

HOUSE BILL REPORT

ESSB 6418

As Reported By House Committee On:

Law & Justice

Appropriations

Title: An act relating to implementing amendments relating to child support contained in the federal personal responsibility and work opportunity reconciliation act of 1996.

Brief Description: Implementing amendments to the federal personal responsibility and work opportunity reconciliation act of 1996.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Wojahn, Fairley, Wood and Winsley; by request of Department of Social and Health Services).

Brief History:

Committee Activity:

Law & Justice: 2/26/98 [DP];

Appropriations: 2/28/98 [DPA].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 10 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Cody; Kenney; Lambert; Lantz and Robertson.

Minority Report: Do not pass. Signed by 3 members: Representatives Carrell; Mulliken and Sherstad.

Staff: Trudes Hutcheson (786-7384).

Background:

Federal Law.

Federal law requires states to operate a child support enforcement program in compliance with federal requirements in order to receive federal funds for child support and Temporary Aid to Needy Families (TANF) programs. For the purposes of child support

collection, federal law requires that state agencies collect the Social Security numbers of people applying for professional, occupational, recreational, and drivers' licenses.

A state may apply for an exemption from implementing one or more of the federal requirements. The state must submit evidence that implementation of a particular procedure would not increase the efficiency and effectiveness of the state's child support enforcement program.

Order to Withhold and Deliver and Notice of Payroll Deduction.

The Department of Social and Health Services, Division of Child Support (DCS) enforces child support orders through the administrative process. The DCS may enforce a support order using various remedies, such as an order to withhold and deliver or a notice of payroll deduction. An order to withhold and deliver and a notice of payroll deduction must be served in the same manner as a service of a summons in a civil action, by certified mail, or by electronic means. Orders to withhold and deliver and notices of payroll deduction may remain in effect for up to a year after the employer no longer employs the obligor or possesses any of the obligor's earnings.

An entity or employer receiving an order to withhold and deliver must answer the order within 20 days. An entity or employer must withhold and remit the property to the state support registry as soon as the answer period ends, or in the case of an employer, remit the portion of earnings at the time the employer would pay the employee.

Information on Support Orders.

Child support orders must include specific information, including the Social Security number, residence address, telephone number, and name and address of the employer of the obligor. Under certain circumstances, the custodial parent's address may be omitted from the order, but the obligor may request the address by submitting a request for disclosure to the DCS.

Reporting New Hires.

Employers are required to report the hiring of new employees or rehiring of employees to the state support registry within 20 days of the hiring or rehiring. The registry retains the information for a particular employee only if the registry establishes, enforces, or collects a support debt from that employee. The registry may retain information on an employee as long as it is necessary to transmit the information to the federal National Directory of New Hires, as required under federal law, or to provide the information to other state agencies. Information not permitted to be retained must be promptly destroyed.

Employers who fail to report new hires are given a written warning for the first violation and then are subject to a civil penalty of up to \$200 per month for each subsequent violation.

Summary of Bill: Various changes are made to the statutes governing child support enforcement to implement the recent amendments to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Exemption from Federal Law.

The DCS must seek an exemption from implementing the Social Security number requirement.

Order to Withhold and Deliver and Notice of Payroll Deduction.

An entity receiving an order to withhold and deliver property must deliver the property within seven working days of receiving the order. In the case of an employer, the employer must deliver the withheld earnings within seven working days of the date the earnings are payable to the debtor.

Orders to withhold and deliver and notices of payroll deduction may be served by regular mail under certain circumstances. An order to withhold and deliver or a notice of payroll deduction remains in effect until the employer no longer employs the obligor and no longer is in possession of any funds owed to the obligor.

Information on Support Orders.

The address of either party may be omitted from the support order if there is reason to believe that release of the information may result in physical or emotional harm to the party or to the child, or a restraining or protective order is in effect. The location of a noncustodial parent is protected upon request.

Reporting New Hires.

The civil penalties that apply to employers who fail to report new hires to the state support registry are changed to \$25 per month per employee or \$500, if the employer and employee conspired not to report or file a false report.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed, except Sections 1, 5, and 7 take effect October 1, 1998.

Testimony For: The Division of Child Support is in favor of giving employers more leeway in handling orders to withhold and deliver and notices of payroll deductions. The state needs to get a handle on the problem of people not paying their child support. Using Social Security numbers is the most efficient way to track delinquent parents. If the state does not adopt the federal requirement regarding Social Security numbers and does not get a waiver from that requirement, the state could lose millions of dollars in federal funding for child support programs and other very good programs. While the concerns with privacy are understandable, the need to keep the state's federal funding is critical.

Testimony Against: None.

Testified: Jay Inslee, Regional Director, United States Department of Health and Human Services (pro, with concerns re Section 6); Elizabeth Morgan, Division of Child Support, Department of Social and Health Services (pro, with concerns re Section 6); Judy Turpin, Northwest Women's Law Center (pro, with concerns re Section 6); George LeClair, Children's Alliance (pro, with concerns re Section 6); Eric Paige, Washington State Catholic Conference (pro, with concerns re Section 6); and Chris Cheney, Washington Growers League (pro).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended. Signed by 30 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Benson; Carlson; Chopp; Cody; Cooke; Crouse; Dyer; Grant; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McMorris; Parlette; Poulsen; Regala; D. Schmidt; Sehlin; Sheahan; Talcott and Tokuda.

Minority Report: Do not pass. Signed by 1 member: Representative Kessler.

Staff: Joe Hauth (786-7271).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Law & Justice: The DSHS must seek a waiver from the federal requirement regarding Social Security numbers. If a waiver is not granted, then licensing agencies must collect Social Security numbers from applicants for original, replacement, or renewal licenses. Agencies are prohibited from disclosing Social Security numbers except as required by state and federal law.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed, except sections 1, 5, and 7 which take effect October 1, 1998.

Testimony For: DSHS requested the amendment in order to obtain a waiver from the federal requirements and, if needed, to comply appropriately. Although there are privacy concerns, the bill as amended is supported.

Testimony Against: None.

Testified: Elizabeth Morgan, DSHS Division of Child Support; Chris Cheney, Washington Growers League; and Judy Turpin, Northwest Women's Law Center.