

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6418

Chapter 160, Laws of 1998

55th Legislature
1998 Regular Session

IMPLEMENTATION OF AMENDMENTS RELATING TO CHILD SUPPORT IN FEDERAL
PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF
1996

EFFECTIVE DATE: 6/11/98 - Except sections 1, 5, and 8 which become
effective 10/1/98.

Passed by the Senate March 10, 1998
YEAS 30 NAYS 19

BRAD OWEN

President of the Senate

Passed by the House March 6, 1998
YEAS 74 NAYS 23

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved March 25, 1998

CERTIFICATE

I, Mike O Connell, Secretary of the
Senate of the State of Washington, do
hereby certify that the attached is
ENGROSSED SUBSTITUTE SENATE BILL 6418
as passed by the Senate and the House
of Representatives on the dates hereon
set forth.

MIKE O'CONNELL

Secretary

FILED

March 25, 1998 - 4:46 p.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6418

AS AMENDED BY THE HOUSE

Passed Legislature - 1998 Regular Session

State of Washington

55th Legislature

1998 Regular Session

By 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)

Read first time 02/06/98.

1 AN ACT Relating to implementing amendments relating to child
2 support contained in the federal personal responsibility and work
3 opportunity reconciliation act of 1996; amending RCW 26.23.050,
4 26.23.055, 26.23.120, 26.23.040, and 26.23.060; reenacting and amending
5 RCW 74.20A.080; adding a new section to chapter 26.23 RCW; prescribing
6 penalties; and providing an effective date.

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

8 **Sec. 1.** RCW 74.20A.080 and 1997 c 130 s 7 and 1997 c 58 s 907 are
9 each reenacted and amended to read as follows:

10 (1) The secretary may issue to any person, firm, corporation,
11 association, political subdivision, department of the state, or agency,
12 subdivision, or instrumentality of the United States, an order to
13 withhold and deliver property of any kind, including but not restricted
14 to earnings which are or might become due, owing, or belonging to the
15 debtor, when the secretary has reason to believe that there is in the
16 possession of such person, firm, corporation, association, political
17 subdivision, department of the state, or agency, subdivision, or
18 instrumentality of the United States property which is or might become

1 due, owing, or belonging to said debtor. Such order to withhold and
2 deliver may be issued:

3 (a) At any time, if a responsible parent's support order:

4 (i) Contains notice that withholding action may be taken against
5 earnings, wages, or assets without further notice to the parent; or

6 (ii) Includes a statement that other income-withholding action
7 under this chapter may be taken without further notice to the
8 responsible parent;

9 (b) Twenty-one days after service of a notice of support debt under
10 RCW 74.20A.040;

11 (c) Twenty-one days after service of a notice and finding of
12 parental responsibility under RCW 74.20A.056;

13 (d) Twenty-one days after service of a notice of support owed under
14 RCW 26.23.110;

15 (e) Twenty-one days after service of a notice and finding of
16 financial responsibility under RCW 74.20A.055; or

17 (f) When appropriate under RCW 74.20A.270.

18 (2) The order to withhold and deliver shall:

19 (a) State the amount to be withheld on a periodic basis if the
20 order to withhold and deliver is being served to secure payment of
21 monthly current support;

22 (b) State the amount of the support debt accrued;

23 (c) State in summary the terms of RCW 74.20A.090 and 74.20A.100;

24 (d) Be served:

25 (i) In the manner prescribed for the service of a summons in a
26 civil action;

27 (ii) By certified mail, return receipt requested; (~~or~~)

28 (iii) By electronic means if there is an agreement between the
29 secretary and the person, firm, corporation, association, political
30 subdivision, department of the state, or agency, subdivision, or
31 instrumentality of the United States to accept service by electronic
32 means; or

33 (iv) By regular mail to a responsible parent's employer unless the
34 division of child support reasonably believes that service of process
35 in the manner prescribed in (d)(i) or (ii) of this subsection is
36 required for initiating an action to ensure employer compliance with
37 the withholding requirement.

38 (3) The division of child support may use uniform interstate
39 withholding forms adopted by the United States department of health and

1 human services to take withholding actions under this section when the
2 responsible parent is owed money or property that is located in another
3 state.

