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Chapter 12.000: Noncompliance

Section 12.000: Handling Noncompliance - Collection Actions

This section explains when and how to take action against an employer for noncompliance with an OWI or previously issued PDN/OWD. Note: For purposes of this section employer means any entity receiving a withholding notice from DCS.

Contents

Laws	<p>45 CFR 303.100(e)&(f) Employer Notice And Liability RCW 26.23.090 Employer Liability RCW 26.23.120(3)(g) Disclosure Permitted to Employer to Identify Individual for Withhold RCW 74.20A.100 Employer Liability RCW 74.20A.270 Authority to Collect Retained Support RCW 74.20A.350 Noncompliance Fines - Hearings</p>
Policy	<p>Only take collection action against an employer for noncompliance after you have attempted to resolve the issue with the employer.</p> <p>Accept an employer's payment as an answer to a withholding notice.</p> <p>Consult with the DCS Headquarters Policy Unit before taking noncompliance action when part of the employee's compensation is from tips.</p> <p>Limit noncompliance actions to the amounts and periods listed on the Notice of Noncompliance. Serve a new notice for new periods and fines.</p> <p>Do not take noncompliance actions against a tribal employer. Refer these cases to the Regional Tribal Liaison.</p>
Procedure	<p>If an employer fails to answer or remit payment within the time period, send a Noncompliance Warning Letter, DSHS 09-748, before serving a Notice of Noncompliance. You may also call the employer.</p> <p>You must serve the employer a Notice of Noncompliance, DSHS 09-749, by certified mail sent with a return receipt (CMRR) before taking noncompliance action.</p>
Visual Aids	<p>Flow Chart - Employer Noncompliance Actions</p>
Automated Actions	<p>FT sets a review code 93 if no-one posts results from the Order to Withhold Income, DSHS 09-857 to the forms table (FT).</p>
SEMS Screens	<p>CC, IA, FT, CH</p>
Forms Used	<p>09-748, 09-749, 09-750, 09-751</p>
Hearing and Conference Board Rights	<p>Hearing on Notice of Noncompliance.</p> <p>Conference Board on collection action against employer who has not complied.</p>

Personal Notes [Add a note]	You have not added any notes to this handbook section.
See Also	2.045 Case Setup for Retained Support Cases 7.000 Determining if a Party has a Hearing or Conference Board Rights 7.015 Conference Board Requests 7.075 Objections to Noncompliance Notices 10.010 Choosing a Type of Service for Withholding Actions 11.010 Responses to Enforcement Actions - Employers and Asset Holders

Procedures

1. What does an employer have to do to comply with an Order/Notice to Withhold Income for Child Support (OWI), DSHS 09-857?

1. Answer the notice. **Or**
2. Send the funds as required by the notice.

Note: We have proof of service once the employer answers or sends money.

2. What do I do if the employer does not answer the notice or send money?

1. If the employer does **not** respond to the withholding notice or send money,
 1. Review the case images (CI) for any written answer to the withholding notice.
 2. Check for a case comment (CC) code **39**.
 3. If any payments applied to the case, verify that the remitted payments came from the employer. See **A.** above.
2. If you cannot find where the employer responded to the notice sent regular mail,
 1. Print a copy of the original **Order to Withhold Income**, DSHS [09-857](#).
 2. Re-mail it certified mail return receipt (CMRR) or serve it by process server.

Note: The employer has another twenty (20) days to respond.

3. When you receive the CMRR delivery:
 1. Post a CC **39** confirmation, and
 2. Update the forms table.
4. Inspect the certified mail return receipt (CMRR) to verify that the employer received the notice **and** an authorized agent signed the receipt.
 1. If the noncustodial parent (NCP) signed for the employer's notice, call the employer to make sure the NCP gave the DSHS 09-857 to the employer or payroll person.
 2. If the NCP did **not** provide the OWI to the authorized employer's representative, send another OWI notice to the employer by CMRR **or** serve by process server.
5. Contact the employer to see why the employer did not withhold or remit funds.
 1. Ask if the NCP was or is currently employed with them.
 2. Ask for payment information, including the dates the NCP was paid and the amount paid.
 3. Ask the employer to remit the money per the time frames on the notice or to comply within a specific date.
 4. Attempt to verify whether the employer paid the NCP after receiving the notice, but did not withhold or remit funds.

