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## New Section

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*Revised February 10, 2006*

## Chapter 16: Modifications

### Section 16.000: Differences Between an Adjustment and Modification of a Support Order

#### New Section

This section describes how a party to a support order may initiate a review or seek modification or adjustment of a support order.

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Laws	<a href="#">42 USC 666 (a)(10)(C)</a> State plan requirements for review and adjustment <a href="#">45 CFR 303.8</a> Federal requirements for review and adjustment <a href="#">RCW 26.09.170</a> Modification and adjustment of support orders criteria <a href="#">RCW 26.09.175</a> Modification of an order of child support <a href="#">RCW 26.23.130</a> Notice to DCS required if there's a state interest <a href="#">RCW 74.20A.059</a> Modification of administrative orders criteria <a href="#">WAC 388-14A-3903</a> DCS modification review criteria <a href="#">WAC 388-14A-3925</a> Requesting modification of administrative support orders
Policy	
Procedure	<p>Parties may petition the Superior Court to modify their court order.</p> <p>Parties may request DCS to review their court or administrative order for possible modification by returning completed <b>Request for Review of Child Support Order</b>, DSHS <a href="#">09-741</a>, packets.</p> <p>Parties may petition the Office of Administrative Hearings to modify their administrative order by returning completed <b>Petition for Modification - Administrative Order</b>, DSHS <a href="#">09-280B</a>, packets.</p>
Visual Aids	
Automated Actions	
SEMS Screens	<a href="#">OR</a> , <a href="#">OM</a> , <a href="#">FG</a>
Forms Used	<a href="#">09-280</a> , <a href="#">09-280B</a> , <a href="#">09-741</a> , <a href="#">Washington State Child Support Schedule Worksheets</a> , <a href="#">Financial Declaration</a> , <a href="#">Confidential Information Form</a>
Hearing and Conference Board Rights	
Personal Notes <a href="#">[Add a note]</a>	You have not added any notes to this handbook section.
See Also	<a href="#">13.045</a> Enforcing Support on a Tribal Case <a href="#">15.060</a> Determining Which State Should Modify an Order <a href="#">Washington State Court Forms</a> <a href="#">DCS Forms</a>

## Procedures

### 1. What is the difference between a review and adjustment of a support order and a review and modification of a support order?

1. Federal statutes use the term "review and adjust a support order" for actions reviewed on the three year review cycle to adjust the support according to the guidelines and for actions taken outside the three year cycle in response to a substantial change in circumstances of the parties.

**Note:** Washington State statutes use "review and modify a support order" for actions in response to a substantial change of circumstances, and "review and adjust a support order" for actions based solely on a change of income.

2. Parties to a support order may adjust their order every twenty-four (24) months based on changes in income. See [RCW 26.09.170 \(9\)\(a\)](#).
3. Parties to a support order may petition the Superior Court at any time to modify the order.
4. Parties to a support order may request the Division of Child Support (DCS) to help modify the order, but before DCS petitions for modification, the case must meet **all** the following criteria:
  1. The case is a full collection services case.
  2. Current support is owed under the order.
  3. There is a significant change of circumstances or thirty-five (35) months have passed since the order was reviewed, adjusted or modified.
  4. The review shows that support should change by 25% above or below the current support obligation.
  5. The review shows that support should change by \$100 per month above or below the current support obligation. **And,**
  6. If the order is modified, there will be a change of at least \$2400 over the remaining life of the order.

### 2. How does a party adjust or modify a court order?

1. One of the parties to the support order may file a Petition for Modification of Child Support in the Superior Court.
  1. Court forms, court facilitators and other resources are available at <http://www.courts.wa.gov/forms/index.cfm?fa=forms.search>.
  2. DCS does not participate in this process if there is no state's interest.
  3. If there is a state's interest (TANF, Medicaid, Foster Care), the parties must serve the prosecutor. See [RCW 26.09.175](#) and [RCW 26.23.130](#).
2. One of the parties to the support order may complete the **Request for Review of Child Support Order**, DSHS 09-741, with completed [Washington State Child Support Schedule Worksheets](#), [Financial Declaration](#), [Confidential Information Form](#), and if appropriate, [Addendum to Confidential Information Form](#), and return them to DCS to begin the DCS review.
  1. The court order may be referred for modification if it meets the criteria in RCW [26.09.170](#).
  2. If the review meets the criteria, DCS asks the appropriate prosecutor to petition the Superior

Court on the child's behalf to modify the support order.

### 3. How does a party adjust or modify an administrative order?

- o One of the parties to the support order may complete the **Petition for Modification - Administrative Order**, DSHS [09-280B](#), with completed [Washington State Child Support Schedule Worksheets](#) and [Financial Declaration](#), and return them to DCS.
- 1. DSHS forms, modification criteria and other resources are available at <http://www1.dshs.wa.gov/dcs/mod1.shtml>.
- 2. DCS reviews the forms for completeness and forwards the packet to the Office of Administrative Hearings.
- 3. DCS appears at the hearing to represent DCS's interest in an accurate order that reflects the income and circumstances of the parties.

### 4. What provisions are beyond the scope for DCS when the parties want to adjust or modify their order?

1. Termination of support;
2. Post-secondary support;
3. Expenses beyond those considered by the support schedule;
4. Periodic modification clauses;
5. Internal Revenue Service (IRS) dependent child exemptions;
6. Parenting plans, visitation schedules and custody determinations.

**Note:** Once an action has been filed in the Superior Court, the parties may ask the court to address any of these issues in the action.

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## Chapter 16: Modifications

### Section 16.001: Conducting the 35-Month Review for Adjustment or Modification

This section describes how DCS conducts the 35-month review for adjustment or modification.

## Contents

Laws	<p><a href="#">45 CFR 303.8</a> Federal requirements for review and adjustment</p> <p><a href="#">WAC 388-14A-3900</a> DCS review of orders for modification</p> <p><a href="#">WAC 388-14A-3901</a> When does DCS review an order?</p> <p><a href="#">WAC 388-14A-3902</a> Notice of eligibility for review</p> <p><a href="#">WAC 388-14A-3906</a> Limitations to review</p>
Policy	<p>DCS must review public assistance cases for adjustment or modification at least once every 35 months. DCS must also notify parties in nonassistance cases of their right to request a DCS review at least once every 35 months.</p> <p>Parties requesting a 35-month review only need to show that their case meets DCS review criteria. Parties do not need to show a substantial change of circumstances on a 35-month review.</p> <p>In order to meet the DCS review criteria, the proposed change in support must be</p> <ol style="list-style-type: none"> <li>1) a 25% change above or below the current support obligation; and</li> <li>2) \$100 per month above or below the current support obligation; and</li> <li>3) a \$2400 change over the remaining life of the order.</li> </ol>
Procedure	<p>DCS sends the <b>Review Notification</b>, 09-739, to parties to a support order more than 35-months old with current support.</p> <p>If DCS receives either a 09-741 or a 37 RC on a public assistance case, DCS must complete the review within 180 days of the request, or within 180 days of locating the non-requesting parent, whichever comes later.</p>
Visual Aids	
Automated Actions	SEMS sets a <a href="#">RC 37</a> when appropriate.
SEMS Screens	<a href="#">OR</a> , <a href="#">OM</a> , <a href="#">IA</a>
Forms Used	<a href="#">09-735</a> , <a href="#">09-736</a> , <a href="#">09-738</a> , <a href="#">09-739</a> , <a href="#">09-741</a> , <a href="#">child support worksheets</a> , <a href="#">confidential information forms</a> , <a href="#">financial declaration</a> ,
Hearing and Conference Board Rights	Administrative Hearing, Court Hearing
Personal Notes <a href="#">[Add a note]</a>	You have not added any notes to this handbook section.
See Also	<p><a href="#">Establishment of a Support Obligation</a></p> <p><a href="#">Hearing and Conference Boards</a></p> <p><a href="#">Tribal Enforcement</a></p>

## Procedures

### 1. How does SEMS notify me of the need for a 35-month review for modification or adjustment of a public assistance case (TANF, medical assistance, or foster care)?

1. SEMS sets an RC 37 when the case is a public assistance case, and all of the following are true:
  1. The last modification evaluation (LME) is greater than or equal to 34 months, or the support order is at least 35 months old.

**Note:** The LME is the more recent date than the date of the current support order or the date the order was last reviewed.
  2. The CP and NCP addresses have a verification code of less than 50.
  3. The case is not coded good cause (service type code 10).
  4. WA has Continuing, Exclusive Jurisdiction (CEJ).
  5. The case is not in event-status locate (LO). If a case is in LO, either the NCP's address or employer and assets are unknown, and the NCP is not paying.
2. SEMS also sets an RC 37 on medical assistance cases for review if the order does not require the NCP to provide medical insurance.

**Note:** SEMS will not set a review on a subro case.

### 2. What if SEMS sets an RC 37 but the case does not meet the review criteria or DCS has no valid income or asset data?

1. If SEMS sets an RC 37 on the case, but the case does not meet review criteria:
  1. Correct any erroneous SEMS data, for example:
    1. Enter a more recent order on the **OR** screen.
    2. Update the **OR** and **MI** screen with correct medical insurance information.
    3. Update the **IA** with addresses that are former.
  2. Send a **Review Request Denial**, [09-791](#), to any parties aware of the review.
  3. Update **OR** to a non-adjust code 2.
2. If SEMS sets an **RC 37**, but DCS has no valid income or asset information:
  1. Correct any erroneous SEMS data;
  2. Pass off to the **OR** screen and code the non-adjust field as 1 (locate).
  3. Delete the review.

**Note:** If the NCP is paying regularly, the case event will be MP (maintenance) instead of LO, even when we have no income information. SEMS will continue to set RC 37s on these cases. If there is no current Mailing or Employer address on the IA screen, setting the **OR** non-adjust field to 1 (locate) will prevent monthly review of the case.

### 3. When does DCS conduct a 35-month review for adjustment or modification on a nonassistance case?

- DCS conducts a 35-month review for adjustment or modification on a nonassistance case if DCS receives a completed **Request for Review of Child Support Order**, [09-741](#), from a party to a case.

### 4. When do I send the Review Notification, DSHS 09-739?

1. Send the Review Notification, [DSHS 09-739](#), if all of the following conditions are met.
  1. DCS has good locate on both parties to the order.
  2. The order is more than 35 months old.
  3. WA has CEJ (continuing, exclusive jurisdiction) over the order.
2. Along with the DSHS 09-739, send blank [child support worksheets](#), [confidential information form\(s\)](#), and a [financial declaration](#):
  1. To both parties to the order on a public assistance case. **Or**
  2. Just to the other party to the case if DCS received a **Request for Review of Child Support Order**, [DSHS 09-741](#), from a party to the case.

