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COURT OF APPEALS  
DIVISION II

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NO. 36798-0-II

STATE OF WASHINGTON  
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**COURT OF APPEALS, DIVISION II  
OF THE STATE OF WASHINGTON**

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WALTER D. FIELDS,  
NONCUSTODIAL PARENT,

Petitioner,

and

JEANINE M. RISHEL,  
CUSTODIAL PARENT,

STATE OF WASHINGTON,  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES,

Respondents.

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**BRIEF OF RESPONDENT DSHS**

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**ORIGINAL**

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## I. INTRODUCTION

Appellant Walter D. Fields is an attorney<sup>1</sup> and the father of three children. CP at 46; CP at 78, ll. 20-22<sup>2</sup>. Following the dissolution of his marriage in an Idaho proceeding in 1999, he was ordered to pay support for each of his children. CP at 44-52. This order was modified in 2004. CP at 35-41. However, Mr. Fields has failed to comply with the orders and has failed to support his children. CP at 15.

Consequently, the Idaho State child support enforcement agency asked the Washington State Division of Child Support (DCS) to enforce the appellant's Idaho court orders after Mr. Fields relocated to Washington. CP at 15-17. DCS, which acts on behalf of the children in attempting to collect child support payments, RCW 74.20.220(4), notified Mr. Fields it was registering his Idaho child support orders administratively. CP at 15-17. Registration of an out-of-state child support order permits the order to be enforced in the same manner and to the same extent as if the order had been issued by a tribunal of Washington State. RCW 26.21.500(2).

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<sup>1</sup> Appellant is licensed to practice law in the State of Washington (WSBA #32831) and practices in the area of patent and copyright law. CP at 78, ll. 20-25; CP at 79, ll. 1-7.

<sup>2</sup> CAR will be used to abbreviate Certified Administrative Record. VRTP will be used to abbreviate Verbatim Report of Tape Recorded Proceedings.

Mr. Fields contested the registration of his 2004 child support modification order and received an administrative hearing on January 12, 2005. CP at 8, 63. Registration of an out-of-state child support order may be contested on limited grounds—including that the child support order was obtained by fraud – but the appropriateness of the underlying support order may not be challenged. RCW 26.21.540; *In re Marriage of Owen & Philips*, 126 Wn. App. 487, 495, 498 n.15, 108 P.3d 824 (2005). Mr. Fields argued that the child support order was fraudulent because it imputes a higher level of income to him than he has been able to earn. CP at 75, ll. 24-25; CP at 76, ll. 1-3; CP at 85, ll. 9-15; CP at 95.

The Administrative Law Judge (ALJ) rejected Mr. Fields' arguments and confirmed registration of the Idaho child support order on the ground that he was unable to show registration was improper under RCW 26.21.540. CP at 5. This decision was correctly affirmed by the Superior Court for Clark County, sitting in its appellate capacity. Mr. Fields now appeals, raising numerous issues.

## **II. STATEMENT OF THE CASE**

### **A. Idaho Support Obligation**

When Mr. Fields' marriage was dissolved in Idaho in 1999, his child support obligation was based on an annual income of \$83,000. CP at 48 ¶ 2(c). Support for his three children was set at a combined total

of \$1,500 per month commencing in January 1998. CP at 44-46, 48 ¶ (2)(c). In addition, Mr. Fields was required to provide medical insurance for the children. CP at 48 ¶ (2)(c).

The child support obligation was reduced in 2004, when the oldest child turned 18 and graduated from high school. CP at 37-39. Both Mr. Fields and his former wife, Jeanine Rishel, were represented by counsel during the proceeding to modify support. CP at 101, ll. 9-16.

Mr. Fields' base monthly child support obligation was reduced to \$1,010 per month until the middle child, Mathew, graduated from high school. After Mathew's graduation, the base child support obligation would be reduced to \$672 per month, for the support of Benjamin, his youngest child. CP at 38-39.<sup>3</sup> Mr. Fields must contribute to Benjamin's support until the child turns 18 in July of 2010, or until he graduates from high school, whichever occurs later. CP at 37, 39.<sup>4</sup>

The Idaho court based the modification of the support obligation on Mr. Fields' "potential gross annual income . . . [of] \$60,000." CP at 37. At the administrative hearing, Ms. Rishel testified that

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<sup>3</sup> Although the record does not show when the middle child graduated, Mathew turned eighteen in August 2004. CP at 37.

