

RCW 26.09.350 Child support obligations—Department duties when abatement due to obligor's incapacitation—Procedures. (Effective April 1, 2027.) (1) When a child support order contains language regarding abatement to \$50 per month per child based on incapacitation of the person required to pay support, and the department is notified that the person is currently undergoing court-ordered behavioral health treatment, the department must:

(a) Review the support order for abatement once the department receives notice from the person required to pay support or someone acting on the person's behalf that the person may qualify for abatement of support;

(b) Review its records and other available information to determine if the person required to pay support has possession of, or access to, income or assets available to provide support while incapacitated; and

(c) Decide whether abatement of the person's support obligation is appropriate.

(2) If the department decides that abatement of the person's support obligation is appropriate, the department must notify the person required to pay support, and the payee under the order or the person entitled to receive support, that the person's support obligation has been abated and that the abatement will continue while the person is undergoing court-ordered behavioral health treatment for a maximum of six months. The department, the person required to pay support, and the payee under the order or the person entitled to receive support, have the right to an administrative hearing under chapter 34.05 RCW regarding the determination.

(3) If the department decides that abatement of the person's support obligation is not appropriate, the department must notify the person required to pay support and the payee under the order or the person entitled to receive support, that the department does not believe that abatement of the support obligation should occur. The department, the person required to pay support, and the payee under the order or the person entitled to receive support, have the right to an administrative hearing under chapter 34.05 RCW regarding the determination. [2025 c 272 s 6.]

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.