



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)  
(Implements RCW 34.05.310)**

Do **NOT** use for expedited rule making

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DATE: August 10, 2021

TIME: 3:29 PM

WSR 21-17-058

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

**Subject of possible rule making:** The Division of Child Support (DCS) is proposing to amend sections in Chapter 388-14A WAC to increase efficiency and better serve our customers regarding eliminating joint noncustodial parent (JNCP) cases. A JNCP case is one where both parents are married and residing together and the child is not in the home.

DCS is amending WAC 388-14A-3140 *What can happen at a hearing on a support establishment notice?*, WAC 388-14A-8100 *Are there special rules for setting child support for children in foster care?*, and WAC 388-14A-8130 *How does DCS complete the WSCSS worksheets when setting a joint child support obligation?*

In order to carry out this rulemaking, DCS may also amend, repeal or adopt other sections of Chapter 388-14A WAC as necessary.

**Statutes authorizing the agency to adopt rules on this subject:** DCS rulemaking is authorized under RCW 26.23.110, 34.05.220, 74.08.090, 74.20A.055.

**Reasons why rules on this subject may be needed and what they might accomplish:** The establishment of a joint and several administrative child support order does not work well when the goal of family reunification and the fluid nature of reunification plans are taken into account. Married parents often choose to separate (or are required to separate) so that the child can return to the home of one of them. The obligation of the parent with physical custody is suspended by WAC 388-14A-3810, leaving the parent out of the home bearing the full brunt of the joint and several administrative order, further impacting reunification efforts. When the parent out of the home seeks to modify the joint and several order, it is sometimes modified only as to that particular parent, leaving the first parent still subject to the joint and several order if the child ever leaves the first parent's custody. This result does not align with DCS's efforts to establish and enforce right size orders and can result in harm to families. To resolve this, DCS is changing its policy and will no longer be setting up joint obligations for married parents living together where the child is not living in the home.

The proposed change will allow DCS to discontinue the practice of setting up and enforcing JNCP cases.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** n/a

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) DCS engages in modified collaborative rulemaking. Those persons wishing to participate in developing the new rules are encouraged to contact Brady Horenstein at the DSHS Division of Child Support (DCS) Headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at <https://www.dshs.wa.gov/esa/division-child-support> or on the DSHS Economic Services Administration's Policy Review web site, which can be found at <https://fortress.wa.gov/dshs/f2ws03esaapps/extpolicy/>

Rulemaking forms and draft rules may also be found on the DSHS Filings and Rules page at <https://www.dshs.wa.gov/office-of-the-secretary/filings-and-rulings>

DSHS/DCS encourages the public to take part in developing rules. After the rules are drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule-making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

	(If necessary)
Name: Brady Horenstein, DCS Rules Coordinator	Name:
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Other:	Other:

Additional comments:

**Date:** August 10, 2021

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**

