
SECOND SUBSTITUTE HOUSE BILL 1687

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Sheahan, Delvin, Sheldon, McMorris, L. Thomas, Mielke, Grant, Morris, Benson, D. Schmidt, Alexander, D. Sommers, Johnson, Thompson, Talcott and Boldt)

Read first time 03/10/97.

1 AN ACT Relating to wage garnishment; amending RCW 6.27.100,
2 6.27.110, 6.27.190, 6.27.200, 6.27.350, 6.27.360, 26.18.100, 26.18.110,
3 26.23.060, 26.23.090, 74.20A.080, 74.20A.100, and 74.20A.240; adding
4 new sections to chapter 6.27 RCW; and creating new sections.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that the employer
7 has no responsibility in the situation leading to wage garnishment of
8 the employee and that the employer is in fact helping the state and
9 other businesses when the wages of employees are garnished. It is not
10 the intent of the legislature to interfere in the employer/employee
11 relationship. The legislature also recognizes that wage garnishment
12 orders create an administrative burden for employers and that the state
13 should do everything in its power to reduce or offset this burden.

14 **Sec. 2.** RCW 6.27.100 and 1988 c 231 s 25 are each amended to read
15 as follows:

16 The writ shall be substantially in the following form: PROVIDED,
17 That if the writ is issued under a court order or judgment for child
18 support, the following statement shall appear conspicuously in the

1 caption: "This garnishment is based on a judgment or court order for
2 child support": AND PROVIDED FURTHER, That if the garnishment is for
3 a continuing lien, the form shall be modified as provided in RCW
4 6.27.340: AND PROVIDED FURTHER, That if the writ is not directed to an
5 employer for the purpose of garnishing a defendant's earnings, the
6 paragraph relating to the earnings exemption may be omitted:

7 "IN THE SUPERIOR COURT
8 OF THE STATE OF WASHINGTON IN AND FOR
9 THE COUNTY OF

10 ,
11 Plaintiff, No.
12 vs.
13 , WRIT OF
14 Defendant GARNISHMENT
15
16 ,
17 Garnishee ((Defendant))

18 THE STATE OF WASHINGTON TO:
19 Garnishee
20 ((Defendant))

21 AND TO:
22 Defendant

23 The above-named plaintiff has applied for a writ of garnishment
24 against you, claiming that the above-named defendant is indebted to
25 plaintiff and that the amount to be held to satisfy that indebtedness
26 is \$, consisting of:

27	Balance on Judgment or Amount of Claim	\$
28	Interest under Judgment from to	\$
29	Taxable Costs and Attorneys' Fees	\$
30	Estimated Garnishment Costs:	
31	Filing Fee	\$
32	Service and Affidavit Fees	\$
33	Postage and Costs of Certified Mail	\$
34	((Answer Fee or Fees	\$))
35	Garnishment Attorney Fee	\$

1 YOU MAY DEDUCT A PROCESSING FEE FROM THE REMAINDER OF THE
2 EMPLOYEE'S EARNINGS AFTER WITHHOLDING UNDER THE GARNISHMENT ORDER. THE
3 PROCESSING FEE MAY NOT EXCEED TWENTY DOLLARS FOR THE FIRST DISBURSEMENT
4 MADE. IF THIS IS A WRIT FOR A CONTINUING LIEN ON EARNINGS, YOU MAY
5 DEDUCT A PROCESSING FEE OF TWENTY DOLLARS AT THE TIME YOU REMIT THE
6 FIRST DISBURSEMENT AND TEN DOLLARS AT THE TIME YOU SUBMIT THE SECOND
7 ANSWER.

8 YOU ARE HEREBY COMMANDED, unless otherwise directed by the court or
9 by this writ, not to pay any debt, whether earnings subject to this
10 garnishment or any other debt, owed to the defendant at the time this
11 writ was served and not to deliver, sell, or transfer, or recognize any
12 sale or transfer of, any personal property or effects of the defendant
13 in your possession or control at the time when this writ was served.
14 Any such payment, delivery, sale, or transfer is void to the extent
15 necessary to satisfy the plaintiff's claim and costs for this writ with
16 interest.

17 YOU ARE FURTHER COMMANDED to answer this writ by filling in the
18 attached form according to the instructions in this writ and in the
19 answer forms and, within twenty days after the service of the writ upon
20 you, to mail or deliver the original of such answer to the court, one
21 copy to the plaintiff or the plaintiff's attorney, and one copy to the
22 defendant, in the envelopes provided.

23 If, at the time this writ was served, you owed the defendant any
24 earnings (that is, wages, salary, commission, bonus, or other
25 compensation for personal services or any periodic payments pursuant to
26 a pension or retirement program), the defendant is entitled to receive
27 amounts that are exempt from garnishment under federal and state law.
28 You must pay the exempt amounts to the defendant on the day you would
29 customarily pay the compensation or other periodic payment. As more
30 fully explained in the answer, the basic exempt amount is the greater
31 of seventy-five percent of disposable earnings or a minimum amount
32 determined by reference to the employee's pay period, to be calculated
33 as provided in the answer. However, if this writ carries a statement
34 in the heading that "This garnishment is based on a judgment or court
35 order for child support," the basic exempt amount is forty percent of
36 disposable earnings.

37 If you owe the defendant a debt payable in money in excess of the
38 amount set forth in the first paragraph of this writ, hold only the

1 amount set forth in the first paragraph and any processing fee if one
2 is charged and release all additional funds or property to defendant.

3 YOUR FAILURE TO ANSWER THIS WRIT AS COMMANDED WILL RESULT IN A
4 JUDGMENT BEING ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE
5 PLAINTIFF'S CLAIM AGAINST THE DEFENDANT WITH ACCRUING INTERESTS AND
6 COSTS WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT.

