
HOUSE BILL 2823

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Brown, J. Kohl, Thibaudeau, Romero, Ogden, Leonard, Wineberry, Orr, Karahalios, Eide and Anderson

Read first time 01/24/94. Referred to Committee on Judiciary.

1 AN ACT Relating to distribution of child support paid to the
2 Washington state child support registry; amending RCW 26.23.035; and
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the reliable
6 receipt of child support payments by custodial parents is essential to
7 maintaining economic self-sufficiency. It is the intent of the
8 legislature to ensure that child support payments received by custodial
9 parents when such support is owed are retained by those parents
10 regardless of future claims made against such payments.

11 **Sec. 2.** RCW 26.23.035 and 1991 c 367 s 38 are each amended to read
12 as follows:

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

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

17 (b) Direct the office of support enforcement to distribute support
18 money within eight days of receipt, unless one of the following

1 circumstances, or similar circumstances specified in the rules,
2 prevents prompt distribution:

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

4 (ii) The support debt is in litigation;

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

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

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

14 (2) The office of support enforcement may distribute support
15 payments to the payee under the support order or to another person who
16 has lawful physical custody of the child or custody with the payee's
17 consent. The payee may file an application for an adjudicative
18 proceeding to challenge distribution to such other person. Prior to
19 distributing support payments to any person other than the payee, the
20 registry shall:

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

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

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

30 (3) If the Washington state support registry distributes a support
31 payment to a person in error, the registry may obtain restitution by
32 means of a set-off against future payments received on behalf of the
33 person receiving the erroneous payment, or may act according to RCW
34 74.20A.270 as deemed appropriate. Any set-off against future support
35 payments shall be limited to amounts collected on the support debt and
36 ten percent of amounts collected as current support.

37 (4) If the Washington state support registry distributes a support
38 payment to a payee under a support order or to another person who has
39 lawful physical custody of the child or custody with the payee's

1 consent, and the negotiable instrument received for such payment from
2 the payer under a child support order is returned for nonsufficient
3 funds, the registry shall obtain restitution from the payer under the
4 child support order.

5 (5) If the Washington state support registry distributes funds
6 collected under 42 U.S.C. Sec. 664 to a payee under a support order or
7 to another person who has lawful physical custody of the child or
8 custody with the payee's consent, and another person filing a joint
9 return with the payer owing past due support under a child support
10 order takes appropriate action to secure a share of the refund from
11 which the withholding has been made, the registry shall obtain
12 restitution from the payer under the child support order.

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