<sup>4</sup> The administrative record consists of the following court orders: Mr. Fields' 1999 Decree of Divorce (CP at 44-45); 1999 Child Custody and Property Settlement Agreement (CP at 46-52); 2004 Order and Judgment (CP at 35-40); 2004 Supplemental Order Re: Child Support (CP at 41); and 2004 Supplemental Custody Order (CP at 42-43).

Mr. Fields' attorney had argued support should be based on \$60,000 per year, and her attorney had argued it should be based on \$83,000 per year, but that Mr. Fields prevailed. CP at 101, ll. 9-16.

Mr. Fields does not dispute this testimony. He also testified that, at the time of the modification hearing, he was relieved his support obligation was being reduced and “[a]t that time I felt I might have the opportunity to achieve that level of income.” CP at 77, ll. 8-13. Mr. Fields did not appeal the Idaho order modifying his support obligation. CP at 77, ll. 4-6. He asserts, however, that he has not earned \$60,000 annually since the order was entered, and that he cannot afford to pay the support amount that was set. CP at 78, ll. 11-14; CP at 2-3. Mr. Fields has not modified his support order.

**B. Washington State Support Enforcement Activities**

The State of Idaho referred Mr. Fields' child support case to the State of Washington for enforcement after Mr. Fields relocated here. CP at 15, 55. DCS personally served Mr. Fields with a “Notice of Support Debt and Registration.” CP at 14. The notice advised Mr. Fields that DCS was registering his Idaho orders as a prelude to enforcing them. CP at 15-17. The Notice also stated that Mr. Fields could request a hearing to contest the validity of the registration or enforcement, pursuant

to RCW 26.21.530-.540. CP at 17. Mr. Fields requested a hearing. CP at 8.

The administrative hearing was held telephonically, with the DCS representative, Mr. Fields, and Ms. Rishel all appearing by telephone. CP at 65. DSHS submitted 14 exhibits, which were admitted without objections. CP at 69, ll. 16-25; CP at 70, l. 1. Neither Mr. Fields nor Ms. Rishel offered any documents for admission.

The only issue considered by the administrative tribunal was whether the 2004 child support modification order could validly be registered for enforcement by DCS. CP at 2. The ALJ considered all available defenses to the registration of a child support order listed in RCW 26.21.540(1). CP at 4-5. The ALJ concluded that Mr. Fields had not established fraud or any other available defense to registration of the order. CP at 5. The ALJ further ruled that inability to comply with the order because of financial difficulties is not a defense to the registration of the order and confirmed the registration. CP at 5. The ALJ advised Mr. Fields orally that he lacked jurisdiction to change or modify the amount Mr. Fields owed under the orders. CP at 64, ll. 17-19. Mr. Fields requested judicial review of the ruling by the Clark County Superior Court. That court affirmed the ALJ's decision.

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### III. ARGUMENT

#### A. Standard Of Review

The proper standard of review for an appeal of an administrative decision regarding an alleged error of law is de novo. *Joy v. Kaiser Aluminum & Chem. Corp.*, 62 Wn. App. 909, 816 P.2d 90 (1991). The appellate court sits in the same position as the superior court when it reviews the agency record. *Tapper v. Empl. Sec. Dep't*, 122 Wn.2d 397, 402, 858 P.2d 494 (1993); *Brighton v. Dep't of Transp.*, 109 Wn. App. 855, 38 P.3d 344 (2001). An agency's interpretation of an ambiguous law that it is charged with enforcing is accorded substantial weight by an appellate court. *Brighton v. Dep't of Transp.*, 109 Wn. App. at 862; *Whidbey Island Manor, Inc. v. Dep't of Soc. & Health Servs.*, 56 Wn. App. 245, 783 P.2d 109 (1989).

