S-3797.1

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**SUBSTITUTE SENATE BILL 5535**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators C. Wilson, Das, Dhingra, Hasegawa, Lovelett, Nguyen, Nobles, Robinson, and Saldaña; by request of Department of Children, Youth, and Families)

AN ACT Relating to repealing requirements for parent payment of the cost of their child's support, treatment, and confinement; amending RCW 43.20B.095; creating new sections; and repealing RCW 13.16.085 and 13.40.220.

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

NEW SECTION. **Sec.**  (1) The purpose of this act is to repeal RCW 13.16.085 and 13.40.220, also known as the "parent pay" statutes, which requires parents to pay a percentage of their gross income for the cost of their child's support, treatment, and confinement.

(2) The parent pay statutes essentially operate as a legal financial obligation assessed on parents for their child's incarceration. These laws disproportionally impact poorer parents and represent a dated policy and philosophy that is not aligned with current racial equity and social justice reforms. Pursuing these parents is unfair and takes advantage of people at their most vulnerable, undermining government credibility and the integrity of the legal process. Placing these parents in debt may also result in unstable home environments, deterring successful youth reentry back into the community.

(3) The legislature finds that eliminating parents' financial obligation to pay for their child's incarceration will advance racial equity and help to support a successful transition to adulthood for young people in juvenile detention and in the department's care.

NEW SECTION. **Sec.**  The following acts or parts of acts are each repealed:

(1)RCW 13.16.085 (Financial responsibility for cost of detention) and 1955 c 369 s 1; and

(2)RCW 13.40.220 (Costs of support, treatment, and confinement—Order—Contempt of court) and 2021 c 206 s 6, 2017 3rd sp.s. c 6 s 610, 1995 c 300 s 1, 1994 sp.s. c 7 s 529, 1993 c 466 s 1, & 1977 ex.s. c 291 s 76.

**Sec.**  RCW 43.20B.095 and 2019 c 470 s 10 are each amended to read as follows:

The department is authorized to establish and to recover debts for the department of children, youth, and families under this chapter ((~~and under RCW 13.40.220~~)) pursuant to a contract between the department of children, youth, and families and the department that is entered into in compliance with the interlocal cooperation act, chapter 39.34 RCW.

NEW SECTION. **Sec.**  (1) This act does not affect any moneys paid to the department of children, youth, and families or the courts before the effective date of this section. Any moneys already collected from a parent or other person legally obligated to care for and support a child under RCW 13.16.085 or 13.40.220 before the effective date of this section will not be refunded to that person.

(2) On the effective date of this section:

(a) All pending actions or proceedings to recover debt owed by a parent or other person legally obligated to care for and support a child under RCW 13.16.085 or 13.40.220 shall be terminated with prejudice including, but not limited to, tax refund intercepts, federal and state benefit intercepts, wage garnishments, payment plans, and automatic bank account deductions;

(b) All outstanding debts or other obligations including, but not limited to, interest charges owed by a parent or other person legally obligated to care for and support a child under RCW 13.16.085 or 13.40.220 shall be canceled with prejudice, rendered null and void, and considered paid in full; and

(c) Any assignment of collection authority for debt owed under RCW 13.16.085 or 13.40.220 that was reported to a collection agency or out-of-state collection agency as defined in RCW 19.16.100 shall be recalled and terminated, and any outstanding debt shall be rendered null and void and considered paid in full.

(3) This act does not create a cause of action against the state of Washington.

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