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**SUBSTITUTE HOUSE BILL 2828**

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**State of Washington                      62nd Legislature                      2012 1st Special Session**

**By House Ways & Means (originally sponsored by Representative Hunter)**

READ FIRST TIME 04/05/12.

1            AN ACT Relating to removing the requirement that the department of  
2 social and health services or the department of early learning take  
3 appropriate action to establish or enforce support obligations whenever  
4 it receives an application for subsidized child care services or  
5 working connections child care services; amending RCW 74.20.040 and  
6 74.20.330; providing an effective date; and declaring an emergency.

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

8            **Sec. 1.** RCW 74.20.040 and 2011 1st sp.s. c 42 s 9 are each amended  
9 to read as follows:

10            (1) Whenever the department receives an application for public  
11 assistance on behalf of a child, (~~or the department receives an~~  
12 ~~application for subsidized child care services or working connections~~  
13 ~~child care services,)) the department (~~or the department of early~~  
14 ~~learning)) shall take appropriate action under the provisions of this~~~~

15 chapter, chapter 74.20A RCW, or other appropriate statutes of this  
16 state to establish or enforce support obligations against the parent or  
17 other persons owing a duty to pay support moneys.  
18            (2) The secretary may accept a request for support enforcement  
19 services on behalf of persons who are not recipients of public

1 assistance and may take appropriate action to establish or enforce  
2 support obligations against the parent or other persons owing a duty to  
3 pay moneys. Requests accepted under this subsection may be conditioned  
4 upon the payment of a fee as required by subsection (6) of this section  
5 or through regulation issued by the secretary. The secretary may  
6 establish by regulation, reasonable standards and qualifications for  
7 support enforcement services under this subsection.

8 (3) The secretary may accept requests for support enforcement  
9 services from child support enforcement agencies in other states  
10 operating child support programs under Title IV-D of the social  
11 security act or from foreign countries, and may take appropriate action  
12 to establish and enforce support obligations, or to enforce subpoenas,  
13 information requests, orders for genetic testing, and collection  
14 actions issued by the other agency against the parent or other person  
15 owing a duty to pay support moneys, the parent or other person's  
16 employer, or any other person or entity properly subject to child  
17 support collection or information-gathering processes. The request  
18 shall contain and be accompanied by such information and documentation  
19 as the secretary may by rule require, and be signed by an authorized  
20 representative of the agency. The secretary may adopt rules setting  
21 forth the duration and nature of services provided under this  
22 subsection.

23 (4) The department may take action to establish, enforce, and  
24 collect a support obligation, including performing related services,  
25 under this chapter and chapter 74.20A RCW, or through the attorney  
26 general or prosecuting attorney for action under chapter 26.09, 26.18,  
27 26.20, 26.21A, or 26.26 RCW or other appropriate statutes or the common  
28 law of this state.

29 (5) Whenever a support order is filed with the Washington state  
30 support registry under chapter 26.23 RCW, the department may take  
31 appropriate action under the provisions of this chapter, chapter 26.23  
32 or 74.20A RCW, or other appropriate law of this state to establish or  
33 enforce the support obligations contained in that order against the  
34 responsible parent or other persons owing a duty to pay support moneys.

35 (6) The secretary, in the case of an individual who has never  
36 received assistance under a state program funded under part A and for  
37 whom the state has collected at least five hundred dollars of support,  
38 shall impose an annual fee of twenty-five dollars for each case in

1 which services are furnished, which shall be retained by the state from  
2 support collected on behalf of the individual, but not from the first  
3 five hundred dollars of support. The secretary may, on showing of  
4 necessity, waive or defer any such fee or cost.

5 (7) Fees, due and owing, may be retained from support payments  
6 directly or collected as delinquent support moneys utilizing any of the  
7 remedies in chapter 74.20 RCW, chapter 74.20A RCW, chapter 26.21A RCW,  
8 or any other remedy at law or equity available to the department or any  
9 agencies with whom it has a cooperative or contractual arrangement to  
10 establish, enforce, or collect support moneys or support obligations.

11 (8) The secretary may waive the fee, or any portion thereof, as a  
12 part of a compromise of disputed claims or may grant partial or total  
13 charge off of said fee if the secretary finds there are no available,  
14 practical, or lawful means by which said fee may be collected or to  
15 facilitate payment of the amount of delinquent support moneys or fees  
16 owed.

17 (9) The secretary shall adopt rules conforming to federal laws,  
18 including but not limited to complying with section 7310 of the federal  
19 deficit reduction act of 2005, 42 U.S.C. Sec. 654, and rules and  
20 regulations required to be observed in maintaining the state child  
21 support enforcement program required under Title IV-D of the federal  
22 social security act. The adoption of these rules shall be calculated  
23 to promote the cost-effective use of the agency's resources and not  
24 otherwise cause the agency to divert its resources from its essential  
25 functions.

26 **Sec. 2.** RCW 74.20.330 and 2011 1st sp.s. c 42 s 10 are each  
27 amended to read as follows:

28 (1) Whenever public assistance is paid under a state program funded  
29 under Title IV-A of the federal social security act as amended by the  
30 personal responsibility and work opportunity reconciliation act of  
31 1996, and the federal deficit reduction act of 2005, each applicant or  
32 recipient is deemed to have made assignment to the department of any  
33 rights to a support obligation from any other person the applicant or  
34 recipient may have in his or her own behalf or in behalf of any other  
35 family member for whom the applicant or recipient is applying for or  
36 receiving public assistance, including any unpaid support obligation or  
37 support debt which has accrued at the time the assignment is made.

1 (2) Payment of public assistance under a state-funded program, or  
2 a program funded under Title IV-A, IV-E, or XIX of the federal social  
3 security act as amended by the personal responsibility and work  
4 opportunity reconciliation act of 1996 shall:

5 (a) Operate as an assignment by operation of law; and

6 (b) Constitute an authorization to the department to provide the  
7 assistance recipient with support enforcement services.

8 ~~(3) ((Payment for subsidized child care services or working  
9 connections child care services shall constitute an authorization to  
10 the department to provide the recipient of the subsidy with support  
11 enforcement services. The department is authorized to collect, but not  
12 retain, child support payments under this subsection.~~

13 ~~(4))~~ Effective October 1, 2008, whenever public assistance is paid  
14 under a state program funded under Title IV-A of the federal social  
15 security act as amended by the personal responsibility and work  
16 opportunity reconciliation act of 1996, and the federal deficit  
17 reduction act of 2005, a member of the family is deemed to have made an  
18 assignment to the state any right the family member may have, or on  
19 behalf of the family member receiving such assistance, to support from  
20 any other person, not exceeding the total amount of assistance paid to  
21 the family, which accrues during the period that the family receives  
22 assistance under the program.

23 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
24 preservation of the public peace, health, or safety, or support of the  
25 state government and its existing public institutions, and takes effect  
26 June 7, 2012.

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