

WSR 24-13-064
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Division of Child Support)
[Filed June 13, 2024, 5:19 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-09-039; and proposal is exempt under RCW 19.85.025(4).

Title of Rule and Other Identifying Information: The department of social and health services (DSHS) is amending WAC 388-14A-3375 to remove a reference to public assistance standards as a basis for the calculation of a credit for payments made for shelter care by a paying parent. The public assistance standards referenced in WAC 388-14A-3375 were established by the community services division (CSD) in WAC 388-478-0010, which was repealed in 2020.

Hearing Location(s): On July 25, 2024, at 10:00 a.m., virtually via Microsoft Teams or call in. See the DSHS website at <https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings> for the most current information.

Date of Intended Adoption: Not earlier than July 26, 2024.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, beginning noon on June 20, 2024, by 5:00 p.m. on July 25, 2024.

Assistance for Persons with Disabilities: Contact Shelley Tencza, DSHS rules consultant, phone 360-664-6036, fax 360-664-6185, TTY 711 relay service, email Shelley.Tencza@dshs.wa.gov, by 5:00 p.m. on July 11, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Under WAC 388-14A-3375, the division of child support (DCS) is authorized to provide several different types of credit towards a noncustodial parent's support obligations. One of these is a credit for payments made for shelter care before services of the administrative support establishment notice. The calculation of the credit is based on one-half of the actual shelter payment or on public assistance standards. The public assistance standards referenced in WAC 388-14A-3375 were established by CSD in WAC 388-478-0010 and have since been repealed. Public assistance standards can no longer be a basis for the credit. Removal of the reference is appropriate. DCS also proposes other technical edits in line with the office of the code reviser's drafting guidelines.

Reasons Supporting Proposal: This rule making ensures DCS and CSD WAC chapters and policies align and provide correct and current information to the general public.

Statutory Authority for Adoption: RCW 26.23.110, 34.05.220, 74.08.090, 74.20A.055, and 74.20A.056.

Statute Being Implemented: RCW 74.20A.055 and 74.20A.056.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DSHS, economic services administration, DCS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Monica Turnbaugh, DCS Rules Coordinator, DCS Headquarters, P.O. Box 9162, Olympia, WA 98507-9162, 360-664-5339.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Although this rule may meet the definition of a significant legislative rule under RCW 34.05.328, the requirement for a cost-benefit analysis does not apply because it is a DSHS rule relating only to liability for care of dependents (RCW 34.05.328 (5)(b)(vii)).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Is exempt under RCW 19.85.025(4).

Is exempt under RCW 34.05.328 (5)(b)(vii).

Explanation of exemptions: This proposal does not affect small businesses. This rule is exempt under RCW 34.05.328 (5)(b)(vii) - Rules of the department of social and health services ... concerning liability for care of dependents.

Scope of exemption for rule proposal:

Is fully exempt.

June 11, 2024
Katherine I. Vasquez
Rules Coordinator

SHS-5037.1

AMENDATORY SECTION (Amending WSR 03-20-072, filed 9/29/03, effective 10/30/03)

WAC 388-14A-3375 What kinds of credits does the division of child support give when establishing or enforcing an administrative support order? (1) After the noncustodial parent (NCP) has been advised of the requirement to make payments to the Washington state support registry (WSSR) by service of a support establishment notice, or by entry of a support order requiring payments to WSSR, the NCP may obtain credit against the support obligation only:

(a) By cash, check, electronic funds transfer, or money order payments through WSSR or payment of health insurance premiums; or

(b) As provided under subsections (3) and (6) of this section.

(2) The division of child support (DCS) allows credit against a NCP's support debt for family needs provided directly to a custodial parent (CP), a child, or provided through a vendor or third party only when the:

(a) Items are provided before service of the notice on the NCP;

(b) NCP proves the items provided were intended to satisfy the NCP's support obligation; and

(c) Items are food, clothing, shelter, or medical attendance directly related to the care, support, and maintenance of a child.

(3) After service of the notice, an NCP may obtain credit against the parent's current support obligation only when the NCP proves that the payments were made and:

(a) DCS determines there(÷

~~(i) Is~~) is no prejudice to:

~~((A))~~ (i) The CP, a child, or other person; or

~~((B))~~ (ii) An agency entitled to receive the support payments ~~(-)~~; and

~~((ii) Are special)~~ (b) Special circumstances of an equitable nature ~~((justifying))~~ justify credit for the parent's payments ~~(-)~~; or

~~((b))~~ (c) A court of competent jurisdiction determines credit should be granted after a hearing where all interested parties were given an opportunity to be heard.

(4) DCS does not allow credit for shelter payments made before service of the notice in an amount more than ~~((the greater of the:~~

~~(a) Shelter allocation in the public assistance standards for the period when payments were made; or~~

~~(b) One-half))~~ one-half of the actual shelter payment.

(5) DCS does not allow credit for shelter payments made after service of the notice.

(6) DCS applies credits for dependent benefits allowed under RCW 26.18.190 as required by WAC 388-14A-4200.