
HOUSE BILL 3224

State of Washington 61st Legislature 2010 2nd Special Session

By Representatives Pettigrew and Schmick; by request of Department of Social and Health Services

1 AN ACT Relating to the suspension of the child support pass
2 through; amending RCW 26.23.035; providing an effective date; and
3 declaring an emergency.

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

5 **Sec. 1.** RCW 26.23.035 and 2007 c 143 s 2 are each amended to read
6 as follows:

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

10 (a) Comply with Title IV-D of the federal social security act as
11 amended by the personal responsibility and work opportunity
12 reconciliation act of 1996 and the federal deficit reduction act of
13 2005;

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

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

19 (ii) The support debt is in litigation;

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

3 (c) Provide for proportionate distribution of support payments if
4 the responsible parent owes a support obligation or a support debt for
5 two or more Title IV-D cases; and

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

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

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

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

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

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

33 (4) The division of child support shall ensure that the fifty
34 dollar pass through payment, as required by 42 U.S.C. Sec. 657 before
35 the adoption of P.L. 104-193, is terminated immediately upon July 27,
36 1997, and all rules to the contrary adopted before July 27, 1997, are
37 without force and effect.

1 (5) (~~Effective October 1, 2008, consistent with 42 U.S.C. Sec.~~
2 ~~657(a) as amended by section 7301(b)(7)(B) of the federal deficit~~
3 ~~reduction act of 2005, the department shall pass through child support~~
4 ~~that does not exceed one hundred dollars per month collected on behalf~~
5 ~~of a family, or in the case of a family that includes two or more~~
6 ~~children, an amount that is not more than two hundred dollars per~~
7 ~~month.)) The division of child support shall ensure that the child
8 support pass through payment adopted under section 2, chapter 143, Laws
9 of 2007 pursuant to 42 U.S.C. Sec. 657(a) as amended by section
10 7301(b)(7)(B) of the federal deficit reduction act of 2005, is
11 suspended as of May 1, 2011, and all rules to the contrary adopted
12 before May 1, 2011, are without force and effect. The department has
13 rule-making authority to implement this subsection.~~

14 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
15 preservation of the public peace, health, or safety, or support of the
16 state government and its existing public institutions, and takes effect
17 May 1, 2011.

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