



Do you owe child support?

- ❖ Read this *only* if you live in Washington State, or you have children who live here.
- ❖ You can find all the fact sheets we link to here at WashingtonLawHelp.org.

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The Basics

A. Should I read this?

Yes, if you may owe child support.

We explain the basics here, such as:

- How they decide how much you must pay, how they can collect support from you, and how long they have to collect
- How you can try to change how much you pay

B. Who decides how much support I will pay?

A judge or the Washington State Division of Child Support (DCS) decides.

C. What information does the judge or DCS need from me?

Each parent fills out child support **worksheets**. You put information about your finances and the children's needs.

This information gets applied to a child support **schedule**. The schedule sets the support amount based on the parents' income and how many children you have.

The judge or DCS will usually follow the schedule. They can sometimes consider other things too, though.

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- ❖ To learn more, read [How is child support set?](#) Our [Child Support Worksheets and Order](#) packet has the schedule and the blank worksheet form if you want to look at or need to use them.
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D. I don't have a lot of money. How much will I have to pay?

It depends. If your monthly take-home pay is low enough, you may only have to pay \$50 per child monthly. Judges and DCS who decide it would be unjust to order even that little can "deviate" (change) even more how much you will pay.

E. What is the court process for deciding support?

You will have court papers delivered to you. The papers say how to respond to the court and to whoever filed the case. **You must properly respond** to the papers. Visit WashingtonLawHelp.org for the Responding packet for the type of case you are served with.

You will get notices of important hearing dates. At those hearings, the judge will decide on support and other issues. You must show up and be ready to take part.

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- ❖ If you do not respond to the case, go to a hearing, or meet a deadline, the judge may give the other party whatever they want, with no input from you.
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F. What is the DCS process for deciding support?

If there is no court order, DCS can set support. DCS may send you a **Notice and Finding of Financial Responsibility (NFFR)**.

It says how much monthly support plus any back support you owe. DCS will also send you a support schedule and worksheets.

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- ❖ If you signed a written statement (an affidavit) admitting that you are the child's parent (called acknowledging parentage), you may get a different notice.
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G. How can I get in touch with DCS?

Call their statewide toll-free line at **1-800-442-KIDS** (1-800-442-5437).

Your local office may not be handling your case. The KIDS line will help find which office to call. They can transfer your call.

H. Do I have rights with DCS for interpretation and translation services?

Yes. Read [Interpreters for People with Limited English Proficiency](#) to learn more.

If you were never married

A. We are not sure if I am the father. Does it matter?

Not really. Superior Court can resolve that in a parentage case.

B. We agree I am the father. Can we skip going to court?

Yes. You can sign an **acknowledgment of parentage** and file it with the state Department of Health.

Then DCS can set support without filing a court case. Read [Parentage and Parenting Plans](#) to learn more.

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- ❖ **Do this only if you are *sure* you are the parent.** Otherwise, let the court decide. Then you can also take care of custody, visitation, and support issues.
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C. I signed a parentage acknowledgment. I just found out I am not the father. What can I do?

You must act fast. Talk to a lawyer right away.

Read [Parentage and Parenting Plans](#) to learn more.

How payments happen

A. How should I pay support?

Send your payments to the Washington State Support Registry, P.O. Box 45868, Olympia, WA 98504-5868. This way you will get proper credit for what you pay. **You may not get credit if you pay the other parent directly.**

If you do pay the other parent directly, or have some other arrangement, keep a written record of payments or an arrangement with DCS to get credit for payments.

B. Can they take my pay for child support?

Yes. DCS can take (garnish) up to 50% (half) of your monthly take-home pay for current support and unpaid back support (called “arrears”).

If you get need-based benefits, such as unemployment, Social Security Disability or Workers Comp, DCS can take up to 50% of that monthly payment.

C. Can I get DCS to collect less?

Maybe. You must prove collecting 50% of your monthly pay does not leave enough to cover your basic needs, or your family’s.

D. Can DCS take my welfare benefits to pay for support?

No. DCS **cannot** collect support from SSI, TANF, or Refugee Assistance. However, your back support grows every month that you do not pay support.

