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SENATE BILL 5174

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State of Washington

53rd Legislature

1993 Regular Session

By Senators Moore and Wojahn

Read first time 01/15/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to withholding information necessary for the  
2 collection of child support; adding a new section to chapter 26.18 RCW;  
3 creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The payment of child support is an  
6 obligation of the highest priority, with direct impact on the quality  
7 of the child's life. The legislature recognizes that many child  
8 support obligors do not pay support, or do not pay their obligation in  
9 full. The legislature is also aware that some obligors avoid the  
10 payment of support by working for cash wages, or by entering into some  
11 type of arrangement with their employer to hide their earnings.  
12 Although the ultimate responsibility for the payment of child support  
13 lies with the obligor, the legislature finds that employers should be  
14 discouraged from assisting an obligor to avoid a child support  
15 obligation. Therefore, it is the intent of the legislature that in  
16 circumstances where an employer assists an employee to avoid a child  
17 support obligation, the employer should be held liable for those  
18 support payments that could otherwise have been collected.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 26.18 RCW  
2 to read as follows:

3        Whether or not service of a wage assignment order has occurred, any  
4 employer who:

5        (1) Withholds from the department employment or wage information  
6 relating to a child support obligor when the withheld information would  
7 have assisted the department in collecting child support;

8        (2) Enters into an agreement with an employee to pay the employee's  
9 wages in cash or by means of other compensation in order to assist the  
10 employee in evading a child support obligation; or

11       (3) Conceals the fact that the employer is paying income to an  
12 obligor, with the intent to avoid withholding child support from the  
13 obligor's income,  
14 may be held liable for payment of such child support payments as could  
15 otherwise reasonably have been collected by either the department or  
16 the obligee. In addition, the employer may be assessed a civil penalty  
17 of a maximum of five hundred dollars, plus attorneys' fees and costs.  
18 Any civil penalty collected under this section shall be deposited in  
19 the general fund.

20       An employer who has paid all or any part of an obligor's child  
21 support obligation pursuant to this section may bring a civil action to  
22 recover the amount paid from the obligor.

23       Proceedings pursuant to this section may be commenced by either the  
24 department or the obligee by the filing and service of an order to show  
25 cause.

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