
HOUSE BILL 1387

State of Washington

56th Legislature

1999 Regular Session

By Representatives Constantine and Sheahan; by request of Department of Social and Health Services

Read first time 01/22/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to the creation of a Washington state child support
2 lien registry; amending RCW 26.18.055, 74.20A.060, and 65.08.070; and
3 adding a new section to chapter 26.23 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 26.23 RCW
6 to read as follows:

7 (1) The Washington state child support lien registry is created
8 within the division of child support of the department of social and
9 health services. The state child support lien registry shall:

10 (a) File and maintain a record of child support liens against
11 personal and real property located anywhere in the state of Washington
12 based on child support arrears in cases receiving full collection
13 services from the division of child support or another state's child
14 support enforcement agency. The record shall include the amount of the
15 lien and date it was filed; and

16 (b) Be of public record and accessed, using the debtor's name and
17 identifying number, by computer through the internet or by an automated
18 telephone system. Inquiries made to the state child support lien
19 registry are not of public record.

1 (2) The secretary of social and health services may adopt rules for
2 filing liens in and administering the state child support lien registry
3 created in this section.

4 **Sec. 2.** RCW 26.18.055 and 1997 c 58 s 942 are each amended to read
5 as follows:

6 Child support debts, not paid when due, become liens by operation
7 of law against all property of the debtor with priority of a secured
8 creditor. This lien shall be separate and apart from, and in addition
9 to, any other lien created by, or provided for, in this title. ((The
10 ~~lien attaches~~)) Liens filed with:

11 (1) A county auditor attach on the date of filing to all real and
12 personal property of the debtor ((on the date of filing with the county
13 auditor of)) in the county in which the ((property is located)) lien is
14 filed; and

15 (2) The Washington state child support lien registry created in
16 section 1 of this act attach on the date of filing to all real and
17 personal property of the debtor within the state of Washington.

18 **Sec. 3.** RCW 74.20A.060 and 1997 c 58 s 906 are each amended to
19 read as follows:

20 (1) The secretary may assert a lien upon the real or personal
21 property of a responsible parent:

22 (a) When a support payment is past due, if the parent's support
23 order contains notice that liens may be enforced against real and
24 personal property, or notice that action may be taken under this
25 chapter;

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

28 (c) Twenty-one days after service of a notice and finding of
29 financial responsibility under RCW 74.20A.055;

30 (d) Twenty-one days after service of a notice and finding of
31 parental responsibility;

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

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

35 (2) The division of child support may use uniform interstate lien
36 forms adopted by the United States department of health and human

1 services to assert liens on a responsible parent's real and personal
2 property located in Washington or another state.

3 (3) The claim of the department for a support debt, not paid when
4 due, shall be a lien against all property of the debtor with priority
5 of a secured creditor. This lien shall be separate and apart from, and
6 in addition to, any other lien created by, or provided for, in this
7 title. (~~The lien shall attach~~) Liens filed with:

8 (a) A county auditor attach on the date of filing to all real and
9 personal property of the debtor ((on the date of filing of such
10 statement with the county auditor of)) in the county in which ((such
11 property is located)) the lien is filed; and

12 (b) The Washington state child support lien registry created in
13 section 1 of this act attach on the date of filing to all real and
14 personal property of the debtor within the state of Washington.

15 (4) Whenever a support lien has been filed and there is in the
16 possession of any person, firm, corporation, association, political
17 subdivision or department of the state having notice of said lien any
18 property which may be subject to the support lien, such property shall
19 not be paid over, released, sold, transferred, encumbered or conveyed,
20 except as provided for by the exemptions contained in RCW 74.20A.090
21 and 74.20A.130, unless:

22 (a) A written release or waiver signed by the secretary has been
23 delivered to said person, firm, corporation, association, political
24 subdivision or department of the state; or

25 (b) A determination has been made in an adjudicative proceeding
26 pursuant to RCW 74.20A.055 or by a superior court ordering release of
27 said support lien on the basis that no debt exists or that the debt has
28 been satisfied.

29 **Sec. 4.** RCW 65.08.070 and 1927 c 278 s 2 are each amended to read
30 as follows:

31 A conveyance of real property, when acknowledged by the person
32 executing the same (the acknowledgment being certified as required by
33 law), may be recorded in the office of the recording officer of the
34 county where the property is situated. A child support lien may be
35 recorded in the Washington state child support lien registry created in
36 section 1 of this act. Every such conveyance not so recorded is void
37 as against any subsequent purchaser or mortgagee in good faith and for
38 a valuable consideration from the same vendor, his heirs or devisees,

1 of the same real property or any portion thereof whose conveyance is
2 first duly recorded. An instrument is deemed recorded the minute it is
3 filed for record.

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