If you get any of those benefits and your support payment is based on a much higher income, see “When You Can’t Afford to Pay Your Child Support, below” and read [If You Want to Modify Your Child Support Court Order](#) to learn more.

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- ❖ **If you get veterans’ benefits, Social Security disability, or L & I disability,** these agencies should directly pay your children support. Ask your DCS worker how to get credit for those benefits payments. If they are not happening, ask how to get them started.
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When you get behind

A. What is a Notice of Support Debt (NSD)?

DCS may send you this Notice. It may claim you owe accumulated support under a court order that sets a monthly support amount.

If you disagree with an NSD, you can ask for a Conference Board or a modification. (See below for each.) Going to court is probably better. Only a court can change a court order.

B. How long can they collect support from me?

DCS has 10 years from the date your youngest child in the order turns 18 to collect unpaid support.

C. What if DCS wants more time to collect support from me?

They might ask you to sign a **Waiver of Defense/Statute of Limitations form**. This lets them collect unpaid support indefinitely.

If you do not have a lot of money and owe a lot of support, you might want to sign. You may get lower monthly payments. Then it will be easier to pay back support.

Each case is different. Make sure you know exactly what DCS is agreeing to before signing anything. Do not sign before negotiating with DCS.

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- ❖ If a DCS worker wants you to sign the waiver form before talking about lowering how much DCS is taking from you, ask to talk to a supervisor.
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D. I am in WorkFirst. Can they still collect support from me?

Yes. You must sign a form giving the state longer to collect child support from you.

In exchange, they will lower any back support payments you owe.

E. What if I owe back support but the children have been living with me?

You can limit back support if you are currently caring for your children.

You can also ask the state to cancel (waive) or lower some of the back support you owe the state. Read the Conference Board section, below.

When you can't afford to pay

A. I can't pay what DCS says I should pay. What do I do?

1. Send in an objection and/or hearing request on time.

If you disagree with what the NFFR says you owe, ask for a hearing (an “**adjudicative proceeding**”).

There should be an “**Objection – Request for Blood Test or Adjudicative Proceeding**” form with the papers you got.

In that form, put why you are appealing. Deliver or mail it back to the DCS office that sent it.

The address should be on the form. If not, send your appeal to:

DSHS Board of Appeals

P.O. Box 45803

Olympia, WA 98204-5803

You have 20 days from the day you get the NFFR to send in your appeal. (If the twentieth day falls on a weekend or holiday, you have until the next regular business day.)

If you appeal within the 20 days, DCS cannot collect support from you until the appeal is over.

If you file an appeal **after** the 20-day period, DCS can start collecting support from you. If you wait more than a year to ask for a hearing, you must have had good cause for the delay.

❖ Keep a copy of anything you send DCS.

2. Try to settle the matter before the hearing.

A Claims Officer will represent DCS.

They might agree to a resolution that works for everyone. Then you will not need a hearing.

If your income is different than what DCS says, have proof of your income handy.

3. Go to the hearing if you cannot agree.

An administrative law judge (ALJ) conducts the hearing. It is less formal than court. This hearing can be in-person or by phone. The ALJ decides how much support you will pay after listening to you, the other parent, and the Claims Officer.

Take at least 2 copies of any documents you want the ALJ to see. If your hearing is by phone, call the ALJ's office to ask how to send the ALJ your documents. If DCS says you make more than you actually do, bring copies of your tax return, W-2 statement, pay stubs, and bank statements.

The ALJ can also consider any support you have already paid. You can show receipts for clothes, medical bills, or other expenses you have paid for the child. You can have a witness who has helpful information about your ability to pay support.

The ALJ uses the support schedule to set support. The ALJ might set it higher or lower than ("deviate from") the basic amount.

Example: If you are responsible for children from another relationship.

❖ Read [How is Child Support Set](#) to learn more.

The ALJ writes an Initial Decision after the hearing. If you disagree with that decision, you can appeal to superior court. Our [Petitioning for Superior Court Review: When you disagree with a DSHS/HCA benefits administrative hearing](#) has the forms and instructions for doing this.

B. What is a Notice of Support Owed (NOSO)?

DCS uses a NOSO to set a monthly child support amount when a court orders support but does not say how much you must pay.