7 Witness, the Honorable, Judge of the Superior
8 Court, and the seal thereof, this day of, 19. . .

9 [Seal]

10
11 Attorney for	Clerk of
12 Plaintiff (or	Superior
13 Plaintiff,	Court
14 if no attorney)	
15
16 Address	By
17
18	Address"

19 NEW SECTION. **Sec. 3.** The garnishee may deduct a processing fee
20 from the remainder of the obligor's earnings after withholding the
21 required amount under the garnishment order. The processing fee may
22 not exceed twenty dollars for the first disbursement. If the
23 garnishment is a continuing lien on earnings, the garnishee may deduct
24 a processing fee of twenty dollars for the first disbursement and ten
25 dollars at the time the garnishee submits the second answer.

26 **Sec. 4.** RCW 6.27.110 and 1988 c 231 s 26 are each amended to read
27 as follows:

28 (1) Service of the writ of garnishment on the garnishee is invalid
29 unless the writ is served together with: (a) Four answer forms as
30 prescribed in RCW 6.27.190; (b) three stamped envelopes addressed
31 respectively to the clerk of the court issuing the writ, the attorney
32 for the plaintiff (or to the plaintiff if the plaintiff has no
33 attorney), and the defendant(~~(c) cash or a check made payable to~~
34 ~~the garnishee in the amount of ten dollars)).~~

1 (2) Except as provided in RCW 6.27.080 for service on a bank,
2 savings and loan association, or credit union, the writ of garnishment
3 shall be mailed to the garnishee by certified mail, return receipt
4 requested, addressed in the same manner as a summons in a civil action,
5 and will be binding upon the garnishee on the day set forth on the
6 return receipt. In the alternative, the writ shall be served by the
7 sheriff of the county in which the garnishee lives or has its place of
8 business or by any person qualified to serve process in the same manner
9 as a summons in a civil action is served.

10 (3) If a writ of garnishment is served by a sheriff, the sheriff
11 shall file with the clerk of the court that issued the writ a signed
12 return showing the time, place, and manner of service and that the writ
13 was accompanied by answer forms, addressed envelopes, and ~~((cash or a
14 check as required by this section, and))~~ noting thereon fees for making
15 the service. If service is made by any person other than a sheriff,
16 such person shall file an affidavit including the same information and
17 showing qualifications to make such service. If a writ of garnishment
18 is served by mail, the person making the mailing shall file an
19 affidavit showing the time, place, and manner of mailing and that the
20 writ was accompanied by answer forms~~((7))~~ and addressed envelopes,
21 ~~((and cash or a check as required by this section))~~ and shall attach
22 the return receipt to the affidavit.

23 **Sec. 5.** RCW 6.27.190 and 1988 c 231 s 30 are each amended to read
24 as follows:

25 The answer of the garnishee shall be signed by the garnishee or
26 attorney or if the garnishee is a corporation, by an officer, attorney
27 or duly authorized agent of the garnishee, under penalty of perjury,
28 and the original delivered, either personally or by mail, to the clerk
29 of the court that issued the writ, one copy to the plaintiff or the
30 plaintiff's attorney, and one copy to the defendant. The answer shall
31 be made on a form substantially as appears in this section, served on
32 the garnishee with the writ, with minimum exemption amounts for the
33 different pay periods filled in by the plaintiff before service of the
34 answer forms: PROVIDED, That, if the garnishment is for a continuing
35 lien, the answer forms shall be as prescribed in RCW 6.27.340 and
36 6.27.350: AND PROVIDED FURTHER, That if the writ is not directed to an
37 employer for the purpose of garnishing the defendant's wages,
38 paragraphs relating to the earnings exemptions may be omitted.

1 IN THE SUPERIOR COURT
2 OF THE STATE OF WASHINGTON IN AND FOR
3 THE COUNTY OF

4 NO.

5 Plaintiff

6 vs.

7 ANSWER

8 TO WRIT OF

9 Defendant

10 GARNISHMENT

11
12
13 Garnishee Defendant

14 At the time of service of the writ of garnishment on the garnishee
15 there was due and owing from the garnishee to the above-named defendant
16 \$ (On the reverse side of this answer form, or on an
17 attached page, give an explanation of the dollar amount stated, or give
18 reasons why there is uncertainty about your answer.)

19 If the above amount or any part of it is for personal earnings
20 (that is, compensation payable for personal services, whether called
21 wages, salary, commission, bonus, or otherwise, and including periodic
22 payments pursuant to a pension or retirement program): Garnishee has
23 deducted from this amount \$ which is the exemption to which
24 the defendant is entitled, leaving \$ that garnishee holds
25 under the writ. The exempt amount is calculated as follows:

26	Total compensation due defendant	\$
27	LESS deductions for social security and	
28	withholding taxes and any other	
29	deduction required by law (list	
30	separately and identify)	\$
31	Disposable earnings	\$

32 If the title of this writ indicates that this is a garnishment
33 under a child support judgment, enter forty percent of disposable
34 earnings: \$ This amount is exempt and must be paid to the
35 defendant at the regular pay time after deducting any processing fee
36 you may charge.

37 If this is not a garnishment for child support, enter seventy-five
38 percent of disposable earnings: \$ From the listing in
39 the following paragraph, choose the amount for the relevant pay period
40 and enter that amount: \$ (If amounts for more than one

1 pay period are due, multiply the preceding amount by the number of pay
2 periods and/or fraction of pay period for which amounts are due and
3 enter that amount: \$) The greater of the amounts entered
4 in this paragraph is the exempt amount and must be paid to the
5 defendant at the regular pay time after deducting any processing fee
6 you may charge.