### 5. What do I do after I send the 09-739?

1. Set an RC 37 for 30 days in the future from the date the DSHS 09-739 was sent.
2. Attempt to gather income information during the 30-day period.

### 6. How much income information does DCS need to proceed with a review?

1. Field office practices may vary, depending on local agreements with the Prosecutors' offices.
2. See [Section 6.090 Calculating the Monthly Support Obligation](#).
3. If the request was received on a nonassistance case with a court order, require the requestor to provide a completed child support worksheet, financial declaration, and sufficient wage information to determine his or her income.
  - When the requestor returns the information, gather as much income information as is available on the non-requesting party to make the preliminary determination whether the case should be referred to the Prosecutor's office.
    1. Completing worksheets may help to make that preliminary determination.
4. On a public assistance case with a court order, whether DCS is requesting the modification or a party to the case is requesting the modification, gather as much income information as is available on both parties before referring the case to the Prosecutor's office in the appropriate county.
  - Based on the information gathered, make a preliminary determination whether the case appears to meet the review criteria for an adjustment and the substantial change of circumstance requirements for a modification, or whether the proposed change appears to allow the family to terminate or stay off of public assistance. See [Section 16.000.B](#) for criteria.
5. If the case meets modification or adjustment criteria, use the OM screen to generate a new Order Action record on the OR screen in SEMS.

6. On WA cases with an administrative order, prepare a child support worksheet based upon the best available information on both parties to the order any time DCS is initiating a Petition for Modification - Administrative Order, DSHS 09-280, or responding to a Petition for Modification - Administrative Order, DSHS 09-280B, from a party.
  - If DCS is initiating modification, DCS must complete child support worksheets in order to determine whether the case meets the threshold requirements on a 35-month review for adjustment or modification. See [Section 16.000 B](#) for criteria.
7. On WA cases with court orders, see [Section 16.020 B.2](#) for what information to include in the referral to the prosecutor.

## 7. When is gathering income information unnecessary?

1. If another state or jurisdiction is going to conduct the review, you do not need to gather income information.
2. If WA is the initiating state and DCS is conducting the review, contact the responding state or NCP employer for income and additional address information.

## 8. When do I conduct the actual review of the case?

1. At the end of 30 days, after the **Review Notification**, [DSHS 09-739](#), is sent to the parties, the RSEO conducts the review of the case, using the review criteria outlined in [Section 16.000 B](#).
2. If the RSEO determines that the case continues to meet the criteria in [Section 16.000 B](#), that he or she has a good locate, and that WA has Continuing, Exclusive Jurisdiction (CEJ):
  1. If the order is a court order, DCS refers the case to the Prosecutor's office. [See Section 16.020](#).
  2. If the order is an administrative order, DCS prepares and serves a **Petition for Modification - Administrative Order**, [DSHS 09-280](#), on the parties.

**Note:** Field office practices vary as to who completes the DSHS 09-280 and worksheets. Route the file to the hearings unit according to field office procedure.

1. DCS sends the Office of Administrative Hearings (OAH) a **Request for Adjudicative Proceeding/Order**, [DSHS 01-109](#).
2. When OAH schedules the hearing, DCS serves the parties with a copy of the **Notice of Hearing Date** with the DSHS 09-280 and child support worksheets.

**Note:** Do not send the Review Findings Notice, DSHS 09-736.

- Be sure to include any other associated administrative orders that are appropriate for modification in the proceeding.
  - If the non-requesting party has been served with the DSHS 09-280, proceed to hearing, even if the requesting party decides he or she does not want to proceed with the modification. The party or DCS may ask to dismiss the petition at the administrative hearing
3. If the RSEO determines that the case does not meet the review criteria in [Section 16.000 B](#):
    1. Set the non-adjust code on the **OR** screen. Codes 2 and 3 set new LME dates.
    2. Send a [DSHS 09-736](#) with a **Request for Modification Conference**, [DSHS 09-738](#). The parties may request a modification conference either by requesting one orally or by returning

the 09-738.

3. If the order is an administrative order, enclose a **Petition for Modification - Administrative Order**, [DSHS 09-280B](#), along with a set of [child support worksheets](#) for the parties to petition for modification on their own if they choose.

## 9. What if a party objects to the Review Request Denial, DSHS 09-791?

1. Offer the parties an agreed order to see if you can resolve the issue informally.
2. The party may request a modification conference from DCS by completing the Request for Modification Conference, DSHS 09-738, or may request a modification conference orally.
3. The RSEO, or other staff as determined by the field office, conducts the modification conference, either in-person or over the phone.
4. If the party still is dissatisfied, he or she may request a conference board. The party also has the right to petition for modification or adjustment on their own. See [Section 16.005 A](#).

## 10. Are there any time limit requirements for conducting a 35-month review of a case for adjustment or modification?

1. Yes. On a public assistance case, DCS must complete the review within 180 days of the order coming due for review, or 180 days from the date of locating the parties, whichever is later.
2. On a nonassistance case, DCS must complete the review within 180 days of the **Request for Review of Child Support Order**, [DSHS 09-741](#), or 180 days from the date the parties are located, whichever is later.

## 11. What do I do if less than 35 months have passed since the order was last entered, reviewed, modified, or adjusted?

- o You may deny the request for review by sending the requesting party the **Review Request Denial**, [DSHS 09-791](#), unless:
  1. The case is a medical assistance only (MAO) case and the purpose of the review is to establish a medical support obligation. **Or**
  2. The case meets the review criteria and the substantial change of circumstances criteria ([See Section 16.000.B](#)). Proceed according to [Section 16.005](#). **Or**
  3. The resulting change in the support amount, if paid, would allow the family to terminate or stay off public assistance. Proceed according to [Section 16.005](#).

## 12. What do I do if the requestor wants to withdraw his or her request for review?

1. On cases where the review has not been referred yet to another jurisdiction or, on an administrative order, when an action (such as service on one of the parties) has not yet been initiated, the requestor may withdraw the request for review.
2. On a court order, if it has already been referred to the Prosecutor or another state or tribe, it is up to the Prosecutor or other entity to decide whether to proceed.
  - Withdrawing the request may depend on what actions have been taken, such as whether the parties have been served and the petition filed.

3. On administrative orders, if the other party has been served with a **Petition for Modification - Administrative Order**, [DSHS 09-280B](#), the petitioner must move to dismiss the request for review at the hearing.
  1. If DCS served a DSHS 09-280B on the other party to the order based on a request for review, the requestor must move to dismiss at the hearing.
  2. If the other party has not yet been served with the DSHS 09-280B, the requestor may withdraw the petition for modification.
4. On a nonassistance case if the requestor never returned the worksheets or financial declaration, consider the failure to return the paperwork as a withdrawal of the request for review.

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## Chapter 16: Modifications

### Section 16.005: Determining When to Seek Modification or Adjustment of a Support Order

This section describes when DCS may or must initiate a review or seek modification or adjustment of a support order.

## Contents



Laws	<p><a href="#">42 USC 666 (a)(10)(C)</a> State Plan requirements for review and adjustment</p> <p><a href="#">45 CFR 303.8</a> Federal Requirements for review and adjustment</p> <p><a href="#">45 CFR 303.31</a> Modifications for medical coverage</p> <p><a href="#">RCW 26.09.170</a> Modification and adjustment criteria</p> <p><a href="#">RCW 74.20.330(2)</a> Assignment of support rights</p> <p><a href="#">RCW 74.20A.059</a> Modification of administrative orders</p> <p><a href="#">WAC 388-14A-3900 - 3907</a> Modification</p> <p><a href="#">WAC 388-14A-3925</a> Requesting modification</p>
Policy	<p>The Division of Child Support (DCS) pursues modification or adjustment of an order if the change meets review criteria, <b>and</b></p> <ul style="list-style-type: none"> <li>• Either <b>thirty-five (35)</b> months have passed since the order was entered or changed; <b>or</b></li> <li>• The case meets the substantial change in circumstance criteria under <a href="#">RCW 26.09.170</a>; <b>or</b></li> <li>• The change would allow a family to get off or stay off <b>Temporary Assistance for Needy Families (TANF)</b> or <b>Medical Assistance</b>.</li> </ul>
Procedure	<p>Review TANF, foster care, and medical assistance cases for adjustment or modification at least every <b>thirty-five (35)</b> months.</p> <p>Review nonassistance cases when DCS receives a <b>Request for Review of Child Support Order</b>, DSHS <a href="#">09-741</a>, from a party based on a court order.</p> <p>Review nonassistance cases when DCS receives a <b>Petition for Modification - Administrative Order</b>, DSHS <a href="#">09-280B</a>, from a party based on an administrative order.</p>
Visual Aids	
Automated Actions	SEMS sets a <a href="#">RC 37</a> on public assistance cases that need to be reviewed.
SEMS Screens	<a href="#">OR</a>
Forms Used	<a href="#">09-741</a> , <a href="#">09-280</a> , <a href="#">Washington State Child Support Schedule Worksheets</a> , <a href="#">Financial Declaration</a> , <a href="#">Confidential Information Form</a> , <a href="#">Addendum to Confidential Information Form</a>

Hearing and Conference Board Rights	Hearing or Court Hearing to proceed with the modification action.  Modification Conference if a party disagrees with DCS decision not to proceed with the modification.  Conference Board for other disputes related to the process.
Personal Notes <a href="#">[Add a note]</a>	You have not added any notes to this handbook section.
See Also	<a href="#">7.000</a> Determining Who Has Hearing Rights <a href="#">13.045</a> Enforcing Support on a Tribal Case <a href="#">15.015</a> Determining Which States have Continuing, Exclusive Jurisdiction (CEJ)

## Procedures

### 1. **When must DCS conduct a 35-month review of an order for adjustment or modification?**

1. The Division of Child Support (DCS) **must** conduct a review of an order for adjustment or modification at least once every **thirty-five (35)** months on **active** public assistance cases (**Temporary Assistance for Needy Families**, foster care, and medical assistance).
2. DCS **must** conduct a review of an order for adjustment or modification when at least **thirty-five (35)** months have passed since the order was last entered, adjusted, or modified; and
  1. A request is made by another state or jurisdiction; or
  2. A request is made by a party to the case.

