

RCW 74.20A.322 License suspension—Adjudicative proceeding. (1)

A responsible parent may request an adjudicative proceeding upon service of the notice described in RCW 74.20A.320. The request for an adjudicative proceeding must be received by the department within twenty days of service. The request must be in writing and indicate the current mailing address and daytime phone number, if available, of the responsible parent.

(2) If a responsible parent timely requests an adjudicative proceeding, the department may not certify the name of the parent to the department of licensing or a licensing entity for noncompliance with a child support order unless the adjudicative proceeding results in a finding that the responsible parent is not in compliance with the order and has not made a good faith effort to comply.

(3) The issues that may be considered at the adjudicative proceeding are limited to whether:

(a) The person named as the responsible parent is the responsible parent;

(b) The responsible parent is required to pay child support under a child support order;

(c) The responsible parent is in compliance with the order; and

(d) The responsible parent has made a good faith effort to comply with the order.

(4) If the administrative law judge finds that the parent is not in compliance with the support order, but has made a good faith effort to comply, the administrative law judge shall formulate a payment schedule as provided in RCW 74.20A.326.

(5) The decision resulting from the adjudicative proceeding must be in writing and inform the responsible parent of his or her rights to review. The parent's copy of the decision may be sent by regular mail to the parent's most recent address of record.

(6) The proceedings under this subsection shall be conducted in accordance with the requirements of chapter 34.05 RCW, the administrative procedure act.

(7) The procedures of this section constitute the exclusive administrative remedy for contesting the establishment of noncompliance with a child support order and suspension of a license under this section, and satisfy the requirements of RCW 34.05.422.

(8) For the purposes of this section, "good faith effort to comply" is a factual determination to be made by the administrative law judge based on the responsible parent's payment history, ability to pay, and efforts to find and maintain gainful employment. [2009 c 408 § 2.]