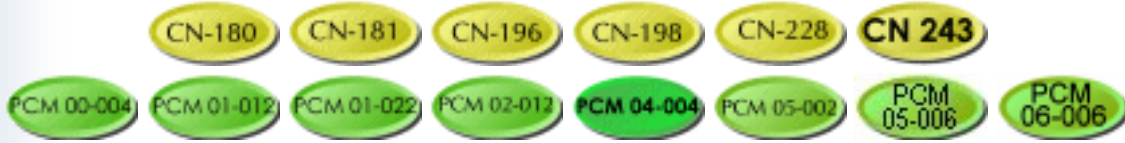


## Chapter 7: Hearing and Conference Board Rights



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## Chapter 7: Hearing and Conference Board Rights

### Section 7.000: Determining Who Has Hearing Rights

This section describes how to determine who has hearing rights on a case.



## Contents

Laws	<a href="#">RCW 74.20.055</a> establishes DCS as the agency to administer the state's child support program. WAC 388-08-413 who may request a hearing. <a href="#">WAC 388-14A-3370</a> a responsible parent's defenses to liability.
Policy	Notify parties to an action so they can exercise their legal rights.
Procedure	DCS extends party status to all parties to an order.
Visual Aids	<a href="#">Table</a> - Hearing Rights Associated with Common Notices/Orders <a href="#">Table</a> - Which Forum Do I Use, Hearing or Conference Board?
Automated Actions	
SEMS Screens	<a href="#">BC</a> , <a href="#">IA</a> , <a href="#">CC</a> , <a href="#">OR</a>
Forms Used	<a href="#">09-277</a> , <a href="#">09-277B</a> , <a href="#">09-520</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="#">Establishment of an Obligation Before Collecting</a> <a href="#">Limitations to Collection</a> <a href="#">Collection Tools &amp; Assets</a> <a href="#">Responses to Collection Actions</a> <a href="#">Employer Noncompliance</a> <a href="#">Tribal Enforcement</a> <a href="#">Continuation of Services</a>  <a href="#">Case Closure</a>

## Procedures

### 1. Who has hearing rights?

1. DCS extends party status to all parties to a support order. Both the CP and the NCP have hearing rights as appropriate for the type of order DCS is enforcing or establishing.
2. In the court ordered process, the parties may exercise their rights during the court hearing or negotiations leading up to the entry of the court order.
3. If DCS is serving a **Notice of Support Debt and Demand for Payment**, [DSHS 09-272](#) based on an existing court order, the NCP has a right to a conference board to dispute arrears; the custodial payee has a right to a hearing if he or she disagrees with the amount shown on the notice.
4. When serving an administrative notice, **Notice and Finding of Financial Responsibility**, [DSHS 09-275](#) or **Notice and Finding of Parental Responsibility**, [DSHS 09-710](#), both the NCP and CP have a right to a hearing if they disagree with the terms of the notice.
  - The NCP has 20 days (60 days if served out of state) to request a hearing. The CP has 20 days.
5. An employer or union served a **Notice of Noncompliance**, [DSHS 09-749](#) has a right to an administrative hearing to contest the notice.

### 2. Must a hearing request be in writing?

- Accept hearing requests in any form, written or oral.
  1. DCS provides hearing request forms for the convenience of the aggrieved party.
  2. DCS uses the **Record of Oral Objection/Request for Adjudicative Proceeding (Hearing)**, [DSHS 09-277B](#) to record oral requests for hearings or conference boards.

**Exception:** Requests for modification of an existing administrative order under [WAC 388-11-140](#) or petitions for recovery of extraordinary child rearing expenses under WAC 388-14-375 must be in writing.

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### [Table - Hearing Rights Associated with Common Notices/Orders](#)

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### [Table - Which Forum Do I Use, Hearing or Conference Board?](#)

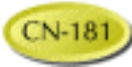
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*Revised June 6, 2004*

## Chapter 7: Hearing and Conference Board Rights

### Section 7.005: Processing Hearing Requests

This section describes how to process hearing requests.



## Contents



Laws	388-08 WAC - fair hearing practices and procedures. <a href="#">388-14A WAC</a> - establishment of a support obligation. <a href="#">388-14A WAC</a> - establishment and recovery of a support debt. <a href="#">388-14A WAC</a> - support enforcement.
Policy	Accept hearing requests in any form.  Help a requestor determine the correct hearing forum and process for requesting a hearing or conference board.
Procedure	Process hearing requests as quickly as possible.  Ensure the hearing request is noted in the hearing field on the OR screen.
Visual Aids	<a href="#">Table</a> - Common Hearing Request Forms and Their Uses
Automated Actions	Entry of hearing request code on FT for notices sets hearing pending on OR screen.
SEMS Screens	<a href="#">FT</a> , <a href="#">CC</a> , <a href="#">OR</a>
Forms Used	<a href="#">09-277</a> , <a href="#">09-277B</a> , <a href="#">09-392(X)</a> , <a href="#">09-712</a> , <a href="#">09-750</a> , <a href="#">09-520</a> , <a href="#">1-109</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="#">Establishment of a Support Obligation</a> Enforcement Chapters 8 - 14: <a href="#">Before Collecting</a> <a href="#">Limitations to Collection</a> <a href="#">Collection Tools &amp; Assets</a> <a href="#">Responses to Collection Actions</a> <a href="#">Employer Noncompliance</a> <a href="#">Tribal Enforcement</a> <a href="#">Continuation of Services</a>  <a href="#">Case Closure</a>  Office of Administrator of Courts - <a href="#">Certified Court Interpreters Used in Washington State</a>