7 Minimum exempt amounts for different pay periods: Weekly
8 \$; Biweekly \$; Semimonthly \$;
9 Monthly \$

10 List all of the personal property or effects of defendant in the
11 garnishee's possession or control when the writ was served. (Use the
12 reverse side of this answer form or attach a schedule if necessary.)

13 An attorney may answer for the garnishee.

14 Under penalty of perjury, I affirm that I have examined this
15 answer, including accompanying schedules, and to the best of my
16 knowledge and belief it is true, correct, and complete.

17

18 Signature of _____ Date _____
19
20 Garnishee Defendant

21

22 Signature of person _____ Connection with _____
23 answering for _____ garnishee
24
25 garnishee
26

27

28

29 Address of Garnishee

30 **Sec. 6.** RCW 6.27.200 and 1988 c 231 s 31 are each amended to read
31 as follows:

32 If the garnishee fails to answer the writ within the time
33 prescribed in the writ, after the time to answer the writ has expired
34 and after required returns or affidavits have been filed, showing
35 service on the garnishee and service on or mailing to the defendant, it
36 shall be lawful for the court to render judgment by default against
37 such garnishee, (~~in accordance with rules relating to entry of default~~
38 ~~judgments~~) after providing a notice to the garnishee by personal

1 service or first class mail deposited in the mail at least ten calendar
2 days prior to entry of the judgment, for the full amount claimed by the
3 plaintiff against the defendant, or in case the plaintiff has a
4 judgment against the defendant, for the full amount of the plaintiff's
5 unpaid judgment against the defendant with all accruing interest and
6 costs as prescribed in RCW 6.27.090: PROVIDED, That upon motion by the
7 garnishee at any time within seven days following service on, or
8 mailing to, the garnishee ((defendant)) of a copy of a writ of
9 execution or a writ of garnishment under such judgment, the judgment
10 against the garnishee shall be reduced to the amount of any nonexempt
11 funds or property which was actually in the possession of the garnishee
12 at the time the writ was served, plus the cumulative amount of the
13 nonexempt earnings subject to the lien provided for in RCW 6.27.350, or
14 the sum of one hundred dollars, whichever is more, but in no event to
15 exceed the full amount claimed by the plaintiff or the amount of the
16 unpaid judgment against the principal defendant plus all accruing
17 interest and costs and attorney's fees as prescribed in RCW 6.27.090,
18 and in addition the plaintiff shall be entitled to a reasonable
19 attorney's fee for the plaintiff's response to the garnishee's motion
20 to reduce said judgment against the garnishee under this proviso and
21 the court may allow additional attorney's fees for other actions taken
22 because of the garnishee's failure to answer.

23 **Sec. 7.** RCW 6.27.350 and 1988 c 231 s 35 are each amended to read
24 as follows:

25 (1) Where the garnishee's answer to a garnishment for a continuing
26 lien reflects that the defendant is employed by the garnishee, the
27 judgment or balance due thereon as reflected on the writ of garnishment
28 shall become a lien on earnings due at the time of the effective date
29 of the writ, as defined in this subsection, to the extent that they are
30 not exempt from garnishment, and such lien shall continue as to
31 subsequent nonexempt earnings until the total subject to the lien
32 equals the amount stated on the writ of garnishment or until the
33 expiration of the employer's payroll period ending on or before sixty
34 days after the effective date of the writ, whichever occurs first,
35 except that such lien on subsequent earnings shall terminate sooner if
36 the employment relationship is terminated or if the underlying judgment
37 is vacated, modified, or satisfied in full or if the writ is dismissed.
38 The "effective date" of a writ is the date of service of the writ if

1 there is no previously served writ; otherwise, it is the date of
2 termination of a previously served writ or writs.

3 (2) At the time of the expected termination of the lien, the
4 plaintiff shall mail to the garnishee (~~cash or a check made payable to~~
5 ~~the garnishee in the amount of ten dollars,~~) three additional stamped
6 envelopes addressed as provided in RCW 6.27.110, and four additional
7 copies of the answer form prescribed in RCW 6.27.190, (a) with a
8 statement in substantially the following form added as the first
9 paragraph: "ANSWER THE SECOND PART OF THIS FORM WITH RESPECT TO THE
10 TOTAL AMOUNT OF EARNINGS WITHHELD UNDER THIS GARNISHMENT, INCLUDING THE
11 AMOUNT, IF ANY, STATED IN YOUR FIRST ANSWER, AND WITHIN TWENTY DAYS
12 AFTER YOU RECEIVE THESE FORMS, MAIL OR DELIVER THEM AS DIRECTED IN THE
13 WRIT" and (b) with the following lines substituted for the first
14 sentence of the form prescribed in RCW 6.27.190:

15	Amount due and owing stated in first answer	\$
16	Amount accrued since first answer	\$

17 (3) Within twenty days of receipt of the second answer form the
18 garnishee shall file a second answer, in the form as provided in
19 subsection (2) of this section, stating the total amount held subject
20 to the garnishment.

21 **Sec. 8.** RCW 6.27.360 and 1989 c 360 s 20 are each amended to read
22 as follows:

23 (1) Except as provided in subsection (2) of this section, a lien
24 obtained under RCW 6.27.350 shall have priority over any subsequent
25 garnishment lien or wage assignment except that service of a writ shall
26 not be effective to create a continuing lien with such priority if a
27 writ in the same case is pending at the time of the service of the new
28 writ.

29 (2) A lien obtained under RCW 6.27.350 shall not have priority over
30 a notice of payroll deduction issued under RCW 26.23.060 or a wage
31 assignment or other garnishment for child support issued under chapters
32 26.18 and 74.20A RCW. Should nonexempt wages remain after deduction of
33 all amounts owing under a notice of payroll deduction, wage assignment,
34 or garnishment for child support, the garnishee shall withhold the
35 remaining nonexempt wages under the lien obtained under RCW 6.27.350.