4 (4) Any person, firm, corporation, association, political
5 subdivision, department of the state, or agency, subdivision, or
6 instrumentality of the United States upon whom service has been made is
7 hereby required to:

8 (a) Answer said order to withhold and deliver within twenty days,
9 exclusive of the day of service, under oath and in writing, and shall
10 make true answers to the matters inquired of therein; and

11 (b) Provide further and additional answers when requested by the
12 secretary.

13 (5) The returned answer or a payment remitted to the division of
14 child support by the employer constitutes proof of service of the
15 notice of payroll deduction in the case where the notice was served by
16 regular mail.

17 (6) Any such person, firm, corporation, association, political
18 subdivision, department of the state, or agency, subdivision, or
19 instrumentality of the United States in possession of any property
20 which may be subject to the claim of the department shall:

21 (a)(i) Immediately withhold such property upon receipt of the order
22 to withhold and deliver; and

23 (ii) (~~Immediately~~) Within seven working days deliver the property
24 to the secretary (~~as soon as the twenty-day answer period expires~~);

25 (iii) Continue to withhold earnings payable to the debtor at each
26 succeeding disbursement interval as provided for in RCW 74.20A.090, and
27 deliver amounts withheld from earnings to the secretary (~~on~~) within
28 seven working days of the date earnings are payable to the debtor;

29 (iv) Deliver amounts withheld from periodic payments to the
30 secretary (~~on~~) within seven working days of the date the payments are
31 payable to the debtor;

32 (v) Inform the secretary of the date the amounts were withheld as
33 requested under this section; or

34 (b) Furnish to the secretary a good and sufficient bond,
35 satisfactory to the secretary, conditioned upon final determination of
36 liability.

37 (~~(6)~~) (7) An order to withhold and deliver served under this
38 section shall not expire until:

39 (a) Released in writing by the division of child support;

1 (b) Terminated by court order; or

2 (c) The person or entity receiving the order to withhold and
3 deliver does not possess property of or owe money to the debtor (~~for~~
4 ~~any period of twelve consecutive months following the date of service~~
5 ~~of the order to withhold and deliver~~)).

6 ~~((+7))~~ (8) Where money is due and owing under any contract of
7 employment, express or implied, or is held by any person, firm,
8 corporation, or association, political subdivision, or department of
9 the state, or agency, subdivision, or instrumentality of the United
10 States subject to withdrawal by the debtor, such money shall be
11 delivered by remittance payable to the order of the secretary.

12 ~~((+8))~~ (9) Delivery to the secretary of the money or other
13 property held or claimed shall satisfy the requirement and serve as
14 full acquittance of the order to withhold and deliver.

15 ~~((+9))~~ (10) A person, firm, corporation, or association, political
16 subdivision, department of the state, or agency, subdivision, or
17 instrumentality of the United States that complies with the order to
18 withhold and deliver under this chapter is not civilly liable to the
19 debtor for complying with the order to withhold and deliver under this
20 chapter.

21 ~~((+10))~~ (11) The secretary may hold the money or property
22 delivered under this section in trust for application on the
23 indebtedness involved or for return, without interest, in accordance
24 with final determination of liability or nonliability.

25 ~~((+11))~~ (12) Exemptions contained in RCW 74.20A.090 apply to
26 orders to withhold and deliver issued under this section.

27 ~~((+12))~~ (13) The secretary shall also, on or before the date of
28 service of the order to withhold and deliver, mail or cause to be
29 mailed a copy of the order to withhold and deliver to the debtor at the
30 debtor's last known post office address, or, in the alternative, a copy
31 of the order to withhold and deliver shall be served on the debtor in
32 the same manner as a summons in a civil action on or before the date of
33 service of the order or within two days thereafter. The copy of the
34 order shall be mailed or served together with a concise explanation of
35 the right to petition for judicial review. This requirement is not
36 jurisdictional, but, if the copy is not mailed or served as in this
37 section provided, or if any irregularity appears with respect to the
38 mailing or service, the superior court, in its discretion on motion of
39 the debtor promptly made and supported by affidavit showing that the

1 debtor has suffered substantial injury due to the failure to mail the
2 copy, may set aside the order to withhold and deliver and award to the
3 debtor an amount equal to the damages resulting from the secretary's
4 failure to serve on or mail to the debtor the copy.

5 ~~((13))~~ (14) An order to withhold and deliver issued in accordance
6 with this section has priority over any other wage assignment,
7 garnishment, attachment, or other legal process.