## Procedures

### 1. What do I do if I get a hearing request?

1. Process the hearing request immediately:
  1. Date-stamp the request when you receive it.
  2. Make sure the IV-D number is on the request.
  3. Follow local procedures to schedule the hearing, and:
    - Complete the **Request for Adjudicative Proceeding/Order**, [DSHS 01-109](#).
    - Send the 01-109 and original request to the [Office of Administrative Hearings](#).
2. Note the hearing request code in the hearing block on the OR screen.
3. Keep a copy of the original request in the paper file.
4. When DCS receives a [timely hearing request](#) from one of the parties:
  1. Check to see if the other party has previously requested a hearing.
  2. If DCS has already processed a hearing request for the other party:
    - Notify the Claims Officer assigned to the hearing.
    - Note on the 01-109 that staff should join the hearing requests under the same docket number.
5. If the CP requests a timely hearing and the NCP has not contacted DCS:
  1. Note on the 01-109 that the hearing should be in the field office handling the NCP's case.
  2. Provide the NCP's name and address on the 01-109.
    - The Office of Administrative Hearings notifies the CP and the NCP of the date and place of the hearing.
6. If one of the parties makes a [late hearing request](#):
  1. Continue collection on the notice served on the NCP.
  2. If the hearing request is within one year of the notice, law does not require good cause for a late hearing.
  3. If a party submits the request more than one year after service of the notice:
    - Forward the request to the Office of Administrative Hearings per local procedures.
    - Office of Administrative Hearings will schedule a hearing to determine if the party has good cause for the late hearing request, if required.
    - If the hearing finds good cause, the Office of Administrative Hearings holds a hearing to decide the issues. This is usually at the same time as the good cause hearing.

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### [Common Hearing Request Forms and Their Uses](#)

*Revised February 8, 1999*

## Chapter 7: Hearing and Conference Board Rights

### Section 7.010: Oral Hearing Rights

This section describes oral hearing requests.

#### Contents

Laws	<a href="#">WAC 388-14A-6100</a> oral hearing requests.
Policy	Accept oral requests for a hearing or conference board.  Process oral hearing requests in the same manner as written hearing requests.
Procedure	Note any oral hearing request on a <a href="#">09-277B</a> .  Post the hearing request in the hearing field on the OR screen.
Visual Aids	
Automated Actions	Entry of a hearing request code on FT for notices sets hearing pending on the OR screen.
SEMS Screens	<a href="#">FG</a> , <a href="#">FT</a> , <a href="#">CC</a> , <a href="#">OR</a>
Forms Used	<a href="#">09-277B</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="#">Establishment of a Support Obligation</a> Enforcement Chapters 8 - 14: <a href="#">Before Collecting</a> <a href="#">Limitations to Collection</a> <a href="#">Collection Tools &amp; Assets</a> <a href="#">Responses to Collection Actions</a> <a href="#">Employer Noncompliance</a> <a href="#">Tribal Enforcement</a> <a href="#">Continuation of Services</a>

## Procedures

### 1. What if the person asks for a hearing over the phone?

1. An oral request for a hearing must be in response to an action taken by DCS.
2. An oral request for hearing may lead to either an administrative hearing or to a conference board.

### 2. Are there any times we won't accept oral hearing requests?

1. DCS will not accept oral requests for hearings regarding:
  1. Petition for relief under WAC 388-14-375 (recovery of excess extraordinary child rearing expenses)
  2. Petition for modification of an existing administrative support order under [WAC 388-11-140](#).
2. Do not treat every verbal complaint as a request for a hearing. Verify that the party wants to request a hearing.

### 3. Who can make an oral hearing request?

1. An aggrieved party or their advocate may make an oral hearing request to any member of the DCS staff who has contact with the public.
2. A hearing request is valid if staff can identify the person making the request, the DCS action, and the case or cases the hearing request concerns.

### 4. How do I document an oral hearing request?

1. If you have access to SEMS, create the **Record of Oral Objection/Request for Adjudicative Proceeding (Hearing)**, [DSHS 09-277B](#) as you speak to the requesting party. Fill out the form as completely as possible. Include:
  1. Who is making the request.
  2. What case the request concerns.
  3. What action prompted the request and the objection.
  4. Verify mailing address and daytime phone number.
2. If you do not have access to SEMS fill out the 09-277B by hand or wait until after the conversation ends and then go to SEMS and complete the form on [FormSGen](#).
3. A message left on your voice mail may be a valid hearing request if there is enough information to complete the oral request for hearing form.
  - If there is not enough information, call the party back if at all possible to obtain the necessary information.
4. After completing the form, mail a copy of the 09-277B to the person making the request and to the person on whose behalf the requestor asked for the hearing.
5. Forward the 09-277B along with the file to the staff member in charge of setting up hearings in your office.

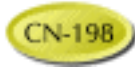
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## Chapter 7: Hearing and Conference Board Rights

### Section 7.015: Conference Board Requests

This section describes when it would be appropriate for a Conference Board to deal with an objection.