A court sitting in its appellate capacity cannot generally consider evidence that was not made part of the administrative record. RCW 34.05.562. Exceptions to this rule are limited to evidence that relates to the validity of the agency action at the time it was taken or matters not required to be determined on the agency record. RCW 34.05.562<sup>5</sup>; *Motley-Motley, Inc. v. Pollution Control Hearings Bd.*,

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<sup>5</sup> RCW 34.05.562 states that “[t]he court may receive evidence in addition to that contained in the agency record for judicial review, only if it relates to the validity of the agency action at the time it was taken and is needed to decide disputed issues

127 Wn. App. 62, 76, 110 P.3d 812 (2005) (judicial review is limited to the agency record unless evidence comes squarely within the statutory exceptions).

Mr. Fields' brief contains numerous references to information that is not part of the administrative record such as post-hearing communication and activity, information about his income, and allegations of misconduct by Idaho support enforcement staff. *See* Br. Appellant at 9-15. These portions of Mr. Fields' brief are improper and should be disregarded by this court. RCW 34.05.562. DCS does not stipulate to any facts not made part of the record.

**B. The Idaho Child Support Orders Were Properly Registered For Enforcement In Washington**

**1. Registration of a sister state's child support orders can be contested only on limited grounds.**

The State of Washington, in common with its sister states, enacted the Uniform Interstate Family Support Act (UIFSA) in order to remain eligible to receive federal matching funds for its child support enforcement program. 42 U.S.C. § 666(f); RCW 26.21.<sup>6</sup> UIFSA authorizes DCS to

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regarding: (a) Improper constitution as a decision-making body or grounds for disqualification of those taking agency action; (b) Unlawfulness of procedure or of decision-making process; or (c) Material facts in rulemaking, brief adjudications, or other proceedings not required to be determined on the agency record.”

<sup>6</sup> The Legislature enacted two versions of the Uniform Interstate Family Support Act (UIFSA). The first, codified at RCW 26.21, was effective until January 1, 2007, and applies here because this version of UIFSA was in effect at the time of the administrative hearing on January 12, 2005. The second, codified at RCW 26.21A became effective

register a child support order entered in another state and to enforce the order to the same extent that it enforces orders entered by tribunals in the State of Washington. RCW 26.21.500(2); *In re Marriage of Owen & Philips*, 126 Wn. App. 487, 495, 108 P.3d 824 (2005); *Scanlon v. Witrak*, 110 Wn. App. 682, 688, 42 P.3d 447 (2002).

The process for registering an order is fairly simple. Two copies of the order must be sent by the state seeking enforcement of the order to the Washington Division of Child Support, along with information about the obligor, the obligee, and the amount of the arrearage. RCW 26.21.490. Registration of the order can be contested administratively under RCW 26.21.530. A party contesting the registration of the order is restricted to proving one of the defenses set forth in RCW 26.21.540.

Those defenses are as follows:

- a. The issuing tribunal lacked personal jurisdiction over the contesting party;
- b. The order was obtained by fraud;
- c. The order has been vacated, suspended, or modified by a later order;
- d. The issuing tribunal has stayed the order pending appeal;
- e. There is a defense under the law of this state to the remedy sought;
- f. Full or partial payment has been made; and
- g. The statute of limitation under RCW 26.21.510 precludes enforcement of some or all of the arrears.

RCW 26.21.540.

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January 1, 2007. The second version, which has been adopted by 18 states, expands on the first by providing additional clarifications but does not substantively change the law.

UIFSA's limitation on defenses, permitting only those that go to the validity of the underlying support order, is consistent with the Federal Full Faith and Credit Clause. It states: "full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state." U.S. Const. art. IV, § 1. Washington State courts have consistently confirmed this basic tenet.

For example, *In re Marriage of Effert*, 45 Wn. App. 12, 15, 723 P.2d 541 (1986), holds that a sister state's child support order can only be collaterally attacked for lack of subject matter or personal jurisdiction, or fraud. *Accord, In re Estate of Storer*, 14 Wn. App. 687, 544 P.2d 95 (1975).