8 ~~((14))~~ (15) The division of child support shall notify any
9 person, firm, corporation, association, or political subdivision,
10 department of the state, or agency, subdivision, or instrumentality of
11 the United States required to withhold and deliver the earnings of a
12 debtor under this action that they may deduct a processing fee from the
13 remainder of the debtor's earnings, even if the remainder would
14 otherwise be exempt under RCW 74.20A.090. The processing fee shall not
15 exceed ten dollars for the first disbursement to the department and one
16 dollar for each subsequent disbursement under the order to withhold and
17 deliver.

18 **Sec. 2.** RCW 26.23.050 and 1997 c 58 s 888 are each amended to read
19 as follows:

20 (1) If the division of child support is providing support
21 enforcement services under RCW 26.23.045, or if a party is applying for
22 support enforcement services by signing the application form on the
23 bottom of the support order, the superior court shall include in all
24 court orders that establish or modify a support obligation:

25 (a) A provision that orders and directs the responsible parent to
26 make all support payments to the Washington state support registry;

27 (b) A statement that withholding action may be taken against wages,
28 earnings, assets, or benefits, and liens enforced against real and
29 personal property under the child support statutes of this or any other
30 state, without further notice to the responsible parent at any time
31 after entry of the court order, unless:

32 (i) One of the parties demonstrates, and the court finds, that
33 there is good cause not to require immediate income withholding and
34 that withholding should be delayed until a payment is past due; or

35 (ii) The parties reach a written agreement that is approved by the
36 court that provides for an alternate arrangement;

1 (c) A statement that the receiving parent might be required to
2 submit an accounting of how the support is being spent to benefit the
3 child; and

4 (d) A statement that the responsible parent's privileges to obtain
5 and maintain a license, as defined in RCW 74.20A.320, may not be
6 renewed, or may be suspended if the parent is not in compliance with a
7 support order as provided in RCW 74.20A.320.

8 As used in this subsection and subsection (3) of this section,
9 "good cause not to require immediate income withholding" means a
10 written determination of why implementing immediate wage withholding
11 would not be in the child's best interests and, in modification cases,
12 proof of timely payment of previously ordered support.

13 (2) In all other cases not under subsection (1) of this section,
14 the court may order the responsible parent to make payments directly to
15 the person entitled to receive the payments, to the Washington state
16 support registry, or may order that payments be made in accordance with
17 an alternate arrangement agreed upon by the parties.

18 (a) The superior court shall include in all orders under this
19 subsection that establish or modify a support obligation:

20 (i) A statement that withholding action may be taken against wages,
21 earnings, assets, or benefits, and liens enforced against real and
22 personal property under the child support statutes of this or any other
23 state, without further notice to the responsible parent at any time
24 after entry of the court order, unless:

25 (A) One of the parties demonstrates, and the court finds, that
26 there is good cause not to require immediate income withholding and
27 that withholding should be delayed until a payment is past due; or

28 (B) The parties reach a written agreement that is approved by the
29 court that provides for an alternate arrangement; and

30 (ii) A statement that the receiving parent may be required to
31 submit an accounting of how the support is being spent to benefit the
32 child.

33 As used in this subsection, "good cause not to require immediate
34 income withholding" is any reason that the court finds appropriate.

35 (b) The superior court may order immediate or delayed income
36 withholding as follows:

37 (i) Immediate income withholding may be ordered if the responsible
38 parent has earnings. If immediate income withholding is ordered under
39 this subsection, all support payments shall be paid to the Washington

1 state support registry. The superior court shall issue a mandatory
2 wage assignment order as set forth in chapter 26.18 RCW when the
3 support order is signed by the court. The parent entitled to receive
4 the transfer payment is responsible for serving the employer with the
5 order and for its enforcement as set forth in chapter 26.18 RCW.

6 (ii) If immediate income withholding is not ordered, the court
7 shall require that income withholding be delayed until a payment is
8 past due. The support order shall contain a statement that withholding
9 action may be taken against wages, earnings, assets, or benefits, and
10 liens enforced against real and personal property under the child
11 support statutes of this or any other state, without further notice to
12 the responsible parent, after a payment is past due.

13 (c) If a mandatory wage withholding order under chapter 26.18 RCW
14 is issued under this subsection and the division of child support
15 provides support enforcement services under RCW 26.23.045, the existing
16 wage withholding assignment is prospectively superseded upon the
17 division of child support's subsequent service of an income withholding
18 notice.

