronic funds transfer services for payments to employees and other entities.

(2) Except as provided in subsection (4) of this section, an employer or other business that has received an income withholding order from the department of social and health services requiring payment to the Washington state support registry must remit payments through electronic funds transfer when the following conditions apply:

(a) The income withholding order applies to a person who is either an employee or contractor of the business, and the employer or business has:

(i) Ten or more employees; or

(ii) Ten or more contractors;

(b) The employer or business has received an income withholding order for more than one employee or contractor, even if the employer or business has fewer than ten employees or contractors, but has received an income withholding order for more than one employee or contractor;

(c) The employer or business uses a payroll processor to handle its payroll, payment, and tax processes and the payroll processor has the capacity to transmit payments through electronic funds transfer; or

(d) The employer or business is required by the department of revenue to file and pay taxes electronically under RCW 82.32.080.

(3) All electronic funds transfer payments must identify the person from whom the payment was withheld, the amount of the payment, the person's identifying number assigned by the division of child support, or the division of child support case number to which the payment is to be applied. If a business, employer, or payroll processor required to remit payments by electronic funds transfer under this section fails to comply with this requirement, the division of child support may issue a notice of noncompliance pursuant to RCW 74.20A.350.

(4) The department may waive the requirement to remit payments electronically for a business, employer, or payroll processor that is unable to comply despite good faith efforts or due to circumstances beyond that entity's reasonable control. Grounds for approving a waiver include, but are not limited to, circumstances in which:

(a) The business, employer, or payroll processor does not have a computer that meets the minimum standards necessary for electronic remittance;

(b) Additional time is needed to program the entity's computer;

(c) The business, employer, or payroll processor does not currently file data electronically with any business or government agency;

(d) Compliance conflicts with the entity's business procedures;

(e) Compliance would cause a financial hardship.

(5) The department has the discretion to terminate a waiver granted under subsection (4) of this section if:

(a) The business or employer has received at least one income withholding order for a person or employee and has failed to withhold or failed to withhold within the time provided in the order at least twice;

(b) The business, employer, or payroll processor has submitted at least one dishonored check; or

(c) The business, employer, or payroll processor continues to incorrectly identify withholdings or makes other errors that affect

proper distribution of the support, despite contact and information from the department on how to correct the error.

(6) The department of social and health services has rule-making authority to enact rules in compliance with this section, including, but not limited to:

(a) The necessary conditions required for a business, employer, or payroll processor to electronically remit child support payments to the Washington state support registry;

(b) Options for electronic funds transfers and the process by which one must comply in order to establish such payment arrangements;

(c) Which types of payment meet the definition of electronic funds transfer; and

(d) Reasons for exemption from the requirement to remit funds by electronic funds transfer. [2018 c 150 s 201.]

***Reviser's note:** Chapter 26.10 RCW, with the exception of RCW 26.10.115, was repealed by 2020 c 312 s 905. RCW 26.10.115 was repealed by 2021 c 215 s 170, effective July 1, 2022.

Effective date—2018 c 150 ss 201-401: "Sections 201 through 401 of this act take effect January 1, 2019." [2018 c 150 s 501.]

RCW 26.23.070 Payments to registry—Methods—Immunity from civil liability. (1) The employer or the employment security department may combine amounts withheld from the earnings of more than one responsible parent in a single payment to the Washington state support registry, listing separately the amount of the payment which is attributable to each individual.

(2) No employer nor employment security department that complies with an income withholding order under this chapter shall be civilly liable to the responsible parent for complying with an income withholding order under this chapter.

(3) No employer shall be civilly liable to the responsible parent for:

(a) Reporting a lump sum payment under this chapter; or

(b) Withholding and remitting a lump sum payment under this chapter or under chapter 74.20A RCW.

(4) No insurance company shall be civilly liable to the responsible parent for complying with:

(a) An order to withhold and deliver issued under RCW 74.20A.080 or with any other withholding order issued under this chapter;

(b) A lien filed by the department under chapter 74.20A RCW; or

(c) A combined lien and withholding order developed by the department to implement chapter 168, Laws of 2021.