### 2. **What review criteria does DCS use to determine whether to initiate a modification or adjustment action?**

1. DCS will initiate an adjustment **or modification** of an order if current support is still owed under the order and the proposed change in child support meets **all** of the following review criteria:
  1. A 25% change above or below the current support obligation;
  2. A \$100 per month **change** above or below the current support obligation;
  3. A \$2400 change over the remaining life of the order.
2. The **35-month review requirement may be waived for the following conditions:**
  1. **An unexpected substantial change of circumstances.**
  2. **Health insurance requirements are not addressed in the order.**
  3. **Variable amounts need to be modified to a sum certain amount. Or**
  4. **The order in practice works a severe economic hardship on either party or the child.**

### 3. **When may DCS initiate a petition for modification or move for an adjustment of a court order if less than thirty-five (35) months have passed since the order was last entered, modified, or adjusted?**

1. The proposed change meets **the criteria of 25% change, \$100/month change and \$2400 over life of order** **and** the party requesting the modification can show a substantial change of circumstances under [RCW 26.09.170](#).

**Note:** Parties do not need to show a substantial change of circumstances for an adjustment.

2. The modification or adjustment to the order would result in a monthly child support order that, if paid, would allow the family to terminate or stay off **TANF or Medical Assistance**.
3. DCS may also refer a case to the prosecutor for modification or adjustment if current support is owed and there is another justification, such as:
  1. The underlying order is an *Arvey* order (split custody) and there has been a change, such as a child has left a household or a child has emancipated; See [Section 6.080](#).

**Note:** Some courts may require that the parenting plan be modified to reflect the change in custody before the support order may be modified. Or,

2. The underlying court order relieved the noncustodial parent (NCP) from paying support, and circumstances now warrant that the NCP should have a financial obligation for support.

#### 4. **When may DCS or a party petition to modify an administrative support order?**

1. DCS or a party may petition to modify or move for an adjustment of an administrative order at any time.
  1. If DCS petitions, use the **Petition for Modification - Administrative Order**, DSHS [09-280](#).
  2. If a party to the order initiates the modification pro se, the party must file the **Petition for Modification - Administrative Order**, DSHS [09-280B](#), in addition to filing completed [Washington State Child Support Schedule Worksheets](#).
  3. The administrative order may be modified if it meets the criteria under [RCW 74.20A.059](#).
2. Some common reasons DCS or a party may pursue a modification of an administrative order are:
  1. DCS established support for joint NCPs and the parties have separated.
  2. DCS set a zero support order and the NCP is no longer incarcerated, on public assistance, or disabled.
  3. A child was added to the case resulting in multiple administrative orders covering different children on the case.
  4. A child or children have changed age brackets, resulting in increased support under the schedule.
3. If a party requests review on an administrative order but has a right to a late hearing on the order, you may take an oral request for a late hearing.
  - If the party does not meet the threshold requirement for a late hearing, the Administrative Law Judge (ALJ) may convert the proceeding to a prospective modification. (If, for instance, it has been more than a year since the order was entered, but the requestor cannot demonstrate good cause for not requesting a timely hearing) See Section [7.025](#), Late Hearing Requests.

#### 5. **When can DCS assist a party to initiate a modification of an administrative support order?**

1. You may encourage a party to initiate a modification when you find:
  1. The administrative support order was based on unknown or inaccurate wage information and wage information is now available.
  2. The administrative support order is no longer appropriate for the NCP's current financial circumstances.
  3. The NCP is incarcerated and has no other source of income or assets, or the NCP has a history of incarceration that affects the NCP's ability to pay.
2. If the party wants to initiate a modification, send the party the **Petition for Modification - Administrative Order**, DSHS [09-280B](#), and [Washington State Child Support Schedule Worksheets](#).

3. The party may also request a review and adjustment if the case meets the criteria in [RCW 26.09.170](#).

6. **When may DCS initiate a petition to modify the order to include a medical support obligation?**

1. The order does not require the NCP to provide health insurance coverage for the children. **And**,
2. Health insurance coverage is available through the NCP's employer and the cost of the coverage does not exceed 25% of the basic child support obligation; **Or**,
3. Both parties agree to an order modifying the support obligation.

7. **When may DCS refer a court order to the prosecutor for review and adjustment or modification, or modify an administrative order, to address child care costs?**

- o If the modification or adjustment is based on a change (increase or decrease) in child care costs, or is made to add child care costs to a support order, the case must meet the review and adjustment or modification criteria of 25% change, \$100/month change and \$2400 over life of order.

**Note:** Prosecutors have discretion whether to take the case for child care changes only.

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*Revised February 10, 2006*

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## Chapter 16: Modifications

### Section 16.010: Conducting the 35-Month Review for Adjustment or Modification

This section describes how DCS conducts the 35-month review for adjustment or modification.

## Contents



Laws	<p><a href="#">45 CFR 303.8</a> Federal requirements for review and adjustment</p> <p><a href="#">WAC 388-14A-3900</a> DCS review of orders for modification</p> <p><a href="#">WAC 388-14A-3901</a> When does DCS review an order?</p> <p><a href="#">WAC 388-14A-3902</a> Notice of eligibility for review</p> <p><a href="#">WAC 388-14A-3906</a> Limitations to review</p>
Policy	<p>The Division of Child Support (DCS) must review public assistance cases for adjustment or modification at least once every thirty-five (35) months.</p> <p>DCS must also notify parties in nonassistance cases of their right to request a DCS review at least once every thirty-five (35) months.</p> <p>Parties requesting a 35-month review only need to show that their case meets DCS review criteria. Parties do not need to show a substantial change of circumstances on a 35-month review.</p> <p>In order to meet the DCS review criteria, the proposed change in support must be:</p> <ul style="list-style-type: none"> <li>• A 25% change above or below the current support obligation;</li> <li>• A \$100 per month change above or below the current support obligation; <b>and</b></li> <li>• A \$2400 change over the remaining life of the order.</li> </ul>
Procedure	<p>DCS sends the <b>Review Notification</b>, <a href="#">09-739</a>, to parties to a support order more than 35-months old with current support.</p> <p>DCS must complete the review for modification on nonassistance and public assistance cases within 180 days of the request, or within 180 days of locating the non-requesting parent, whichever comes later.</p>
Visual Aids	<a href="#">Flow Chart</a> - Modification Review - Court Order
Automated Actions	SEMS sets a RC <a href="#">37</a> when appropriate.
SEMS Screens	<a href="#">OR</a> , <a href="#">OM</a> , <a href="#">IA</a>
Forms Used	<a href="#">09-735</a> , <a href="#">09-736</a> , <a href="#">09-738</a> , <a href="#">09-739</a> , <a href="#">09-741</a> , <a href="#">09-280</a> , <a href="#">09-280B</a> , <a href="#">Washington State Child Support Schedule Worksheets</a> , <a href="#">Confidential Information Form</a> , <a href="#">Financial Declaration</a>

Hearing and Conference Board Rights	Hearing or Court Hearing to proceed with the modification action.  Modification Conference if a party disagrees with DCS decision not to proceed with the modification.  Conference Board for other disputes related to the process.
Personal Notes <a href="#">[Add a note]</a>	You have not added any notes to this handbook section.
See Also	<a href="#">6.000</a> Determining if There is a Support Order <a href="#">7.000</a> Determining Who Has Hearing Rights <a href="#">13.045</a> Enforcing Support on a Tribal Case

## Procedures

### 1. How does SEMS notify me of the need for a 35-month review for modification or adjustment of a public assistance case (TANF, medical assistance, or foster care)?

1. The Support Enforcement Management System (SEMS) sets a review code ([RC](#)) **37** when the case is a public assistance case, and **all** of the following are true:

1. The last modification evaluation (LME) is greater than or equal to 34 months, or the support order is at least thirty-five (35) months old.

**Note:** The LME is the more recent date than the date of the current support order **or** the date the order was last reviewed;

2. The custodial parent (CP) and noncustodial parent (NCP) addresses have a verification code of less than 50 on their Individual Address screens ([IA](#)).
3. The case is not coded **10** (*good cause*) on the Basic Case screen ([BC](#)) enforcement services field.
4. Washington State has Continuing, Exclusive Jurisdiction (CEJ) per the Order Record screen ([OR](#)). **And**,
5. The case is not in event-status locate ([LO](#)).

**Note:** If a case is in [LO](#), either the NCP's address or employer and assets are unknown, **and** the NCP is not paying.

2. SEMS also sets a review code ([RC](#)) **37** on medical assistance cases for review if the order does not require the NCP to provide medical insurance.

**Note:** SEMS does not set a review on a subro case.

### 2. What if SEMS sets a RC 37, but the SEMS case data is wrong?

1. Correct any erroneous SEMS data, for example:

1. Enter a more recent order on the order record ([OR](#)) screen.
2. Update the [OR](#) with medical coverage requirements and premium limits. See Section [24.040](#).
3. Update the medical insurance ([MI](#)) screen with correct medical insurance information and children coverage codes. See Section [24.040](#).
4. Update the individual address ([IA](#)) screen with addresses that are former.

2. Send a **Review Request Denial**, DSHS [09-791](#), to any parties aware of the review.

3. Update [OR](#) to a [non-adjust code](#) 02 (*Child Support Evaluation*).

### 3. What if SEMS sets a RC 37, but DCS has no valid income or asset information?

1. If Washington State is the initiating state and the Division of Child Support (DCS) is conducting the review, contact the responding state or the NCP's employer for income and any additional address information.

2. Correct any erroneous SEMS data.
3. Update the [OR](#) screen and code the non-adjust field as 01 (*locate*).
4. Delete the review.

**Note:** If the NCP is paying regularly, the case event will be [MP](#) instead of [LO](#), even when we have no income information.

1. SEMS continues to set [RC 37s](#) on these cases.
2. If there is no current Mailing or Employer address on the [IA](#) screen, setting the [OR](#) non-adjust field to **01** (*locate*) will prevent monthly review of the case.

#### 4. **When does DCS conduct a 35-month review for adjustment or modification on a nonassistance case?**

- o DCS conducts a 35-month review for adjustment or modification on a nonassistance case if DCS receives a completed **Request for Review of Child Support Order**, DSHS [09-741](#), from a party to a case.

#### 5. **Are there any time limit requirements for completing a 35-month review of a case for adjustment or modification?**

1. On a public assistance case, DCS **must** complete the review within 180 days of the order coming due for review, or 180 days from the date of locating both parties, whichever is later.
2. On a nonassistance case, DCS **must** complete the review within 180 days of receiving the **Request for Review of Child Support Order**, DSHS [09-741](#), or 180 days from both date the parties are located, whichever is later.

