

HOUSE BILL REPORT

HB 2401

As Passed House:
February 13, 2012

Title: An act relating to cost savings and efficiencies in mailing notices of possible license suspension for noncompliance with child support orders.

Brief Description: Regarding cost savings and efficiencies in mailing notices of possible license suspension for noncompliance with child support orders.

Sponsors: Representatives Hunt, Hudgins, Upthegrove, Ormsby, Green and Miloscia.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 1/19/12, 1/26/12 [DP].

Floor Activity:

Passed House: 2/13/12, 61-37.

Brief Summary of Bill

- Authorizes the Department of Social and Health Services (DSHS) to, in certain cases, use first-class mail rather than certified mail to serve a parent owing child support with legal notice that the DSHS is seeking sanctions through the Department of Licensing.
- Eliminates the requirement that a copy of the responsible parent's child support order be included with the notice served upon the parent.
- Requires the DSHS to provide the responsible parent with a copy of the pertinent child support order upon that parent's request.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 7 members: Representatives Hunt, Chair; Appleton, Vice Chair; Darneille, Dunshee, Hurst, McCoy and Miloscia.

Minority Report: Do not pass. Signed by 4 members: Representatives Taylor, Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Alexander and Condotta.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Thamas Osborn (786-7129).

Background:

Federal law requires states to have procedures for the suspension or restriction of a person's driver's license, professional and occupational licenses, and recreational and sporting licenses if the person owes past child support. If the state fails to have such procedures, it may result in the loss of federal funds to the state's Temporary Assistance to Needy Families Block Grant. Within the directive of the federal law, states have some discretion in implementing their license suspension program.

Under Washington's license suspension program, the Department of Social and Health Services (DSHS) may serve an obligated parent with a notice of noncompliance if the parent fails to pay his or her support when due. By rule, the DSHS generally uses this enforcement tool when a parent is six months or more behind in child support. The DSHS serves the parent with a notice informing the parent of the DSHS's intent to submit the parent's name to the Department of Licensing (DOL) and other licensing entities for license suspension. This notice of noncompliance must be served by certified mail, return receipt requested. Personal service is required if the attempted service by certified mail is not successful. A copy of the responsible parent's child support order must be served along with the notice.

Summary of Bill:

The DSHS is authorized to use first-class mail rather than certified mail to serve a parent owing child support with legal notice that the DSHS is seeking sanctions through the DOL, provided the text of the responsible parent's child support order includes the requisite statement informing him or her of potential sanctions by the DOL. Notice by first-class mail is deemed served three days from the date the notice was deposited in the mail.

If the text of the pertinent child support order does not include the requisite statement informing the responsible parent of potential sanctions by the DOL for noncompliance, then service of legal notice must be by certified mail, return receipt requested. If service by certified mail is not successful, then service must be accomplished by personal service.

The bill eliminates the requirement that service of legal notice on the responsible parent include a copy of that parent's child support order. However, the DSHS must provide a copy of the pertinent child support order to the responsible parent at that parent's request.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill would result in cost-savings by reducing mail costs. Certified mail costs considerably more than first-class mail. Under current law, it can sometimes cost hundreds of dollars to get proper service.

Parents subject to child support obligations are well aware that they can suffer licensing sanctions as the result of nonpayment. The bill does nothing to compromise the rights of parents with child support obligations. It makes the notice process consistent with how notice is provided with respect to other types of debt. Under the bill, notice is considered served three days after mailing. The respondent has 30 days to respond. Only then does the license suspension become effective.

(Opposed) None.

Persons Testifying: Representative Hunt, prime sponsor; and Katie Nelson, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying: None.