(5) An insurance company complying with a withholding order issued by the department or with a lien filed by the department may not be considered to be committing a violation of the insurance fair conduct act under chapter 48.30 RCW. [2023 c 248 s 4; 2021 c 168 s 4; 1991 c 367 s 41; 1987 c 435 s 7.]

Findings—2023 c 248: See note following RCW 26.23.063.

Findings—Rules—Effective date—2021 c 168: See notes following RCW 26.23.037.

Severability—Effective date—Captions not law—1991 c 367: See notes following RCW 26.09.015.

RCW 26.23.075 Payments—Dishonored checks—Fees—Rules. For any payment made by a check as defined in RCW 62A.3-104, if the instrument is dishonored under RCW 62A.3-515, the costs and fees authorized under RCW 62A.3-515 apply. The department may establish procedures and adopt rules to enforce this section. [2000 c 215 s 4.]

RCW 26.23.080 Certain acts by employers prohibited—Penalties. No employer shall discipline or discharge an employee or refuse to hire a person by reason of an action authorized in this chapter. If an employer disciplines or discharges an employee or refuses to hire a person in violation of this section, the employee or person shall have a cause of action against the employer. The employer shall be liable for double the amount of lost wages and any other damages suffered as a result of the violation and for costs and reasonable attorney fees, and shall be subject to a civil penalty of not more than two thousand five hundred dollars for each violation. The employer may also be ordered to hire, rehire, or reinstate the aggrieved individual. [1987 c 435 s 9.]

RCW 26.23.090 Employer liability for failure or refusal to respond or remit earnings. (1) The employer shall be liable to the Washington state support registry, or to the agency or firm providing child support enforcement for another state, under Title IV-D of the federal social security act and issuing a notice, garnishment, or wage assignment attaching wages or earnings in satisfaction of a support obligation, for the amount of support moneys which should have been withheld from the employee's earnings, if the employer:

(a) Fails or refuses, after being served with an income withholding order under Title IV-D of the federal social security act, to deduct and promptly remit from unpaid earnings the amounts of money required in the order;

(b) Fails or refuses to submit an answer to the income withholding order under Title IV-D of the federal social security act, after being served; or

(c) Is unwilling to comply with the other requirements of RCW 26.23.060.

(2) Liability may be established in superior court or may be established pursuant to RCW 74.20A.350. Awards in superior court and in actions pursuant to RCW 74.20A.350 shall include costs, interest under RCW 19.52.020 and 4.56.110, and reasonable attorneys' fees and staff costs as a part of the award. Debts established pursuant to this section may be collected by the division of child support using any of the remedies available under chapter 26.09, 26.18, *26.21, 26.23, 74.20, or 74.20A RCW for the collection of child support. [2021 c 35 s 16. Prior: 1997 c 296 s 13; 1997 c 58 s 894; 1990 c 165 s 2; 1987 c 435 s 10.]

***Reviser's note:** Chapter 26.21 RCW was repealed by 2002 c 198 s 901, effective January 1, 2007. Later enactment, see chapter 26.21A RCW.

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

RCW 26.23.100 Motion to quash, modify, or terminate payroll deduction—Grounds for relief. (1) The responsible parent subject to a payroll deduction pursuant to this chapter, may file a motion in superior court to quash, modify, or terminate the payroll deduction.

(2) Except as provided in subsections (4) and (5) of this section, the court may grant relief only upon a showing: (a) That the payroll deduction causes extreme hardship or substantial injustice; or (b) that the support payment was not past due under the terms of the order when the notice of payroll deduction was served on the employer.

(3) Satisfaction by the obligor of all past due payments subsequent to the issuance of the notice of payroll deduction is not grounds to quash, modify, or terminate the notice of payroll deduction.

