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5 Beginning on page 189, strike all of section 933 and insert the
6 following:

7 "Sec. 933. RCW 26.23.035 and 1991 c 367 s 38 are each amended to
8 read as follows:

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

12 (a) Comply with (~~42 U.S.C. Sec. 657~~) Title IV-D of the federal
13 social security act as amended by the personal responsibility and work
14 opportunity reconciliation act of 1996;

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

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

20 (ii) The support debt is in litigation;

21 (iii) The (~~office of support enforcement~~) division of child
22 support cannot identify the responsible parent or the custodian;

23 (c) Provide for proportionate distribution of support payments if
24 the responsible parent owes a support obligation or a support debt for
25 two or more Title IV-D cases; and

26 (d) Authorize the distribution of support money, except money
27 collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to
28 the IV-D custodian before the debt owed to the state when the custodian
29 stops receiving a public assistance grant.

30 (2) The (~~office of support enforcement~~) division of child support
31 may distribute support payments to the payee under the support order or
32 to another person who has lawful physical custody of the child or
33 custody with the payee's consent. The payee may file an application
34 for an adjudicative proceeding to challenge distribution to such other
35 person. Prior to distributing support payments to any person other
36 than the payee, the registry shall:

1 (a) Obtain a written statement from the child's physical custodian,
2 under penalty of perjury, that the custodian has lawful custody of the
3 child or custody with the payee's consent;

4 (b) Mail to the responsible parent and to the payee at the payee's
5 last known address a copy of the physical custodian's statement and a
6 notice which states that support payments will be sent to the physical
7 custodian; and

8 (c) File a copy of the notice with the clerk of the court that
9 entered the original support order.

10 (3) If the Washington state support registry distributes a support
11 payment to a person in error, the registry may obtain restitution by
12 means of a set-off against future payments received on behalf of the
13 person receiving the erroneous payment, or may act according to RCW
14 74.20A.270 as deemed appropriate. Any set-off against future support
15 payments shall be limited to amounts collected on the support debt and
16 ten percent of amounts collected as current support.

17 (4) The division of child support shall ensure that the fifty
18 dollar pass through payment, as required by 42 U.S.C. Sec. 657 before
19 the adoption of P.L. 104-193, is terminated immediately upon the
20 effective date of this section and all rules to the contrary adopted
21 before the effective date of this section are without force and
22 effect."

23 EFFECT: Eliminates the fifty dollar pass-through.

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