5. Offer technical assistance to help the employer comply.

1. If the employer requests technical assistance, you **cannot** initiate a fine against the employer unless the issue in question was identified during a technical assistance visit, but was not corrected.
2. Contact the [Manager of Program Development and Special Collection Projects](#) at Division of Child Support (DCS) Headquarters for technical assistance help.
3. See DSHS Administrative Policy No. [17.01](#).

Note: If part of the employee's compensation is from tips, consult with the DCS Headquarters Unit at DCSPolicy@dshs.wa.gov **before** you take noncompliance action.

3. **What do I do if after I contact the employer and the employer received the notice and refuses to withhold or remit the funds?**

1. After you attempt to contact the employer, if the employer received the notice and refuses to withhold or remit the funds:
 1. Send a **Noncompliance Warning Letter**, DSHS [09-748](#).
 2. You may also follow up with a phone call.

Note: You must send a new warning letter when the noncompliance concerns a different action.

Exception: Proceed with the **Notice of Noncompliance**, DSHS [09-749](#), if it is a repeat offense **and** DCS has already sent the 09-748 within the last six (6) months.

2. If the employer does not respond to the [DSHS 09-748](#), within ten (10) working days of mailing, send the **Notice of Noncompliance**, DSHS [09-749](#), by CMRR.
 1. If the employer fails to respond to the withholding notice, enter the amounts that should have been withheld from the date of service.
 - Use the service date on the [FT](#) screen.
 2. If the employer responded but failed to remit withheld funds, enter the amounts not remitted.
 3. If the employer has failed to comply with a withholding notice previously, enter the amounts of the potential fines.
 - See Section [12.015](#) to assess a fine.
3. If the employer does not respond to the [DSHS 09-749](#), take enforcement action against the employer after twenty-one (21) days from the date the employer signed the CMRR for the [09-749](#).

4. **What if the employer wants a hearing?**

1. If the employer returns the **Answer to Notice/Request for Hearing**, DSHS [09-750](#), take action appropriate to the response on the form.
2. The employer may:
 1. Prove that the NCP did not work there after the employer received the notice.
 2. Pay the amount owed.

3. Make payments on the amount owed.
4. Proceed to a hearing on the DSHS [09-750](#).
3. Try to resolve the hearing request at the first possible level. If DCS and the employer agree, enter into an **Agreed Settlement/Consent Order - Notice of Noncompliance**, DSHS [09-751](#).
4. If the employer stops honoring the DSHS [09-751](#), you may take enforcement action up to the amount in the agreement/order without further notice to the employer.

5. What if I believe the NCP works for the employer even though the answer form says that the NCP does not?

1. Report the business name and address and the NCP's social security number to:
 1. The Employment Security Department (ESD) at 1-800-246-9763 **or**
 2. Use the ESD [online suspected fraud report form](#).
2. Report the business name and address **and** the NCP's social security number to the Department of Labor and Industries (L&I) as a secondary means of effecting compliance.
 1. L&I at 1-888-811-5974 **or**
 2. Use L&I employerfraud@lni.wa.gov.

6. What if the employer pays but is always late?

- o If you have contacted the employer about making timely payments and the employer continues to send the payments late, you may consider imposing a fine if you think this will get the employer to send in timely payments.

Note: We do not want to make the employer angry and further delay payments. Use your discretion.