Hence, UIFSA and the Full Faith and Credit Clause limit the defenses that can be raised when the registration of a sister-state child support order is challenged. The only collateral attacks that can be considered are those listed in RCW 26.21.540(1) and those that relate to personal or subject matter jurisdiction, unless the order has been superseded by another order, or child support is no longer owed. *In re Marriage of Owen*, 126 Wn. App. at 495 (defenses to registration are limited to those stated in the statute, involving the validity of the out-of-state order).

Mr. Fields' contention that his child support order is not commensurate with his income is not a permissible defense to registration of an out-of-state order under the Full Faith and Credit Clause or UIFSA. Mr. Fields has cited no authority to the contrary.

**2. Mr. Fields cannot show that the support order was obtained by fraud.**

The only appropriate defense raised by Mr. Fields in his challenge to the registration of his child support order is his allegation that the order was obtained by fraud. The Full Faith and Credit Clause requires review of Mr. Fields' claim of fraud to be decided under the laws of the State of Idaho because that is where the order was entered. *See* 30 Am. Jur. 2d *Executions Enforcement of Judgments* § 713 (2005).

In order to establish fraud under Idaho law, Mr. Fields would have to prove (1) a statement or representation of fact; (2) its falsity; (3) its materiality; (4) the speaker's knowledge of its falsity; (5) the speaker's intent that there be reliance; (6) the hearer's ignorance of the falsity of the statement; (7) reliance by the hearer; (8) justifiable reliance; and (9) resultant injury. *See Maroun v. Wyreless Systems, Inc.*, 141 Idaho 604, 614, 114 P.3d 974, 985 (2005). He cannot meet this heavy burden of proof.

An allegation of fraud presumes that a speaker induces the hearer to do something to the hearer's detriment. *Id.* Here, Mr. Fields was the party representing to the court that he had the ability to earn \$60,000 per year. CP at 101, ll. 9-16. He cannot now complain he was deceived to his detriment. Furthermore, under Idaho law, it is well established that "[a]n action for fraud or misrepresentation will not lie for statements of future events. . . . The representation forming the basis for the claim for fraud must concern past or existing material facts." *Id.* An order setting child support based on Mr. Fields' potential to earn \$60,000 cannot be fraudulent because it predicts the future; it does not base support on a misstatement about past earnings.

Mr. Fields has cited no authority showing that his support order can be set aside as fraudulent because Idaho support enforcement officials allegedly prevented him from earning \$60,000 annually. *See* Br. Appellant at 9-15. Further, even assuming, solely for the sake of argument, that interference with a business opportunity would constitute fraud, Mr. Fields has not provided any evidence establishing this occurred. Mr. Fields did not offer any evidence of "damaging letters, communications and clear wrong-doings" by Idaho support enforcement officials during the administrative hearing or seek to have the record held

open so he could do so. CP at 70, ll. 6-20; CP at 78, ll. 7-10; CP at 79, ll. 17-25; CP at 80, ll. 1-22; CP at 102, ll. 9-15.

The superior court properly held that Mr. Fields could not submit this evidence on judicial review without first providing the DCS with written notice. Br. Appellant at 35. Even if Mr. Fields had provided proper notice, the evidence could not have been admitted during the superior court phase of proceedings. As argued above, new evidence cannot be considered unless it relates to the validity of the agency action at the time it was taken or matters not required to be determined on the agency record. RCW 34.05.562; *Motley-Motley, Inc.*, 127 Wn.2d at 76. Allegations of inappropriate pre-hearing conduct by Idaho support enforcement staff that allegedly interfered with Mr. Fields' earning ability do not fit within this exception.

If, as Mr. Fields claims, he is unable to earn the amount that was imputed to him, the appropriate remedy is for him to seek a modification of the order, so his child support obligation will be commensurate with his earnings. Mr. Fields' inability to earn the amount that was imputed to him is not a basis for concluding that the order entered at his request by the Idaho court was erroneous, should be changed, or cannot be registered or enforced in the state of Washington.

