
HOUSE BILL 1635

State of Washington 55th Legislature 1997 Regular Session

By Representatives Costa, Lantz, Ogden and Blalock

Read first time 02/04/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to collection of spousal maintenance; adding a new
2 section to chapter 26.18 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 26.18 RCW
5 to read as follows:

6 (1) When a superior court order orders an obligor to pay spousal
7 maintenance to an obligee, the superior court must order immediate
8 income withholding to enforce the spousal maintenance order unless:

9 (a) One of the parties demonstrates, and the court finds, that good
10 cause exists not to require immediate income withholding and that
11 withholding should be delayed until a spousal maintenance payment is
12 past due; or

13 (b) The parties reach a written agreement approved by the court
14 that provides for an alternative arrangement.

15 "Good cause not to require immediate income withholding" means a
16 written determination of why implementing immediate income withholding
17 would not be in the obligee's best interests, and in modification
18 cases, proof of timely payment of previously ordered spousal
19 maintenance.

1 (2) In all other cases not under subsection (1) of this section,
2 the court may order the obligor to make payments directly to the
3 obligee or may order that payments be made in accordance with an agreed
4 alternative arrangement.

5 (3) If the court orders immediate income withholding, the court
6 must issue a mandatory wage assignment order as set forth in this
7 chapter when the court signs the maintenance order or modification of
8 the maintenance order. The obligee is responsible for serving the
9 employer with the order and for its enforcement as set forth in this
10 chapter.

11 (4) If the court does not order immediate income withholding, the
12 court must require that income withholding be delayed until a payment
13 is past due. The order must contain a notice that an income-
14 withholding action under this chapter may be taken without further
15 notice to the obligor after a payment is past due.

16 (5) If a superior court order that orders payment of spousal
17 support also orders payment of support for a dependent child or other
18 person other than the obligee, the order must continue to be enforced
19 pursuant to chapters 74.20, 74.20A, and 26.23 RCW rather than pursuant
20 to this section. Enforcement must occur under those chapters even if
21 all or part of the support for the dependent child or other person is
22 termed spousal maintenance, alimony, or some other term.

23 NEW SECTION. **Sec. 2.** This act applies to decrees and orders of
24 modification entered on or after the effective date of this act.

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