7. Under what conditions should I *not* initiate noncompliance actions?

1. DCS cannot initiate a noncompliance action against an out-of-state employer or other entity for failure to respond to a withholding action or a subpoena.
 - If DCS sent a long-arm withholding order to an employer in another state or a subpoena to a financial institution in another state who does not comply, you may initiate an interstate case to that state to take noncompliance action against the employer. See Section [15.030 B.1.c](#) for handling direct withholding actions.
2. If part of the employee's compensation is from tips, consult with the DCS Headquarters Unit at DCSPolicy@dshs.wa.gov **before** you take noncompliance action.
3. Only the [FIDM coordinator](#) at DCS Headquarters may initiate a noncompliance action against a financial institution.
4. Do not take noncompliance actions against a tribal employer or Indian-owned business located on or near a reservation.
 - Contact your [Regional Tribal Liaison](#) with questions about the tribal status of an employer. See Section [13.045](#).

8. How do I report employer fraud?

- o Use the ESD [online suspected fraud report form](#).

[Flow Chart - Employer Noncompliance Actions](#)

Revised August 25, 2006

Chapter 12: Noncompliance

Section 12.005: Handling Noncompliance - Medical Enrollment

This section explains how to take action against employers who do not comply with the Notice of Enrollment.

Contents

Laws	<p>RCW 26.18.180 Employer Liability RCW 48.01.235 Enrolling a Child Under a Court Order WAC 388-14A-4123 Fines for Medical Noncompliance WAC 388-14A-4125 Employer Response to National Medical Support Notice</p>
Policy	<p>If an employer refuses to honor a National Medical Support Notice, DSHS 09-727, after explanation and discussion with the employer and after obtaining authorization from the DCS Medical Support Program Manager you may impose a fine of \$200 for the first month, \$300 for the second month, and \$500 for the third month, not to exceed \$1000 per notice.</p> <p>Do not take noncompliance action against third party administrators, unions, tribes or tribal businesses, federal employers, or the military.</p>
Procedure	<p>Verify that it was possible for the employer to comply with the National Medical Support Notice, DSHS 09-727. After negotiations, warnings, and notices, take medical noncompliance action.</p> <p>Work with the employer or health plan administrator to gain compliance.</p> <p>After negotiations, warnings, and notices, take medical noncompliance action.</p> <p>If you assess a fine for medical noncompliance, you must set up a separate case for the fine.</p>
Visual Aids	<p>Flow Chart - Medical Noncompliance Actions Against Employers</p>
Automated Actions	<p>When only a National Medical Support Notice, DSHS 09-727, was sent, FT posts a Review Code 93 (No Response to Form) if no result code was entered after sixty (60) days.</p>
SEMS Screens	<p>OR, CC, FT, IA, MI, AH</p>
Forms Used	<p>09-727, 09-748, 09-749, 09-750</p>
Hearing and Conference Board Rights	<p>Conference board for issues arising from medical enforcement actions. The employer has an administrative hearing right on Notice of Noncompliance, DSHS 09-749.</p>
Personal Notes [Add a note]	<p>You have not added any notes to this handbook section.</p>
See Also	<p>7.075 Objections to Noncompliance Notices 7.015 Conference Board Requests 9.045 Medical Enforcement Limitations 12.015 Assessing a Fine or Penalty for Noncompliance 15.035, 040, 045 Interstate Long Arm Enforcement</p>

Procedures

1. What do I do if the employer does not respond to the National Medical Support Notice (NMSN)?

1. Make every attempt to contact the employer and resolve any medical questions or issues before beginning employer medical noncompliance.
2. If you cannot resolve the problem(s), begin medical noncompliance. See Section [24.045 E](#).

2. What do I do if the plan administrator does not respond to the NMSN?

1. Contact the employer to find out if they sent Part B to their plan administrator.
2. Obtain the name and phone number of the plan administrator.
3. Make every attempt to contact the plan administrator to resolve any medical questions or issues.
4. **Note:** Do not take noncompliance action against a plan administrator.
5. If you cannot resolve issues with the plan administrator, contact the [Medical Support Program Manager](#) in Division of Child Support (DCS) Headquarters. See Section 24.045.