19 (3) The office of administrative hearings and the department of
20 social and health services shall require that all support obligations
21 established as administrative orders include a provision which orders
22 and directs that the responsible parent shall make all support payments
23 to the Washington state support registry. All administrative orders
24 shall also state that the responsible parent's privileges to obtain and
25 maintain a license, as defined in RCW 74.20A.320, may not be renewed,
26 or may be suspended if the parent is not in compliance with a support
27 order as provided in RCW 74.20A.320. All administrative orders shall
28 also state that withholding action may be taken against wages,
29 earnings, assets, or benefits, and liens enforced against real and
30 personal property under the child support statutes of this or any other
31 state without further notice to the responsible parent at any time
32 after entry of the order, unless:

33 (a) One of the parties demonstrates, and the presiding officer
34 finds, that there is good cause not to require immediate income
35 withholding; or

36 (b) The parties reach a written agreement that is approved by the
37 presiding officer that provides for an alternate agreement.

38 (4) If the support order does not include the provision ordering
39 and directing that all payments be made to the Washington state support

1 registry and a statement that withholding action may be taken against
2 wages, earnings, assets, or benefits if a support payment is past due
3 or at any time after the entry of the order, or that a parent's
4 licensing privileges may not be renewed, or may be suspended, the
5 division of child support may serve a notice on the responsible parent
6 stating such requirements and authorizations. Service may be by
7 personal service or any form of mail requiring a return receipt.

8 (5) Every support order shall state:

9 (a) The address where the support payment is to be sent;

10 (b) That withholding action may be taken against wages, earnings,
11 assets, or benefits, and liens enforced against real and personal
12 property under the child support statutes of this or any other state,
13 without further notice to the responsible parent at any time after
14 entry of a support order, unless:

15 (i) One of the parties demonstrates, and the court finds, that
16 there is good cause not to require immediate income withholding; or

17 (ii) The parties reach a written agreement that is approved by the
18 court that provides for an alternate arrangement;

19 (c) The income of the parties, if known, or that their income is
20 unknown and the income upon which the support award is based;

21 (d) The support award as a sum certain amount;

22 (e) The specific day or date on which the support payment is due;

23 (f) The social security number, residence address, date of birth,
24 telephone number, driver's license number, and name and address of the
25 employer of the responsible parent, except as provided under subsection
26 (6) of this section;

27 (g) The social security number and residence address of the
28 physical custodian except as provided in subsection (6) or (7) of this
29 section;

30 (h) The names, dates of birth, and social security numbers, if any,
31 of the dependent children;

32 (i) A provision requiring the responsible parent to keep the
33 Washington state support registry informed of whether he or she has
34 access to health insurance coverage at reasonable cost and, if so, the
35 health insurance policy information;

36 (j) That any parent owing a duty of child support shall be
37 obligated to provide health insurance coverage for his or her child if
38 coverage that can be extended to cover the child is or becomes

1 available to that parent through employment or is union-related as
2 provided under RCW 26.09.105;

3 (k) That if proof of health insurance coverage or proof that the
4 coverage is unavailable is not provided within twenty days, the obligee
5 or the department may seek direct enforcement of the coverage through
6 the obligor's employer or union without further notice to the obligor
7 as provided under chapter 26.18 RCW;

8 (l) The reasons for not ordering health insurance coverage if the
9 order fails to require such coverage; ~~((and))~~

10 (m) That the responsible parent's privileges to obtain and maintain
11 a license, as defined in RCW 74.20A.320, may not be renewed, or may be
12 suspended if the parent is not in compliance with a support order as
13 provided in RCW 74.20A.320; and

14 (n) That each parent must:

15 (i) Provide the state case registry with the information required
16 by RCW 26.23.055; and

17 (ii) Update the information provided to the state case registry
18 when the information changes.

19 (6) The address and employer's name and address of either party may
20 be omitted from a support order if:

21 (a) There is reason to believe that release of the address
22 information may result in physical or emotional harm to the party or to
23 the child; or

24 (b) A restraining or protective order is in effect to protect one
25 party from the other party.

26 (7) The physical custodian's address(~~((:—(a)))~~) shall be omitted
27 from an order entered under the administrative procedure act.

