

Do You Owe Child Support?



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- ❖ Read this only if you live in the state of Washington, or have children who live here.
 - ❖ You can find all the fact sheets we link to here at WashingtonLawHelp.org.
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Should I read this?

Yes, if you may owe child support. We explain the basics here. This includes

- 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

1. Basics

Who decides how much support I will pay?

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

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?](#)
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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.

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.

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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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 an affidavit acknowledging parentage (admitting that you are the child's parent), you may get a different notice.
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How can I get in touch with DCS?

Call their statewide toll-free line at **1-800-442-KIDS**. Your local office may not be handling your case. The KIDS line will help find which office to call. They can transfer your call.

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

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

2. If you were never married

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

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

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](#).

❖ **Do this only if you are sure you are the parent.** Otherwise, let the court decide. Then you can also resolve custody, visitation and support issues.

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.

3. How payments happen

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.

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 arrears (unpaid back support). 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.

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.

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 [Change Your Child Support Court Order](#).

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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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4. When you get behind

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.

How long can they collect support from me?

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

DCS wants even 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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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.

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

5. When you can't afford to pay

I can't pay what DCS says I should pay. What should 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. She might agree to a resolution that works for everyone. Then you will not need a hearing. If your income is different than 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 two 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?](#)

The ALJ writes an Initial Decision after the hearing. If you disagree with that decision, you can appeal to superior court.

What is a Notice of Support Owed (NOSO)?

DCS uses an 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.

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

to 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.

Can I change my support court order or DCS order?

Maybe.

If a court order set your support obligation: You must go back to court. Use [File a Petition to Modify Your Child Support Order](#).

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, form #DSHS 09-74](#). Call them to have them send you this form if you cannot download it yourself.
2. You can file a "Petition for Modification" with DCS. Read [Asking DCS to Review Your Child Support Case for Modification](#).

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.

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.)

6. Get Legal Help

Outside King County, call 1-888-201-1014 weekdays, 9:15 a.m. - 12:15 p.m.

In King County, call 2-1-1 for referral to a legal services provider, weekdays 8:00 am – 6:00 pm. You can also call (206) 461-3200 or toll-free 1-877-211-WASH (9274)

You can also **apply online** with [CLEAR*Online - nwjustice.org/get-legal-help](https://nwjustice.org/get-legal-help)
If you are **age 60 or over**, call CLEAR*Sr at 1-888-387-7111, statewide.

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

CLEAR and 211 will conference in free interpreters when needed.