3. What is the medical noncompliance sequence?

1. If the employer does not respond to the enrollment notice sent regular mail, re-mail it by certified mail; return receipt (CMRR).
2. If the employer refuses to answer or comply, send a Noncompliance Warning Letter, DSHS [09-748](#).
3. If the employer does not respond to the warning letter, send a Notice of Noncompliance, DSHS [09-749](#), by CMRR.
4. Before you may issue a fine against an employer for medical noncompliance, you must get authorization from the [Medical Support Program Manager](#) in DCS Headquarters.
5. If the employer refuses to answer or comply with the DSHS [09-749](#), and you have obtained authorization from the DCS [Medical Support Program Manager](#), calculate the fine per WAC 388-14A-4123 as:
 6. \$200 the first month of noncompliance;
 7. \$300 the second month of noncompliance; and,
 8. \$500 the third month of noncompliance.
9. Each notice can accrue a fine up to \$1000. Begin accruing the debt on the 41st business day after serving the National Medical Support Notice DSHS [09-727](#), on the employer.
10. You must set up a separate case for the employer if you are assessing a fine. See Section [12.015 C4](#) for instructions on setting up an employer fine case.

4. Are all employers subject to medical noncompliance action?

1. The following employers are exempt:

2. The military;
3. Federally recognized tribes, tribally owned enterprises, or Indian-owned businesses operating on a reservation or trust land; and,
4. Federal employers.
5. DCS is not currently fining unions or their third party administrators (TPA). If one of these is not complying, you should contact the [DCS Medical Support Program Manager](#) . See [Sections 9.045 B.4 and 24.045](#).

[Flow Chart - Medical Noncompliance Actions against Employers](#)

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Section 12.010: Handling Noncompliance - Employer New Hire Reporting (NHR)

This section explains the circumstances involving employers reporting information to DCS on newly hired employees.

Contents

Laws	RCW 26.23.040 New Hire Reporting RCW 74.20A.350 Noncompliance Fines - Hearings WAC 388-14A-8200 Employer Reporting Program
Policy	DCS does not assess fines for noncompliance with employer reporting except under extreme circumstances of willful noncompliance. DCS considers tribes, tribal businesses, and Indian-owned businesses located on or near a reservation exempt from the new hire reporting requirement.
Procedure	Before taking action, verify that the employer did not comply with reporting requirements.
Visual Aids	
Automated Actions	
SEMS Screens	SD
Forms Used	
Hearing and Conference Board Rights	Administrative hearing on assessed fines.
Personal Notes [Add a note]	You have not added any notes to this handbook section.
See Also	7.075 Objections to Noncompliance Notices

Procedures

1. Which employers must report under new hire reporting?

- All employers doing business in the United States must report.
Exception: As sovereign governments, **Division of Child Support (DCS)** considers tribal businesses exempt from the new hire reporting requirements. See Section [13.045](#).

2. Which employees must an employer report and what are the time requirements?

- Employers must report all newly hired or rehired employees within twenty (20) days of hiring.
Note: Not reporting could result in a penalty.

3. What is a rehire?

- The law is not specific about what a rehire is. As a rule of thumb, if an employer considered the employee terminated, and the employee later returns, the employee is a rehire.
Note: The [Employer's Guide, DCS 22-768](#), tells the employer "A rehire is an employee who returns to work after a thirty-day period regardless of the reason for the absence from work."

4. How does an employer report employees?

1. Employers may select the method of reporting that works best for their business. Employers may:

1. Report over the Internet at www.dshs.wa.gov/newhire;
2. Fax reports to **1-800-782-0624**;
3. Mail reports, diskettes, or tapes to:

**ISSD Data Control
New Hire Reporting Program
PO Box 9023
Olympia, WA 98507-9023; or**

4. Send tapes or cartridges via UPS to:

**New Hire Media
14th & Jefferson
1st Floor, NE Wing
Olympia, WA 98507-9162.**

2. Employers may call **1-800-562-0479** for technical assistance with tapes and diskettes, or for general new hire information.

