

**RCW 26.23.090 Employer liability for failure or refusal to respond or remit earnings.** (1) The employer shall be liable to the Washington state support registry, or to the agency or firm providing child support enforcement for another state, under Title IV-D of the federal social security act and issuing a notice, garnishment, or wage assignment attaching wages or earnings in satisfaction of a support obligation, for the amount of support moneys which should have been withheld from the employee's earnings, if the employer:

(a) Fails or refuses, after being served with an income withholding order under Title IV-D of the federal social security act, to deduct and promptly remit from unpaid earnings the amounts of money required in the order;

(b) Fails or refuses to submit an answer to the income withholding order under Title IV-D of the federal social security act, after being served; or

(c) Is unwilling to comply with the other requirements of RCW 26.23.060.

(2) Liability may be established in superior court or may be established pursuant to RCW 74.20A.350. Awards in superior court and in actions pursuant to RCW 74.20A.350 shall include costs, interest under RCW 19.52.020 and 4.56.110, and reasonable attorneys' fees and staff costs as a part of the award. Debts established pursuant to this section may be collected by the division of child support using any of the remedies available under chapter 26.09, 26.18, \*26.21, 26.23, 74.20, or 74.20A RCW for the collection of child support. [2021 c 35 s 16. Prior: 1997 c 296 s 13; 1997 c 58 s 894; 1990 c 165 s 2; 1987 c 435 s 10.]

**\*Reviser's note:** Chapter 26.21 RCW was repealed by 2002 c 198 s 901, effective January 1, 2007. Later enactment, see chapter 26.21A RCW.

**Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58:** See RCW 74.08A.900 through 74.08A.904.