**C. Mr. Fields Has Not Shown The ALJ Or Superior Court Was Biased Against Him**

Mr. Fields argues that both the ALJ and the superior court judge were biased against him. Br. Appellant at 37-43. He provides no factual basis for this claim.

Under the Administrative Procedure Act (APA), an ALJ is “subject to disqualification for bias, prejudice, interest, or any other cause provided in this chapter for which a judge is disqualified.” RCW 34.05.425(3). The Canons of Judicial Conduct preclude a judge from deciding a case if the judge’s impartiality may be reasonably questioned. CJC 2(A); RCW 4.12.040. A claim of bias must relate to a party to the litigation, and not the subject of the lawsuit, unless the judge’s bias prevents him or her from making a decision based on the evidence. *Brauhn v. Brauhn*, 10 Wn. App. 592, 599, 518 P.2d 1089 (1974); *See also Sherman v. University of Washington*, 128 Wn.2d 164, 188, 905 P.2d 355 (1995).

In order to show bias, Mr. Fields must make an affirmative showing of prejudice, not just an allegation of a judge’s general predisposition toward a general result. *Medical Disciplinary Bd. v. Johnston*, 99 Wn.2d 466, 474-75, 663 P.2d 457 (1983). Here, Mr. Fields has not produced any evidence, direct or circumstantial, that the ALJ or superior court judge was biased.

Mr. Fields merely surmises that the ALJ and the superior court judges must have been biased because they ruled against him; both upheld DCS's authority to register and enforce a support order that Mr. Fields now considers to be unfair. Mr. Fields cannot sustain his burden of establishing the existence of impropriety by merely alleging the rulings below are incorrect. *Nations Capital Mortgage Corp. v. Dep't of Fin. Inst.*, 133 Wn. App. 723, 760, 137 P.3d 78 (2006) (prejudice is not shown because adjudicator considered opposing party's case to be more persuasive). If this were the standard, virtually no decision would withstand scrutiny. Moreover, Mr. Fields fails to cite to any competent authority that supports the non-registration of his Idaho order.

Mr. Fields asserts that DSHS failed to prepare or preserve an adequate record and that evidence was improperly excluded. Br. Appellant at 23-26. The burden of proof in the proceeding is squarely on the person contesting the registration of the child support order. RCW 26.21.540(1). The record reflects that Mr. Fields did not meet that burden.

The administrative record consists of all documentary evidence submitted during the hearing and the verbatim report of the hearing, which was tape recorded in its entirety. CP at 1-56; CP at 62-104. Mr. Fields has not identified any part of the record that is missing, nor has he identified any proposed exhibit that was not admitted. The administrative

record shows that Mr. Fields made no attempt to offer any exhibits. CP at 67-80. Furthermore, Mr. Fields withdrew his request to hold the record open for the submission of additional documents. CP at 102, ll. 9-21. His argument that the record was not adequately preserved and that evidence was omitted is not supported by the record.

In support of his claim that the ALJ was biased against him, Mr. Fields cites to sections of the APA that preclude an ALJ from communicating, directly or indirectly, with agency employees or from ruling in a case in which the ALJ previously served as an investigator or advocate. See Br. Appellant at 36-38 (citing RCW 34.05.455 and RCW 34.05.458). Such conduct, had it occurred, would constitute reversible error. *Nations Capitol Mortg. Corp.* 133 Wn. App. at 756. But Mr. Fields has not pointed to any evidence that the ALJ committed any of these alleged improprieties. The reason for this omission is simple. The conduct did not occur. A bare assertion, unsupported by any facts, is insufficient to overcome the presumption that the ALJ properly performed his duties. *Id.* at 759 (party invoking appearance of fairness doctrine must come forward with evidence of actual or potential bias).

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**D. Washington Lacks Jurisdiction To Modify Mr. Fields' Child Support Obligation**

Mr. Fields also contends that he should be able to modify his Idaho child support order in Washington State and asks this Court to assist him in this endeavor by assuming original jurisdiction. Br. Appellant at 44-45, 47. This court should decline to consider this request for at least three reasons.