5. What information must employers report?

1. Employers must report the following employee information:

1. Name;
2. Address;
3. Social Security Number (SSN); and,
4. Date of birth (DOB).

2. They also must report the following employer information:

1. The business name;
2. The business address;
3. Federal Employer Identification Number (FEIN).

6. What about employers who do business in two or more states?

■ Multi-state employers must do all of the following:

1. Select one state to which they will report;
2. Submit reports in two monthly transmissions no earlier than **twelve** (12) days and no later than **sixteen** (16) days from the date of hire;
3. Report electronically using the Internet or magnetic media (diskette, tape or cartridge); and,
4. Call **(410) 277-9470** to register as a multi-state employer.

7. What if an Indian tribe, tribal enterprise, or an Indian-owned business located on a reservation or trust land voluntarily report newly hired or rehired employees?

- If a tribal employer reports a new employee, refer the case to the [Regional Tribal Liaison](#) or Claims Officer.

8. What do I do if an employer does not report a newly hired employee?

1. Document the new hire information on [Support Enforcement Management System](#) (SEMS).
2. Notify the [Manager of Program Development and Special Collection Projects](#) at DCS Headquarters. Headquarters staff assesses the fine.
3. DCS is working with [State of Washington Employment Security Department \(ESD\)](#), [Department of Labor and Industries \(L&I\)](#), [DSHS Office of Financial Recovery \(OFR\)](#) and [IV-A agencies](#) to coordinate compliance issues associated with new hire reporting.

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Chapter 12: Noncompliance

Section 12.015: Assessing a Fine or Penalty for Noncompliance

This section explains when and how to establish a fine or penalty for noncompliance with a IV-D lien, subpoena, information inquiry, or withholding instrument.

Contents

Laws	<p>RCW 26.18.180 Medical Noncompliance RCW 26.23.040 New Hire Reporting Fines RCW 74.20A.350 Noncompliance Notice, Fines, License Suspension, Hearings RCW 74.20A.360 Noncompliance - Subpoenas and Information Requests</p>
Policy	<p>Do not impose fines or penalties against state or federal governmental agencies or tribal employers. Refer noncompliant tribal employers to the Regional Tribal Liaison. DCS may issue a fine to entities who do not comply with withholds, medical enrollments, subpoenas, liens, or new hire reporting requirements.</p> <p>DCS issues a fine for each occurrence of noncompliance with any particular DCS subpoena, lien, or other instrument. Each fine is \$100 per occurrence.</p> <p>DCS does not issue fines on employers that are not based in Washington or conduct business in Washington.</p> <p>Attempt to negotiate with noncomplying parties to obtain compliance before assessing a fine.</p> <p>Contact the Manager of Program Development and Special Collection Projects at DCS Headquarters for authorization if you believe that license suspension would be an appropriate remedy for noncompliance with a subpoena.</p>
Procedure	<p>Set up a separate case for the employer when assessing a fine.</p> <p>Set special instructions (SI) on NCP cases to ensure proper distribution of fine payments.</p>
Visual Aids	Examples
Automated Actions	
SEMS Screens	CC , FG , CF , SI , OR on employer fine case
Forms Used	09-748 , 09-749 , 09-750 , 09-751
Hearing and Conference Board Rights	Hearing right on the Notice of Noncompliance , DSHS 09-749 .
Personal Notes [Add a note]	You have not added any notes to this handbook section.

