SENATE BILL REPORT

SHB 2266

As Reported By Senate Committee On:
Law & Justice, February 22, 1996

Title: An act relating to the collection of child support.

Brief Description: Protecting persons with a history of timely child support payments from mandatory wage assignment orders.

Sponsors: House Committee on Law & Justice (originally sponsored by Representatives McMahan, Sheahan, Carrell, Hargrove, Stevens, Sterk, Goldsmith, McMorris, Thompson, Buck, Robertson, Backlund, Honeyford, Mastin, D. Sommers, Romero, Wolfe, Mulliken and Johnson).

Brief History:
Committee Activity: Law & Justice: 2/21/96, 2/22/96 [DP-WM].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass and be referred to Committee on Ways & Means.
Signed by Senators Smith, Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin and Schow.

Staff: Susan Carlson (786-7418)

Background: Under current law, if the Office of Support Enforcement is providing child support enforcement services, any court or administrative order for child support must include a provision stating that a notice of payroll deduction or other income withholding may be issued without further notice to the obligor at any time after entry of the order. The obligor will not be subject to immediate income withholding if the judge finds that there is good cause not to require immediate income withholding until a payment is past due, or if both parties agree to an alternate arrangement.

A petition seeking a mandatory wage assignment may be filed by an obligee, including the Office of Support Enforcement, if the obligor is subject to a support order allowing immediate income withholding, or is more than 15 days past due in child support payments in an amount equal to or greater than the obligation payable for one month. The obligor may seek a hearing to quash a wage assignment order upon a showing that the order causes extreme hardship or injustice. If a wage assignment order has been in operation for a period of 12 consecutive months and the obligor's support payments are current, the court may terminate the order upon motion of the obligor unless the obligee can show good cause as to why the order should remain in effect.

Under federal law, states must require that all persons obligated to pay child support shall be subject to immediate income withholding unless there is good cause not to require immediate withholding, or the parties enter into a written agreement for an alternate

arrangement. Persons who are not automatically subject to immediate income withholding become subject to withholding when a support payment is past due.

Summary of Bill: A court or the Office of Support Enforcement must not issue an order of payroll deduction or mandatory wage assignment for the enforcement of a child support obligation if the obligor has a history of timely payment of previously ordered child support. If the obligor is subject to a restraining order, no-contact order, or protection order with respect to the obligee or a child of the obligee, an order for immediate income withholding may be issued, even if the obligor has a history of timely payments.

An obligee may petition for a wage assignment order against the obligor's earnings only if the obligor is subject to an order allowing immediate income withholding and does not have a history of timely payment of previously ordered support.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Payment of child support by payroll deduction should not be required if the obligor has a history of timely payments.

Testimony Against: Section 6 of the bill would put Washington's state plan into conflict with federal requirements, and could result in a loss of federal matching funds.

Testified: Representative McMahan, original prime sponsor (pro); Michelle Delo, WA Families for Noncustodial Rights (pro); Don Webb (pro); Mike Ricchio, DSHS Division of Child Support (con).