

HOUSE BILL 2732

State of Washington 55th Legislature 1998 Regular Session

By Representatives Robertson, Ogden, L. Thomas, McCune, Constantine, Wood, Zellinsky, Ballasiotes, Delvin and Hickel

Read first time 01/19/98. Referred to Committee on Law & Justice.

1 AN ACT Relating to wage assignment orders for child support or
2 spousal maintenance payments; amending RCW 26.18.110; and reenacting
3 and amending RCW 26.18.100.

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

5 Sec. 1. RCW 26.18.100 and 1997 c 296 s 10 and 1997 c 58 s 889 are
6 each reenacted and amended to read as follows:

7 The wage assignment order shall be substantially in the following
8 form:

9 IN THE SUPERIOR COURT OF THE
10 STATE OF WASHINGTON IN AND FOR THE
11 COUNTY OF . . . . .

12 . . . . . ,
13 Obligee No. . . . .
14 vs.
15 . . . . . , WAGE ASSIGNMENT
16 Obligor ORDER
17 . . . . . ,
18 Employer

1 THE STATE OF WASHINGTON TO: . . . . .

2 Employer

3 AND TO: . . . . .

4 Obligor

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

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

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

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

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

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

30 (c) Fifty percent of the disposable earnings or remuneration of the  
31 obligor.

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

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

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

3 (a) The court that the wage assignment has been modified or  
4 terminated; or

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

8 You shall promptly notify the court and the addressee specified in  
9 the wage assignment order under this section if and when the employee  
10 is no longer employed by you, or if the obligor no longer receives  
11 earnings or remuneration from you. If you no longer employ the  
12 employee, the wage assignment order shall remain in effect until you  
13 are no longer in possession of any earnings or remuneration owed to the  
14 employee.

15 You shall deliver the withheld earnings or remuneration to the  
16 Washington state support registry or other address stated below ((at))  
17 within five working days of each regular pay interval.

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

23 WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO  
24 ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR THE AMOUNT OF  
25 SUPPORT MONEYS THAT SHOULD HAVE BEEN WITHHELD FROM THE  
26 OBLIGOR'S EARNINGS OR SUBJECT TO CONTEMPT OF COURT.

27 NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE  
28 SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT  
29 THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.  
30 REGARDLESS OF THE FACT THAT YOUR WAGES ARE BEING WITHHELD PURSUANT TO  
31 THIS ORDER, YOU MAY HAVE SUSPENDED OR NOT RENEWED A PROFESSIONAL,  
32 DRIVER'S, OR OTHER LICENSE IF YOU ACCRUE CHILD SUPPORT ARREARAGES  
33 TOTALING MORE THAN SIX MONTHS OF CHILD SUPPORT PAYMENTS OR FAIL TO MAKE  
34 PAYMENTS TOWARDS A SUPPORT ARREARAGE IN AN AMOUNT THAT EXCEEDS SIX  
35 MONTHS OF PAYMENTS.

36 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. 2.** 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)) within five working days of each regular pay  
24 interval.

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

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

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

1 employer shall continue to hold the wage assignment order during that  
2 period. If the employee returns to the employer's employment during  
3 the one-year period the employer shall immediately begin to withhold  
4 the employee's earnings or remuneration according to the terms of the  
5 wage assignment order. If the employee has not returned within one  
6 year, the wage assignment shall cease to have effect at the expiration  
7 of the one-year period, unless the employer continues to owe  
8 remuneration for employment to the 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 dollars for the first  
13 disbursement made by the employer to the Washington state support  
14 registry; and (b) one dollar for each subsequent disbursement to the  
15 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 the  
31 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.

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