

2 **E2SHB 2798** - S AMD TO S AMD (S-5932.3/94)
3 By Senators Spanel and Rinehart

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5 On page 10, after line 22 of the amendment, insert the following:

6 "NEW SECTION. **Sec. 17.** The legislature finds that the reliable
7 receipt of child support payments by custodial parents is essential to
8 maintaining economic self-sufficiency. It is the intent of the
9 legislature to ensure that child support payments received by custodial
10 parents when such support is owed are retained by those parents
11 regardless of future claims made against such payments.

12 **Sec. 18.** RCW 26.23.035 and 1991 c 367 s 38 are each amended to
13 read as follows:

14 (1) The department of social and health services shall adopt rules
15 for the distribution of support money collected by the office of
16 support enforcement. These rules shall:

17 (a) Comply with 42 U.S.C. Sec. 657;

18 (b) Direct the office of support enforcement to distribute support
19 money within eight days of receipt, unless one of the following
20 circumstances, or similar circumstances specified in the rules,
21 prevents prompt distribution:

22 (i) The location of the custodial parent is unknown;

23 (ii) The support debt is in litigation;

24 (iii) The office of support enforcement cannot identify the
25 responsible parent or the custodian;

26 (c) Provide for proportionate distribution of support payments if
27 the responsible parent owes a support obligation or a support debt for
28 two or more Title IV-D cases; and

29 (d) Authorize the distribution of support money, except money
30 collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to
31 the IV-D custodian before the debt owed to the state when the custodian
32 stops receiving a public assistance grant.

33 (2) The office of support enforcement may distribute support
34 payments to the payee under the support order or to another person who
35 has lawful physical custody of the child or custody with the payee's

1 consent. The payee may file an application for an adjudicative
2 proceeding to challenge distribution to such other person. Prior to
3 distributing support payments to any person other than the payee, the
4 registry shall:

5 (a) Obtain a written statement from the child's physical custodian,
6 under penalty of perjury, that the custodian has lawful custody of the
7 child or custody with the payee's consent;

8 (b) Mail to the responsible parent and to the payee at the payee's
9 last known address a copy of the physical custodian's statement and a
10 notice which states that support payments will be sent to the physical
11 custodian; and

12 (c) File a copy of the notice with the clerk of the court that
13 entered the original support order.

14 (3) If the Washington state support registry distributes a support
15 payment to a person in error, the registry may obtain restitution by
16 means of a set-off against future payments received on behalf of the
17 person receiving the erroneous payment, or may act according to RCW
18 74.20A.270 as deemed appropriate. Any set-off against future support
19 payments shall be limited to amounts collected on the support debt and
20 ten percent of amounts collected as current support.

21 (4) If the Washington state support registry distributes a support
22 payment to a payee under a support order or to another person who has
23 lawful physical custody of the child or custody with the payee's
24 consent, and the negotiable instrument received for such payment from
25 the payer under a child support order is returned for nonsufficient
26 funds, the registry shall obtain restitution from the payer under the
27 child support order.

28 (5) If the Washington state support registry distributes funds
29 collected under 42 U.S.C. Sec. 664 to a payee under a support order or
30 to another person who has lawful physical custody of the child or
31 custody with the payee's consent, and another person filing a joint
32 return with the payer owing past due support under a child support
33 order takes appropriate action to secure a share of the refund from
34 which the withholding has been made, the registry shall obtain
35 restitution from the payer under the child support order."

36 Renumber the remaining sections consecutively and correct any
37 internal references accordingly.

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4 On page 21, line 7 of the title amendment, after "74.25.020,"

5 insert "26.23.035,"

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