36 NEW SECTION. **Sec. 9.** (1) Whenever the federal government is named
37 as a garnishee defendant, the clerk of the court shall, upon submitting

1 a notice in the appropriate form by the plaintiff, issue a notice which
2 directs the garnishee defendant to disburse any nonexempt earnings to
3 the court in accordance with the garnishee defendant's normal pay and
4 disbursement cycle.

5 (2) Funds received by the clerk from a garnishee defendant may be
6 deposited into the registry of the court or, in the case of negotiable
7 instruments, may be retained in the court file. Upon presentation of
8 an order directing the clerk to disburse the funds received, the clerk
9 shall pay or endorse the funds over to the party entitled to receive
10 the funds. Except for good cause shown, the funds shall not be paid or
11 endorsed to the plaintiff prior to the expiration of any minimum
12 statutory period allowed to the defendant for filing an exemption
13 claim.

14 (3) The plaintiff shall, in the same manner permitted for service
15 of the writ of garnishment, provide to the garnishee defendant a copy
16 of the notice issued by the clerk and an envelope addressed to the
17 court, and shall supply to the garnished party a copy of the notice.

18 (4) Any answer or processing fees charged by the garnishee
19 defendant to the plaintiff under federal law shall be a recoverable
20 cost under RCW 6.27.090.

21 (5) The notice to the federal government garnishee shall be in
22 substantially the following form:

23 IN THE COURT OF THE STATE OF WASHINGTON
24 IN AND FOR COUNTY
25 , NO.
26 Plaintiff, NOTICE TO FEDERAL
27 vs. GOVERNMENT GARNISHEE DEFENDANT
28 ,
29 Defendant,
30 ,
31 Garnishee Defendant.

32 TO: THE GOVERNMENT OF THE UNITED STATES AND ANY DEPARTMENT, AGENCY, OR
33 DIVISION THEREOF

34 You have been named as the garnishee defendant in the above-entitled
35 cause. A Writ of Garnishment accompanies this Notice. The Writ of

1 Garnishment directs you to hold the nonexempt earnings of the named
2 defendant, but does not instruct you to disburse the funds you hold.

3 BY THIS NOTICE THE COURT DIRECTS YOU TO WITHHOLD ALL NONEXEMPT EARNINGS
4 AND DISBURSE THEM IN ACCORDANCE WITH YOUR NORMAL PAY AND DISBURSEMENT
5 CYCLE, TO THE FOLLOWING:

6 County Court Clerk
7 Cause No.
8
9 (Address)

10 PLEASE REFERENCE THE DEFENDANT EMPLOYEE'S NAME AND THE ABOVE CAUSE
11 NUMBER ON ALL DISBURSEMENTS.

12 The enclosed Writ also directs you to respond to the Writ within twenty
13 (20) days, but you are allowed thirty (30) days to respond under
14 federal law.

15 DATED this . . . day of, 19. . .

16
17 Clerk of the Court

18 **Sec. 10.** RCW 26.18.100 and 1994 c 230 s 4 are each amended to read
19 as follows:

20 The wage assignment order shall be substantially in the following
21 form:

22 IN THE SUPERIOR COURT OF THE
23 STATE OF WASHINGTON IN AND FOR THE
24 COUNTY OF

25 ,
26 Obligee No.

27 vs.

28 , WAGE ASSIGNMENT
29 Obligor ORDER

30 ,
31 Employer

32 THE STATE OF WASHINGTON TO:
33 Employer

1 AND TO:

2 Obligor

3 The above-named obligee claims that the above-named obligor is
4 subject to a support order requiring immediate income withholding or is
5 more than fifteen days past due in either child support or spousal
6 maintenance payments, or both, in an amount equal to or greater than
7 the child support or spousal maintenance payable for one month. The
8 amount of the accrued child support or spousal maintenance debt as of
9 this date is dollars, the amount of arrearage payments
10 specified in the support or spousal maintenance order (if applicable)
11 is dollars per, and the amount of the current
12 and continuing support or spousal maintenance obligation under the
13 order is dollars per

14 You are hereby commanded to answer this order by filling in the
15 attached form according to the instructions, and you must mail or
16 deliver the original of the answer to the court, one copy to the
17 Washington state support registry, one copy to the obligee or obligee's
18 attorney, and one copy to the obligor within twenty days after service
19 of this wage assignment order upon you.

20 If you possess any earnings or other remuneration for employment
21 due and owing to the obligor, then you shall do as follows:

22 (1) Withhold from the obligor's earnings or remuneration each
23 month, or from each regular earnings disbursement, the lesser of:

24 (a) The sum of the accrued support or spousal maintenance debt and
25 the current support or spousal maintenance obligation;

26 (b) The sum of the specified arrearage payment amount and the
27 current support or spousal maintenance obligation; or

28 (c) Fifty percent of the disposable earnings or remuneration of the
29 obligor.

30 (2) The total amount withheld above is subject to the wage
31 assignment order, and all other sums may be disbursed to the obligor.

32 (3) Upon receipt of this wage assignment order you shall make
33 immediate deductions from the obligor's earnings or remuneration and
34 remit to the Washington state support registry or other address
35 specified below the proper amounts at each regular pay interval.

36 You shall continue to withhold the ordered amounts from nonexempt
37 earnings or remuneration of the obligor until notified by:

38 (a) The court that the wage assignment has been modified or
39 terminated; or

1 (b) The addressee specified in the wage assignment order under this
2 section that the accrued child support or spousal maintenance debt has
3 been paid.

