

Child support and license suspension

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If you fall behind in paying child support, you might lose your drivers or other license. Learn how to keep this from happening and what you can do if your license does get suspended.

If you're worried about falling behind in support, DCS can help with their Alternative Solutions program (<https://www.dshs.wa.gov/esa/division-child-support/alternative-solutions>). Contact AlternativeSolutions@dshs.wa.gov (<mailto:AlternativeSolutions@dshs.wa.gov>).

Can I lose my license if I fall behind in my child support?

Yes. The Division of Child Support (DCS) (<https://www.dshs.wa.gov/esa/division-child-support>) may revoke (may suspend) any license issued by Washington State if you fall behind in your child support payments. This includes drivers' licenses, hunting licenses, personal and commercial fishing licenses, business licenses, professional licenses, and contractor or occupational licenses.

Before DCS suspends your license, they will send you a Notice of Suspension. You can get this notice when **any** of these is true:

- You haven't paid support in at least the last 6 months.
- You owe at least 6 months' worth of payments.
- There's a court order saying you'll lose your license, or you won't be able to renew it, if you get behind in child support. You've fallen behind.

DCS **can't** suspend your license if any of these are true:

- You're in jail or prison, and you have no money or resources.

- You get TANF (<https://www.dshs.wa.gov/esa/community-services-offices/temporary-assistance-needy-families>), SSI (<https://www.ssa.gov/ssi>), or other public assistance.
- You're in WorkFirst and don't get a cash grant.

What should I do if I get a Notice of Suspension?

You must respond **within 20 days** of getting the Notice to avoid suspension of your license. If you don't respond in time, DCS will suspend your license. You should also try to talk to a lawyer.

To respond, you can do any of these:

1. Pay what you owe.
2. Ask for an administrative hearing (also called a fair hearing).
3. Write or go to DCS to ask about a payment schedule.
4. File a Petition to Modify Child Support with the court or agency that entered the child support order to ask to pay less child support, then tell DCS you've done this. "Modify" means to change. (If someone already filed this type of Petition before you got the Notice of Suspension, you should tell DCS this and give them a copy of the Petition.)
5. Ask for a DCS Conference Board review.

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

Yes. Read about interpreters for people with limited English proficiency learn more.

How do I ask for a hearing?

There are different ways you can do this.

- **In writing:** Write the Office of Administrative Hearings (OAH), P.O. Box 42488, Olympia, WA 98504.
- **Verbally:** You can call OAH at (360) 407-2700 or 1-800-583-8271 or tell DSHS that you want a hearing. DSHS may have you follow up with a written request.
- **If it's an emergency,** you should call OAH at (360) 407-2700 or 1-800-583-8271 to ask them to hold the hearing as soon as possible. This is called an expedited hearing.

If you contact OAH to ask for a hearing and to keep getting benefits (if you're facing termination or reduction) until your hearing, you should also call your DSHS office and let them know you asked for a hearing and continued benefits.

I have a disability. Can OAH accommodate me for the hearing?

Yes. OAH must make sure its services and hearings are fully available to all persons with disabilities. OAH may need to change the way it handles a hearing or communicates with you to make sure you have the same chance to take part in a hearing as someone without disabilities.

Use their online form to ask for an accommodation of your disability (<https://oah.wa.gov/Content-Area-Management/Forms-Hub/Request-For-Accommodation>). Or call (360) 407-2700. TTY (hearing impaired) users dial 7-1-1 or 1-800-833-6388 for the Washington relay operator.

It might help to have ready some suggestions for how OAH can accommodate your disability. If OAH refuses to accommodate you, you can file a complaint.

What happens at an administrative hearing?

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

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

- You're not the parent who owes child support.
- There's no valid child support order.
- You've paid the support as ordered.
- You're not 6 months behind.
- You really tried (you made a good faith effort) to follow the support order.

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

After the hearing, the ALJ makes a written decision. The ALJ will order your license suspended if the ALJ finds **both** these are true:

- You haven't been doing what you were supposed to. (You're not in compliance.)
- You haven't really tried (you haven't made a good faith effort) to comply.

An ALJ who decides you're not in compliance **but** you made a good faith effort can set up a payment plan. The ALJ must think about how much you owe, the current support amount, how much you make, and the needs of all the children you support. If you plan to ask the ALJ for a payment plan, you must bring information about these things to the hearing.

How do I contact DCS to make payment arrangements?

Contact DCS in writing **within 20 days** of getting the Notice. DCS will then delay your license suspension for up to 30 days. This gives you a chance to work out a payment schedule with them.

Any agreement must include timely payments of current support **and** a reasonable payment schedule for paying off back support. DCS must consider your financial situation and the needs of all the children you support.

If you believe the DCS representative is being unreasonable, ask to talk to a supervisor. If this doesn't work, you can ask for a Conference Board review.

If you sign an agreement with DCS, they won't suspend your license. But if you don't reach agreement, they will suspend it.

How do I modify the support order?

The court or an ALJ can lower child support if things have really changed since the entry of the child support order. For example, you now have a disability, or you've lost income for reasons beyond your control.

You can also get the support lowered if the court entered the last order by default. "By default" means you didn't file a written response or appear in court when the judge set support.

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

- If a court set the support, you must ask that same court to change it by filing a petition to modify a child support order. Try to get legal help doing this.
- If DCS set the support, a new ALJ hearing may change it. DCS has forms to ask for a modification hearing with an ALJ.
- If you don't know if a court or DCS set your support order, ask DCS to send you a copy of the order.

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

What is a Conference Board Review?

It's an informal hearing to resolve problems with DCS (<https://www.dshs.wa.gov/faq/what-conference-board>). It can address things you

can't get decisions about anywhere else, such as:

- Resolving a complaint about a DCS worker
- Delaying (deferring) payment
- Reviewing payroll deductions that make it hard for you to pay support
- Charging-off or excusing (waiving) what you owe

Conference Board decisions are in writing. You can't appeal them to a court.

What is a charge-off?

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

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

- You and the child you owe support for are reunited and you're providing the child support in your home.
- You get disability payments that only cover your day-to-day living expenses.
- Paying back support would make it hard for you to pay current support.
- You have limited ability to make a living.

They already suspended my license. Can I get it back?

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

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

You must give DCS complete information about your financial situation. This includes any extra expenses you have. These extra expenses might, for example, be medical costs or the costs of caring for a child with a disability.

You may have to make a first payment under your agreement before DCS releases your license. You must keep making payments when due. If you don't, they can re-suspend your license.

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