First, this Court, as an appellate tribunal, does not have the authority to assume original jurisdiction over a child support modification proceeding. RCW 2.06.030.

Second, even if this Court had jurisdiction to consider the matter, and if it were an appropriate matter for the ALJ to consider, which it is not, Mr. Fields failed to request modification of the child support order during the administrative hearing. RCW 34.05.554 (new issues cannot be raised in superior court)<sup>7</sup>. The ALJ was limited to determining whether the Idaho order could be registered in Washington. CP at 5.

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<sup>7</sup> RCW 34.05.554 limits review of issues not raised before the agency to the following situations: (a) person did not know and was under no duty to discover or could not have reasonably discovered facts giving rise to the new issue; (b) agency action subject to judicial review is a rule and the person has not been a party in adjudicative proceedings that provided an adequate opportunity to raise the issue; (c) the agency action subject to judicial review is an order and the person was not notified of the adjudicative proceeding in substantial compliance with this chapter; or (d) the interests of justice would be served by resolution of the issue arising from: (i) a change in controlling law after the agency action; or (ii) agency action occurring after the person exhausted the last feasible opportunity for seeking relief from the agency. This statute serves the

Finally, an administrative tribunal does not have authority to determine whether a Washington court can modify an Idaho child support order. The Department of Social and Health Services (DSHS), as a creature of statute, has only the powers and authority expressly granted to it by the legislature, or those which are necessarily implied by enabling legislation. *In re Marriage of Aldrich*, 72 Wn. App. 132, 864 P.2d 388 (1993). Mr. Fields has cited no law to support his position that DSHS can require his order to be modified in the Washington courts. There is none. DSHS and its administrative officers do not have such power.

Even if the issue were properly before the court, which DCS denies, the courts of this state have no jurisdiction to modify an Idaho support order. 28 U.S.C. § 1738B; RCW 26.21.115(1), (4); RCW 26.21A.120(1), (3). Interstate laws were enacted to “cure the problem of conflicting support orders entered by multiple courts” and to “provide for the exercise of continuing, exclusive jurisdiction by one tribunal over support orders.” *See, e.g., Draper v. Burke*, 450 Mass. 676, 881 N.E.2d 122 (2008).

Underlying the child support laws is recognition that parents have a continuing responsibility to support their children, that children need that support, and that protracted and frequent litigation prevents children from

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important policy purposes of protecting the integrity of administrative decision-making. *Motley-Motley, Inc.*, 127 Wn. App. at 72-73.

getting the resources and support their parents are able to provide. *See* RCW 26.19.010 (support schedule established to make sure children's needs are met and to reduce the adversarial nature of proceedings); RCW 26.09.170 (limits frequency of support modification actions); *Mattson v. Mattson*, 95 Wn. App. 592, 599-600, 976 P.2d 152 (1999) (best interest of children paramount concern); *In re Marriage of Oaks*, 71 Wn. App. 646, 861 P.2d 1065 (1993) (overriding purpose of schedule is to ensure children receive adequate, equitable, and predictable child support).

The Federal Full Faith and Credit for Child Support Orders Act (FFCCSOA) expressly provides that no state court shall modify another state's child support order except in accordance with the Act. 28 U.S.C. § 1738B(a). Modification of an out-of-state child support order is only permitted if:

(1) the court has jurisdiction to make such a child support order pursuant to subsection (i); and

(2)(A) the court of the other State no longer has continuing, exclusive jurisdiction of the child support order because that contestant; or

(B) each individual contestant has filed written consent with the State of continuing, exclusive jurisdiction for a court of another State to modify the order and assume continuing, exclusive jurisdiction over the order.