#### 6. **What do I do if less than thirty-five (35) months have passed since the order was last entered, reviewed, modified, or adjusted?**

1. You may deny the request for review by sending the requesting party the **Review Request Denial**, DSHS [09-791](#), **unless**:
  1. The case is a medical assistance only (MAO) case and the purpose of the review is to establish a medical support obligation. See Section [16.005 F](#).
  2. The case meets the review criteria of 25% change, \$100/month, and \$2400 over life of order **and** a substantial change in circumstances exists. See Section [16.005 B](#).
  3. The resulting change in the support amount, if paid, would allow the family to terminate or stay off Temporary Assistance for Needy Families (TANF) or Medical Assistance. See Section [16.005 C](#).

#### 7. **What do I do if the requester wants to withdraw his or her request for review?**

1. On cases where the review has not been referred to another jurisdiction or, on an administrative order, when an action (such as service on one of the parties) has not been initiated, the requester may withdraw the request for review.
2. On a court order, if it has already been referred to the prosecutor or another state or tribe, it is up to

the prosecutor or other entity to decide whether to proceed.

**Note:** Withdrawing the request may depend on what actions have been taken, such as whether the parties have been served and the petition filed.

3. On administrative orders, if the other party has been served with a **Petition for Modification - Administrative Order**, DSHS [09-280B](#), the requester **must** move to dismiss the request for review at the hearing.
  1. If DCS served a DSHS [09-280B](#) on the other party to the order based on a request for review, the requester **must** move to dismiss at the hearing.
  2. If the other party has not yet been served with the DSHS [09-280](#), the requester may withdraw the petition for modification.
4. On a nonassistance case, if the requester never returned the [Washington State Child Support Schedule Worksheets](#) or [Financial Declaration](#) , consider the failure to return the forms as a withdrawal of the request for review.

## 8. When do I send the Review Notification, DSHS 09-739?

1. Send the **Review Notification**, DSHS [09-739](#), if **all** of the following conditions are met:
  1. DCS has good locate on both parties to the order.
  2. The order is more than thirty-five (35) months old.
  3. Washington State has CEJ (continuing, exclusive jurisdiction) over the order.
2. If the case meets conditions above, use the order modification ([OM](#)) screen to generate a new *Order Action* record on the order record ([OR](#)) screen in SEMS.
  - Check the boxes to generate the **Employer Inquiry Letter**, DSHS [18-002](#), for each current employer and the **Review Notification**, DSHS [09-739](#), to each party.
3. Send blank [Washington State Child Support Schedule Worksheets](#), [Confidential Information Form\(s\)](#), and a [Financial Declaration](#) with the DSHS 09-739:
  1. To both parties to the order on a public assistance case. **Or**
  2. Just to the other party to the case if DCS received a **Request for Review of Child Support Order**, DSHS [09-741](#), and the associated forms, from a party to the case.

## 9. What do I do after I send the Review Notification, DSHS 09-739?

1. Set a RC [37](#) for thirty (30) days in the future from the date the DSHS 09-739 was sent.
2. Gather income information during the 30-day period.

## 10. How much income information does DCS need to proceed with a review?

1. Field office practices may vary, depending on local agreements with the prosecutors' offices.
2. See Section [6.090](#) Calculating the Monthly Support Obligation.
3. If the request was received on a **nonassistance** case with a **court order**, require the requester to provide a completed [Washington State Child Support Schedule Worksheets](#), [Confidential Information](#)

[Form\(s\)](#), and a [Financial Declaration](#), and sufficient wage information to determine his or her income.

- When the requester returns the information, gather as much income information as is available on the non-requesting party to make the preliminary determination whether the case should be referred to the prosecutor's office.

**Note:** Completing worksheets may help to make that preliminary determination.

4. On a **public assistance** case with a **court order**, whether DCS is requesting the modification or a party to the case is requesting the modification, gather as much income information as is available on both parties before referring the case to the prosecutor's office in the appropriate county. Based on the information gathered:
  1. Make a preliminary determination whether the case appears to meet the review criteria for an adjustment of 25% change, \$100/month change, and \$2400 over life of order **and** the substantial change of circumstance requirements for a modification, **or**,
  2. Whether the proposed change appears to allow the family to terminate or stay off of TANF or Medical Assistance.
5. If the case meets modification or adjustment criteria, use the order modification ([OM](#)) screen to generate a new *Order Action* record on the order record ([OR](#)) screen in SEMS.
6. On Washington State cases with **court orders**, see [Section 16.020 B.2](#) for what information to include in the referral to the prosecutor.
7. On Washington State cases with an **administrative order**, prepare a child support worksheet based upon the best available information on both parties to the order any time DCS is initiating a **Petition for Modification - Administrative Order**, DSHS [09-280](#), or responding to a **Petition for Modification - Administrative Order**, DSHS [09-280B](#), from a party.
  - If DCS is initiating modification, DCS **must** complete child support worksheets in order to determine the amount to request in the petition.

## 11. When is gathering income information unnecessary?

1. If another state or jurisdiction is conducting the review, you do **not** need to gather income information on the party in the other state.
  - You should send available income information on the party in Washington State to the other state with the request for review.
2. If Washington State is the initiating state and DCS is conducting the review, contact the responding state or NCP employer for income and additional address information.

## 12. When do I conduct the actual review of the case?

1. At the end of thirty (30) days, after the **Review Notification**, DSHS [09-739](#), is sent to the parties, the Support Enforcement Officer (SEO) conducts the review of the case, using the review criteria of 25% change, \$100/month change, and \$2400 over life of order. See Section [16.005 B](#).
2. If the court order contains an escalation provision, use the escalated monthly support obligation as the current monthly support amount and compare it to the proposed obligation based upon the [Washington State Child Support Schedule Worksheets](#).

## 13. What do I do if the review meets the 25% change, \$100/month change, and \$2400 over life of order criteria?

1. When the order is a court order, and the case has good locate, and Washington State has Continuing, Exclusive Jurisdiction (CEJ), refer the case to the prosecutor's office. See Section [16.020](#).
2. When the order is an **administrative order**, and the case has good locate, Washington State has Continuing, Exclusive Jurisdiction (CEJ), and DCS initiated the review, DCS prepares and serves a **Petition for Modification - Administrative Order**, DSHS [09-280](#), on the parties.

**Note:** Field office practices vary as to who completes the DSHS [09-280](#) and worksheets. Route the file to the hearings unit according to field office procedure.

1. DCS sends the Office of Administrative Hearings (OAH) a **Request for Adjudicative Proceeding/Order**, DSHS [01-109](#).
2. When OAH schedules the hearing, DCS serves the parties with a copy of the **Notice of Hearing Date** with the DSHS [09-280](#) and child support worksheets.
  1. Be sure to include any other associated administrative orders that are appropriate for modification in the proceeding.
  2. If the non-requesting party has been served with the DSHS [09-280](#), proceed to hearing, even if the requesting party decides he or she does not want to proceed with the modification. The party or DCS may ask to dismiss the petition at the administrative hearing.

**Note:** Do not send the **Review Findings Notice**, DSHS [09-736](#).

#### 14. **What do I do if the review does not meet the 25% change, \$100/month change, and \$2400 over life of order criteria?**

1. Set the non-adjust code on the [OR](#) screen.
  - Codes **02** (*Child Support Evaluation*) and **03** (*WAC/Statute Exclusion*) set new LME dates.
2. Send a **Review Findings Notice**, DSHS [09-736](#), with a **Request for Modification Conference**, DSHS [09-738](#).
3. If the order is an administrative order, enclose a **Petition for Modification - Administrative Order**, DSHS [09-280B](#), along with a set of [Washington State Child Support Schedule Worksheets](#) for the parties to petition for modification on their own if they choose.

#### 15. **What if a party objects to the Review Findings Notice, DSHS 09-736, or Review Request Denial, DSHS 09-791?**

1. If the support order is an administrative order, Offer the parties an agreed order to see if you can resolve the issue informally.
2. If the support order is an administrative order, offer the parties an agreed settlement based on the existing worksheets.
  - If either party disagrees, tell the party they may petition on their own.
3. The party may request a modification conference from DCS by completing the **Request for Modification Conference**, DSHS [09-738](#).
4. If the party still is dissatisfied, he or she may request a conference board.
5. The party also has the right to petition for modification or adjustment on their own. See Section [16.005](#).

[A.](#)

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## **[Flow Chart - Modification Review - Court Order](#)**

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*Revised February 10, 2006*

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## Chapter 16: Modifications

### Section 16.015: Initiating a Request for Modification or Adjustment Outside of the 35-Month Review

This section describes when DCS must initiate or a party may ask that DCS initiate a request for modification or adjustment outside of the 35-month review process.

## Contents



Laws	<p><a href="#">RCW 26.09.170</a> Criteria for modification outside Review and Adjustment requirements</p> <p><a href="#">RCW 74.20A.059</a> contains guidelines for modification of administrative orders</p> <p><a href="#">WAC 388-14A-3900 - 3907</a> DCS review of orders for modification</p> <p><a href="#">WAC 388-14A-3925</a> Requesting modification on an administrative order</p>
Policy	<p>Outside of the 35-month required review of cases for modification, DCS must initiate a modification of an order on a public assistance case, or a party may request that DCS initiate a modification if:</p> <ul style="list-style-type: none"> <li>• The case meets the DCS review criteria and there has been a substantial change of circumstance as required under <a href="#">RCW 74.20A.059</a> or <a href="#">RCW 26.09.170</a>; <b>Or</b></li> <li>• The resulting support amount would allow the family either to stay off or terminate Temporary Assistance for Needy Families (TANF) or Medical Assistance</li> </ul> <p>DCS may petition to modify the support order if the order does not include a medical support obligation for the children.</p> <p>Prosecutors always have discretion whether to accept or proceed on a case.</p>
Procedure	<p>DCS must have good locate on the parties and Washington State must have Continuing, Exclusive Jurisdiction (CEJ) before DCS refers a case to the prosecutor for modification or adjustment.</p> <p>DCS initiates a petition for modification of an administrative order by serving the parties with a <b>Petition for Modification - Administrative Order</b>, DSHS <a href="#">09-280</a>.</p> <p>DCS refers cases to the state or jurisdiction with CEJ in cases where Washington State does not have jurisdiction to modify the order.</p>
Visual Aids	<a href="#">Table</a> - Does a Tribunal have Continuing Exclusive Jurisdiction (CEJ)?
Automated Actions	
SEMS Screens	<a href="#">OR</a> , <a href="#">OM</a> , <a href="#">IA</a>
Forms Used	<a href="#">09-279</a> , <a href="#">Washington State Child Support Schedule Worksheets</a> , <a href="#">Financial Declaration</a> , <a href="#">Confidential Information Form</a> , <a href="#">09-280B</a> , <a href="#">09-280</a> , <a href="#">09-741</a> , <a href="#">18-577</a>