### Contents

Laws	<p><a href="#">WAC 388-14A-6400</a> conference boards.</p> <p><a href="#">WAC 388-14A-8120</a>(4),(5),(6) authorizes a conference board to contest collection actions reducing NCP below the need standard.</p> <p><a href="#">WAC 388-14A-2160</a> authorizes a conference board as the venue to contest accuracy of information to be reported to credit bureaus.</p>
Policy	<p>Resolve issues at the <b>first</b> level possible.</p> <p>Advise aggrieved parties of their right to a conference board in cases where a hearing is not appropriate.</p>
Procedure	<p>Accept requests for conference boards orally or in writing.</p> <p>Enter a conference board request code in the hearing field on the OR screen.</p>
Visual Aids	
Automated Actions	Timely conference board requests delay disbursement actions pending results of the conference board.
SEMS Screens	<a href="#">CC</a> , <a href="#">OR</a>
Forms Used	<a href="#">09-520</a> , <a href="#">09-277B</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	<p><a href="#">Establishment of a Support Obligation</a></p> <p>Enforcement Chapters 8 - 14:</p> <p><a href="#">Before Collecting</a></p> <p><a href="#">Limitations to Collection</a></p> <p><a href="#">Collection Tools &amp; Assets</a></p> <p><a href="#">Responses to Collection Actions</a></p> <p><a href="#">Employer Noncompliance</a></p> <p><a href="#">Tribal Enforcement</a></p> <p><a href="#">Continuation of Services</a></p>

## Procedures

### 1. When is a conference board appropriate?

1. When a party to an action has a grievance against DCS and there is no administrative hearing right, advise the party of their right to request a conference board.
2. If attempts to resolve the issue fail, prepare the case for a conference board:
  1. The SEO prepares a short summary of the facts of the case and details all efforts to resolve the issues.
  2. The Supervisor reviews the conference board request for completeness, and forwards the request, per local policy, to the conference board unit.
    - The supervisor may attach a recommendation to the conference board request.

### 2. Who sits on the conference board?

- The conference board may consist of the Conference Board Chair alone, or the Chair and up to two experienced SEOs or Claims Officers. The RSEO is not a member of the conference board.

### 3. What can the conference board do?

1. The conference board may:
  1. Review the case and render a decision without holding a hearing.
  2. Hold a hearing and render a decision based on information provided at that hearing.
  3. Review any additional information deemed necessary to reach a decision.
2. Office of Appeals and superior court do not review a conference board decision.
  1. The applicant may request review by the Director or his/her designee.
  2. The field office has no formal right to appeal the decision.

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*Revised August 17, 1999*

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## Chapter 7: Hearing and Conference Board Rights

### Section 7.020: Timely Hearing Requests

This section describes the actions to take for timely hearing requests.

#### Contents

Laws	<a href="#">45 CFR 302.50</a> requires a hearing process for administrative orders. <a href="#">74.20A.055</a> , <a href="#">RCW 74.20A.056</a> , <a href="#">RCW 74.20A.059</a> hearing rights on notices and mods. <a href="#">WAC 388-14A-3115</a> hearing rights.
Policy	Negotiate settlements on as many cases as possible in order to reduce the number of administrative hearings.  Process hearing requests as quickly as possible.
Procedure	Follow local procedures to schedule the hearing through the <a href="#">Office of Administrative Hearings</a> .  Attempt to negotiate a settlement if appropriate.
Visual Aids	<a href="#">Matrix</a> - Hearing Requests
Automated Actions	Posting a timely hearing requested on the FT screen activates the hearing requested block on the OR and prevents withholding actions pending the results of the hearing.
SEMS Screens	<a href="#">FT</a> , <a href="#">CE</a> , <a href="#">OR</a> , <a href="#">CC</a>
Forms Used	
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="#">Case Set-Up</a> <a href="#">Establishment of a Support Obligation</a> <a href="#">Debt Calculation</a>

## Procedures

### 1. When is a hearing request timely?

- If a party makes the hearing request within 20 days (60 days if out of state) of service of the notice:
  1. The request is a timely request.
  2. Enter the code for hearing requested on the FT.
  3. Delay collection action on the disputed amount until DCS enters an order or the NCP withdraws the hearing request.

### 2. Should I try to reach an agreement with the parties?

1. Follow local procedures to attempt to negotiate a settlement with the party/parties if possible.
2. If a settlement is not possible, forward the request for hearing to the hearings coordinator in your field office.

---

### [Matrix - Hearing Requests](#)

## Chapter 7: Hearing and Conference Board Rights

### Section 7.025: Late Hearing Requests

This section describes how to process late hearing requests.



### Contents

Laws	<a href="#">45 CFR 302.50</a> Requires a hearing process for administrative orders. <a href="#">74.20A.055</a> NFFR <a href="#">WAC 388-14A-3500</a> procedures for late hearing requests.
Policy	Process hearing requests as quickly as possible.  Negotiate a settlement on as many cases as possible in order to reduce the number of administrative hearings.
Procedure	Forward all hearing requests to the <a href="#">Office of Administrative Hearings</a> if filed more than one year after service of the notice.
Visual Aids	
Automated Actions	
SEMS Screens	<a href="#">FT</a> , <a href="#">OR</a> , <a href="#">CC</a>
Forms Used	<a href="#">09-277</a> , <a href="#">09-277B</a> , <a href="#">09-392</a> , <a href="#">09-712</a> , <a href="#">09-750</a> , <a href="#">01-109</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="#">Case Set-Up</a> <a href="#">Establishment of a Support Obligation</a> Enforcement Chapters 8 - 14:  <a href="#">Before Collecting</a> <a href="#">Limitations to Collection</a> <a href="#">Collection Tools &amp; Assets</a> <a href="#">Responses to Collection Actions</a> <a href="#">Employer Noncompliance</a> <a href="#">Tribal Enforcement</a> <a href="#">Continuation of Services</a>  <a href="#">Debt Calculation</a>