(4) If a notice of payroll deduction has been in operation for twelve consecutive months and the obligor's support obligation is current, upon motion of the obligor, the court may order the office of support enforcement to terminate the payroll deduction, unless the obligee can show good cause as to why the payroll deduction should remain in effect.

(5) Subsection (2) of this section shall not prevent the court from ordering an alternative arrangement as provided under RCW 26.23.050(2). [1994 c 230 s 11; 1991 c 367 s 42; 1989 c 360 s 31; 1987 c 435 s 8.]

Severability—Effective date—Captions not law—1991 c 367: See notes following RCW 26.09.015.

RCW 26.23.110 Procedures when amount of support obligation needs to be determined—Notice—Adjudicative proceeding—Rules. (1) The department may serve a notice of support owed when a child support order:

(a) Does not state the current and future support obligation as a fixed dollar amount;

(b) Contains an escalation clause or adjustment provision for which additional information not contained in the support order is needed to determine the fixed dollar amount of the support debt or the fixed dollar amount of the current and future support obligation, or both;

(c) Provides that the person required by the order to make the transfer payment must pay a portion of child care or day care expenses for a child or children covered by the order; or

(d) Provides that either the person required to pay support or the person entitled to receive support, or both, are obligated to pay for a portion of uninsured medical costs, copayments, and/or deductibles incurred on behalf of the child or children covered by the order, but does not reduce the costs to a fixed dollar amount.

(2) The department may serve a notice of support owed for day care or child care on the person required by the order to make the transfer payment when:

(a) The underlying support order requires that person to pay his or her proportionate share of day care or child care costs directly to the person entitled to receive support; or

(b) The person entitled to receive support is seeking reimbursement because he or she has paid the share of day care or child care costs owed by the person required by the order to make the transfer payment.

(3) The department may serve a notice of support owed for medical support on any person obligated by a child support order to provide medical support for the child or children covered by the order. There are two different types of medical support obligations:

(a) Health care coverage: The department may serve a notice of support owed to determine an obligated person's monthly payment toward the premium as defined in RCW 26.09.105, if the support order does not set a fixed dollar amount for the monthly payment toward the premium.

(b) Uninsured medical expenses: The department may serve a notice of support owed on any person who is obligated to pay a portion of uninsured medical costs, copayments, or deductibles incurred on behalf of the child or children covered by the order, when the support order does not reduce the costs to a fixed dollar amount.

(i) The notice of support owed may be served for purposes of reimbursing a person who has paid the share of uninsured medical expenses owed by any person obligated to contribute to those costs;

(ii) The notice of support owed may be served to establish a monthly amount to be paid by a person obligated to contribute to uninsured medical expenses when the underlying support order requires that person to pay his or her proportionate share of uninsured medical expenses directly to another party to the order; or

(iii) The notice of support owed may be served for both purposes listed in this subsection.

(4) The notice of support owed is intended to facilitate enforcement of the support order and implement and effectuate the terms of the support order, rather than modify those terms. When the department issues a notice of support owed, the department must inform the payee under the support order.

(5) Service of the notice of support owed must be as follows:

(a) An initial notice of support owed must be served on the person required by the order to pay support or contribute to costs by personal service or any form of mailing requiring a return receipt. The initial notice may be served on the person who is entitled to receive the support covered by the notice, as well as the payee under the order if appropriate, by regular mail.

(b) A notice of support owed created for purposes of reviewing an ongoing support obligation established by a prior notice of support owed may be served on the person required by the order to pay support or contribute to costs by regular mail to that person's last known address.

(c) An initial notice of support owed, as well as any notice created for purposes of reviewing an ongoing support obligation established by a prior notice of support owed may be served on the person entitled to receive the support by regular mail to that person's last known address.

(6) The notice of support owed must contain:

(a) An initial finding of the fixed dollar amount of current and future support obligation that should be paid or the fixed dollar amount of the support debt owed under the support order, or both; and

(b) A statement that any subsequent notice of support owed created for purposes of reviewing the amounts established by the current notice may be served on any party to the order by regular mail to that person's last known address.

