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HOUSE BILL 2553

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State of Washington

58th Legislature

2004 Regular Session

By Representatives Pettigrew, Delvin and Dickerson; by request of Department of Social and Health Services

Read first time 01/16/2004. Referred to Committee on Juvenile Justice & Family Law.

1 AN ACT Relating to the distribution of child support amongst  
2 multiple cases; and amending RCW 26.23.035.

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

4 **Sec. 1.** RCW 26.23.035 and 1997 c 58 s 933 are each amended to read  
5 as follows:

6 (1) The department of social and health services shall adopt rules  
7 for the distribution of support money collected by the division of  
8 child support. These rules shall:

9 (a) Comply with Title IV-D of the federal social security act as  
10 amended by the personal responsibility and work opportunity  
11 reconciliation act of 1996;

12 (b) Direct the division of child support to distribute support  
13 money within eight days of receipt, unless one of the following  
14 circumstances, or similar circumstances specified in the rules,  
15 prevents prompt distribution:

16 (i) The location of the custodial parent is unknown;

17 (ii) The support debt is in litigation;

18 (iii) The division of child support cannot identify the responsible  
19 parent or the custodian;

1 (c) Provide for:

2 (i) Proportionate distribution of current support payments if the  
3 responsible parent owes a support obligation (~~(or a support debt)~~) for  
4 two or more Title IV-D cases;

5 (ii) Distribution of past-due support payments if the responsible  
6 parent owes a support debt for two or more Title IV-D cases, as  
7 authorized under 42 U.S.C. Sec. 657; and

8 (d) Authorize the distribution of support money, except money  
9 collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to  
10 the IV-D custodian before the debt owed to the state when the custodian  
11 stops receiving a public assistance grant.

12 (2) The division of child support may distribute support payments  
13 to the payee under the support order or to another person who has  
14 lawful physical custody of the child or custody with the payee's  
15 consent. The payee may file an application for an adjudicative  
16 proceeding to challenge distribution to such other person. Prior to  
17 distributing support payments to any person other than the payee, the  
18 registry shall:

19 (a) Obtain a written statement from the child's physical custodian,  
20 under penalty of perjury, that the custodian has lawful custody of the  
21 child or custody with the payee's consent;

22 (b) Mail to the responsible parent and to the payee at the payee's  
23 last known address a copy of the physical custodian's statement and a  
24 notice which states that support payments will be sent to the physical  
25 custodian; and

26 (c) File a copy of the notice with the clerk of the court that  
27 entered the original support order.

28 (3) If the Washington state support registry distributes a support  
29 payment to a person in error, the registry may obtain restitution by  
30 means of a set-off against future payments received on behalf of the  
31 person receiving the erroneous payment, or may act according to RCW  
32 74.20A.270 as deemed appropriate. Any set-off against future support  
33 payments shall be limited to amounts collected on the support debt and  
34 ten percent of amounts collected as current support.

35 (4) The division of child support shall ensure that the fifty  
36 dollar pass through payment, as required by 42 U.S.C. Sec. 657 before  
37 the adoption of P.L. 104-193, is terminated immediately upon July 27,

1 1997, and all rules to the contrary adopted before July 27, 1997, are  
2 without force and effect.

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