

# FINAL BILL REPORT

## SHB 1171

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Synopsis as Enacted

**Brief Description:** Amending child support income withholding provisions to comply with federal child support program requirements.

**Sponsors:** House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Walen, Springer, Dolan and Lovick; by request of Department of Social and Health Services).

**House Committee on Civil Rights & Judiciary**  
**Senate Committee on Law & Justice**

### **Background:**

Child support obligations are established in the context of dissolution of marriage or parentage proceedings through the court or an administrative process with the Department of Social and Health Services (DSHS). The DSHS Division of Child Support (DCS) is responsible for administering the state's child support enforcement program and provides support enforcement services to parents receiving public assistance and to nonassistance parents who request support enforcement services.

The DCS may enforce child support obligations by taking withholding actions against a responsible parent's wages, earnings, assets, or benefits. Income withholding actions include wage assignment orders, notices of payroll deduction, and orders to withhold and deliver. A parent who has not requested enforcement services from the DCS also may take withholding actions to enforce the obligation, including wage assignment if the obligor is subject to an order allowing immediate income withholding or is past due in support. The garnishment laws allow enforcement of child support obligations through a garnishment of wages or other earnings of an obligor. Under the garnishment process, a writ for continuing lien on earnings may be issued to require an obligor's employer to garnish a portion of the obligor's paycheck. A writ of garnishment may also be used to reach other assets of the obligor, such as funds in a bank account.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Federal law requires states to have a child support enforcement program that complies with federal requirements as a condition of receiving federal funds for child support enforcement and Temporary Assistance for Needy Families (TANF) programs. Under the Personal Responsibility and Work Opportunity Reconciliation Act, states are required to have and use a standard process for withholding of income for child support obligations. States must require that the income of a noncustodial parent must be subject to withholding unless the parent demonstrates that there is good cause not to require immediate withholding, or if the parties enter into a written agreement approved by the court for an alternative arrangement.

Federal regulations governing income withholding for child support include a requirement that a federally approved income withholding form must be used when sending notice to employers to initiate income withholding for all child support obligations.

**Summary:**

Enforcement of a child support obligation through income withholding must be through use of an income withholding order that complies with the requirements of federal law and an income withholding form adopted and required by United State Department of Health and Human Services.

Provisions allowing enforcement of child support obligations through a garnishment against wages or other earnings under garnishment laws are eliminated. A judgment creditor may seek to withhold from earnings based on a judgment or order for child support under child support enforcement laws.

Provisions addressing enforcement of a notice of payroll deduction or wage assignment with respect to child support are replaced with income withholding orders. The statutory wage assignment order form is repealed.

**Votes on Final Passage:**

House	95	0
Senate	46	0

**Effective:** February 1, 2021 (Section 14)  
July 25, 2021