If you disagree with the suggested amount in a NOSO, you should ask for an administrative hearing **or** set up a court hearing and notify DCS within twenty days. Try first to settle the amount with your DCS worker.

At the hearing, you must show why DCS' figures are wrong.

C. My employer has been taking support from my paycheck but has not sent it to DCS. What can I do?

Ask your DCS worker to take action against your employer.

If your DCS worker will not help, ask DCS in writing to try to collect this money.

If that does not work, write or ask to speak with your DCS worker's supervisor. Send a copy of your pay stubs showing the amount being taken. Keep a copy of the stubs you send in.

D. Can I change my support court or DCS order?

Maybe.

If a court order set your support obligation: You must go back to court. Use our [File a petition to modify a child support court order](#) packet.

If DCS or an ALJ decision set support: You have two choices.

1. You can ask DCS to review your order. Use their [Child Support Order Review form](#), #DSHS 09-74. We have also attached it to this packet. Call DCS to have them send you this form if you cannot download it yourself.
2. You can file a "Petition for Modification" with DCS. Read [Ask DCS to help change your child support order](#) to learn more.

To change a support order, you must tell the judge what has changed since the judge first set the support amount.

Some examples:

- You have not worked for a long time
- You have more children now
- You now have a disability
- You are going to jail or prison for at least 6 months.

❖ If things have changed, DCS must help you change how much support you pay.

E. What is a Conference Board?

If you have a support problem with DCS, you can ask for a Conference Board. Read DCS' [Child Support Conference Boards](#). (It is mainly for if you have lost your job.)

Get Legal Help

- **Apply online** with [CLEAR*Online](https://nwjustice.org/apply-online) - nwjustice.org/apply-online
- **Facing a legal issue in King County** (other than Eviction or Foreclosure)? Call 2-1-1 (or toll-free 1-877-211-9274) weekdays 8:00 am - 6:00 pm. They will refer you to a legal aid provider.
- **Facing a legal issue outside of King County** (other than Eviction or Foreclosure)? Call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am - 12:15 pm or apply online at nwjustice.org/apply-online.
- **Facing Eviction?** Call 1-855-657-8387.
- **Facing Foreclosure?** Call 1-800-606-4819.
- **Seniors (age 60 and over)** with a legal issue outside of King County can also call CLEAR*Sr at 1-888-387-7111.
- **Deaf, hard of hearing or speech impaired callers** can call any of these numbers using the relay service of your choice.

CLEAR and 2-1-1 will provide interpreters.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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Child Support Order Review Request

TO:

RE:

CASE NUMBER:

DATE:

Program Information

You asked the Division of Child Support (DCS) to modify (change) or adjust your child support order. You have two options to help you modify or adjust your order.

1. File an action in court to modify your order. You may do so on your own or through an attorney.
2. Ask DCS to review your order.
 - a. DCS cannot represent or provide legal advice to you or the other party to your order.
 - b. DCS reviews your information.
 - (1) If your order **does not** meet the minimum criteria for a review, DCS will do nothing further.
 - (2) If your order **does** meet the minimum criteria for a review, DCS will refer your case to a Prosecuting Attorney office or another child support agency (as needed) for modification or adjustment. The minimum requirements are:
 - (a) DCS must have current address information for both parties to the order.
 - (b) The state of Washington must have jurisdiction over both parties to the order.
 - (c) At least three years have passed since the support amount was last set **or** you can show a substantial change in circumstances. This requirement does not apply if the review is requested because the noncustodial parent becomes incarcerated.
 - (d) The total support amount in the existing order must be at least 15 percent above or below the amount specified by the most current **Washington State Child Support Schedule**. This requirement does not apply if the review is requested because the noncustodial parent becomes incarcerated.
 - (e) The amount of the difference between the existing support amount and the new amount must be at least \$100.00 per month.
 - (f) The total support amount over the remaining life of the order must change by at least \$2,400.00.

NOTE: An exception to the last two criteria listed above is when the order does not have a requirement to provide health insurance coverage for the children.

If the children listed in the order receive public assistance or medical assistance, special rules apply.