Hearing and Conference Board Rights	Administrative Hearing or Court Hearing to proceed with the modification action.  Modification Conference if a party disagrees with DCS decision not to proceed with the modification.  Conference Board for other disputes related to the process.
Personal Notes <a href="#">[Add a note]</a>	You have not added any notes to this handbook section.
See Also	<a href="#">6.000</a> Determining if There is a Support Order <a href="#">7.000</a> Determining Who Has Hearing Rights <a href="#">13.045</a> Enforcing Support on a Tribal Case

## Procedures

### 1. How does a party to a nonassistance case initiate modification or adjustment outside of the 35-month review?

1. If it is a Washington State court order, the party may initiate the action in the county with jurisdiction over the modification by petitioning Superior Court.
2. If it is a Washington State administrative order, the party may file a **Petition for Modification - Administrative Order**, DSHS [09-280B](#), along with completed [Washington State Child Support Schedule Worksheets](#) and Financial Declaration, with the Division of Child Support (DCS).
  1. DCS may assist the requester with serving the other party to the order.
3. If another state, tribe, or country has jurisdiction over the order, the party must initiate the action in the tribunal with Continuing, Exclusive Jurisdiction (CEJ). See Section [15.015](#).
4. Suggest that the party to a court order consult with an attorney, legal services, or the [county court facilitator](#), if possible.
5. The party may request income information or address information for service on the other parent if the party files a public disclosure request, **Request for Records**, DSHS [17-041](#), or **Address Disclosure Request**, DSHS [18-176A](#). See Section [22.015](#).

### 2. How does a party to a public assistance case initiate modification or adjustment outside of the 35-month review?

1. The party may file a petition for modification in the county that entered the order to be modified or in the county where the child(ren) live.
2. If the case is a Washington State court order or an order where Washington State has CEJ to modify the order, the party must serve notice on the prosecutor in the county where the case is filed.
3. If the order is a Washington State administrative order, the party may file a **Petition for Modification - Administrative Order**, DSHS [09-280B](#), along with completed [Washington State Child Support Schedule Worksheets](#) and [Financial Declaration](#), with DCS.
  1. DCS must have notice of the action.
  2. DCS may assist the requester with serving the other party to the order.
4. If the order is from another state or jurisdiction, including a tribe, the party must provide notice of the petition for modification to the state or tribe who is providing public assistance.
5. Suggest that the party consult with an attorney, legal services, or the [county court facilitator](#), if possible.
6. The party may request income information or address information for service on the other parent if the party files a public disclosure request, **Request for Records**, DSHS [17-041](#), or **Address Disclosure Request**, DSHS [18-176A](#).

### 3. When must DCS initiate modification or adjustment outside of the 35-month review?

1. When the resulting change in the child support amount meets the review criteria of 25% change, \$100/month change and \$2400 over life of order and there has been a substantial change in circumstances as required under [RCW 26.09.170](#) (on a court order), or under [RCW 74.20A.059](#) (on an administrative order). **Or**
2. When the change in child support, if paid, would allow a family to stay off or terminate Temporary Assistance for Needy Families (TANF) or Medical Assistance.

#### 4. **What do I do if a party requests that DCS modify or adjust the support order outside of the 35-month review?**

1. On a nonassistance or public assistance court order case, if the case meets the review criteria and the substantial change of circumstance required under [RCW 26.09.170](#), **or** would allow the family to terminate or stay off Temporary Assistance for Needy Families (TANF) or Medical Assistance, refer the case to the appropriate county prosecutor, other IV-D agency, or other jurisdiction with CEJ.
2. On a nonassistance Washington State administrative order, provide the requester with the **Petition for Modification - Administrative Order**, DSHS [09-280B](#), and [Washington State Child Support Schedule Worksheets](#) to complete and file with DCS.
3. On a public assistance Washington State administrative order, if the case meets the review criteria and substantial change of circumstance requirement under [RCW 74.20A.059](#); **or** would allow the family to terminate or stay off TANF or Medical Assistance, serve both parties with a **Petition for Modification - Administrative Order**, DSHS [09-280](#).
  1. Proceed with the modification of the order, even if the requester wants to withdraw the petition.
  2. The requester may ask to dismiss the petition at the hearing.

#### 5. **Must I still follow the review and adjustment procedures, including sending the Review Notification, DSHS 09-739?**

1. No, it is not necessary to use the 35-month review forms.
2. If the Support Enforcement Officer (SEO) determines that the case appears to meet the modification criteria, the SEO:
  1. On a court order, refers the case to the appropriate county prosecutor, other IV-D agency, or other jurisdiction with CEJ.

**Note:** Make sure DCS has good locate on the parties before referring the case.
  2. On a Washington State administrative order, serves the parties to the order with a **Petition for Modification - Administrative Order**, DSHS [09-280](#).
  3. Do **not** send the parties the **Review Notification**, DSHS [09-739](#).
  4. Do **not** send the parties the **Review Findings Notice**, DSHS [09-736](#).
  5. Do **not** wait thirty (30) days before initiating the modification action.
3. If the SEO determines that the case does not appear to meet the modification criteria:
  - Send the requester a **Review Request Denial**, DSHS [09-791](#).

**Note:** If it is an administrative order, send a **Petition for Modification - Administrative Order**, DSHS [09-280B](#), and [Washington State Child Support Schedule Worksheets](#) with the

DSHS [09-791](#).

## 6. Must the prosecutors accept or proceed with a modification or adjustment?

1. No, prosecutors always have discretion whether to accept or proceed with a case.
2. Even if a case appears to meet our review criteria, prosecutors may have other factors to consider, including the practices in their county courts and of their judges.
3. If the prosecutor or other jurisdiction decides that he or she will not initiate a modification or adjustment on the case, the case is transferred back to DCS.
  1. Send a **Review Findings Notice**, DSHS [09-736](#), with a **Request for Modification Conference**, DSHS [09-738](#), to the parties.
  2. If a party requests a modification conference with DCS and provides new information that may justify a modification or adjustment of the order, re-refer the case to the prosecutor.
  3. If the prosecutor decides that they still will not proceed, notify the requester by telephone, correspondence, or send the requester a **Review Request Denial**, DSHS [09-791](#).

**Note:** If the requester is dissatisfied, he or she may request a conference board, or may pursue modification on his or her own.

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## Chapter 16: Modifications

### Section 16.020: Addressing Cooperation, Address Confidentiality Program, and Good Cause in the Review and Adjustment or Modification Process

This section explains how to address issues regarding cooperation, Address Confidentiality Program and good cause in the review and adjustment or Modification process.

## Contents



Laws	<p><a href="#">45 CFR 302.31</a> providing services without involving the custodial parent in certain good cause cases</p> <p><a href="#">Chapter 40.24 RCW</a> - defines the Address Confidentiality Program (ACP)</p> <p><a href="#">RCW 74.04.057</a> Rulemaking to qualify for federal funds</p> <p><a href="#">RCW 74.08.090</a> Rulemaking authority and enforcement</p> <p><a href="#">WAC 388-14A-2040</a> Cooperation with DCS</p>
Policy	<p>In a public assistance case on an administrative order, do not initiate noncooperation against a <b>custodial parent</b> (CP) because of requests for information (such as completing worksheets or financial declarations) during the review and adjustment or modification process, <b>unless</b> the information is necessary to take the next step in the case.</p> <p>On court order cases, the prosecutor decides whether the party's cooperation is necessary to proceed.</p> <p>Stay any <b>Division of Child Support</b> (DCS) actions during the review and adjustment or modification process if the CP claims good cause level A.</p>
Procedure	<p>If the CP claims good cause or receives a good cause <b>level A</b> determination from the CSO after DCS initiates the 35-month review or request for modification from either party, send the parties the <b>Review Findings Notice</b>, DSHS <a href="#">09-736</a>, indicating that we will not proceed with the review.</p>
Visual Aids	
Automated Actions	
SEMS Screens	<a href="#">OR</a> , <a href="#">OM</a> , <a href="#">IA</a>
Forms Used	<a href="#">09-736</a> , <a href="#">Washington State Child Support Schedule Worksheets</a> , <a href="#">Financial Declaration</a> , <a href="#">Confidential Information Form</a>
Hearing and Conference Board Rights	<p>Hearing or Court Hearing to proceed with the modification action.</p> <p>Modification Conference if a party disagrees with DCS decision not to proceed with the modification.</p> <p>Conference Board for other disputes related to the process.</p>
Personal Notes [Add a note]	You have not added any notes to this handbook section.

See Also

[5.005](#) Noncooperation

[5.010](#) Good Cause

[5.015](#) Address Confidentiality Program (ACP)

[7.000](#) Determining Who Has Hearing Rights

[18.000](#) Identifying a Case for Closure or Termination of Services

## Procedures

### 1. On an administrative order, what do I do if a party does not return the child support worksheets or financial declaration during a review for adjustment or after a modification request?

1. If the party failing to return the documents is the **requester**, you may consider the failure to return the documents as a withdrawal of the request for adjustment or modification.
2. If the case is a **public assistance case** and the **Division of Child Support (DCS)** is conducting the review, **or** the request was from the **noncustodial parent (NCP)**, you do **not** need the **custodial parent's (CP's)** child support worksheets or financial declaration to take the next necessary step in the case.

**Note:** If DCS needs the documents in order to take the next essential step in a public assistance case, you may initiate non-cooperation against the CP. See Section [5.005](#).

3. Use any actual income information that DCS has for the CP. See Section [6.080](#).
  1. If the CP receives **Temporary Assistance for Needy Families (TANF)**, indicate that on the worksheets.
  2. If the CP is on TANF but is working, make sure you use the CP's actual income.
4. Impute income to the CP if **it is** a nonassistance case and DCS has no wage information for the CP.
  - Use historical information when available.

### 2. On a court order, what if a party does not return the child support worksheets, financial declaration, or confidential information forms during a review for adjustment or after a modification request?

