



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: September 16, 2019

TIME: 11:40 AM

WSR 19-19-060

**Agency:** Department of Social and Health Services, Economic Services Administration

**Effective date of rule:**

**Permanent Rules**

31 days after filing.

Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes  No If Yes, explain:

**Purpose:** The DSHS Division of Child Support (DCS) is amending WAC 388-14A-5400 in order to clarify that the *Debt Adjustment Notice* process described in that section applies not only to court orders for child support, but to any child support order. WAC 388-14A-5400 is entitled: **How does the division of child support tell the custodial parent when DCS adjusts the amount of debt owed on the case?**

The *Debt Adjustment Notice* process is used to provide notice to a custodial parent (CP) that DCS has reduced the amount of support debt on a case if that reduction was due to specific reasons listed in the rule; this notice gives the CP a right to hearing if the CP objects to the debt adjustment. Those reasons are: (1) a mathematical error in the debt calculation; (2) A typographical error in the stated debt; (3) proof that DCS should have suspended the support obligation for all or part of the time period involved in the calculation; or (4) proof that the noncustodial parent (NCP) made payments that DCS had not previously credited against the support debt.

Before this change, the rule provided that this process was used for adjustment of debt owed *under a court order* for child support, but DCS uses this process for any child support order. Occasionally, an administrative law judge will dismiss a hearing based on a *Debt Adjustment Notice* based on the reduction of debt under an administrative child support order. Such a technical reading has a due process impact and DCS is amending the rule to ensure that all custodial parents have the same right to notice and a hearing when DCS reduces the support debt on a case.

**Citation of rules affected by this order:**

New: None  
Repealed: None  
Amended: WAC 388-14A-5400  
Suspended: None

**Statutory authority for adoption:** Implementation is authorized under RCW 26.23.030(3); RCW 34.05.220(1)(a); RCW 34.05.322; RCW 74.20.101; and RCW 74.08.090.

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 19-15-102 on July 22, 2019 (date).

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	<u>1</u>	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

**The number of sections adopted on the agency's own initiative:**

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

**The number of sections adopted using:**

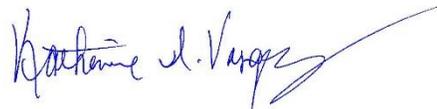
Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	<u>1</u>	Repealed	___

**Date Adopted:** September 16, 2019

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**



**WAC 388-14A-5400 How does the division of child support tell the custodial parent when DCS adjusts the amount of debt owed on the case?**

(1) The division of child support (DCS) mails a debt adjustment notice to the payee under a (~~court~~) child support order within thirty days of the date DCS reduces the amount of the (~~court-ordered~~) support debt it intends to collect if that reduction was due to:

- (a) A mathematical error in the debt calculation;
- (b) A typographical error in the stated debt;
- (c) Proof that DCS should have suspended the support obligation for all or part of the time period involved in the calculation; or
- (d) Proof the noncustodial parent (NCP) made payments that DCS had not previously credited against the support debt.

(2) The debt adjustment notice must contain the following information:

- (a) The amount of the reduction;
- (b) The reason DCS reduced the support debt, as provided under subsection (1) of this section;
- (c) The name of the NCP and a statement that the NCP may attend and participate as an independent party in any hearing requested by the payee under this section; and
- (d) A statement that DCS continues to provide support enforcement services whether or not the payee objects to the debt adjustment notice.

(3) A debt adjustment notice served in Washington becomes final unless the payee, within twenty days of service of the notice in Washington, files a request with DCS for a hearing under subsection (4) of this section. The effective date of a hearing request is the date DCS receives the request.

(4) A debt adjustment notice served in another state becomes final according to WAC 388-14A-7200.

(5) A hearing under this section is for the limited purpose of determining if DCS correctly reduced the support debt as stated in the notice of debt adjustment.

(6) A payee who requests a late hearing must show good cause for filing a late hearing request if it is filed more than one year after the date of the notice of debt adjustment.