28 (8) When (~~((the physical custodian's))~~) a party's employment or
29 address is omitted from an order, the order shall state that the
30 (~~((custodian's address))~~) information is known to the division of child
31 support, state case registry.

32 ~~((b))~~ A responsible parent may request the physical custodian's
33 residence address by submission of a request for disclosure under RCW
34 26.23.120 to the division of child support.

35 ~~(7))~~ (9) After the responsible parent has been ordered or notified
36 to make payments to the Washington state support registry under this
37 section, the responsible parent shall be fully responsible for making
38 all payments to the Washington state support registry and shall be
39 subject to payroll deduction or other income-withholding action. The

1 responsible parent shall not be entitled to credit against a support
2 obligation for any payments made to a person or agency other than to
3 the Washington state support registry except as provided under RCW
4 74.20.101. A civil action may be brought by the payor to recover
5 payments made to persons or agencies who have received and retained
6 support moneys paid contrary to the provisions of this section.

7 **Sec. 3.** RCW 26.23.055 and 1997 c 58 s 904 are each amended to read
8 as follows:

9 (1) Each party to a paternity or child support proceeding must
10 provide the court and the Washington state child support registry with
11 his or her:

12 (a) Social security number;

13 (b) Current residential address;

14 (c) Date of birth;

15 (d) Telephone number;

16 (e) Driver's license number; and

17 (f) Employer's name, address, and telephone number.

18 (2) Each party to an order entered in a child support or paternity
19 proceeding shall update the information required under subsection (1)
20 of this section promptly after any change in the information. The duty
21 established under this section continues as long as any monthly support
22 or support debt remains due under the support order.

23 (3) In any proceeding to establish, enforce, or modify the child
24 support order between the parties, a party may demonstrate to the
25 presiding officer that he or she has diligently attempted to locate the
26 other party. Upon a showing of diligent efforts to locate, the
27 presiding officer (~~(may allow, or accept as adequate,)~~) shall deem
28 service of process for the action by delivery of written notice to the
29 address most recently provided by the party under this section to be
30 adequate notice of the action.

31 (4) All support orders shall contain notice to the parties of the
32 obligations established by this section and possibility of service of
33 process according to subsection (3) of this section.

34 **Sec. 4.** RCW 26.23.120 and 1997 c 58 s 908 are each amended to read
35 as follows:

36 (1) Any information or records concerning individuals who owe a
37 support obligation or for whom support enforcement services are being

1 provided which are obtained or maintained by the Washington state
2 support registry, the division of child support, or under chapter 74.20
3 RCW shall be private and confidential and shall only be subject to
4 public disclosure as provided in subsection (2) of this section.

5 (2) The secretary of the department of social and health services
6 may adopt rules:

7 (a) That specify what information is confidential;

8 (b) That specify the individuals or agencies to whom this
9 information and these records may be disclosed;

10 (c) Limiting the purposes for which the information may be
11 disclosed;

12 (d) Establishing procedures to obtain the information or records;
13 or

14 (e) Establishing safeguards necessary to comply with federal law
15 requiring safeguarding of information.

16 (3) The rules adopted under subsection (2) of this section shall
17 provide for disclosure of the information and records, under
18 appropriate circumstances, which shall include, but not be limited to:

19 (a) When authorized or required by federal statute or regulation
20 governing the support enforcement program;

21 (b) To the person the subject of the records or information, unless
22 the information is exempt from disclosure under RCW 42.17.310;

23 (c) To government agencies, whether state, local, or federal, and
24 including federally recognized tribes, law enforcement agencies,
25 prosecuting agencies, and the executive branch, if the disclosure is
26 necessary for child support enforcement purposes or required under
27 Title IV-D of the federal social security act;

28 (d) To the parties in a judicial or adjudicative proceeding upon a
29 specific written finding by the presiding officer that the need for the
30 information outweighs any reason for maintaining the privacy and
31 confidentiality of the information or records;

32 (e) To private persons, federally recognized tribes, or
33 organizations if the disclosure is necessary to permit private
34 contracting parties to assist in the management and operation of the
35 department;

36 (f) Disclosure of address and employment information to the parties
37 to an action for purposes relating to a child support order, subject to
38 the limitations in subsections (4) and (5) of this section;

1 (g) Disclosure of information or records when necessary to the
2 efficient administration of the support enforcement program or to the
3 performance of functions and responsibilities of the support registry
4 and the division of child support as set forth in state and federal
5 statutes; or

6 (h) Disclosure of the information or records when authorized under
7 RCW 74.04.060.

