

WSR 24-16-135
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Division of Child Support)

[Filed August 6, 2024, 3:32 p.m., effective September 6, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department of social and health services (department) is amending WAC 388-14A-3375 to remove a reference to public assistance standards. Under WAC 388-14A-3375, the division of child support (DCS) is authorized to provide several different types of credits towards a paying parent's support obligations. One of these is a credit for payments made towards shelter care before service of the administrative support establishment notice. The calculation of the credit is based on one-half of the actual shelter payment or on public assistance standards. The public assistance standards referenced in WAC 388-14A-3375 were established by the community services division (CSD) in WAC 388-478-0010 and have since been repealed. Public assistance standards can no longer be a basis for the credit. Removal of the reference is appropriate. DCS also proposes other technical edits in line with the office of the code reviser's drafting guidelines.

Citation of Rules Affected by this Order: Amending WAC 388-14A-3375.

Statutory Authority for Adoption: RCW 26.23.110, 34.05.220, 74.08.090, 74.20A.055, and 74.20A.056.

Adopted under notice filed as WSR 24-13-064 on June 13, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: August 6, 2024.

Katherine I. Vasquez
Rules Coordinator

SHS-5037.1

AMENDATORY SECTION (Amending WSR 03-20-072, filed 9/29/03, effective 10/30/03)

WAC 388-14A-3375 What kinds of credits does the division of child support give when establishing or enforcing an administrative

support order? (1) After the noncustodial parent (NCP) has been advised of the requirement to make payments to the Washington state support registry (WSSR) by service of a support establishment notice, or by entry of a support order requiring payments to WSSR, the NCP may obtain credit against the support obligation only:

(a) By cash, check, electronic funds transfer, or money order payments through WSSR or payment of health insurance premiums; or

(b) As provided under subsections (3) and (6) of this section.

(2) The division of child support (DCS) allows credit against a NCP's support debt for family needs provided directly to a custodial parent (CP), a child, or provided through a vendor or third party only when the:

(a) Items are provided before service of the notice on the NCP;

(b) NCP proves the items provided were intended to satisfy the NCP's support obligation; and

(c) Items are food, clothing, shelter, or medical attendance directly related to the care, support, and maintenance of a child.

(3) After service of the notice, an NCP may obtain credit against the parent's current support obligation only when the NCP proves that the payments were made and:

(a) DCS determines there ~~(is)~~

~~(i) Is~~) is no prejudice to:

~~((A))~~ (i) The CP, a child, or other person; or

~~((B))~~ (ii) An agency entitled to receive the support payments ~~(-)~~; and

~~((ii) Are special)~~ (b) Special circumstances of an equitable nature ~~((justifying))~~ justify credit for the parent's payments ~~(-)~~; or

~~((b))~~ (c) A court of competent jurisdiction determines credit should be granted after a hearing where all interested parties were given an opportunity to be heard.

(4) DCS does not allow credit for shelter payments made before service of the notice in an amount more than ~~((the greater of the:~~

~~(a) Shelter allocation in the public assistance standards for the period when payments were made; or~~

~~(b) One-half))~~ one-half of the actual shelter payment.

(5) DCS does not allow credit for shelter payments made after service of the notice.

(6) DCS applies credits for dependent benefits allowed under RCW 26.18.190 as required by WAC 388-14A-4200.