

HOUSE BILL ANALYSIS

HB 2767

Title: An act relating to implementing amendments relating to child support contained in the federal personal responsibility and work opportunity reconciliation act of 1996.

Brief Description: Implementing amendments to the federal personal responsibility and work opportunity reconciliation act of 1996.

Sponsors: Representatives Sheahan, Wolfe and Costa; by request of Department of Social and Health Services.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Trudes Hutcheson (786-7384).

Background: Federal law requires states to have programs for the enforcement of child support obligations. The federal statutes are written in such a way that states must comply with the federal requirements or risk losing federal funding for the state's child support program and the state's public assistance program. The federal requirements are found in Title IV-D of the Social Security Act, and therefore, state child support enforcement agencies are generally known as IV-D agencies. Washington's IV-D agency is the Department of Social and Health Services, Division of Child Support (DCS).

The DCS enforces support orders for public assistance recipients and, upon a request by a party, non-public assistance recipients. When a person with a child receives public assistance, the person is required to assign his or her rights to child support over to the state as reimbursement for the public assistance received. The DCS may enforce a support order using various remedies, such as issuing an order to withhold and deliver property to an obligor's employer or other entity possessing property of the obligor.

An entity or employer receiving an order to withhold and deliver must answer the order within 20 days. An entity or employer must withhold and remit the property to the state support registry as soon as the answer period ends, or, in the case of an employer, remit the portion of earnings at the time the employer would pay the employee.

Child support orders must include specific information, including the obligor's Social Security number, residence address, telephone number, and name and address of the employer of the obligor. Under certain circumstances, the custodial parent's address

may be omitted from the order, but the obligor may request the address by submitting a request for disclosure to the DCS.

Employers are required to report the hiring of new employees or rehiring of employees to the state support registry within 20 days of the hiring or rehiring. The registry retains the information for a particular employee only if the registry establishes, enforces, or collects a support debt from that employee. The registry may retain information on an employee as long as it is necessary to transmit the information to the federal National Directory of New Hires, as required under federal law, or to provide the information to other state agencies. Information not permitted to be retained must be promptly destroyed.

Employers who fail to report new hires are given a written warning for the first violation, and then are subject to a civil penalty of up to \$200 per month for each subsequent violation.

Summary of Bill: Various changes are made to the statutes governing child support enforcement to implement the recent amendments to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

An entity receiving an order to withhold and deliver property must deliver the property within seven working days of receiving the order. In the case of an employer, the employer must deliver the withheld earnings within seven working days of the date the earnings are payable to the debtor.

The address of the employer of the obligor and address of either party may be omitted from the support order if there is reason to believe that release of the information may result in physical or emotional harm to the party or to the child, or a restraining or protective order is in effect. The information may be omitted but placed on file with the Department of Social and Health Services, Division of Child Support. The location of a noncustodial parent is protected upon request.

The civil penalties that apply to employers who fail to report new hires to the state support registry are changed to \$25 per month per employee, or \$500 if the employer and employee conspired to not report or file a false report.

State agencies must implement procedures to require applicants for professional, occupational, recreational, and driver's licenses to record on the application the applicant's Social Security number. The state agency may use a different number on the face of the document, but must keep the Social Security number on file.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed, except Section 5 (regarding civil penalties for failing to report new hires) takes effect October 1, 1998.