## Procedures

### 1. What do I do if I get a late hearing request?

1. If you receive a hearing request more than 20 days but within one year after we served the notice:
  1. Continue collection action on the original notice.
  2. Good cause for a late hearing request is not required.
  3. Negotiate with the party to reach a proposed agreement on the entire debt period.
  4. Follow Full Party procedures.
  5. Forward the case for an administrative hearing if DCS cannot reach an agreement with both parties.
2. If you receive a hearing request more than one year after service of the notice:
  1. Continue collection action on the original notice.
  2. Try to find out why the party is making a late hearing request.
  3. If the party clearly has good cause for a late hearing, take the request to your supervisor or claims officer for approval.
    - Try to negotiate an agreement if the party clearly has good cause for a late hearing. Be sure to follow full party procedures.
  4. Forward the request to the [Office of Administrative Hearings](#) if good cause is not apparent or if you cannot negotiate an agreement.
    - The Office of Administrative Hearings conducts a hearing to see if good cause for a late hearing is valid and usually will hear the case on merit at the same time. Stop all collection action on the underlying order only if the ALJ orders you to do so. Set SI to prevent disbursement of any money collected after collection stopped.

### 2. Are there any exceptions to late hearing requests?

- Exception to good cause for a late hearing:
  - The Claims Officer will stipulate to good cause on a late hearing when all the following are true:
    1. DCS served the NCP a **Notice and Finding of Financial Responsibility**, [DSHS 09-275](#) after June 30, 1988.
    2. The NCP was on AFDC (TANF), GAU, or SSI as only source of income.
    3. DCS served an obligation based on the [Need Standard](#), [Median Income Chart](#), or [Imputed Income](#).
    4. The NCP has not previously requested a hearing.

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## Chapter 7: Hearing and Conference Board Rights

### Section 7.030: NCP Rights on Service of a 09-272

This section describes the NCP's rights when DCS serves an initial notice of court-ordered support debt.



Laws	<p><a href="#">RCW 74.20A.040</a> requires service of a debt notice on the NCP prior to collection actions.</p> <p><a href="#">WAC 388-14A-3315</a> requires notice to the payee when the NCP served a notice of court ordered debt.</p> <p><a href="#">WAC 388-14A-3304</a> notice of support debt.</p>
Policy	<p>Allow the NCP 20 days to respond to a notice served in Washington or 60 days when served out of state.</p> <p>Do not collect on a disputed amount if the NCP made a timely objection pending the outcome of the conference board.</p>
Procedure	
Visual Aids	
Automated Actions	
SEMS Screens	<a href="#">FT</a> , <a href="#">OR</a> , <a href="#">CC</a>
Forms Used	<a href="#">09-272</a> , <a href="#">09-277</a> , <a href="#">09-277B</a> , <a href="#">09-520</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	<p><a href="#">Case Set-Up</a></p> <p><a href="#">Establishment of a Support Obligation</a></p>

## Procedures

### 1. What do I do if the NCP objects to service of a 09-272?

1. The NCP has a right to [request a conference board](#) if the NCP disputes the arrears amount or other terms of the **Notice of Support Debt and Demand for Payment**, [DSHS 09-272](#).
2. If the conference board request is timely, do not begin collection on the disputed arrears debt until the conference board decision is final.
3. Review the case 20 (60) days after DCS served the NCP the notice to begin collection of current support and on any arrears or set-sum judgment not in dispute.

### 2. Who notifies the CP of the conference board?

- o The conference board chairperson will notify the payee, and allow the payee to participate in the conference board or request a hearing.
  1. If the CP requests a hearing, the matter will switch to the hearing track to address all the issues of the case.
  2. The NCP may participate as a party in the hearing.

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## Chapter 7: Hearing and Conference Board Rights

### Section 7.035: NCP Rights on Service of a 09-711

This section describes the NCP's rights when served an initial notice of court-ordered support debt.



### Contents

Laws	<a href="#">RCW 26.23.110</a> procedures for service of a variable support order. <a href="#">WAC 388-14A-3310</a> notice of support owed. <a href="#">WAC 388-14A-3315</a> notice to the payee after DCS serves the NCP a notice on a court ordered debt.
Policy	Allow the NCP 20 (60) days to respond to a notice.  If the NCP made a timely objection do not collect on a disputed amount pending the outcome of the hearing/conference board.
Procedure	
Visual Aids	
Automated Actions	Posting a timely hearing requested on the FT screen activates the hearing requested block on the OR and prevents withholding actions pending the results of the hearing.
SEMS Screens	<a href="#">FT</a> , <a href="#">OR</a> , <a href="#">CC</a>
Forms Used	<a href="#">09-711</a> , <a href="#">09-277</a> , <a href="#">09-277B</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="#">Case Set-Up</a> <a href="#">Establishment of a Support Obligation</a>

## Procedures

### 1. If the NCP makes a [timely request for a hearing](#):

1. Do not collect on the support debt that the NCP claims is incorrect until DCS enters the final administrative order, or the NCP withdraws the hearing request.
2. Review for collection 21 (60) days after service of the **Notice of Support Owed**, [DSHS 09-711](#) for the following:
  - A fixed or minimum amount ordered for current support.
  - Undisputed set-sum judgments.

