

HOUSE BILL ANALYSIS

SSB 5378

Title: An act relating to service and expiration of child support documents on employers and others.

Brief Description: Changing service of process provisions for divisions of child support documents.

Sponsors: Senate Committee on Labor & Workforce Development (originally sponsored by Senators Wojahn, Fairley and Oke; by request of Department of Social and Health Services).

Brief Summary of Bill

- Allows the Division of Child Support to serve notices of health insurance coverage on an employer using regular mail or electronic means, and changes the time in which the employer must answer the notice.
- Clarifies when an order to withhold and deliver expires for employers.
- Allows the Division of Child Support to serve certain notices and orders using parcel delivery service that requires a signature or return receipt.

HOUSE COMMITTEE ON JUDICIARY

Staff: Trudes Hutcheson (786-7384).

Background:

A. Notices for Health Insurance Coverage

A parent's duty to support a dependent child includes the duty to provide health care. A child support order must require either or both parents to maintain or provide health insurance coverage for a child if: (a) coverage is available through employment; and (b) the cost does not exceed 25 percent of the obligated parent's basic support obligation.

An order to provide health insurance coverage is enforceable either by the other parent or by the Division of Child Support (DCS). The DCS or the parent may send a notice of enrollment for health insurance coverage directly to the obligated parent's employer.

A notice of enrollment must be sent by certified mail, return receipt requested. The employer must answer the notice within 35 days. The answer must either confirm that the child is enrolled or will be enrolled, or explain the reasons why the child cannot be covered.

B. Notices to Withhold and Deliver and Payroll Deduction Notices

The DCS enforces child support obligations using a variety of methods, including orders to withhold and deliver and payroll deduction notices.

A payroll deduction notice is generally used to garnish an employee's wages. The notice is served on the employer and must be answered within 20 days. The payroll deduction notice does not expire until: (a) released by the DCS or by court order; or (b) until the employer no longer employs the employee, and no longer possesses or owes any earnings to the employee.

An order to withhold and deliver can apply to a person's wages as well as to other personal property, such as money in a bank account. An order to withhold and deliver does not expire until: (a) released by the DCS or by court order; or (b) the person or entity receiving the order no longer possesses property of the obligor parent or no longer owes the parent money.

C. Service of Notices

The statutes governing support enforcement generally require that notices and orders be served on the parties either through certified mail, electronically, or in the manner required for a civil action.

Summary of Bill:

A. Notices for Health Insurance Coverage

The manner in which the DCS may serve an employer with a notice of enrollment for health insurance coverage is changed. The DCS may serve the notice by: (a) regular mail; (b) in the manner required for a civil action; (c) by certified mail; or (d) by electronic means if there is an agreement between the parties for such manner of service.

When service is made by regular mail, the employer's answer constitutes proof of service. The DCS may use uniform interstate forms adopted by the Department of Health and Human Services.

The employer must answer the notice within 20 days, instead of within 35 days.

B. Notices to Withhold and Deliver

The expiration of an order to withhold and deliver served on an employer is made consistent with the expiration of a payroll deduction notice. An order to withhold and deliver that is served on an employer expires when the employer no longer employs, contracts, or owes money to the debtor.

C. Service of Notices

Orders and notices involving support enforcement that require service by certified mail or service in the manner required under civil action may also be served by parcel delivery that requires a signature or return receipt.

When the state has been assigned rights to child support obligations, a person seeking to modify the child support order may serve the prosecuting attorney instead of the attorney general in those counties where the prosecutor handles such cases.

Fiscal Note: Not requested.

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