4 You shall promptly notify the court and the addressee specified in
5 the wage assignment order under this section if and when the employee
6 is no longer employed by you, or if the obligor no longer receives
7 earnings or remuneration from you. If you no longer employ the
8 employee, the wage assignment order shall remain in effect (~~for one~~
9 ~~year after the employee has left your employment or~~) until you are no
10 longer in possession of any earnings or remuneration owed to the
11 employee(~~(, whichever is later. You shall continue to hold the wage~~
12 ~~assignment order during that period. If the employee returns to your~~
13 ~~employment during the one year period you shall immediately begin to~~
14 ~~withhold the employee's earnings according to the terms of the wage~~
15 ~~assignment order. If the employee has not returned to your employment~~
16 ~~within one year, the wage assignment will cease to have effect at the~~
17 ~~expiration of the one year period, unless you still owe the employee~~
18 ~~earnings or other remuneration)).~~

19 You shall deliver the withheld earnings or remuneration to the
20 Washington state support registry or other address stated below at each
21 regular pay interval.

22 You shall deliver a copy of this order to the obligor as soon as is
23 reasonably possible. This wage assignment order has priority over any
24 other wage assignment or garnishment, except for another wage
25 assignment or garnishment for child support or spousal maintenance, or
26 order to withhold or deliver under chapter 74.20A RCW.

27 WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO
28 ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR (~~OBLIGOR'S CLAIMED~~
29 ~~SUPPORT OR SPOUSAL MAINTENANCE DEBT TO THE OBLIGEE~~) THE AMOUNT
30 OF SUPPORT MONEYS THAT SHOULD HAVE BEEN WITHHELD FROM THE
31 OBLIGOR'S EARNINGS OR SUBJECT TO CONTEMPT OF COURT.

32 NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE
33 SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT
34 THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.

35 DATED THIS day of, 19. . . .

1
2 Obligee, Judge/Court Commissioner
3 or obligee's attorney
4 Send withheld payments to:
5
6
7

8 **Sec. 11.** RCW 26.18.110 and 1994 c 230 s 5 are each amended to read
9 as follows:

10 (1) An employer upon whom service of a wage assignment order has
11 been made shall answer the order by sworn affidavit within twenty days
12 after the date of service. The answer shall state whether the obligor
13 is employed by or receives earnings or other remuneration from the
14 employer, whether the employer will honor the wage assignment order,
15 and whether there are either multiple child support or spousal
16 maintenance attachments, or both, against the obligor.

17 (2) If the employer possesses any earnings or remuneration due and
18 owing to the obligor, the earnings subject to the wage assignment order
19 shall be withheld immediately upon receipt of the wage assignment
20 order. The withheld earnings shall be delivered to the Washington
21 state support registry or, if the wage assignment order is to satisfy
22 a duty of spousal maintenance, to the addressee specified in the
23 assignment at each regular pay interval.

24 (3) The employer shall continue to withhold the ordered amounts
25 from nonexempt earnings or remuneration of the obligor until notified
26 by:

27 (a) The court that the wage assignment has been modified or
28 terminated; or

29 (b) The Washington state support registry or obligee that the
30 accrued child support or spousal maintenance debt has been paid,
31 provided the wage assignment order contains the language set forth
32 under RCW 26.18.100(3)(b). The employer shall promptly notify the
33 addressee specified in the assignment when the employee is no longer
34 employed. If the employer no longer employs the employee, the wage
35 assignment order shall remain in effect (~~for one year after the~~
36 ~~employee has left the employment or~~) until the employer (~~has been in~~
37 ~~possession of~~) no longer possesses any earnings or remuneration owed
38 to the employee(~~, whichever is later. The employer shall continue to~~

1 hold the wage assignment order during that period. If the employee
2 returns to the employer's employment during the one year period the
3 employer shall immediately begin to withhold the employee's earnings or
4 remuneration according to the terms of the wage assignment order. If
5 the employee has not returned within one year, the wage assignment
6 shall cease to have effect at the expiration of the one year period,
7 unless the employer continues to owe remuneration for employment to the
8 obligor)).

9 (4) The employer may deduct a processing fee from the remainder of
10 the employee's earnings after withholding under the wage assignment
11 order, even if the remainder is exempt under RCW 26.18.090. The
12 processing fee may not exceed (a) (~~ten~~) thirty dollars for the first
13 disbursement made by the employer to the Washington state support
14 registry; and (b) (~~one~~) five dollars for each subsequent disbursement
15 to the clerk.

16 (5) An order for wage assignment for support for a dependent child
17 entered under this chapter shall have priority over any other wage
18 assignment or garnishment, except for another wage assignment or
19 garnishment for child support, or order to withhold and deliver under
20 chapter 74.20A RCW. An order for wage assignment for spousal
21 maintenance entered under this chapter shall have priority over any
22 other wage assignment or garnishment, except for a wage assignment,
23 garnishment, or order to withhold and deliver under chapter 74.20A RCW
24 for support of a dependent child, and except for another wage
25 assignment or garnishment for spousal maintenance.

26 (6) An employer who fails to withhold earnings as required by a
27 wage assignment issued under this chapter may be held liable to the
28 obligee for (~~one hundred percent of the support or spousal maintenance~~
29 ~~debt, or~~) the amount of support or spousal maintenance moneys that
30 should have been withheld from the employee's earnings (~~whichever is~~
31 ~~the lesser amount~~)), if the employer:

32 (a) Fails or refuses, after being served with a wage assignment
33 order, to deduct and promptly remit from the unpaid earnings the
34 amounts of money required in the order;

35 (b) Fails or refuses to submit an answer to the notice of wage
36 assignment after being served; or

37 (c) Is unwilling to comply with the other requirements of this
38 section.

1 Liability may be established in superior court. Awards in superior
2 court shall include costs, interest under RCW 19.52.020 and 4.56.110,
3 and reasonable attorneys' fees.

