
HOUSE BILL 2220

State of Washington

64th Legislature

2015 Regular Session

By Representatives Hunter, Sullivan, Carlyle, Kagi, Santos, and Walkinshaw

Read first time 03/30/15. Referred to Committee on Appropriations.

1 AN ACT Relating to promoting self-sufficiency in families
2 receiving temporary assistance for needy families by increasing
3 amounts families may retain from earned income and child support
4 payments; amending RCW 26.23.035 and 74.08A.230; providing an
5 effective date; and declaring an emergency.

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

7 **Sec. 1.** RCW 26.23.035 and 2010 2nd sp.s. c 3 s 1 are each
8 amended to read as follows:

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

12 (a) Comply with Title IV-D of the federal social security act as
13 amended by the personal responsibility and work opportunity
14 reconciliation act of 1996 and the federal deficit reduction act of
15 2005;

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

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

21 (ii) The support debt is in litigation;

1 (iii) The division of child support cannot identify the
2 responsible 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
5 for 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
9 custodian 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
18 custodian, under penalty of perjury, that the custodian has lawful
19 custody of the child or custody with the payee's consent;

20 (b) Mail to the responsible parent and to the payee at the
21 payee's last known address a copy of the physical custodian's
22 statement and a notice which states that support payments will be
23 sent to the physical 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
27 support payment to a person in error, the registry may obtain
28 restitution by means of a set-off against future payments received on
29 behalf of the person receiving the erroneous payment, or may act
30 according to RCW 74.20A.270 as deemed appropriate. Any set-off
31 against future support payments shall be limited to amounts collected
32 on the support debt and ten percent of amounts collected as current
33 support.

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

39 ~~(5) The division of child support shall ensure that the child~~
40 ~~support pass through payment adopted under section 2, chapter 143,~~

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

12 **Sec. 2.** RCW 74.08A.230 and 1997 c 58 s 308 are each amended to
13 read as follows:

14 (1) In addition to their monthly benefit payment, a family may
15 earn and keep (~~one-half~~) seventy-five percent of its earnings
16 during every month it is eligible to receive assistance under this
17 section.

18 (2) In no event may a family be eligible for temporary assistance
19 for needy families if its monthly gross earned income exceeds the
20 maximum earned income level as set by the department. In calculating
21 a household's gross earnings, the department shall disregard the
22 earnings of a minor child who is:

23 (a) A full-time student; or

24 (b) A part-time student carrying at least half the normal school
25 load and working fewer than thirty-five hours per week.

26 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of
28 the state government and its existing public institutions, and takes
29 effect July 1, 2015.

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