8 (4) Prior to disclosing the whereabouts of a physical custodian,
9 custodial parent or a (~~party to a support order~~) child to the other
10 parent or party, a notice shall be mailed, if appropriate under the
11 circumstances, to the parent or (~~other party~~) physical custodian
12 whose whereabouts are to be disclosed, at that person's last known
13 address. The notice shall advise the parent or (~~party~~) physical
14 custodian that a request for disclosure has been made and will be
15 complied with unless the department:

16 (a) Receives a copy of a court order within thirty days which
17 enjoins the disclosure of the information or restricts or limits the
18 requesting party's right to contact or visit the parent or party whose
19 address is to be disclosed or the child;

20 (b) Receives a hearing request within thirty days under subsection
21 (5) of this section; or

22 (c) Has reason to believe that the release of the information may
23 result in physical or emotional harm to the (~~party~~) physical
24 custodian whose whereabouts are to be released, or to the child.

25 (5) A person receiving notice under subsection (4) of this section
26 may request an adjudicative proceeding under chapter 34.05 RCW, at
27 which the person may show that there is reason to believe that release
28 of the information may result in physical or emotional harm to the
29 person or the child. The administrative law judge shall determine
30 whether the whereabouts of the person or child should be disclosed
31 based on subsection (4)(c) of this section, however no hearing is
32 necessary if the department has in its possession a protective order or
33 an order limiting visitation or contact.

34 (6) The notice and hearing process in subsections (4) and (5) of
35 this section do not apply to protect the whereabouts of a noncustodial
36 parent, unless that parent has requested notice before whereabouts
37 information is released. A noncustodial parent may request such notice
38 by submitting a written request to the division of child support.

1 (7) Nothing in this section shall be construed as limiting or
2 restricting the effect of RCW 42.17.260(9). Nothing in this section
3 shall be construed to prevent the disclosure of information and records
4 if all details identifying an individual are deleted or the individual
5 consents to the disclosure.

6 (~~((7))~~) (8) It shall be unlawful for any person or agency in
7 violation of this section to solicit, publish, disclose, receive, make
8 use of, or to authorize, knowingly permit, participate in or acquiesce
9 in the use of any lists of names for commercial or political purposes
10 or the use of any information for purposes other than those purposes
11 specified in this section. A violation of this section shall be a
12 gross misdemeanor as provided in chapter 9A.20 RCW.

13 **Sec. 5.** RCW 26.23.040 and 1997 c 58 s 944 are each amended to read
14 as follows:

15 (1) All employers doing business in the state of Washington(~~(, and~~
16 ~~to whom the department of employment security has assigned a standard~~
17 ~~industrial classification sic code)) shall report to the Washington
18 state support registry:~~

19 (a) The hiring of any person who resides or works in this state to
20 whom the employer anticipates paying earnings; and

21 (b) The rehiring or return to work of any employee who was laid
22 off, furloughed, separated, granted a leave without pay, or terminated
23 from employment.

24 The secretary of the department of social and health services may
25 adopt rules to establish additional exemptions if needed to reduce
26 unnecessary or burdensome reporting.

27 (2) Employers may report by mailing the employee's copy of the W-4
28 form, or other means authorized by the registry which will result in
29 timely reporting.

30 (3) Employers shall submit reports within twenty days of the
31 hiring, rehiring, or return to work of the employee, except as provided
32 in subsection (4) of this section. The report shall contain:

33 (a) The employee's name, address, social security number, and date
34 of birth; and

35 (b) The employer's name, address, (~~(employment security reference~~
36 ~~number, unified business identifier number)) and identifying number
37 assigned under section 6109 of the internal revenue code of 1986.~~

1 (4) In the case of an employer transmitting reports magnetically or
2 electronically, the employer shall report newly hired employees by two
3 monthly transmissions, if necessary, not less than twelve days nor more
4 than sixteen days apart.

