

HOUSE BILL REPORT

HB 2579

As Passed Legislature

Title: An act relating to child support technical amendments necessary to implement the federal personal responsibility and work opportunity reconciliation act of 1996.

Brief Description: Making technical corrections to the implementation of the federal personal responsibility and work opportunity reconciliation act of 1996.

Sponsors: Representatives Lambert and Dickerson; by request of Department of Social and Health Services.

Brief History:

Committee Activity:

Children & Family Services: 1/26/00, 1/31/00 [DP].

Floor Activity:

Passed House: 2/10/00, 96-0.

Passed Senate: 3/3/00, 45-0.

Passed Legislature.

Brief Summary of Bill

- Creates consistent timing and service requirements in child support actions and allows the Division of Child Support to take enforcement action against assets located in Washington, regardless of the debtor's presence.
- Corrects technical oversights made when RCW 74.20A.030 and 74.20.330 were amended to comply with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
- Allows for participation in the high volume automated enforcement of interstate child support cases.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass. Signed by 9 members: Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Dickerson; Eickmeyer; Kastama and Pflug.

Minority Report: Do not pass. Signed by 1 member: Representative Carrell.

Staff: Tracey Taylor (786-77196).

Background:

The Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193, (PWORA)) was enacted on August 22, 1996. It included provisions regarding the enforcement of child support orders.

The PWORA requires that the states pass laws which allow for the withholding, suspension, or restriction on the use of driver's professional, occupational, or recreational licenses of delinquent obligors. When the licensing statutes were amended in 1997, licenses granted under the Horse Racing Commission were inadvertently overlooked.

The Notice of Payroll Deduction (PDN), the Order to Withhold and Deliver (OWD) and the Notice of Enrollment (NOE) to enforce an order to provide health care coverage for a child have inconsistent time frames and service requirement. The PWORA requires the use of federal uniform withholding forms within a state; however, current Washington law does not require the use of these forms.

When the foster care payment laws were amended to conform with the PWORA, the subrogation and assignment rights of the state for such payment were inadvertently excluded.

The PWORA requires full faith and credit to liens filed by other states, and provides for high volume automated enforcement of interstate cases.

Summary of Bill:

Changes are made to conform Washington law to the federal requirements under the PWORA.

The changes include:

- according full faith and credit to liens filed by other states;
- allowing notice of enrollment to be served on the employer or union by mail;
- changing the answer period, for a notice of enrollment, to 20 days (same as the OWD and the PDN);

- allowing the use of the uniform interstate withholding forms;
- allowing the suspension of licenses granted by the Horse Racing Commission;
- providing the department subrogation and assignment rights of child support for public assistance on behalf of foster child under Title IV-E of the Social Security Act;
- eliminating the requirement for the employer to retain an OWD after the employee has left his or her place of employment;
- allowing the Department of Child Support to take enforcement action against assets of noncustodial parents located in the state of Washington, regardless of presence of the noncustodial parent;
- allowing the state to file a jeopardy lien against property located within the state, regardless of presence or residence of obligor; and
- defining the certification process to assist other states in high volume, automated enforcement of interstate child support cases, as required by the PWORA.

Appropriation: None.

Fiscal Note: Requested on January 18, 2000.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill ensures the subrogation and assignment rights of the state to receive child support in foster care cases. It allows the Division of Child Support to seize Washington bank accounts of delinquent child support debtors regardless of where the debtor lives. It assists employers in their efforts to assist the Division of Child Support in the collection of child support. Also, the bill makes the child support system more efficient.

Testimony Against: None.

Testified: Meg Sollenberger, Department of Social and Health Services; and Bruce Turcott, Department of Social and Health Services.