

FINAL BILL REPORT

SHB 2488

C 230 L 94
Synopsis as Enacted

Brief Description: Providing for child support enforcement operations.

By House Committee on Judiciary (originally sponsored by Representatives Appelwick, Forner and Karahalios; by request of Department of Social and Health Services).

House Committee on Judiciary
House Committee on Appropriations
Senate Committee on Law & Justice

Background: The Office of Support Enforcement (OSE) enforces child support orders. OSE is contained within the division of revenue in the Department of Social and Health Services (department). OSE is required to implement a number of federal regulations issued pursuant to Title IV-D of the Social Security Act.

Notice of health insurance coverage.

A parent ordered to provide health insurance coverage for a child must provide proof of the coverage within 20 days of entry of the court order. The parent is not under an obligation to inform the custodian or the department if health insurance is not available.

Immediate wage withholding.

OSE must provide child support services: (a) whenever public assistance is paid (Title IV-D cases); (b) whenever a request for non-assistance support enforcement services is received; (c) whenever a court order directs a parent to make payments to the support registry; (d) whenever a court order is forwarded to the registry; and (e) whenever an obligor submits a payment of support to the registry. When a parent is not receiving public assistance and has not requested enforcement assistance, the office provides "payment only services" and does not take any automatic enforcement action against the responsible parent. OSE implements immediate wage withholding actions only in those cases receiving OSE enforcement services.

Immediate wage withholding may be taken without the obligor failing to make payments, unless the parties reach a written

agreement approved by the court that provides for an alternative payment plan, or the court finds good cause not to require immediate wage withholding.

On April 5, 1993, the federal government notified the states that they must implement immediate wage withholding enforcement actions for all court orders that require withholding, even if the parties have not requested the office to enforce their orders. This new requirement applies to orders entered on or after January 1, 1994.

Miscellaneous provisions.

OSE's records are confidential. Information may be released to certain entities for child support enforcement services. Currently, federally recognized tribes are not listed among the entities entitled to obtain the information.

The federal Omnibus Reconciliation Act of 1993 mandates that states create a rebuttable or conclusive presumption of paternity if genetic testing results indicate a threshold probability that the alleged father is the child's father. The act also requires states to establish procedures for allowing a party to object to the results of genetic tests and to enter a default judgment when a party fails to object.

OSE is required to appear in adjudicative proceedings contesting child support if requested to attend those proceedings by either party.

Current law requires OSE to attach a copy of the father's affidavit acknowledging paternity to the notice OSE serves on the father for payment of support. Many of these affidavits filed with the state prior to 1988 have been sealed and archived. The Center for Health Statistics maintains a record of these archived paternity affidavits on their database. OSE would like to attach a certification from the Center for Health Statistics that the center has a paternity affidavit on file rather than attach the actual affidavit.

OSE may issue a notice to withhold and deliver property of an obligor to a variety of persons and entities believed to be in possession of property of an obligor owing child support. Agencies of the federal government are not on the list. OSE must notify the obligor of the order to withhold and deliver either by certified mail or by methods prescribed under court rules for service of process.

Employers are currently required to respond to two different enforcement mechanisms available to OSE: an order to

withhold and deliver and a notice of payroll deduction. Although the enforcement mechanisms are very similar, minor differences exist between the two.

Summary:

Notice of the unavailability of health insurance coverage.

Within 20 days of entry of a court order that requires a parent to provide health insurance coverage, the parent must provide proof of the coverage or proof that the coverage is unavailable.

Immediate wage withholding.

If OSE is providing support enforcement services or if a parent has applied for those services, the parent may request that immediate wage withholding not be ordered if the parent establishes good cause. Under those circumstances, a parent will have to initiate a wage withholding action on his or her own if the responsible parent does not pay, unless the parent later submits a request to OSE for enforcement services.

In cases in which OSE is not involved, the court must order immediate wage withholding unless the parties establish cause or the parties enter into an alternative payment plan. If the court orders immediate wage withholding, the payments must be made to the registry. However, the parent must serve and enforce the mandatory wage assignment order.

If parents do not actually request enforcement services, their cases will be treated as "payment only" cases.

Miscellaneous provisions.

Federally recognized tribes are included in the list of entities that may receive OSE's confidential information for child support enforcement services.

A man is presumed to be the father of a child if genetic testing indicates a 98 percent or greater probability of paternity. Any objection to the test must be filed within 20 days of the hearing. Other procedures are adopted to comply with federal law.

When OSE appears or participates in an adjudicative proceeding, it must act in furtherance of the state's financial interest in the matter; act in the best interest of the children of the state; facilitate resolution of the controversy; and make independent recommendations to ensure the integrity and proper application of the law and process.

OSE does not act on behalf of or as an agent or representative of an individual.

OSE may attach to the notice and finding of financial responsibility a certification of birth record information from the Center for Health Statistics, advising of the existence of a filed affidavit acknowledging paternity.

OSE may send orders to withhold and deliver property belonging to an obligor to agencies of the federal government.

Provisions governing orders to withhold and deliver are amended to be more consistent with procedures governing payroll deduction notices.

When OSE issues an order to an entity to withhold and deliver assets of an obligor in the entity's possession, OSE may notify the obligor of the order by regular mail.

Votes on Final Passage:

House	97	0	
Senate	48	0	(Senate amended)
House	96	0	(House concurred)

Effective: June 9, 1994