5 (5) An employer who fails to report as required under this section
6 (~~shall be given a written warning for the first violation and~~) shall
7 be subject to a civil penalty of (~~up to two hundred dollars per month~~
8 ~~for each subsequent violation after the warning has been given~~):

9 (a) Twenty-five dollars per month per employee; or

10 (b) Five hundred dollars, if the failure to report is the result of
11 a conspiracy between the employer and the employee not to supply the
12 required report, or to supply a false report. All violations within a
13 single month shall be considered a single violation for purposes of
14 assessing the penalty. The penalty may be imposed and collected by the
15 division of child support under RCW 74.20A.350.

16 (6) The registry shall retain the information for a particular
17 employee only if the registry is responsible for establishing,
18 enforcing, or collecting a support debt of the employee. The registry
19 may, however, retain information for a particular employee for as long
20 as may be necessary to:

21 (a) Transmit the information to the national directory of new hires
22 as required under federal law; or

23 (b) Provide the information to other state agencies for comparison
24 with records or information possessed by those agencies as required by
25 law.

26 Information that is not permitted to be retained shall be promptly
27 destroyed. Agencies that obtain information from the department of
28 social and health services under this section shall maintain the
29 confidentiality of the information received, except as necessary to
30 implement the agencies' responsibilities.

31 NEW SECTION. Sec. 6. A new section is added to chapter 26.23 RCW
32 to read as follows:

33 The federal personal responsibility and work opportunity
34 reconciliation act of 1996, P.L. 104-193, requires states to collect
35 social security numbers as part of the application process for
36 professional licenses, driver's licenses, occupational licenses, and
37 recreational licenses. The legislature finds that if social security
38 numbers are accessible to the public, it will be relatively easy for

1 someone to use another's social security number fraudulently to assume
2 that person's identity and gain access to bank accounts, credit
3 services, billing information, driving history, and other sources of
4 personal information. Public Law 104-193 could compound and exacerbate
5 the disturbing trend of social security number-related fraud. In order
6 to prevent fraud and curtail invasions of privacy, the governor,
7 through the department of social and health services, shall seek a
8 waiver to the federal mandate to record social security numbers on
9 applications for professional, driver's, occupational, and recreational
10 licenses. If a waiver is not granted, the licensing agencies shall
11 collect and disclose social security numbers as required under section
12 7 of this act.

13 NEW SECTION. **Sec. 7.** A new section is added to chapter 26.23 RCW
14 to read as follows:

15 In order to assist in child support enforcement as required by
16 federal law, all applicants for an original, replacement, or renewal of
17 a professional license, driver's license, occupational license, or
18 recreational license must furnish the licensing agency with the
19 applicant's social security number, which shall be recorded on the
20 application. The licensing agencies collecting social security numbers
21 shall not display the social security number on the license document.
22 Social security numbers collected by licensing agencies shall not be
23 disclosed except as required by state or federal law or under RCW
24 26.23.120.

25 **Sec. 8.** RCW 26.23.060 and 1997 c 58 s 890 are each amended to read
26 as follows:

27 (1) The division of child support may issue a notice of payroll
28 deduction:

29 (a) As authorized by a support order that contains a notice clearly
30 stating that child support may be collected by withholding from
31 earnings, wages, or benefits without further notice to the obligated
32 parent; or

33 (b) After service of a notice containing an income-withholding
34 provision under this chapter or chapter 74.20A RCW.

35 (2) The division of child support shall serve a notice of payroll
36 deduction upon a responsible parent's employer or upon the employment
37 security department for the state in possession of or owing any

1 benefits from the unemployment compensation fund to the responsible
2 parent pursuant to Title 50 RCW:

3 (a) In the manner prescribed for the service of a summons in a
4 civil action;

5 (b) By certified mail, return receipt requested; (~~(or)~~)

6 (c) By electronic means if there is an agreement between the
7 secretary and the person, firm, corporation, association, political
8 subdivision, department of the state, or agency, subdivision, or
9 instrumentality of the United States to accept service by electronic
10 means; or

11 (d) By regular mail to a responsible parent's employer unless the
12 division of child support reasonably believes that service of process
13 in the manner prescribed in (a) or (b) of this subsection is required
14 for initiating an action to ensure employer compliance with the
15 withholding requirement.

16 (3) Service of a notice of payroll deduction upon an employer or
17 employment security department requires the employer or employment
18 security department to immediately make a mandatory payroll deduction
19 from the responsible parent's unpaid disposable earnings or
20 unemployment compensation benefits. The employer or employment
21 security department shall thereafter deduct each pay period the amount
22 stated in the notice divided by the number of pay periods per month.
23 The payroll deduction each pay period shall not exceed fifty percent of
24 the responsible parent's disposable earnings.