See Also	7.000 Determining if a Party has a Hearing or Conference Board Right 7.075 Objections to Noncompliance Notices 11.010 Responses to Enforcement Actions - Employers and Asset Holders 12.025 Setting Up Employer Fine Case 13.000 Tribal Enforcement
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Procedures

1. How do I assess a fine for noncompliance?

1. Attempt to contact the noncomplying party by phone before assessing a fine.
 1. Discuss what the party must do to comply.
 2. If the party verbally provides the information required to comply with a subpoena or Division of Child Support (DCS) inquiry, document the information on the case comment (CC) screen.
 3. If you need more information, ask the party to complete and return the requested documents to DCS.
 4. Discuss the monetary consequences if the party fails to comply, such as collection actions, fines, and liens.
 5. Negotiate and set the terms of compliance. Document the terms on the CC screen.
 6. Give the party a specific date by which the party must comply.
2. After taking these actions, assess a fine if the noncomplying party:
 1. Fails to withhold funds as required by a IV-D withholding instrument;
 2. Fails to remit funds or fails to remit funds timely as required by a IV-D withholding instrument;
 3. Fails to honor a DCS lien;
 4. Refuses to comply with a DCS subpoena;
 5. Refuses to honor a **National Medical Support Notice**, DSHS [09-727](#), See Sections [12.005](#) and [24.045](#).
 6. Fails to report a newly hired employee; See Section [12.010](#).
 7. Fails to comply with similar inquiries or withholding instruments issued by another state and the other state asks DCS to take noncompliance action. See Sections [12.020](#) and [12.025](#).
Note: If the noncomplying party is not an employer, you may use these noncompliance remedies even if you have not taken the actions in [12.015 A2 a-f](#).

2. How do I determine the amount of a fine?

1. Under [RCW 74.20A.350](#), DCS may assess a fine of "up to \$100" per occurrence. For purposes of consistency, DCS staff should always assess a fine in the amount of \$100, not less. After the noncomplying party objects, DCS may negotiate a settlement where the amount of the fine is less than \$100 per occurrence.
2. DCS may assess a fine for each occurrence of noncompliance. DCS defines an "occurrence" as any time when a person should have done something to comply with the DCS action or instrument. For example, each payday where an employer does not withhold and remit support constitutes an occurrence.
3. If DCS has previously taken noncompliance action against the employer and the

employer has multiple NCPs and the employer fails to comply with notices on each NCP, you may impose a fine of \$100 for each occurrence of noncompliance under each notice served for each NCP employed (employee) for failure to comply with a withholding instrument.

Note: Do this only after negotiations for compliance have failed.

4. DCS may impose fines when the employer failed to comply with a medical enrollment notice by the month, if authorized by the DCS [Medical Support Program Manager](#): \$200 for the first month, \$300 for the second month, and \$500 for the third month, but only after negotiations for compliance have failed. See [Section 12.005](#).
5. Only DCS Headquarters staff may impose fines when the employer failed to report the hiring of a new employee: \$25 per employee per month or \$500 if failure to report is the result of a conspiracy between the employer and employee. See [Section 12.010 H.2](#).

3. What if a (non-tribal) employer or entity does not comply with a subpoena?

1. If the noncomplying party fails to respond to the warning letter or refuses to comply with a subpoena, issue a **Notice of Noncompliance**, DSHS [09-749](#) to establish the fine. Complete the steps in **B. 1, 2, and 3** above.
Note: Contact the [Manager of Program Development and Special Collection Projects](#) at DCS Headquarters before issuing a DSHS 09-749 to establish a fine.
2. If the noncomplying party does not respond or refuses to comply, begin action to collect the fine established in the 09-749.
3. Do not issue a fine for noncompliance if [Washington State](#) sent the subpoena to an out-of-state entity or financial institution. See [Section 12.000 E](#).