### 2. If the NCP makes a late hearing request:

- See [section 7.025](#) for late hearing request procedures.

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## Chapter 7: Hearing and Conference Board Rights

### Section 7.040: CP's Rights Following Notice of Service on the NCP

This section describes the CP's hearing rights following notice of the NCP being served for a court ordered debt.

#### Contents

Laws	<a href="#">WAC 388-14A-3310</a> notice of support owed - Payee also means custodial parent. <a href="#">WAC 388-14A-3315</a> notice to the payee after DCS serves the NCP a notice of court ordered debt. <a href="#">WAC 388-14A-5050</a> notice of intent to distribute support money. <a href="#">RCW 26.23.035</a> distribution of support reviewed.
Policy	Extend Full Party Status to CPs and payees in court-ordered cases.
Procedure	Mail the CP and the court-ordered payee an 18-446 after serving the NCP.  Mail the payee of the court order a 09-698, Notice of Intent to Distribute Support Money.
Visual Aids	
Automated Actions	
SEMS Screens	<a href="#">FG</a> , <a href="#">FT</a> , <a href="#">CC</a> , <a href="#">OR</a>
Forms Used	<a href="#">18-446</a> , <a href="#">09-277</a> , <a href="#">09-277B</a> , <a href="#">09-698</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="#">Establishment of a Support Obligation</a>

## Procedures

### 1. What if the CP is not the payee?

- If the CP is not the court-ordered payee, send notification of NCP service to both the custodian and the payee. Also send the payee a **Notice of Intent to Distribute Support Money**, [DSHS 09-698](#).

### 2. Does the CP have a hearing right on the debt served on the NCP?

#### 1. The CP has the right to:

1. Receive a copy of the notice of court-ordered debt served on the NCP.
2. Request a hearing on any notice of the court-ordered debt.
3. Receive notice of a negotiated settlement of court-ordered debt.
4. Request a hearing based on any settlement of the court-ordered debt.
5. Appear as an independent party in any hearing or conference board concerning any court-ordered debt.

#### 2. CP's rights during hearings:

1. Present oral or documentary evidence.
2. Examine and cross-examine witnesses.
3. Offer rebuttal testimony.
4. Receive a copy of the Decision and Order.
5. Request or respond to an administrative or judicial review.

#### 3. The CP has a right to request copies of materials used by DCS to prepare a court-ordered notice. This right is subject to normal public disclosure restrictions.

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*Revised July 26, 2002*

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## Chapter 7: Hearing and Conference Board Rights

### Section 7.045: Actions Following Notice to the Payee on Nonassistance Cases

This section describes actions DCS takes following notice to the payee on nonassistance cases.

#### Contents

Laws	<a href="#">WAC 388-14A-3315</a> notice to the payee after the NCP served a notice of court ordered debt.
Policy	Do not begin collection action on a court ordered debt until 20 days after notifying the payee of service of the debt on the NCP.
Procedure	Mail the payee an 18-466 after DCS serves the NCP the notice.
Visual Aids	
Automated Actions	
SEMS Screens	<a href="#">FT</a> , <a href="#">OR</a> , <a href="#">CC</a>
Forms Used	<a href="#">18-446</a> , <a href="#">1-109</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="#">Establishment of a Support Obligation</a> Enforcement Chapters 8 - 14:  <a href="#">Before Collecting</a> <a href="#">Limitations to Collection</a> <a href="#">Collection Tools &amp; Assets</a> <a href="#">Responses to Collection Actions</a> <a href="#">Employer Noncompliance</a> <a href="#">Tribal Enforcement</a> <a href="#">Continuation of Services</a>

## Procedures

1. **Coordinate collection actions with the claims officer assigned to the case if a hearing is pending.**
2. **Do not begin collection action on court-ordered debt until DCS:**
  1. Sends the CP notice of the debt served on the NCP.
  2. Allows the CP 20 days to request a hearing or bring an action in superior court.
3. **If the CP makes a timely hearing request:**
  - Review for collection at least 21 days after the NCP was served for:
    - A fixed or minimum amount of support stated in the court order.
    - Any part of the support debt that is a set-sum judgment.
4. **The entire support debt is collectible if:**
  1. The NCP failed to contact DCS or file an action in court within 20 days following service.
  2. The CP failed to request a hearing or file an action in court within 20 days of when DCS mailed the **Notice to Payee**, [DSHS 18-446](#).
5. **The CP's right to a timely hearing takes priority over the NCP's right to a conference board.**
6. **If the NCP requests a conference board within 20 days of service and the CP has not requested a hearing:**
  1. The Conference Board Docket Clerk sends a **Notice of Conference Board**, DSHS 09-522a to both the NCP and CP.
  2. The notice tells the CP to either:
    - Request a hearing within 20 days of the mailing of the 09-522a, Or
    - Attend the conference board.
7. **If the CP submits a timely hearing request and the NCP has already requested a conference board:**
  - Notify the Conference Board Docket Clerk of the CP request.
    - The Docket Clerk will notify the NCP of the hearing request and that there will be no conference board.
    - The Office of Administrative Hearings sends notice to both parties, telling them their rights to attend and participate as independent parties.
    - The hearing will address all disputes.
8. **If the CP makes a late request for a hearing follow the procedures in Section 7.025.**

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## Chapter 7: Hearing and Conference Board Rights

### Section 7.050: NCP's Rights on Service of an Administrative Notice, 09-275

This section describes the NCP's rights upon service of an administrative notice, 09-275.