25 (4) A notice of payroll deduction for support shall have priority
26 over any wage assignment, garnishment, attachment, or other legal
27 process.

28 (5) The notice of payroll deduction shall be in writing and
29 include:

30 (a) The name and social security number of the responsible parent;

31 (b) The amount to be deducted from the responsible parent's
32 disposable earnings each month, or alternate amounts and frequencies as
33 may be necessary to facilitate processing of the payroll deduction;

34 (c) A statement that the total amount withheld shall not exceed
35 fifty percent of the responsible parent's disposable earnings;

36 (d) The address to which the payments are to be mailed or
37 delivered; and

38 (e) A notice to the responsible parent warning the responsible
39 parent that, despite the payroll deduction, the responsible parent's

1 privileges to obtain and maintain a license, as defined in RCW
2 74.20A.320, may not be renewed, or may be suspended if the parent is
3 not in compliance with a support order as defined in RCW 74.20A.320.

4 (6) An informational copy of the notice of payroll deduction shall
5 be mailed to the last known address of the responsible parent by
6 regular mail.

7 (7) An employer or employment security department that receives a
8 notice of payroll deduction shall make immediate deductions from the
9 responsible parent's unpaid disposable earnings and remit proper
10 amounts to the Washington state support registry (~~on each date the~~
11 ~~responsible parent is due to be paid~~) within seven working days of the
12 date the earnings are payable to the responsible parent.

13 (8) An employer, or the employment security department, upon whom
14 a notice of payroll deduction is served, shall make an answer to the
15 division of child support within twenty days after the date of service.
16 The answer shall confirm compliance and institution of the payroll
17 deduction or explain the circumstances if no payroll deduction is in
18 effect. The answer shall also state whether the responsible parent is
19 employed by or receives earnings from the employer or receives
20 unemployment compensation benefits from the employment security
21 department, whether the employer or employment security department
22 anticipates paying earnings or unemployment compensation benefits and
23 the amount of earnings. If the responsible parent is no longer
24 employed, or receiving earnings from the employer, the answer shall
25 state the present employer's name and address, if known. If the
26 responsible parent is no longer receiving unemployment compensation
27 benefits from the employment security department, the answer shall
28 state the present employer's name and address, if known.

29 The returned answer or a payment remitted to the division of child
30 support by the employer constitutes proof of service of the notice of
31 payroll deduction in the case where the notice was served by regular
32 mail.

33 (9) The employer or employment security department may deduct a
34 processing fee from the remainder of the responsible parent's earnings
35 after withholding under the notice of payroll deduction, even if the
36 remainder is exempt under RCW 26.18.090. The processing fee may not
37 exceed: (a) Ten dollars for the first disbursement made to the
38 Washington state support registry; and (b) one dollar for each
39 subsequent disbursement to the registry.

1 (10) The notice of payroll deduction shall remain in effect until
2 released by the division of child support, the court enters an order
3 terminating the notice and approving an alternate arrangement under RCW
4 26.23.050, or ~~((one year has expired since the employer has employed~~
5 ~~the responsible parent or has been in possession of or owing any~~
6 ~~earnings to the responsible parent or the employment security~~
7 ~~department has been in possession of or owing any unemployment~~
8 ~~compensation benefits to the responsible parent)) until the employer no~~
9 ~~longer employs the responsible parent and is no longer in possession of~~
10 ~~or owing any earnings to the responsible parent. The employer shall~~
11 ~~promptly notify the office of support enforcement when the employer no~~
12 ~~longer employs the parent subject to the notice. For the employment~~
13 ~~security department, the notice of payroll deduction shall remain in~~
14 ~~effect until released by the division of child support or until the~~
15 ~~court enters an order terminating the notice.~~

16 (11) The division of child support may use uniform interstate
17 withholding forms adopted by the United States department of health and
18 human services to take withholding actions under this section when the
19 responsible parent is receiving earnings or unemployment compensation
20 in another state.

21 NEW SECTION. Sec. 9. Sections 1, 5, and 8 of this act take effect
22 October 1, 1998.

Passed the Senate March 10, 1998.

Passed the House March 6, 1998.

Approved by the Governor March 25, 1998.

Filed in Office of Secretary of State March 25, 1998.