

HOUSE BILL ANALYSIS

HB 1480

Title: An act relating to the collection of child support.

Brief Description: Protecting persons with a history of timely child support payments from mandatory wage assignment orders.

Sponsors: Representatives Sherstad, Carrell, Dunn and Smith.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Trudes Hutcheson (786-7384).

Background: There are numerous provisions in state law governing the enforcement of child support orders. Both the state and private parties may enforce support orders. Remedies include civil actions, contempt actions, and mandatory wage assignments.

An obligee may petition the court for a mandatory wage assignment to enforce a support order if the obligor is: (a) subject to a support order allowing immediate income withholding; or (b) more than 15 days past due in child support or spousal maintenance payments in an amount equal to or greater than the amount due for one month.

If the Office of Support Enforcement is enforcing the support order, the order must provide for immediate income withholding, without further notice to the obligor, unless: (a) one of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or (b) the parties agree in writing for an alternative arrangement and the court approves.

The obligor may seek a hearing to quash, modify, or terminate a wage assignment order upon a showing that the order causes extreme hardship or injustice.

Generally, federal law requires that states use mandatory wage assignments to enforce child support obligations. States must require that the income of a noncustodial parent shall be subject to withholding, regardless of whether support payments are in arrears, unless the parent demonstrates that there is good cause not to require immediate withholding, or if the parties enter into a written agreement for an alternative arrangement. Persons not automatically subject to immediate income withholding become subject to withholding when they become past due in an amount

of support equal to one month's obligation, or when the obligor or the obligee requests that withholding begin.

Summary of Bill: A court or the Office of Support Enforcement must not issue a mandatory wage assignment or order of payroll deduction if the obligor has a history of timely payment of previously ordered child support. However, if the obligor is subject to a restraining order, no-contact order, or protection order with respect to the obligee or a child of the obligee, a mandatory wage assignment or order of payroll deduction may be issued, even if the obligor has a history of timely payments.

An obligee may petition for a mandatory wage assignment only if the obligor is: (a) subject to a support order allowing immediate income withholding and does not have a history of timely payments of ordered child support; or (b) more than 15 days past due in child support or spousal maintenance payments in an amount equal to or greater than the obligation payable for one month.

In a hearing to quash, modify, or terminate a wage assignment order, a court may grant relief to an obligor upon a showing that the wage assignment order causes extreme hardship or substantial injustice, or upon a showing that the obligor has a history of timely payments of previously ordered support. The court may not quash, modify, or terminate a wage assignment order if the obligor is not subject to a restraining order, no-contact order, or protection order with respect to the obligee or a child of the obligee.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Office of Program Research