### Contents

Laws	<a href="#">45 CFR 302.50</a> requires a hearing process for administrative orders. <a href="#">WAC 388-14A-3115</a> NFFR.
Policy	An NCP may request a hearing at any time regarding an administrative debt.
Procedure	DCS will process a hearing request in any form.
Visual Aids	
Automated Actions	A timely hearing request noted on FT will activate the hearing block on the OR. This will preclude collection action until DCS enters an order.
SEMS Screens	<a href="#">FT</a> , <a href="#">OR</a> , <a href="#">CC</a>
Forms Used	<a href="#">09-277</a> , <a href="#">09-277B</a> , Any written request for a hearing
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="#">Establishment of a Support Obligation</a>

## Procedures

### 1. What if the NCP asks for a hearing on the 09-275?

1. If the NCP makes a timely hearing request:
  1. Process the hearing request according to [section 7.020](#).
  2. Do not collect on the notice until DCS enters an order or the NCP withdraws the hearing request.
  3. Follow local policy to schedule the hearing with the [Office of Administrative Hearings](#).
  4. Continue to negotiate with the parties, per local policy, in an attempt to reach an agreed settlement. Follow full party procedures.
2. If the NCP and DCS fail to negotiate an agreed settlement:
  1. Notify the NCP that negotiations have failed.
  2. Offer the NCP an [oral hearing request](#), or tell the NCP to request a hearing within 20 days of the end of negotiations or the notice becomes a default order.
3. If the CP objected to the proposed support amount, schedule the hearing requested. Note on the **Request for Adjudicative Proceeding/Order**, [DSHS 01-109](#) that the NCP's request should join under the CP's docket number.

## Chapter 7: Hearing and Conference Board Rights

### Section 7.055: Hearing Rights Based on Objections to Withholding Actions Taken Against a Bank Account

This section discusses how to handle objections to an **Order to Withhold and Deliver - Property and Accounts**, DSHS 09-286 served on a financial institution.

#### Contents

Laws	<a href="#">RCW 74.20A.160</a> attachment of bank accounts. <a href="#">WAC 388-14A-6200</a> hearing process on bank withholds. <a href="#">WAC 388-14A-8120</a> limitations on collections based on the need standard.
Policy	Do not disburse funds collected until the parties have had time to exercise their hearing rights.
Procedure	Affected parties may return a 09-277 or make an oral request for hearing. Enter the correct hearing request code in the hearing field on the OR screen.
Visual Aids	
Automated Actions	Service of a 09-286 on a financial institution will set SI to prevent disbursement of funds collected allowing time for the parties to request a hearing.
SEMS Screens	<a href="#">FT</a> , <a href="#">SI</a> , <a href="#">CC</a> , <a href="#">OR</a>
Forms Used	<a href="#">09-286</a> , <a href="#">09-277</a> , <a href="#">09-277B</a>
Hearing and Conference Board Rights	Administrative hearing if party claims seized funds exempt from collection. Conference board for other issues.
Personal Notes <a href="#">[Add a note]</a>	You have not added any notes to this handbook section.
See Also	Enforcement Chapters 8 - 14: <a href="#">Before Collecting</a> <a href="#">Limitations to Collection</a> <a href="#">Collection Tools &amp; Assets</a> <a href="#">Responses to Collection Actions</a> <a href="#">Employer Noncompliance</a> <a href="#">Tribal Enforcement</a> <a href="#">Continuation of Services</a>

## Procedures

### 1. Who can object to a bank hit?

1. An NCP, or joint account holder, may object to an **Order to Withhold and Deliver - Property and Accounts**, [DSHS 09-286](#) served on a financial institution.
2. If the objection is based on the funds belonging to a joint account holder, or claiming attachment of funds exempt from collection, process the request as a request for hearing.
  - Do not distribute funds collected based on the 09-286 until the hearing process is complete.
3. If the objection is based on a hardship claim, process the objection as a [conference board request](#).
  - Do not distribute funds collected based on the 09-286 until the conference board process is complete.

### 2. How do I prevent SEMS from applying money pending a hearing request?

- Leave Special Instructions set until the hearing or conference board process is complete. (SEMS automatically sets SI when a 09-286 is sent to a financial institution.)
  1. This will prevent automatic disbursement of funds collected on the case.
  2. Manually process other funds collected on the case that are not subject to the objection.

## Chapter 7: Hearing and Conference Board Rights

### Section 7.060: Objections to IRS Certification

This section discusses how to process objection to IRS certification and collection actions.