1. If the party is the **requester**, the action should be dismissed.
2. **If** it has been referred to the prosecutor, **that prosecutor office** decides whether the documents are necessary to proceed, and whether non-cooperation should be initiated against the CP.

**Note:** Many of these documents, such as the [Confidential Information Form](#) and [Washington State Child Support Schedule Worksheets](#), are necessary pleadings.

### 3. What if the CP claims good cause or the CSO determines good cause during the review and adjustment or modification process?

1. Stay any proceedings pending the good cause determination. See Section [5.010](#).
2. If the **Community Service Office (CSO)** determines good cause level A:
  1. Send the parties a **Review Findings Notice**, DSHS [09-736](#).
  2. **Set** the Order/Action non-adjust code to **08 (Good Cause)**, on the **order record (OR)** screen.
  3. Post the good cause determination to the **Support Enforcement Management System (SEMS)** case **with a case comment (CC) code 11**.
  4. Close the case. See Section [18.000](#) Case Closure.

3. If the CSO determines good cause level B:

1. Continue with the review process if the NCP or DCS requested the review.
2. Consider continuing the review as a DCS review request if the CP originally requested the review.

4. If the case has been referred to the prosecutor's office, notify them immediately of the good cause claim.

**Note:** The prosecutor decides how to proceed.

4. **What if the CP is a participant in the Address Confidentiality Program (ACP)?**

1. If either party or DCS initiates a modification request and the case meets the review criteria of 25% change, \$100 a month change, and change of \$2400 over the life of the order, then transfer the case on SEMS to the Olympia Field Office for modification through the Thurston County Prosecutor's Office.
2. If the NCP lives out of state, see Sections [16.005](#), [16.020](#) and [15.065](#).

5. **What if the CP on a public assistance case has concerns about travel or refuses to travel?**

1. In most cases, the CP need not be present to proceed with a modification proceeding.
2. If the CP on a public assistance case must be present, the prosecutor may either:
  1. Make arrangements for travel.
  2. Proceed with the action by declaration or affidavit.
  3. Petition for a change of venue to eliminate travel.
3. Do **not** file a non-cooperation notice because a CP is unwilling to travel.

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## Chapter 16: Modifications

### Section 16.025 : Dealing with Obstacles to the Review and Adjustment or Modification

This section explains what procedure DCS uses when there are jurisdiction issues or other obstacles to proceeding with review and adjustment or modification.

## Contents



Laws	<p><a href="#">RCW 26.09.006</a> requires the use of <b>pattern forms</b></p> <p><a href="#">RCW 26.09.170</a> modifications of <b>court orders</b></p> <p><a href="#">RCW 26.19.071</a> all income and resources must be considered</p> <p><a href="#">RCW 26.23.050</a> support orders to specify income</p> <p><a href="#">RCW 74.20A.059</a> contains guidelines for modification of administrative orders</p>
Policy	<p>The <b>Division of Child Support (DCS)</b> does not initiate making a determination of whether the case meets review and adjustment or modification criteria unless DCS has good locate on <b>both parties</b> and <b>Washington State</b> has Continuing, Exclusive Jurisdiction (CEJ) over the order.</p>
Procedure	<p>If another state, tribe, or foreign country has jurisdiction, DCS may refer the case to that entity to conduct the review and adjustment or modification.</p> <p>If the <b>custodial parent (CP)</b> is not the payee on the order being modified, make sure DCS has a <b>Declaration of Lawful Custody</b>, DSHS <a href="#">09-693</a>, in the file and that a <b>Notice of Intent to Distribute Support Money</b>, DSHS <a href="#">09-698</a>, is filed with the court if it is a court order.</p>
Visual Aids	<p><a href="#">Matrix</a> - Interstate Modifications</p>
Automated Actions	
SEMS Screens	<p><a href="#">ES</a>, <a href="#">SD</a>, <a href="#">IA</a></p>
Forms Used	<p><a href="#">Washington State Child Support Schedule Worksheets</a>, <a href="#">Financial Declaration</a>, <a href="#">Confidential Information Form</a>, <a href="#">09-698</a>, <a href="#">09-693</a></p>
Hearing and Conference Board Rights	
Personal Notes <a href="#">[Add a note]</a>	<p>You have not added any notes to this handbook section.</p>
See Also	<p><a href="#">6.000</a> Determining if There is a Support Order</p> <p><a href="#">13.060</a> Modifying Support Orders on Tribal Cases</p> <p><a href="#">15.100</a> Determining Which States have Continuing, Exclusive Jurisdiction (CEJ)</p> <p><a href="#">22.000</a> General Information About Public Disclosure</p>

## Procedures

### 1. What if Washington State does not have Continuing, Exclusive Jurisdiction (CEJ) over the order, or a tribe or other jurisdiction has concurrent jurisdiction?

1. If another state has CEJ over the order, send an interstate request to the CEJ state to conduct the review or evaluate the request for modification. See Section [15.105](#).
2. If a tribe has jurisdiction, consult with your [tribal liaison](#) to decide what action to take, because:
  1. The review may be completed by the [Support Enforcement Officer](#) (SEO), the tribal liaison, the tribal claims officer. **Or**
  2. It may be referred directly to the tribe, depending on the specifics of the case and any local agreement. See Section [13.060](#).
3. If another country has jurisdiction and if there is a reciprocal agreement with the country, refer the case to the country with jurisdiction. See [Reciprocating Countries in Everett IRG](#).
4. You do **not** need to review the case to determine it meets the review criteria. The other state or jurisdiction will make that determination.
5. If a party to a nonassistance case submitted the request:
  1. Send the [requester](#) the **Review Request Denial**, DSHS [09-791](#), and
  2. Send the **Child Support Enforcement Transmittal #2 - Subsequent Actions**, DSHS [18-571](#), and other appropriate form(s), to the other state or jurisdiction. See Sections [15.105](#) and [15.110](#).

### 2. Are there any other facts regarding jurisdiction that I need to consider?

1. If one of the parties lives in Washington State and **none** of the parties live in the [issuing](#) state, then the party that does **not** live in Washington State may ask the Division of Child Support (DCS) to modify the order.
  - The requesting party must file a **Registration Statement**, DSHS [18-577](#), for DCS to review the order. See Section [15.080](#).
2. If DCS is enforcing another state's order and **all** of the parties live in Washington State, DCS may register the order for modification. See Section [15.095](#).
3. If the [custodial parent](#) (CP) moves out of state and DCS is enforcing another state's order, DCS may modify the order if the CP submits to Washington State jurisdiction and Washington State has jurisdiction over the [noncustodial parent](#) (NCP). See Section [15.095](#).

### 3. What if DCS does not have good locate on one or both of the parties?

1. Pend the review until the DCS has locate on the parties.
  - Once DCS has good locate, proceed with the review.
2. Modify the [order modification screen](#) ([OM](#)) to generate a new order action field on the [order record screen](#) ([OR](#)), if DCS does **not** have good locate on the NCP.
3. Modify the [OR](#) to show a non-adjust reason code **1** (*locate*).
4. Document locate attempts on the [case comment screen](#) ([CC](#)).

#### 4. What if the CP is not the original payee on the order?

1. If it is a **court order**, make sure DCS has filed the **Notice of Intent to Distribute Support Money**, DSHS [09-698](#), with the court, according to [RCW 26.23.035 \(2\)](#).
2. If it is an **administrative order**, send the original payee a copy of the hearing date for the modification proceeding to allow him or her an **opportunity** to intervene in the hearing.

**Note:** The original payee is not a necessary party to the action.

3. DCS **must** also obtain a **Declaration of Lawful Custody**, DSHS [09-693](#), from the CP **regardless of whether it is a court or administrative order on nonassistance cases**.

**Note:** On a nonassistance case, the payee to the court order **will** be a party to the court action. See Section [6.140](#)

#### 5. What if the parties want an agreed order?

1. DCS participation in the preparation of agreed orders is limited to support schedule issues. See Sections [7.030](#) and [16.000](#).
2. DCS staff should **add** the following language to agreed orders ([ORS](#)) prepared for the Superior Court:

"All other provisions not specifically addressed or modified in this order shall remain effective. In this order N/A means that the order does not address that provision."

3. For orders with an underlying court order, DCS sends the completed agreed orders to the prosecutor to file in the Superior Court.
4. For orders with an underlying **Notice of Support Owed**, DSHS [09-711](#), DCS uses the **Agreed Settlement/Consent Order**, DSHS [09-279](#), process.
  - Refer case specific questions to your local field officer claims officer.

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## Chapter 16: Modifications

### Section 16.030: Referring a Case to the Prosecutor for Modification or Adjustment

This section describes how DCS refers a case to the prosecutor's office for modification or adjustment.

## Contents



Laws	<p><a href="#">RCW 26.09.006</a> requires the use of pattern forms</p> <p><a href="#">RCW 26.09.170</a> modification of court orders</p> <p><a href="#">RCW 26.19.071</a> all income and resources must be considered</p> <p><a href="#">RCW 26.23.050</a> support orders to specify income</p> <p><a href="#">RCW 74.20A.059</a> bases for modification of administrative orders</p>
Policy	<p>Follow local agreements with prosecutors' offices when referring a case for modification or adjustment.</p> <p>The prosecutor's office chooses venue (county where modification is filed).</p>
Procedure	Send <b>paper copies</b> of all documents the prosecutor needs, even if imaged documents are available in the <b>Support Enforcement Management System (SEMS)</b> .
Visual Aids	
Automated Actions	
SEMS Screens	<a href="#">OR</a> , <a href="#">OM</a> , <a href="#">IA</a>
Forms Used	<a href="#">09-603</a> , <a href="#">09-736</a> , <a href="#">09-738</a> , <a href="#">09-739</a> , <a href="#">09-741</a> , <a href="#">Washington State Child Support Schedule Worksheets</a> , <a href="#">Financial Declaration</a> , <a href="#">Confidential Information Form</a>
Hearing and Conference Board Rights	<p>Hearing or Court Hearing to proceed with the modification action.</p> <p>Modification Conference</p> <p>Conference Board</p>
Personal Notes <a href="#">[Add a note]</a>	You have not added any notes to this handbook section.
See Also	<p><a href="#">10.135</a> Referring Cases for Judicial Enforcement, Contempt or Early Judicial Enforcement</p> <p><a href="#">13.060</a> <a href="#">Modifying Support Orders on Tribal Cases</a></p> <p><a href="#">WAPA Judicial Case Processing Task Force Best Practices Manual, Section XIV.B and Sections XVI. B.4 and XVI.B.5</a></p> <p><a href="#">Modification Referral Database Access Contacts</a></p> <p><a href="#">Modifications Referral Database</a></p>

## Procedures

### 1. When may DCS refer a case to the prosecutor's office for modification or adjustment?

1. The Division of Child Support (DCS) may refer a case to the prosecutor's office for modification or adjustment on a **court order** for a 35-month review (whether DCS or a party to the order initiated the 35-month review), if **all** of the following are true.
  1. DCS has good locate on both parties.
  2. Washington State has Continuing, Exclusive Jurisdiction (CEJ) over the order.
  3. The Support Enforcement Officer (SEO) has determined that the case meets **all** of the review criteria (25% change, \$100/month change and \$2400 over life of the order).
2. DCS may refer a case to the prosecutor's office for modification or adjustment on a request outside of the 35-month review, if **all** of the following are true:
  1. DCS has good locate on **both** parties.
  2. Washington State has CEJ over the order **and** either:
    1. The SEO has made a preliminary determination that the case meets **all** of the review criteria (25% change, \$100/month change, and \$2400 over life of the case) for adjustment, **and** that there has been a substantial change in circumstance for modification as required by [RCW 26.09.170](#). **Or**
    2. The RSEO has made a preliminary determination that the proposed change in support would allow the family to terminate or stay off of Temporary Assistance for Needy Families (TANF) or Medical Assistance .

