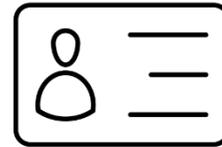


Child Support and License Suspension

Can they suspend my license?

The Division of Child Support (DCS) may suspend your license if you are behind in child support. DCS can suspend any license issued by the State of Washington. These include

- Drivers' licenses
- Hunting licenses
- Fishing licenses
- Professional licenses
- Contractor or occupational licenses



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❖ If you are worried about falling behind in support, DCS can help. Read about the [Alternative Solutions program](#) or contact AlternativeSolutions@dshs.wa.gov.

What is a Notice of Suspension?

DCS sends this to you if you are behind in child support. It says:

- You are behind in support.
- DCS plans to suspend your license(s).

You can get this notice when any of these is true:

- You have not paid support in at least the last six months.
- You owe at least six months' worth of payments.
- There is a court order saying you will lose your license, or not get it renewed, if you get behind in child support. You fall behind.

DCS **cannot** suspend your license if you

- Are in jail or prison, and you have no money or resources.
- Are getting TANF, SSI, or other public assistance.

- Are in WorkFirst and do not get a cash grant.

I got a Notice of Suspension. What should I do?

You must respond within twenty days of getting the Notice to avoid suspension of your license.

You can:

- 1.** Pay what you owe.
- 2.** Ask for an administrative hearing (a “fair hearing”).
- 3.** Write or go to DCS to ask about a payment schedule.
- 4.** File a Modification Petition with the Court or agency that entered the child support order and tell DCS you have done this. (If someone already filed this type of Petition before you got the Notice of Suspension, you should tell DCS this and give them a copy of the Petition.)
- 5.** Ask for a DCS Conference Board review.

Keep reading for more about these options.

❖ If you do not respond within twenty days of receiving the Notice of Suspension, they will suspend your license! Try to talk to a lawyer.

How do I ask for an administrative hearing?

Send a letter to the Office of Administrative Hearings (OAH) at P.O. Box 42488, Olympia, WA 98504.

What happens at an administrative hearing?

An **administrative law judge (ALJ)** runs the hearing. Someone from DCS will also be there. You can give evidence and ask the DCS rep questions.

Here are the only defenses to the license suspension you can make to the ALJ:

- You are not the parent who owes child support.
- There is no valid child support order.

- You have paid the support as ordered.
- You are not six months behind.
- You have made a “good faith effort” (you really tried) to follow the support order.

To decide if you have made a “good faith effort” to follow the order, the ALJ can look at what you have paid so far (your payment history), what you can pay, and whether and how hard you have tried to find and keep a job.

After the hearing, the ALJ makes a written decision.

How does the ALJ reach a decision?

The ALJ will order your license suspended **if** the ALJ finds both these are true:

- You are not in compliance. (You have not been doing what you were supposed to.)
- You have not made a good faith effort to comply.

An ALJ who decides you are not in compliance **but** made a good faith effort can set up a payment plan. The ALJ must think about:

- How much you owe
- The current support amount
- How much you make
- The needs of all the children you support

If you plan to ask the ALJ for a payment plan, you must bring info about these things to the hearing.

How do I contact DCS to make payment arrangements?

Do this in writing. You have twenty days from the day you get the notice.

DCS will then delay your license suspension for up to thirty days. This gives you a chance to work out a payment schedule with them.

Any agreement must include timely payments of current support **and** a reasonable payment schedule for paying off back support. DCS must consider

- Your financial situation
- The needs of all the children you support

If you believe the DCS rep is being unreasonable, ask to talk to a supervisor. If this does not work, you can ask for a Conference Board review. (See below.)

If you sign an agreement with DCS, they will not suspend your license. If you do not reach agreement, they will.

How do I modify the support order?

The court or an ALJ can lower child support if things have changed since they entered the child support order. **Examples:**

- You now have a disability.
- You lost income due to reasons beyond your control.

You can also get the support lowered if the court entered the last order by default. “By default” means you did not file a written response or appear in court when the court set support.

Generally, you can only get future support changed. You may only get back support changed in a very few cases with a lawyer’s help.

What if a court set the support?

You must ask that same court to change it. You file a **petition for modification of child support**. DCS’s do-it-yourself packet with the court forms you need is at www.dshs.wa.gov/dcs. You can also get this packet by calling legal services. You may be able to get a lawyer to help you.

What if DCS set the support?

A new ALJ hearing may change it. DCS has forms to ask for a modification hearing with an ALJ.

If you do not know if a court or DCS set your support order, ask DCS to send you a copy of the order.

DCS should help you change your child support if your situation means you need a change. Contact the DCS officer handling your case.

What is a Conference Board Review?

It is an informal hearing to resolve problems with DCS. It can address things you cannot get decisions about anywhere else, such as

- A complaint about a DCS worker
- You can ask to defer (delay) payment
- Reviewing payroll deductions that make it hard for you to pay support
- You can ask them to charge-off or waive (excuse) what you owe

Conference Board decisions are in writing. You cannot appeal them to a court.

What is a charge-off?

A Conference Board may agree to **charge-off** (forgive) support you owe DSHS if collection would cause you “substantial hardship.” They may decide to accept partial payment instead of collecting all you owe. They may write off the entire DSHS debt if collection would cause real hardship to children living with you.

Here are some possible **examples** of substantial hardship:

- You and the child you owe support for are reunited.
- You get disability payments.
- Paying back support would make it hard for you to pay current support.
- You have limited ability to make a living.

They suspended my license. How can get it back?

You can sign a repayment agreement with DCS, or pay off the entire debt. Call DCS to ask about this.

To set a repayment amount, DCS looks at your income and expenses. These can include expenses of caring for dependent children.

You must give DCS complete info about your financial situation. This includes any extra expenses you have. **Examples:**

- Medical costs

- Costs of caring for a child with a disability

You may have to make a first payment under your agreement before DCS will release your license. You must keep making payments when due. If you do not, they can re-suspend your license.

Get Legal Help

Outside King County: Call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 a.m. and 12:15 p.m.

In King County: Call 2-1-1 weekdays between 8:00 am – 6:00 pm. They will refer you to a legal aid provider.

Seniors (age 60 and over) can call also CLEAR*Sr at 1-888-387-7111.

Facing foreclosure? Call 1-800-606-4819.

Deaf, hard of hearing or speech impaired callers can call CLEAR or 211 (or toll-free 1-877-211-9274) using a relay service of their choice.

Apply online with [CLEAR*Online](https://nwjustice.org/get-legal-help) - nwjustice.org/get-legal-help.

CLEAR and 211 will provide interpreters.

Visit WashingtonLawHelp.org for free info about Washington laws, do-it-yourself court forms, videos about legal issues and a legal help directory.

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