### Contents

Laws	<a href="#">45 CFR 303.72</a> authorizes IRS certification of support debts. <a href="#">WAC 388-14A-6400</a> conference boards.
Policy	Certify cases for IRS tax refund offset if support is past due provided that current support was due in the tax year certified.  Conference Board Chairs will use the standards in WAC 388-14-385 to resolve issues arising from IRS certification.
Procedure	SEMS automatically certifies cases for IRS certification in mid-September each year, if the case meets certification criteria.  Enter the correct conference board request code in the hearing field on the OR screen.
Visual Aids	
Automated Actions	Automatic review sets the "Auto IRS" block to "Y" and enters arrears owed in the NA and/or AFDC sections of the CF screen.
SEMS Screens	<a href="#">CF</a> , <a href="#">CC</a> , <a href="#">FT</a> , <a href="#">OR</a>
Forms Used	<a href="#">09-683</a> , <a href="#">09-277B</a> , <a href="#">09-520</a>
Hearing and Conference Board Rights	Conference board
Personal Notes <a href="#">[Add a note]</a>	You have not added any notes to this handbook section.
See Also	<a href="#">Debt Calculation</a> <a href="#">Limitations to Collections</a> Enforcement Chapters 8 - 14:  <a href="#">Before Collecting</a> <a href="#">Limitations to Collection</a> <a href="#">Collection Tools &amp; Assets</a> <a href="#">Responses to Collection Actions</a> <a href="#">Employer Noncompliance</a> <a href="#">Tribal Enforcement</a> <a href="#">Continuation of Services</a>

## Procedures

### 1. What if a party objects to an IRS certification?

1. Any objection the NCP raises to the debt DCS certified to the IRS is a request for an administrative review. See [Section 8.040](#).
2. If the NCP is dissatisfied with the results of the administrative review and asks for further review, [refer the case for a conference board](#).
3. Set [SI](#) to stop disbursement of the IRS refund pending results of the conference board.

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## Chapter 7: Hearing and Conference Board Rights

### Section 7.065: Responding to Objections to Filing of Liens

This section describes how to respond to objections to filing of a lien.

#### Contents

Laws	<a href="#">45 CFR 303.103</a> procedures for imposing liens. <a href="#">45 CFR 302.70</a> (a)(4) requires states to have procedures for imposing liens. <a href="#">RCW 4.56.210</a> when a lien expires. <a href="#">RCW 74.20A.060</a> assertion of a lien.
Policy	File a lien if a support debt exists.
Procedure	File liens in Washington counties where there is reason to believe the NCP owns property or other assets.  Release all liens when there is no arrears or collectible debt.  Enter a conference board request code in the hearing field on the OR screen.
Visual Aids	
Automated Actions	Release of Liens from the LN table creates a CC and sets a review to verify release recorded properly.
SEMS Screens	<a href="#">LN</a> , <a href="#">CC</a> , <a href="#">OR</a>
Forms Used	<a href="#">09-296</a> , <a href="#">09-520</a> , <a href="#">09-277B</a>
Hearing and Conference Board Rights	Conference board
Personal Notes <a href="#">[Add a note]</a>	You have not added any notes to this handbook section.
See Also	<a href="#">Case Closure</a> Enforcement Chapters 8 - 14: <a href="#">Before Collecting</a> <a href="#">Limitations to Collection</a> <a href="#">Collection Tools &amp; Assets</a> <a href="#">Responses to Collection Actions</a> <a href="#">Employer Noncompliance</a> <a href="#">Tribal Enforcement</a> <a href="#">Continuation of Services</a>

## Procedures

### 1. What if a party objects to the filing of a lien?

1. The NCP may object to the filing of a lien or request that DCS release the lien in order to buy, sell, or refinance property. See [Chapter 10](#).
2. If the field office cannot reach agreement with the NCP or the NCP objects to providing the information the field office requests [refer the case for a conference board](#).

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## Chapter 7: Hearing and Conference Board Rights

### Section 7.070: Objections to Debt Reduction Notices and Case Closure Notices

This section explains what to do when a CP objects to a Debt Reduction Notice or Closure Notice.

#### Contents

Laws	<a href="#">RCW 26.23.045</a> support enforcement services <a href="#">WAC 388-14A-1025</a> , <a href="#">-1030</a> , <a href="#">-2000</a> , <a href="#">-2005</a> requires notice to the CP before closing a case. <a href="#">WAC 388-14A-2080</a> case closure criteria. <a href="#">WAC 388-14A-5400</a> when to send a debt reduction notice.
Policy	Notify the CP when reducing the debt or closing full collection service cases.
Procedure	Mail a notice to the CP's last known address to notify the CP of the proposed action.  Enter the hearing request code in the hearing field on the OR screen.
Visual Aids	
Automated Actions	
SEMS Screens	<a href="#">FG</a> , <a href="#">FT</a> , <a href="#">CC</a> , <a href="#">IA</a> , <a href="#">CF</a> , <a href="#">OR</a>
Forms Used	<a href="#">18-467</a> , <a href="#">18-370</a> , <a href="#">09-277</a> , <a href="#">09-277B</a>
Hearing and Conference Board Rights	Administrative hearing
Personal Notes <a href="#">[Add a note]</a>	You have not added any notes to this handbook section.
See Also	<a href="#">Case Closure</a> <a href="#">Debt Calculation</a>

## Procedures

### 1. What if the CP objects to a debt reduction notice or a case closure notice?

1. The CP has a right to request a hearing to contest a closure notice or transfer of the case to **Def** PSO, or to a reduction of the amount of arrears owed by the NCP.
2. The CP has 60 days to request a timely hearing on a closure notice
3. The CP has 20 days to request a timely hearing on a notice of transfer to PSO status.
4. The CP has 20 days to request a timely hearing on a debt reduction notice.
5. On a debt reduction notice, you must notify the NCP of the hearing and of the NCP's right to appear as a party.