**Exception:** Some local office procedures may not require DCS to make a preliminary determination before referring the case to the prosecutor.

### 2. How do I transfer the case to the prosecutor's office if it meets the requirements of 25% change, \$100/month change, and \$2400 over life of order?

1. Review specific requirements for each county prosecutor on the [Modifications Referral Database](#).
2. Create the *Order Action* (**02** modify medical and child support or **03** modify medical) on the order modification screen ([OM](#)).
3. Transfer the case to the appropriate [county prosecutor](#) on the intra office transfer ([IT](#)) screen.
  1. Choose to the prosecutor of the county where the order was entered if **one** party still resides in that county.
    1. If this **cannot** occur, then transfer to the prosecutor of the county where the child resides.
    2. If neither of these can occur, then transfer to the prosecutor in the county where the order was entered, even though neither party resides in that county.
  2. The prosecutor determines where to file the modification case (venue).
  3. Possible choices for filing a modification include:

1. The county where the original support order was entered;
  2. The county where the child resides; **Or**
  3. The county where there is an ongoing contempt action.
4. Send a paper packet of information to the prosecutor that includes copies of:
1. **Referral to Attorney General/Prosecutor - Order Modification**, DSHS [09-603](#).
  2. One **signed** copy of the child support order currently enforced.
  3. A copy of **each** underlying order (if any).
  4. Copies of recent:
    1. **Employer Inquiry**, DSHS [18-002](#);
    2. **Statement of Resources and Expenses**, DSHS [18-097](#);
    3. Pay stubs;
    4. Income tax returns; **And**
    5. Other proof of income used in the modification review.
  5. A copy of the **Request for Review of Child Support Order**, DSHS [09-741](#), if reviewed on request.
  6. Copies of **recently** completed [Washington State Child Support Schedule Worksheets](#).
  7. Completed [confidential information forms](#).
  8. A request for registration from the initiating jurisdiction, when provided.
  9. A consent to the jurisdiction **signed by both** parties with proof of filing with the issuing tribunal, if obtained by another state.
  10. Any local forms the prosecuting attorney staff requires.
  11. If the **custodial parent** (CP) is not the court-ordered payee, include a copy of:
    1. The **Notice of Intent to Distribute Support Money**, DSHS [09-698](#), and
      - Make sure the 09-698 has been filed with the court.
    2. The **Declaration of Lawful Custody**, DSHS [09-693](#).
    3. Do **not** send a **Review Findings Notice**, DSHS [09-736](#).
  12. The field office and the prosecutors' office may make written agreements to accept or reject referrals when the practice of the local courts dictates such action.
  13. Individual field offices may negotiate variations in the transfer process with their prosecutor(s).
  14. Some prosecutors may do more or less of the required functions depending on time constraints and staffing levels.

**Note:** Field office staff and prosecutors need to make sure that all due process, laws, notification, rules, and time lines are followed.

### 3. **What does the prosecutor do?**

1. The prosecutor reviews income and asset information.
  - Using the [Washington State Child Support Schedule Worksheets](#), the prosecutor determines whether the case meets the changes required under [WAC 388-14A-3903](#).
2. The prosecutor may gather additional necessary income information.
3. Prosecutor staff conducts the review and modification process within the court forum.
4. Prosecutors always have discretion whether to accept a case or to proceed.

#### 4. **What if the prosecutor decides the case does not meet modification criteria *before* the prosecutor files the court action?**

1. Prosecutor staff updates the [order record \(OR\)](#) screen with the [non-adjust code](#).
2. The prosecutor sends the case back to the field office, using the [intra office transfer screen \(IT\)](#) with a [case comment \(CC\)](#) entry explaining why the order should not be modified.
3. The SEO sends a **Review Findings Notice**, DSHS [09-736](#), with a **Request for Modification Conference**, DSHS [09-738](#) to the parties.
  1. The modification conference is an opportunity for the parties to submit more information.
  2. If the new information suggests a review is appropriate, then re-refer the case to the prosecutor.
  3. If the new information does **not** justify re-referring the case, [even after the modification conference](#), then send a new DSHS [09-736](#) without the DSHS [09-738](#).

#### 5. **What if the prosecutor decides the case does not meet modification criteria *after* the prosecutor files the court action?**

1. The prosecutor may dismiss the action.

**Note:** The [prosecutor dismissal](#) serves as the Review Findings Notice and DCS would not need to send the **Review Findings Notice**, DSHS [09-736](#), to the parties.

2. The prosecutor updates the [OR](#) screen with a [non-adjust code](#).
3. The prosecutor posts a [CC](#) with factors used to determine why the order was not eligible for modification.
4. The prosecutor uses the [IT](#) to transfer the case back to the field office.

#### 6. **What [does](#) the prosecutor do when modifying the court order?**

1. The prosecutor files the case with the court clerk and serves [the parties](#) on the case.
  1. The parties [are given thirty](#) (30) days after receiving notice of proposed changes to their order to initiate proceedings to challenge the findings.
  2. Prosecutors have agreed not to default a party until after the 31<sup>st</sup> day following service.
  3. The review process takes place within the context of the court action.
2. After the order is entered, the prosecutor:
  1. Posts the order to the [OR](#) screen.

2. Posts case comments ([CC](#)).
3. Uses [IT](#) to send the case back to the field office.

## 7. **May DCS refer the case to the prosecutor for contempt instead of modification or adjustment?**

1. If a case meets review criteria for adjustment or modification, refer the case to the prosecutor for modification, **not** contempt.
2. If, after the order is modified, the **noncustodial parent** (NCP) still does **not** comply with the order, you may refer the case for contempt if it meets contempt referral criteria. See Section [10.135](#) - Referring Cases for Contempt.

## 8. **May I conduct a review on a case already referred to the prosecutor for contempt?**

1. **Review and adjustment is required by federal law and is not waived for cases being enforced through contempt.**
2. **A contempt referral may motivate the NCP to provide more accurate income and asset information that may determine whether the case meets the modification criteria.**
3. Coordinate any review and adjustment or modification actions with the prosecutor.

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## Chapter 16: Modifications

### Section 16.035: Sending a Case to the Office of Administrative Hearings for Modification or Adjustment

#### New Section

This section describes how DCS sends a case to the Office of Administrative Hearings for modification or adjustment.

#### Contents



Laws	<a href="#">RCW 26.19.071</a> all income and resources must be considered <a href="#">RCW 26.23.050</a> support orders to specify income <a href="#">RCW 74.20A.059</a> modification of administrative orders
Policy	Follow local office agreements when referring a case for modification or adjustment.
Procedure	Send <b>paper copies</b> of all documents the Office of Administrative Hearings (OAH) needs, even if imaged documents are available in the Support Enforcement Management System (SEMS).
Visual Aids	
Automated Actions	
SEMS Screens	<a href="#">OR</a> , <a href="#">OM</a> , <a href="#">IA</a>
Forms Used	<a href="#">09-736</a> , <a href="#">09-738</a> , <a href="#">09-739</a> , <a href="#">09-741</a> , <a href="#">09-280</a> , <a href="#">Washington State Child Support Schedule Worksheets</a> , <a href="#">Financial Declaration</a> , <a href="#">Confidential information form</a>
Hearing and Conference Board Rights	Hearing to proceed with the modification action.  Modification Conference if a party disagrees with DCS decision not to proceed with the modification.  Conference Board for other disputes related to the process.
Personal Notes <a href="#">[Add a note]</a>	You have not added any notes to this handbook section.
See Also	

## Procedures

### 1. When may DCS file a case with the Office of Administrative Hearings for modification or adjustment?

1. The Division of Child Support (DCS) may file a case with the Office of Administrative Hearings (OAH) for modification or adjustment on an administrative order for a 35-month review (whether DCS or a party to the order initiated the 35-month review), if **all** of the following are true.
  1. DCS has good locate on **both** parties.
  2. Washington State has Continuing, Exclusive Jurisdiction (CEJ) over the orders.
  3. The Support Enforcement Officer (SEO) has determined that the case meets **all** of the review criteria (25% change, \$100/month change and \$2400 over life of the order).
2. DCS may file a case with the OAH to schedule a hearing for modification or adjustment on a request outside of the 35-month review, if **all** of the following are true:
  1. DCS has good locate on **both** parties.
  2. Washington State has CEJ over the orders and either:
    1. DCS has made a preliminary determination that the case meets **all** of the review criteria (25% change, \$100/month change, and \$2400 over life of the case) for adjustment, **and** that there has been a substantial change in circumstance for modification as required by [RCW 26.09.170](#). **Or**
    2. DCS has made a preliminary determination that the proposed change in support would allow the family to terminate or stay off of Temporary Assistance for Needy Families (TANF) or Medical Assistance.
3. DCS forwards a party initiated case to the OAH and includes:
  1. The **Petition for Modification - Administrative Order**, DSHS [09-280B](#),
  2. The party's completed [Washington State Child Support Schedule Worksheets](#) and [Financial Declaration](#). See Section [7.005](#).

### 2. How do I send the case to the Office of Administrative Hearings if it meets the requirements of 25% change, \$100/month change, and \$2400 over life of order?