(7) A person who objects to the fixed dollar amounts stated in the notice of support owed has twenty days from the date of the service of the notice of support owed to file an application for an adjudicative proceeding or initiate an action in superior court.

(8) The notice of support owed must state that the person may:

(a) File an application for an adjudicative proceeding governed by chapter 34.05 RCW, the administrative procedure act, in which the person will be required to appear and show cause why the fixed dollar amount of support debt or current and future support obligation, or both, stated in the notice of support owed is incorrect and should not be ordered; or

(b) Initiate an action in superior court.

(9) If no person included in the notice files an application for an adjudicative proceeding or initiates an action in superior court, the fixed dollar amount of current and future support obligation or support debt, or both, stated in the notice of support owed becomes final and subject to collection action.

(10) If an adjudicative proceeding is requested, the office of administrative hearings must schedule a hearing. All persons included in the notice are entitled to participate in the hearing with full party rights.

(11) If no person included in the notice initiates an action in superior court, and serves notice of the action on the department and the other party to the support order within the twenty-day period, all persons included in the notice must be deemed to have made an election of remedies and must exhaust administrative remedies under this chapter with judicial review available as provided for in RCW 34.05.510 through 34.05.598.

(12) An administrative order entered in accordance with this section must state:

(a) The basis, rationale, or formula upon which the fixed dollar amounts established in the order were based;

(b) The fixed dollar amount of current and future support obligation or the amount of the support debt, or both, determined under this section is subject to collection under this chapter and other applicable state statutes; and

(c) That any subsequent notice of support owed created for purposes of reviewing the amounts established by the current notice may be served on any party to the order by regular mail to that person's last known address.

(13) The department must also provide for:

(a) An annual review of the support order if the department, the person required to pay support, the payee under the order, or the person entitled to receive support requests such a review; and

(b) A late hearing if a person included in the notice fails to file an application for an adjudicative proceeding in a timely manner under this section.

(14) If an annual review is requested under subsection (13) of this section, the department may serve the notice of annual review of the administrative order based on the prior notice of support owed by mailing a copy of the notice by regular mail to the last known address of all parties to the order.

(15) If one of the parties requests a late hearing under subsection (13) of this section, the office of administrative hearings must schedule an adjudicative proceeding.

(16) An annual review under subsection (13) of this section is used to determine whether the expense remained the same, increased[,] or decreased, and whether there is a discrepancy between the actual expense and the amount determined under the prior notice of support owed.

(a) If a change in the actual expense which was the basis for the most recent notice of support owed occurs before twelve months pass, any party to the order may request that the department accelerate the annual review described in subsection (13) of this section.

(b) The department may review any evidence presented by the person claiming that the expense has occurred and determine whether the change is likely to create a significant overpayment or underpayment if the department does not serve a new notice of support owed.

(c) Under appropriate circumstances, the department may accelerate the time for the review and serve a notice of support owed even if twelve months have not passed.

(17) The department has rule-making authority to:

(a) Enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005;

(b) Implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308; and

(c) Implement the provisions of this section. [2020 c 227 s 15; 2009 c 476 s 5; 2007 c 143 s 4; 1993 c 12 s 1. Prior: 1989 c 360 s 16; 1989 c 175 s 77; 1987 c 435 s 11.]

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

Rule-making authority—2020 c 227: See RCW 26.09.916.

Effective date—2009 c 476: See note following RCW 26.09.105.

Severability—2007 c 143: See note following RCW 26.18.170.

Effective dates—1989 c 360 ss 9, 10, 16, and 39: See note following RCW 74.20A.060.

Effective date—1989 c 175: See note following RCW 34.05.010.

RCW 26.23.120 Information and records—Confidentiality—Disclosure—Adjudicative proceeding—Rules—Penalties. (1) Any information or records concerning individuals who owe a support obligation or for whom support enforcement services are being provided which are obtained or maintained by the Washington state support registry, the division of child support, or under chapter 74.20 RCW shall be private and confidential and shall only be subject to public disclosure as provided in subsection (2) of this section.