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## Chapter 7: Hearing and Conference Board Rights

### Section 7.075: Objections to Employer Noncompliance Notices

This section discusses how to deal with employers or unions objecting to noncompliance notices.

#### Contents

Laws	<p><a href="#">45 CFR 303.100</a>(f) requires wage withholding.  <a href="#">RCW 26.18.180</a> employer or union liability for failure to enroll in medical.  <a href="#">RCW 26.23.090</a> employer liability for failure to honor a withholding notice.  <a href="#">RCW 74.20A.100</a> civil liability for failure to comply with an order.</p>
Policy	<p>Hold employers liable for the amount of child support that the employer should have sent to DCS.  DCS may hold unions liable for failure to provide medical coverage required.</p>
Procedure	<p>If the employer or union fails to respond to a withholding action, or fails to withhold funds required, or fails to enroll the children in medical coverage, serve a noncompliance notice.</p> <p>Enter the hearing request code in the hearing field on the OR screen.</p>
Visual Aids	
Automated Actions	<p>FG of a noncompliance warning or notice generates a CC and a FT entry and sets an <a href="#">EV</a> review to check for a response.</p>
SEMS Screens	<p><a href="#">FT</a>, <a href="#">CC</a>, <a href="#">IA</a>, <a href="#">OR</a></p>
Forms Used	<p><a href="#">09-748</a>, <a href="#">09-290</a>, <a href="#">09-728</a>, <a href="#">09-749</a>, <a href="#">09-750</a>, <a href="#">09-277B</a></p>
Hearing and Conference Board Rights	<p>Administrative Hearing</p>
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="#">Employer Noncompliance</a></p>

## Procedures

### 1. What if the employer or union objects to the notice of noncompliance?

1. If the employer or union objects to the notice of noncompliance within 20 days of service of the notice:
  1. Refer the case for an administrative hearing.
  2. Do not take any collection action against this employer on the noncompliance notice pending results of the hearing.
2. If the employer or union objects to the notice of noncompliance more than 20 days but less than 1 year after service of the notice and collection actions have started:
  1. Refer the case for an administrative hearing.
    - The employer or union will need to show good cause for the late hearing request.
  2. Set [SI](#) to prevent disbursement of any funds collected from the employer that we have not already applied or disbursed, pending results of the hearing.
3. If the employer or union objects more than 1 year after service of the notice of noncompliance, [refer the case for a conference board](#).
4. If the employer or union insists on an administrative hearing more than 1 year after service of the notice:
  - Refer the case for an administrative hearing with a motion to deny based on lack of jurisdiction pursuant to [RCW 74.20A.270](#).
5. The burden of proof is on DCS to show how much money the employer should have withheld and remitted to DCS.

See [Chapter 12](#) - *Employer Noncompliance*.

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## Chapter 7: Hearing and Conference Board Rights

### Section 7.080: Objection to a Notice to Recover Retained Child Support

This section describes how to handle objections to retained support notices.

#### Contents

Laws	<p><a href="#">45 CFR 303.80</a> requires recovery of direct payments to a public assistance recipient.</p> <p><a href="#">RCW 74.20.330</a> assignment of rights as a condition for receiving public assistance.</p> <p><a href="#">388-14A WAC</a> recovery of support payments.</p>
Policy	Establish retained support cases when the debt exceeds \$50.00.
Procedure	<p>CP may request a hearing to contest a <b>Notice to Recover Support Payments</b>, <a href="#">DSHS 09-840</a>.</p> <p>Set up a "dummy" case for the retained support hearing.</p> <p>Enter a hearing request code in the hearing field on the OR screen on the retained support case.</p>
Visual Aids	
Automated Actions	
SEMS Screens	<a href="#">FG</a> , <a href="#">FT</a> , <a href="#">CC</a> , <a href="#">OR</a>
Forms Used	<a href="#">09-840</a> , <a href="#">09-277</a> , <a href="#">09-277B</a>
Hearing and Conference Board Rights	Administrative hearing
Personal Notes <a href="#">[Add a note]</a>	You have not added any notes to this handbook section.
See Also	<a href="#">CN 156 - Retained Support Debt Calculation</a>

## Procedures

### 1. What do I do when the CP objects to a notice of retained support?

1. Special Applications Unit usually receives the CP's objection and forwards the hearing request to the field office that handles the child support case.
  - If the CP sends the hearing request direct to the field office, request a hearing packet from the [Special Applications Unit](#).
2. The field office will:
  1. Set up a dummy file for the documents.
    - Use the retained support case on SEMS to document actions and proceedings.
  2. Schedule and conduct the hearing according to local procedures.
  3. Attempt to reach an agreed settlement with the CP.
3. If the field office that handles the child support case holds the hearing and the CP appears via telephone, the field office nearest the CP's address will provide a hearing room and speaker phone.
4. The CP can request to appear in person and request the field office closest to the CP's address to hold the hearing.

### 2. What do I do when the hearing is complete?

1. Upon completion of the hearing or reaching an agreed settlement with the CP, the field office will return the paper file and the final administrative order or agreed settlement to SAU for enforcement.
2. Do not keep any retained support documentation in the child support file.

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