1. Create the *Order Action* (**02** modify medical and child support or **03** modify medical) on the order modification screen ([OM](#)).
2. Follow procedures in Policy Clarification Memo (PCM) [01-022](#) to generate the **Request for Adjudicative Proceeding/Order**, DSHS [01-109](#), and exhibit packets.

**Note:** [PCM 01-022](#) is being incorporated into Chapter 7. We will change the text and link when Chapter 7 is finalized.
3. Follow local procedures to have a claims officer assigned to process the action through either a new order or dismissal.

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## Chapter 16: Modifications

### Section 16.040: Modifying an Order to Include Medical Support

This section explains how to modify an order to include medical support.

## Contents



Laws	<a href="#">45 CFR 303.31</a> Medical support required in all support orders <a href="#">Chapter 26.21 RCW</a> Family Support Act <a href="#">RCW 26.09.170(6)</a> Modifications of order to include medical support
Policy	Allow any party on a IV-D case the right to request a review.  Review all orders for modification that meet the criteria of 25% change, \$100/month change, and \$2400 over life of order.  Even if child support would not change, review the order to include a medical insurance requirement.
Procedure	Modify an order to include medical support if the order does not require the noncustodial parent ( NCP) to provide health insurance coverage for the children <b>and</b> : <ul style="list-style-type: none"> <li>• Health insurance is available through the employer or union at a reasonable cost and the cost of coverage does not exceed 25% of the basic support obligation.</li> <li>• Or both parties agree to an order modifying the support obligation.</li> </ul>
Visual Aids	
Automated Actions	SEMS will set a review code <b>37</b> when appropriate.
SEMS Screens	<a href="#">OR</a> , <a href="#">OM</a> , <a href="#">IA</a>
Forms Used	<a href="#">09-736</a> , <a href="#">09-738</a> , <a href="#">09-739</a> , <a href="#">09-741</a> , <a href="#">09-279</a> , <a href="#">Washington State Child Support Schedule Worksheets</a> , <a href="#">Financial Declaration</a> , <a href="#">Confidential Information Form</a> , <a href="#">09-280B</a> , <a href="#">09-280</a> , <a href="#">09-791</a> , <a href="#">09-735</a>
Hearing and Conference Board Rights	Hearing to proceed with the modification action.  Modification Conference if a party disagrees with DCS decision not to proceed with the modification.  Conference Board for other disputes related to the process.
Personal Notes <a href="#">[Add a note]</a>	You have not added any notes to this handbook section.
See Also	<a href="#">6.125</a> Medical Support Obligation <a href="#">7.000</a> Determining Who Has Hearing Rights <a href="#">13.055</a> Enforcing Medical Support on a Tribal Case <a href="#">16.045</a> Disclosing Information During for a Review and Adjustment or Modification

## Procedures

### 1. How does DCS modify an order to include medical support?

1. [The Family Support Act of 1993](#) requires the Division of Child Support (DCS) to petition the court or administrative authority on appropriate cases to modify the support order to include a medical insurance provision.
2. [45 CFR 303.31](#) requires states to have established procedures to identify cases where the custodial parent (CP) does not have satisfactory medical insurance and the noncustodial parent (NCP) does not have a requirement to provide medical insurance and to petition the court or administrative agency to add a requirement to provide health insurance coverage.
3. [RCW 26.09.105](#) requires all petitions for modification of child support to include the requirement for medical support.

**Note:** This requirement is **not** dependent on the NCP actually having health insurance available at a reasonable cost.

### 2. How do I handle a request for review to include medical support?

1. Send the **Request for Review of Child Support Order**, DSHS [09-741](#), packet to the requester if **all** the following apply:
  1. If the order does **not** require the NCP to provide health insurance coverage for the children.
  2. Health insurance is available through the NCP's employer or union at a reasonable cost. **And**
  3. The cost of coverage does **not** exceed 25% of the basic support obligation.
2. Send the **Request for Review of Child Support Order**, DSHS [09-741](#), if both parties agree to an order modifying the support obligation.
3. Follow the procedures at Section [16.015](#) Initiating a Request or Adjustment Outside of the 35-month Review Process and Section [16.020](#) Addressing Cooperation, Address Confidentiality Program, and Good Cause in the Modification or Review and Adjustment Process.
4. If the review shows that the amount of child support will change, include the adjustment in the request to the prosecutor.

### 3. What about tribal cases?

- o For tribal cases, Indian Health Services (IHS) is an acceptable alternative to private health insurance if the NCP is a tribal member and you receive verification that IHS is available to the children. See Section [13.055](#).

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## Chapter 16: Modifications

### Section 16.045: Disclosing Information for a Review and Adjustment or Modification

This section addresses what information may be disclosed because of a review and adjustment or modification.

## Contents



Laws	<a href="#">RCW 26.23.120</a> DCS records - confidentiality and disclosure <a href="#">WAC 388-14A-2150</a> through <a href="#">2160</a> DCS public disclosure rules <a href="#">WAC 388-01-030</a> through <a href="#">200</a> DSHS public disclosure rules
Policy	All <a href="#">Division of Child Support (DCS)</a> records are confidential.  DCS may disclose information for a child support purpose.
Procedure	Follow public disclosure procedures if someone requests an address disclosure of a party on a DCS case.
Visual Aids	<a href="#">Chart</a> - Information a Support Enforcement Officer May Disclose
Automated Actions	SEMS will set a review code <a href="#">37</a> when appropriate.
SEMS Screens	<a href="#">CC</a> , <a href="#">BI-I</a> , <a href="#">white board</a>
Forms Used	<a href="#">18-176A</a> , <a href="#">17-041</a>
Hearing and Conference Board Rights	<a href="#">Either party can request Conference Board</a>  <a href="#">Custodial parent hearing on Notice of Address Disclosure Request</a> , DSHS <a href="#">18-176B</a>  <a href="#">A party can get a court or tribal order preventing release of the address</a>  <a href="#">Person aggrieved by denial of disclosure request can request review</a>
Personal Notes <a href="#">[Add a note]</a>	You have not added any notes to this handbook section.
See Also	<a href="#">5.015</a> Address Confidentiality Program (ACP) <a href="#">7.000</a> Determining Who Has Hearing Rights <a href="#">22.000</a> General Information About Public Disclosure and Confidentiality

## Procedures

### 1. Which DCS records are private and confidential?

1. All information and records concerning persons who owe a support obligation or for whom the Division of Child Support (DCS) provides support enforcement services are private and confidential.
2. DCS only discloses information allowed by law.

### 2. For a review and adjustment or modification, may I disclose income and address information?

1. Tell parties to a DCS case that they should block out any personal identifier information, such as social security numbers, bank account numbers, or address information, when submitting documents to DCS.
  - DCS may share the documents with the other party or the documents may be filed because of a court action in a public court record.
2. DCS must disclose income information of parties to a support order for a review and adjustment or modification proceeding.
  1. Disclosure of information is allowed when it is for a child support purpose.
  2. Redact or block out personal identifier information and address information about the other party when disclosing income information.
3. Requests for address information must go through the public disclosure process. See Section [22.010](#).

### 3. What if one of the parties on a case has a concern about disclosure of information?

1. For concerns about personal safety regarding good cause, domestic violence and the Secretary of State's Address Confidentiality Program, see Sections [22.015](#), [5.015](#), and [5.020](#) respectively.
2. For concerns other than address disclosure, see Section [22.010](#).
3. Inform the prosecutor or Assistant Attorney General (AAG) that the noncustodial parent (NCP) or custodial parent (CP) has requested address confidentiality whenever a case is transferred for a modification action.
4. If there is concern about address information being disclosed during the production of documents, staff may insert "Address known to the Washington State Support Registry."
5. Refer concerns to your public disclosure coordinator ([PDC](#)) or claims officer.

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## Chapter 16: Modifications

### Section 16.050: Determining Continuing, Exclusive Jurisdiction (CEJ) for Modifications

This section explains criteria for determining Continuing, Exclusive Jurisdiction (CEJ).

## Contents



Laws	<a href="#">28 USC 1738.B</a> Full Faith and Credit for Child Support Act requires a state to have CEJ in order to modify an order of another state <a href="#">Chapter 26.21 RCW</a> Uniform Interstate Family Support Act (UIFSA) <a href="#">RCW 26.21.115</a> Continuing, Exclusive Jurisdiction (CEJ)
Policy	Washington must have <a href="#">Continuing, Exclusive Jurisdiction (CEJ)</a> to modify an order.
Procedure	
Visual Aids	<a href="#">Table</a> - Does a Tribunal have <a href="#">Continuing Exclusive Jurisdiction (CEJ)</a> ?
Automated Actions	SEMS will set a review code <a href="#">37</a> when appropriate.
SEMS Screens	<a href="#">OR</a> , <a href="#">OM</a> , <a href="#">IA</a>
Forms Used	<a href="#">18-577</a> , <a href="#">18-580</a>
Hearing and Conference Board Rights	
Personal Notes <a href="#">[Add a note]</a>	You have not added any notes to this handbook section.
See Also	<a href="#">13.060</a> Modifying Support Orders on Tribal Cases <a href="#">15.100</a> Which States Have Continuing, Exclusive Jurisdiction (CEJ)

## Procedures

### 1. How do I determine Continuing, Exclusive Jurisdiction (CEJ)?

1. You may **not** modify orders unless the State of Washington has Continuing, Exclusive Jurisdiction (CEJ). See Section [15.100](#) to determine if Washington State has CEJ and Section [15.105](#) to determine which state should modify the order.
2. Washington State has CEJ if **one** of the following is true:
  1. The controlling order is from Washington State and one of the parties lives here. **Or**
  2. The party that did not request the modification lives in Washington State, and no party or child lives in the state that entered the order.

**Note:** In this case, the requesting party must register the order with a **Notice of Support Debt and Registration**, DSHS [09-674](#). See Section [15.085](#).

3. If Washington State does not have CEJ:
  1. Send a **Review Request Denial**, DSHS [09-791](#), to the requesting party.
  2. Forward the request to the state with CEJ.
4. If none of the parties live in the state with CEJ, the requesting party **must** file a **Registration Statement**, DSHS [18-577](#), for the Division of Child Support (DCS) to review the order.

### 2. What do I do if a foreign country child support order needs to be modified?

1. The order may be registered for modification if the country has a reciprocal agreement with Washington State. See Section [15.085 C](#).
2. If the country does **not** have a reciprocal agreement with Washington State, the order may be registered for modification in the Superior Court as a matter of comity. See Section [15.090](#).

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