4 (7) No employer who complies with a wage assignment issued under
5 this chapter may be liable to the employee for wrongful withholding.

6 (8) No employer may discharge, discipline, or refuse to hire an
7 employee because of the entry or service of a wage assignment issued
8 and executed under this chapter. If an employer discharges,
9 disciplines, or refuses to hire an employee in violation of this
10 section, the employee or person shall have a cause of action against
11 the employer. The employer shall be liable for double the amount of
12 damages suffered as a result of the violation and for costs and
13 reasonable attorneys' fees, and shall be subject to a civil penalty of
14 not more than two thousand five hundred dollars for each violation.
15 The employer may also be ordered to hire, rehire, or reinstate the
16 aggrieved individual.

17 (9) For wage assignments payable to the Washington state support
18 registry, an employer may combine amounts withheld from various
19 employees into a single payment to the Washington state support
20 registry, if the payment includes a listing of the amounts attributable
21 to each employee and other information as required by the registry.

22 (10) An employer shall deliver a copy of the wage assignment order
23 to the obligor as soon as is reasonably possible.

24 **Sec. 12.** RCW 26.23.060 and 1994 c 230 s 10 are each amended to
25 read as follows:

26 (1) The office of support enforcement may issue a notice of payroll
27 deduction:

28 (a) As authorized by a support order that contains the income
29 withholding notice provisions in RCW 26.23.050 or a substantially
30 similar notice; or

31 (b) After service of a notice containing an income withholding
32 provision under this chapter or chapter 74.20A RCW.

33 (2) The office of support enforcement shall serve a notice of
34 payroll deduction upon a responsible parent's employer or upon the
35 employment security department for the state in possession of or owing
36 any benefits from the unemployment compensation fund to the responsible
37 parent pursuant to Title 50 RCW by personal service or by any form of
38 mail requiring a return receipt.

1 (3) Service of a notice of payroll deduction upon an employer or
2 employment security department requires the employer or employment
3 security department to immediately make a mandatory payroll deduction
4 from the responsible parent's unpaid disposable earnings or
5 unemployment compensation benefits. The employer or employment
6 security department shall thereafter deduct each pay period the amount
7 stated in the notice divided by the number of pay periods per month.
8 The payroll deduction each pay period shall not exceed fifty percent of
9 the responsible parent's disposable earnings.

10 (4) A notice of payroll deduction for support shall have priority
11 over any wage assignment, garnishment, attachment, or other legal
12 process.

13 (5) The notice of payroll deduction shall be in writing and
14 include:

15 (a) The name and social security number of the responsible parent;

16 (b) The amount to be deducted from the responsible parent's
17 disposable earnings each month, or alternate amounts and frequencies as
18 may be necessary to facilitate processing of the payroll deduction;

19 (c) A statement that the total amount withheld shall not exceed
20 fifty percent of the responsible parent's disposable earnings; and

21 (d) The address to which the payments are to be mailed or
22 delivered.

23 (6) An informational copy of the notice of payroll deduction shall
24 be mailed to the last known address of the responsible parent by
25 regular mail.

26 (7) An employer or employment security department that receives a
27 notice of payroll deduction shall make immediate deductions from the
28 responsible parent's unpaid disposable earnings and remit proper
29 amounts to the Washington state support registry on each date the
30 responsible parent is due to be paid.

31 (8) An employer, or the employment security department, upon whom
32 a notice of payroll deduction is served, shall make an answer to the
33 office of support enforcement within twenty days after the date of
34 service. The answer shall confirm compliance and institution of the
35 payroll deduction or explain the circumstances if no payroll deduction
36 is in effect. The answer shall also state whether the responsible
37 parent is employed by or receives earnings from the employer or
38 receives unemployment compensation benefits from the employment
39 security department, whether the employer or employment security

1 department anticipates paying earnings or unemployment compensation
2 benefits and the amount of earnings. If the responsible parent is no
3 longer employed, or receiving earnings from the employer, the answer
4 shall state the present employer's name and address, if known. If the
5 responsible parent is no longer receiving unemployment compensation
6 benefits from the employment security department, the answer shall
7 state the present employer's name and address, if known.

8 (9) The employer or employment security department may deduct a
9 processing fee from the remainder of the responsible parent's earnings
10 after withholding under the notice of payroll deduction, even if the
11 remainder is exempt under RCW 26.18.090. The processing fee may not
12 exceed: (a) ~~((Ten))~~ Thirty dollars for the first disbursement made to
13 the Washington state support registry; and (b) ~~((one))~~ five dollars for
14 each subsequent disbursement to the registry.

15 (10) The notice of payroll deduction shall remain in effect until
16 released by the office of support enforcement, the court enters an
17 order terminating the notice and approving an alternate arrangement
18 under RCW 26.23.050(2), or ~~((one year has expired since the employer
19 has employed the responsible parent or has been in possession of or
20 owing any earnings to the responsible parent))~~ the employer is no
21 longer in possession of or owing any earnings to the responsible parent
22 or the employment security department ((has been)) is no longer in
23 possession of or owing any unemployment compensation benefits to the
24 responsible parent.

25 **Sec. 13.** RCW 26.23.090 and 1990 c 165 s 2 are each amended to read
26 as follows:

27 (1) The employer shall be liable to the Washington state support
28 registry for ~~((one hundred percent of the amount of the support debt,
29 or))~~ the amount of support moneys which should have been withheld from
30 the employee's earnings, ~~((whichever is the lesser amount,))~~ if the
31 employer:

32 (a) Fails or refuses, after being served with a notice of payroll
33 deduction, to deduct and promptly remit from unpaid earnings the
34 amounts of money required in the notice;

35 (b) Fails or refuses to submit an answer to the notice of payroll
36 deduction after being served; or

37 (c) Is unwilling to comply with the other requirements of RCW
38 26.23.060.