4. How do I enforce a fine?

1. Send a **Noncompliance Warning Letter**, DSHS [09-748](#). Send a new warning when the noncompliance concerns a different action or employee.
2. If the noncomplying party does not respond to the DSHS 09-748, prepare a **Notice of Noncompliance**, DSHS [09-749](#) and add the potential fine to the notice. Do not enforce the fine yet.
3. Attempt to contact the employer to negotiate before taking enforcement action to collect the fine and any support still owing by the noncomplying party that appeared on the DSHS 09-749.
4. Before you enforce the fine, set up a fine case. Enter the amount of the fine on the [case financial \(CF\) screen](#). See [Section 12.025](#) for how to set up a fine case.
 1. Set Special Instructions ([SI](#)) on both cases specifying how to distribute the collected funds. Check the source of the payment.
 2. If DCS collects the full amount due under the DSHS 09-749 and the fine, distribute funds to each case. Close the employer fine case if no more fines are due under a different DSHS 09-749.
 3. If DCS collects less than the full amount due under the DSHS 09-749, apply the amounts first to the child support case.

5. If the noncomplying party requests a hearing, either orally or in writing, on the **Notice of Noncompliance**, DSHS [09-749](#), do the following:

1. Refer the case for an administrative hearing;
2. Do not take collection action against the party on the DSHS 09-749 pending results of the hearing;

Note: If the noncomplying party requests a hearing after **twenty** (20) days of service of the DSHS 09-749, **see** Section [7.075 A](#).

5. Can DCS suspend the obligation (fine) imposed?

1. You can suspend the obligation (fine) conditioned on future compliance with the withholding notice or subpoena. Use the **Agreed Settlement/Consent Order - Notice of Noncompliance**, DSHS [09-751](#), to document the agreement.
2. Such suspension ends automatically upon any failure to comply with the withholding notice or request for information. Amounts suspended automatically become fully collectible without further notice.

6. When can DCS suspend a license for noncompliance?

1. Only DCS Headquarters staff may suspend a license when the noncomplying party fails to honor a DCS subpoena.
 - To request suspension of a license, including driver's licenses and business licenses, send an e-mail request to the [License Suspension Coordinator](#) in Headquarters.

Note: The Department of Licensing (DOL) cannot [suspend](#) a business license. Headquarters staff are working with the city licensing departments on a case-by-case basis to see if they would be willing to suspend a city issued business license.
2. It must be clear in the case comments that efforts to obtain the requested information, including fine assessment, were unsuccessful.

Note: This also applies when fines are repeatedly needed to obtain requested information from the same party.

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Chapter 12: Noncompliance

Section 12.020: Responding to Penalty Requests from Other States

This section explains what to do for interstate noncompliance cases.

Contents

Laws	RCW 74.20A.350(12) Noncompliance Under UIFSA RCW 26.21.456 Penalties for Noncompliance
Policy	Honor requests from other states to impose a penalty for noncompliance with IV-D agency liens, subpoenas, information inquiries, or withholding instruments.
Procedure	
Visual Aids	
Automated Actions	
SEMS Screens	FG , CF , OR , BC , IA
Forms Used	09-748 , 09-749 , 09-750 , 09-751
Hearing and Conference Board Rights	Hearing right on the Notice of Noncompliance , DSHS 09-749 .
Personal Notes [Add a note]	You have not added any notes to this handbook section.
See Also	2.045 Case Setup 7.075 Objections to Noncompliance Notices

Procedures

1. What action does DCS take when another state sends a request for noncompliance action due to failure to respond to a subpoena or other inquiry?

- If the interstate request is for action on the other state's subpoena or other inquiry, Central **Services** staff work the case by doing the following:
 1. Receive the request and set up a new noncompliance case;
 2. Request all necessary information they did not receive with the initial referral;
 3. Send a new inquiry to the noncomplying party by **certified mail, return receipt (CMRR)**;
 4. If the noncomplying party responds, Central Registry staff forward the information to the other state and close the **Division of Child Support (DCS)** case;
 5. If the noncomplying party does not respond, Central **Services** staff transfer the case to the appropriate field office for noncompliance action.