28 U.S.C. § 1738B(e).

UIFSA contains identical requirements. Under UIFSA, once a court of one state enters a child support order, no other state's court may modify the order for as long as the obligee, obligor, or child remains within the jurisdiction of the court making the order, unless all parties consent to submit the matter to another state's jurisdiction. RCW 26.21.115(1), (4); RCW 26.21A.120(1), (3); *In re Marriage of Owen*, 126 Wn. App. 487, 495 n.9, 108 P.3d 824 (2005). *See also Bartlett v. Alaska Dep't of Rev.*, 125 P.3d 328, 331 n.4 (Alaska 2005).

These conditions have not been met. It is undisputed that the child and the mother continue to reside in Idaho, where all existing child support orders have been entered. Mr. Fields has provided no documentation showing that he and Ms. Rishel have filed written consent in the Idaho court for this state to assume jurisdiction to modify the order.

Mr. Fields argues that Washington courts have jurisdiction to modify his support obligation because the Idaho court will not modify his child support order. *See Br. Appellant at 45; RCW 26.21A.570.* No evidence in the record supports this assertion.<sup>8</sup>

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<sup>8</sup> Mr. Fields' argument refers to a post-hearing attempt to modify the child support order in Idaho. Even if the Court were to consider information about facts occurring after the hearing and outside the record, it would not support Mr. Fields' claim. DCS would present evidence showing that the court in Idaho declined to enter a stipulated order reducing Mr. Fields' child support obligation because no proof of income was submitted by the parties. The court's refusal to approve a specific order does not show that the Idaho Court is unwilling to assume jurisdiction to modify child support.

Registration of the Idaho order does not alter these requirements. UIFSA expressly provides that the courts of this state cannot modify an order after it has been registered, if the issuing tribunal had jurisdiction to enter the order. RCW 26.21.500(3); RCW 26.21A.510(3); *In re Marriage of Owen*, 126 Wn. App. at 495.

DCS may request its counterpart in the State of Idaho to modify a child support order. RCW 26.21.095; RCW 26.21A.120(4).<sup>9</sup> Alternatively, Mr. Fields can elect to proceed on his own. Mr. Fields has the right to seek a modification of the child support order to reflect the alleged change in his financial circumstances, but he is required to exercise this right in the State of Idaho.

**E. Assignments Of Error Unsupported By Argument Or Citation To Authority Should Not Be Considered**

Mr. Fields has set forth numerous assignments of error that are not supported by argument or citation to authority. These alleged errors should not be considered by the Court. *Baker Boyer Nat'l Bank v. Garver*, 43 Wn. App. 673, 719 P.2d 583 (1986) (court declined to hear issue that was argued in only one paragraph of appellant's brief without citation to

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<sup>9</sup> Mr. Fields asserts that DCS has not provided him with the child support program modification services to which he is entitled. This issue was not considered below and relevant facts have not been made part of the record. If this issue were properly raised, DCS would show that it referred Mr. Fields' case to its counterpart in Idaho to modify the 2004 support order. The State of Idaho was unable to complete the modification process after Mr. Fields failed to provide proof of earnings.

authority); *Mountain Park Homeowners Ass'n Inc. v. Tydings*, 72 Wn. App. 139, 147 n.6, 864 P.2d 392, *affirmed*, 125 Wn.2d 1007, 883 P.2d 1383 (1993).

#### IV. CONCLUSION

The superior court correctly affirmed the administrative order confirming registration of Mr. Fields' child support order. This court should affirm the superior court and hold registration of the Idaho child support modification was properly confirmed.

RESPECTFULLY SUBMITTED this 14 day of July, 2008.

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**CERTIFICATE OF SERVICE**

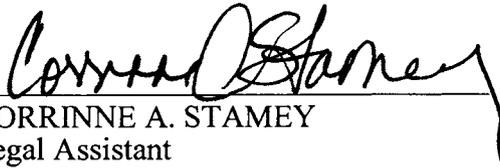
I, *Corrinne A. Stamey*, certify that on July 14, 2008, the **Brief of Respondent DSHS** was filed with the Court of Appeals, Division II and served upon the persons listed below as follows via US Mail/Consolidated Mail Service:

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I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated this 14th day of July, 2008, at Tumwater, Washington.

  
CORRINNE A. STAMEY  
Legal Assistant

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