1. DCS will automatically review your order for modification or adjustment every 35 months. DCS may review your support order sooner than 35 months if the noncustodial parent becomes incarcerated.
2. If you want to modify or adjust your order without DCS's help, either the Prosecuting Attorney office or DCS must approve the terms of the order regarding child support assigned to the state of Washington.

If you want DCS to review your order, you must complete and return pages 2 and 3 of this form. See the instructions on page 2 for additional requirements.

Child Support Order Review Request

REQUESTER'S NAME:

CASE NUMBER:

Instructions

If you want DCS to review your case for possible modification or adjustment, use this form to ask for the review.

Except for your signature, print your responses. Use black or blue ink only.

Sign and return all required forms to the DCS address listed on page 3. If you are a child support agency, an authorized representative must sign the forms.

Complete and return the following forms:

1. **Pages 2 and 3** of this form.
2. **Washington State Child Support Schedule Worksheets** (enclosed). Complete the parts for you and your household. DCS will try to obtain the other party's financial information.
3. **Financial Declaration** (enclosed). Complete this form only if you have a **court order**.
4. **Confidential Information** form (enclosed). Complete this form only if you have a **court order**.
5. **Addendum to Confidential Information** form (enclosed) if you have more than two children. Complete this form only if you have a **court order**.

Attach the following documents. **If you do not have the documents, attach a statement explaining why.**

1. Copies of your last two federal income tax returns
2. Copies of your last three pay stubs.

DCS or the Prosecuting Attorney may share any documents you send to DCS with the other party to your support order and may file the documents in a public court file.

1. The other party to your support order has a right to see your financial information.
2. You must remove your personal identification information (address, birthdate, social security number) from the documents before you send them to DCS.

I want DCS to review my support order for modification or adjustment because: (check the boxes below that apply your case):

1. My income changed.
2. The other parent's income changed.
3. At least one of the children in my case is:
 - a. Living in a different home.
 - b. Not going to school or living at home.
4. A health insurance requirement needs to be added to my order.
5. I am disabled, institutionalized, or incarcerated.
6. Other (give details): _____

I understand and agree that:

1. If I do not give DCS all the information needed, DCS will not review the order.
2. DCS only reviews my case for modification or adjustment of the provisions regarding child support or health insurance for the children. DCS does not have authority to review court orders for changes in custody, visitation, or other issues.
3. DCS uses information I provide to establish, modify, or enforce child support.
 - a. DCS shares information with other government agencies only for these purposes.
 - b. DCS releases information only as state and federal laws and regulations allow.
 - c. I can ask DCS for the other parent's personal and confidential information.
4. After reviewing my request, DCS will forward it to a Prosecuting Attorney if:
 - a. DCS receives all the forms and information requested on page 3.
 - b. My case meets the requirements for modification or adjustment.

NOTE: DCS cannot withdraw requests sent to a Prosecuting Attorney.
5. If my order does not meet legal or review requirements, DCS or a prosecuting attorney may decide not to take my support order to court for modification or an adjustment.
6. If a prosecutor decides to proceed with a modification or an adjustment of my support order, the start date of any change may be any date from the date the action is filed in court to the date the judge signs the order. The judge decides the start date.
7. My modified or adjusted support order can result in higher or lower support payments.
8. I have the right to ask a court to modify or adjust my support order on my own.

DATE

PARENT'S SIGNATURE

DATE

PARENT'S REPRESENTATIVE'S SIGNATURE

PARENT'S REPRESENTATIVE'S PRINTED NAME

DIVISION OF CHILD SUPPORT
PO BOX 11520
TACOMA WA 98411-5520

Within _____ calling area _____

Outside _____ calling area _____

TTY/TDD services available for the speech or hearing impaired.

Visit our web site at: www.dshs.wa.gov/dcs

No person because of race, color, national origin, creed, religion, sex, age, or disability, shall be discriminated against in employment, services, or any aspect of the program's activities. This form is available in alternative formats upon request.

For Child Support Agency Use Only			
AGENCY REPRESENTATIVE'S SIGNATURE		DATE	
AGENCY P.O. BOX OR STREET ADDRESS	CITY	STATE	ZIP CODE