2. What action does DCS take when another state sends a request due to failure to comply with income or asset withholding?

- If the interstate request is for action on the other state's income or other asset withholding notice, Central **Services** staff:
 1. Receive the request and set up a new noncompliance case.
 2. Notify the initiating state of DCS's full collection.
 3. Request all necessary information not received with the initial referral.
 4. Route the case to the appropriate field office for full collection services. If both custodial and noncustodial parents are out of state, route the case according to business location.

3. What about tribal employers?

- Do not take noncompliance action against a tribal employer or Indian-owned business located on or near a reservation. Contact your [Regional Tribal Liaison](#) with questions about the tribal status of an employer.

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Chapter 12: Noncompliance

Section 12.025: Setting Up a Noncompliance Fine Case

This section explains how to set up a case when DCS imposes noncompliance fines.

Contents

Laws	RCW 74.20A.275 (4) Excludes Noncompliance Fines from Types of Debt Characterized as Child Support.
Policy	Set up a non-IV-D case to collect fines for noncompliance. Support debts that the employer should have withheld or remitted remain on the main child support case.
Procedure	Maintain a separate case for noncompliance fines owed to DSHS.
Visual Aids	
Automated Actions	EV does not evaluate non-IV-D cases.
SEMS Screens	BC , IA , CE , OR , SI , CC
Forms Used	
Hearing and Conference Board Rights	
Personal Notes [Add a note]	You have not added any notes to this handbook section.
See Also	2.045 Setting Up a New Case

Procedures

1. How do I set up a noncompliance fine case?

1. Enter the noncomplying party as the noncustodial parent (NCP). Put the entire employer name in the last name field. Add the NCP's first initial of his/her last name in the first name field. Leave the middle name field blank.
2. Enter DSHS-DCS into the custodial parent's (CP's) last name field and add the CP's first initial of his/her last name into the first name field;
3. Enter Case type **5**, (*Non-IV-D*);
4. Enter Enforcement Services **11**, (*Employer*);
5. Post a case comment listing the case number of the child support case on which we took the original action;
6. Add the children onto the case by using their existing basic individual numbers (BI#s). **Note:** Support Enforcement Management System (SEMS) only needs child's name and date-of-birth (DOB) to work, but if you list all of the children it will help identify the associated case.

2. How do I set up the CP address on a noncompliance fine case?

1. Enter Address type **02** (*Mailing*) on the Individual Address ([IA](#)) screen for the CP;
2. Enter Verification 01;
3. Enter the following as the address:

DSHS-DCS
Attn: Accts Payable, EmpNC
POB 9162
Olympia, WA 98504-9162

3. How do I enter order and fine information?

1. Enter the noncompliance administrative order on the order record ([OR](#)) screen:
 1. Click on *Add Pre Exist Order* button to add the order;
 2. Choose order type **06** (*Admin*) in the *Order* field;
 3. Choose enforcement language **01** (*IWW*) in the *Enf Lang* field;
 4. Choose medical coverage **01** (*not required*) in the *Med* field;
 5. Enter the effective date as the service date of the **Notice of Noncompliance**, DSHS [09-749](#) or final order date;
 6. Enter **only** the amount for fines as arrears. Do not enter the amount of the nonremittal child support payments as these amounts are on the child support case; and,
 7. Use the *Add Order Comment* button to add a comment to the order that explains the order is for fines only.

2. Add the fine amount to the **Case Financial screen (CF)** as **CP Arrears**.

4. What if we take noncompliance fine actions against the same party on more than one case?

1. Include all actions against the same party on the same case.
2. Local office procedure may determine one **Support Enforcement Officer (SEO)** or **Claims Officer** who maintains the case.
3. List all related child support case numbers on the **case comments (CC)**.

5. How do I close a noncompliance fine case?

1. When the noncompliance fine is paid in full, close the case using Code **62 (administrative purposes only)**.

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