(2) The secretary of the department of social and health services may adopt rules:

(a) That specify what information is confidential;

(b) That specify the individuals or agencies to whom this information and these records may be disclosed;

(c) Limiting the purposes for which the information may be disclosed;

(d) Establishing procedures to obtain the information or records; or

(e) Establishing safeguards necessary to comply with federal law requiring safeguarding of information.

(3) The rules adopted under subsection (2) of this section shall provide for disclosure of the information and records, under appropriate circumstances, which shall include, but not be limited to:

(a) When authorized or required by federal statute or regulation governing the support enforcement program;

(b) To the person the subject of the records or information, unless the information is exempt from disclosure under chapter 42.56 RCW;

(c) To government agencies, whether state, local, or federal, and including federally recognized tribes, law enforcement agencies, prosecuting agencies, and the executive branch, if the disclosure is necessary for child support enforcement purposes or required under Title IV-D of the federal social security act;

(d) To the parties in a judicial or adjudicative proceeding upon a specific written finding by the presiding officer that the need for the information outweighs any reason for maintaining the privacy and confidentiality of the information or records;

(e) To private persons, federally recognized tribes, or organizations if the disclosure is necessary to permit private contracting parties to assist in the management and operation of the department;

(f) Disclosure of address and employment information to the parties to an action for purposes relating to a child support order, subject to the limitations in subsections (4) and (5) of this section;

(g) Disclosure of information or records when necessary to the efficient administration of the support enforcement program or to the performance of functions and responsibilities of the support registry and the division of child support as set forth in state and federal statutes; or

(h) Disclosure of the information or records when authorized under RCW 74.04.060.

(4) Prior to disclosing the whereabouts of a physical custodian, custodial parent or a child to the other parent or party, a notice shall be mailed, if appropriate under the circumstances, to the parent or physical custodian whose whereabouts are to be disclosed, at that person's last known address. The notice shall advise the parent or physical custodian that a request for disclosure has been made and will be complied with unless the department:

(a) Receives a copy of a court order within thirty days which enjoins the disclosure of the information or restricts or limits the requesting party's right to contact or visit the parent or party whose address is to be disclosed or the child;

(b) Receives a hearing request within thirty days under subsection (5) of this section; or

(c) Has reason to believe that the release of the information may result in physical or emotional harm to the physical custodian whose whereabouts are to be released, or to the child.

(5) A person receiving notice under subsection (4) of this section may request an adjudicative proceeding under chapter 34.05

RCW, at which the person may show that there is reason to believe that release of the information may result in physical or emotional harm to the person or the child. The administrative law judge shall determine whether the whereabouts of the person or child should be disclosed based on subsection (4)(c) of this section, however no hearing is necessary if the department has in its possession a protective order or an order limiting visitation or contact.

(6) The notice and hearing process in subsections (4) and (5) of this section do not apply to protect the whereabouts of a noncustodial parent, unless that parent has requested notice before whereabouts information is released. A noncustodial parent may request such notice by submitting a written request to the division of child support.

(7) Nothing in this section shall be construed as limiting or restricting the effect of *RCW 42.56.070(9). Nothing in this section shall be construed to prevent the disclosure of information and records if all details identifying an individual are deleted or the individual consents to the disclosure.

(8) It shall be unlawful for any person or agency in violation of this section to solicit, publish, disclose, receive, make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of any lists of names for commercial or political purposes or the use of any information for purposes other than those purposes specified in this section. A violation of this section shall be a gross misdemeanor as provided in chapter 9A.20 RCW. [2005 c 274 s 242; 1998 c 160 s 4; 1997 c 58 s 908; 1994 c 230 s 12. Prior: 1989 c 360 s 17; 1989 c 175 s 78; 1987 c 435 s 12.]

***Reviser's note:** RCW 42.56.070 was amended by 2017 c 304 s 1, changing subsection (9) to subsection (8).

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective date—1989 c 175: See note following RCW 34.05.010.