1 (2) Liability may be established in superior court or may be
2 established pursuant to RCW 74.20A.270. Awards in superior court and
3 in actions pursuant to RCW 74.20A.270 shall include costs, interest
4 under RCW 19.52.020 and 4.56.110, and reasonable attorney fees and
5 staff costs as a part of the award. Debts established pursuant to this
6 section may be collected pursuant to chapter 74.20A RCW utilizing any
7 of the remedies contained in that chapter.

8 **Sec. 14.** RCW 74.20A.080 and 1994 c 230 s 20 are each amended to
9 read as follows:

10 (1) The secretary may issue to any person, firm, corporation,
11 association, political subdivision, department of the state, or agency,
12 subdivision, or instrumentality of the United States, an order to
13 withhold and deliver property of any kind, including but not restricted
14 to earnings which are or might become due, owing, or belonging to the
15 debtor, when the secretary has reason to believe that there is in the
16 possession of such person, firm, corporation, association, political
17 subdivision, department of the state, or agency, subdivision, or
18 instrumentality of the United States property which is or might become
19 due, owing, or belonging to said debtor. Such order to withhold and
20 deliver may be issued:

21 (a) When a support payment is past due, if a responsible parent's
22 support order:

23 (i) Contains language directing the parent to make support payments
24 to the Washington state support registry; and

25 (ii) Includes a statement that other income-withholding action
26 under this chapter may be taken without further notice to the
27 responsible parent, as provided for in RCW 26.23.050(1);

28 (b) Twenty-one days after service of a notice of support debt under
29 RCW 74.20A.040;

30 (c) Twenty-one days after service of a notice and finding of
31 parental responsibility under RCW 74.20A.056;

32 (d) Twenty-one days after service of a notice of support owed under
33 RCW 26.23.110;

34 (e) Twenty-one days after service of a notice and finding of
35 financial responsibility under RCW 74.20A.055; or

36 (f) When appropriate under RCW 74.20A.270.

37 (2) The order to withhold and deliver shall:

38 (a) State the amount of the support debt accrued;

1 (b) State in summary the terms of RCW 74.20A.090 and 74.20A.100;

2 (c) Be served in the manner prescribed for the service of a summons
3 in a civil action or by certified mail, return receipt requested.

4 (3) Any person, firm, corporation, association, political
5 subdivision, department of the state, or agency, subdivision, or
6 instrumentality of the United States upon whom service has been made is
7 hereby required to:

8 (a) Answer said order to withhold and deliver within twenty days,
9 exclusive of the day of service, under oath and in writing, and shall
10 make true answers to the matters inquired of therein; and

11 (b) Provide further and additional answers when requested by the
12 secretary.

13 (4) Any such person, firm, corporation, association, political
14 subdivision, department of the state, or agency, subdivision, or
15 instrumentality of the United States in possession of any property
16 which may be subject to the claim of the department of social and
17 health services shall:

18 (a)(i) Immediately withhold such property upon receipt of the order
19 to withhold and deliver; and

20 (ii) Deliver the property to the secretary as soon as the twenty-
21 day answer period expires;

22 (iii) Continue to withhold earnings payable to the debtor at each
23 succeeding disbursement interval as provided for in RCW 74.20A.090, and
24 deliver amounts withheld from earnings to the secretary on the date
25 earnings are payable to the debtor;

26 (iv) Inform the secretary of the date the amounts were withheld as
27 requested under this section; or

28 (b) Furnish to the secretary a good and sufficient bond,
29 satisfactory to the secretary, conditioned upon final determination of
30 liability.

31 (5) An order to withhold and deliver served under this section
32 shall not expire until:

33 (a) Released in writing by the office of support enforcement;

34 (b) Terminated by court order; or

35 (c) The person or entity receiving the order to withhold and
36 deliver does not possess property of or owe money to the debtor (~~for~~
37 ~~any period of twelve consecutive months following the date of service~~
38 ~~of the order to withhold and deliver~~)).

1 (6) Where money is due and owing under any contract of employment,
2 express or implied, or is held by any person, firm, corporation, or
3 association, political subdivision, or department of the state, or
4 agency, subdivision, or instrumentality of the United States subject to
5 withdrawal by the debtor, such money shall be delivered by remittance
6 payable to the order of the secretary.

7 (7) Delivery to the secretary of the money or other property held
8 or claimed shall satisfy the requirement and serve as full acquittance
9 of the order to withhold and deliver.

10 (8) A person, firm, corporation, or association, political
11 subdivision, department of the state, or agency, subdivision, or
12 instrumentality of the United States that complies with the order to
13 withhold and deliver under this chapter is not civilly liable to the
14 debtor for complying with the order to withhold and deliver under this
15 chapter.

16 (9) The secretary may hold the money or property delivered under
17 this section in trust for application on the indebtedness involved or
18 for return, without interest, in accordance with final determination of
19 liability or nonliability.

20 (10) Exemptions contained in RCW 74.20A.090 apply to orders to
21 withhold and deliver issued under this section.

22 (11) The secretary shall also, on or before the date of service of
23 the order to withhold and deliver, mail or cause to be mailed a copy of
24 the order to withhold and deliver to the debtor at the debtor's last
25 known post office address, or, in the alternative, a copy of the order
26 to withhold and deliver shall be served on the debtor in the same
27 manner as a summons in a civil action on or before the date of service
28 of the order or within two days thereafter. The copy of the order
29 shall be mailed or served together with a concise explanation of the
30 right to petition for judicial review. This requirement is not
31 jurisdictional, but, if the copy is not mailed or served as in this
32 section provided, or if any irregularity appears with respect to the
33 mailing or service, the superior court, in its discretion on motion of
34 the debtor promptly made and supported by affidavit showing that the
35 debtor has suffered substantial injury due to the failure to mail the
36 copy, may set aside the order to withhold and deliver and award to the
37 debtor an amount equal to the damages resulting from the secretary's
38 failure to serve on or mail to the debtor the copy.

