
**Juvenile Justice & Family Law
Committee**

HB 2684

Brief Description: Serving child support documents to financial institutions.

Sponsors: Representatives Dickerson, Delvin and Chase; by request of Department of Social and Health Services.

Brief Summary of Bill

- Allows the Division of Child Support to serve a financial institution an order to withhold and deliver using regular mail.

Hearing Date: 2/5/02

Staff: Trudes Hutcheson (786-7384).

Background:

The Division of Child Support (DCS) enforces child support obligations using a variety of methods, including orders to withhold and deliver. An order to withhold and deliver requires a third person or entity holding property of the parent to deliver that property to the agency. An order to withhold and deliver can apply to a parent's wages as well as to other personal property, such as money in a bank account.

DCS usually is required to serve an order to withhold and deliver by personal service or certified mail. However, DCS may use electronic means in certain circumstances and may use regular mail when serving an order to withhold and deliver on the parent's employer.

The entity receiving the order to withhold and deliver must answer the order within 20 days. The returned answer or payment by the employer constitutes proof of service of the order in cases where the service was by regular mail.

DCS may serve an order to withhold and deliver on the main office of a bank, savings and loan, or credit union, or on a branch office of such financial institution. Service on the main office shall be effective to attach the parent's deposits in the financial institution. Service on a branch office shall be effective to attach the deposits, accounts, credits, and other personal

property of the parent, excluding compensation payable for personal services, in the possession or control of the particular branch served.

Summary of Bill:

The DCS may serve an order to withhold and deliver to a financial institution by regular mail. If the DCS initiates an action against the financial institution for noncompliance with the order, DCS must serve process on the financial institution by personal service or certified mail.

Appropriation: None.

Fiscal Note: Not Requested.

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