RCW 26.23.130 Notice to department of child support or maintenance orders. The department shall be given twenty calendar days prior notice of the entry of any final order and five days prior notice of the entry of any temporary order in any proceeding involving child support or maintenance if the department has a financial interest based on an assignment of support rights under RCW 74.20.330 or the state has a subrogated interest under RCW 74.20A.030. Service of this notice upon the department shall be by personal service on, or mailing by any form of mail requiring a return receipt to, the office of the attorney general; except that notice shall be given to the office of the prosecuting attorney for the county in which the action is filed in lieu of the office of the attorney general in those counties and in the types of cases as designated by the office of the attorney general by letter sent to the presiding superior court judge of that county. The department shall not be entitled to terms for a party's failure to serve the department within the time requirements for this section, unless the department proves that the party knew that the department had an assignment of support rights or a

subrogated interest and that the failure to serve the department was intentional. [2002 c 199 s 3; 1991 c 367 s 43.]

Severability—Effective date—Captions not law—1991 c 367: See notes following RCW 26.09.015.

RCW 26.23.140 Collection and disclosure of social security numbers—Finding—Waiver requested to prevent fraud. The federal personal responsibility and work opportunity reconciliation act of 1996, P.L. 104-193, requires states to collect social security numbers as part of the application process for professional licenses, driver's licenses, occupational licenses, and recreational licenses. The legislature finds that if social security numbers are accessible to the public, it will be relatively easy for someone to use another's social security number fraudulently to assume that person's identity and gain access to bank accounts, credit services, billing information, driving history, and other sources of personal information. Public Law 104-193 could compound and exacerbate the disturbing trend of social security number-related fraud. In order to prevent fraud and curtail invasions of privacy, the governor, through the department of social and health services, shall seek a waiver to the federal mandate to record social security numbers on applications for professional, driver's, occupational, and recreational licenses. If a waiver is not granted, the licensing agencies shall collect and disclose social security numbers as required under RCW 26.23.150. [1998 c 160 s 6.]

RCW 26.23.150 Recording of social security numbers—Compliance with federal requirement—Restricted disclosure. In order to assist in child support enforcement as required by federal law, all applicants for an original, replacement, or renewal of a professional license, commercial driver's license, occupational license, or recreational license must furnish the licensing agency with the applicant's social security number, which shall be recorded on the application. No applicant for an original, replacement, or renewal noncommercial driver's license is required to furnish the licensing agency with the applicant's social security number for purposes of assisting in child support enforcement prior to the time necessary to comply with the *federal deadline. The licensing agencies collecting social security numbers shall not display the social security number on the license document. Social security numbers collected by licensing agencies shall not be disclosed except as required by state or federal law or under RCW 26.23.120. [1999 c 138 s 2; 1998 c 160 s 7.]

***Reviser's note:** The federal deadline was October 1, 2000.

Finding—Implementation—Intent—1999 c 138: "The legislature declares that enhancing the effectiveness of child support enforcement is an essential public policy goal, but that the use of social security numbers on licenses is an inappropriate, intrusive, and offensive method of improving enforceability. The legislature also finds that, in 1997, the federal government threatened sanction by withholding of funds for programs for poor families if states did not comply with a federal requirement to use social security numbers on

licenses, thus causing the legislature to enact such provisions under protest. Since that time, the federal government has delayed implementation of the noncommercial driver's license requirement until October 1, 2000.

The legislature will require compliance with federal law in this matter only at such time and in the event that the federal government actually implements the requirement of using social security numbers on noncommercial driver's license applications. Therefore, the legislature intends to delay the implementation of provisions enacted in 1998 requiring social security numbers be recorded on all applications for noncommercial driver's licenses." [1999 c 138 s 1.]

RCW 26.23.900 Effective date—1987 c 435. Sections 1 through 3 and 5 through 36 of this act shall take effect January 1, 1988. [1987 c 435 s 37.]