1 (12) An order to withhold and deliver issued in accordance with
2 this section has priority over any other wage assignment, garnishment,
3 attachment, or other legal process, except for another wage assignment,
4 garnishment, attachment, or other legal process for child support.

5 (13) The office of support enforcement shall notify any person,
6 firm, corporation, association, or political subdivision, department of
7 the state, or agency, subdivision, or instrumentality of the United
8 States required to withhold and deliver the earnings of a debtor under
9 this action that they may deduct a processing fee from the remainder of
10 the debtor's earnings, even if the remainder would otherwise be exempt
11 under RCW 74.20A.090. The processing fee shall not exceed ~~((ten))~~
12 thirty dollars for the first disbursement to the department and ~~((one))~~
13 five dollars for each subsequent disbursement under the order to
14 withhold and deliver.

15 **Sec. 15.** RCW 74.20A.100 and 1989 c 360 s 5 are each amended to
16 read as follows:

17 (1) Any person, firm, corporation, association, political
18 subdivision, or department of the state shall be liable to the
19 department in ~~((an amount equal to one hundred percent of the value of
20 the debt which is the basis of the lien, order to withhold and deliver,
21 distraint, or assignment of earnings, or))~~ the amount that should have
22 been withheld~~((, whichever amount is less))~~, together with costs,
23 interest, and reasonable attorney fees if that person or entity:

24 (a) Fails to answer an order to withhold and deliver within the
25 time prescribed herein;

26 (b) Fails or refuses to deliver property pursuant to said order;

27 (c) After actual notice of filing of a support lien, pays over,
28 releases, sells, transfers, or conveys real or personal property
29 subject to a support lien to or for the benefit of the debtor or any
30 other person;

31 (d) Fails or refuses to surrender property distrained under RCW
32 74.20A.130 upon demand; or

33 (e) Fails or refuses to honor an assignment of earnings presented
34 by the secretary.

35 (2) The secretary is authorized to issue a notice of debt pursuant
36 to RCW 74.20A.040 and to take appropriate action to collect the debt
37 under this chapter if:

1 (a) A judgment has been entered as the result of an action in
2 superior court against a person, firm, corporation, association,
3 political subdivision, or department of the state based on a violation
4 of this section; or

5 (b) Liability has been established under RCW 74.20A.270.

6 **Sec. 16.** RCW 74.20A.240 and 1994 c 230 s 21 are each amended to
7 read as follows:

8 Any person, firm, corporation, association, political subdivision,
9 department of the state, or agency, subdivision, or instrumentality of
10 the United States employing a person owing a support debt or
11 obligation, shall honor, according to its terms, a duly executed
12 assignment of earnings presented by the secretary as a plan to satisfy
13 or retire a support debt or obligation. This requirement to honor the
14 assignment of earnings and the assignment of earnings itself shall be
15 applicable whether said earnings are to be paid presently or in the
16 future and shall continue in force and effect until released in writing
17 by the secretary. Payment of moneys pursuant to an assignment of
18 earnings presented by the secretary shall serve as full acquittance
19 under any contract of employment. A person, firm, corporation,
20 association, political subdivision, department of the state, or agency,
21 subdivision, or instrumentality of the United States that complies with
22 the assignment of earnings under this chapter is not civilly liable to
23 the debtor for complying with the assignment of earnings under this
24 chapter. The secretary shall be released from liability for improper
25 receipt of moneys under an assignment of earnings upon return of any
26 moneys so received.

27 An assignment of earnings presented by the secretary in accordance
28 with this section has priority over any other wage assignment,
29 garnishment, attachment, or other legal process except for another wage
30 assignment, garnishment, attachment, or other legal process for support
31 moneys.

32 The employer may deduct a processing fee from the remainder of the
33 debtor's earnings, even if the remainder would be exempt under RCW
34 74.20A.090. The processing fee shall not exceed (~~(ten)~~) thirty dollars
35 from the first disbursement to the department and (~~(one)~~) five dollars
36 for each subsequent disbursement under the assignment of earnings.

1 NEW SECTION. **Sec. 17.** The attorney general's office shall work
2 with an association representing collection agencies state-wide and
3 representatives from state-wide organizations of businesses with an
4 average employee size of less than ten to establish a standard form and
5 procedures to be used for wage garnishment orders to reduce paperwork
6 and confusion for small businesses. The group shall report to relevant
7 committees of the legislature by February 1, 1998.

8 NEW SECTION. **Sec. 18.** (1) A joint task force is created to study
9 the reorganization of employment reporting requirements so that the
10 office of support enforcement receives employment information from
11 state agencies such as the employment security department rather than
12 from employers, who have already filed the information with state
13 agencies. The task force shall develop a form for employers that
14 collects all information required by the state for all employee
15 reporting. The task force will develop procedures and recommendations
16 for reducing paperwork in the enforcement of child support orders using
17 wage withholding.

18 (2) The task force shall consist of the following members: One
19 representative from the office of support enforcement; one
20 representative from the employment security department; one
21 representative from the department of labor and industries; one
22 representative from the department of revenue; and three members
23 appointed by business organizations representing a variety of
24 industries state-wide.

25 (3) The task force shall report to the relevant committees of the
26 legislature by February 1, 1998.

27 NEW SECTION. **Sec. 19.** Sections 1, 3, 9, and 18 of this act are
28 each added to chapter 6.27 RCW.

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