
HOUSE BILL 2428

State of Washington

56th Legislature

2000 Regular Session

By Representatives Conway and Clements; by request of Employment Security Department

Read first time 01/13/2000. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to processing fees deducted from earnings withheld
2 due to child support; amending RCW 26.23.060; creating a new section;
3 and declaring an emergency.

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

5 **Sec. 1.** RCW 26.23.060 and 1998 c 160 s 8 are each amended to read
6 as follows:

7 (1) The division of child support may issue a notice of payroll
8 deduction:

9 (a) As authorized by a support order that contains a notice clearly
10 stating that child support may be collected by withholding from
11 earnings, wages, or benefits without further notice to the obligated
12 parent; or

13 (b) After service of a notice containing an income-withholding
14 provision under this chapter or chapter 74.20A RCW.

15 (2) The division of child support shall serve a notice of payroll
16 deduction upon a responsible parent's employer or upon the employment
17 security department for the state in possession of or owing any
18 benefits from the unemployment compensation fund to the responsible
19 parent pursuant to Title 50 RCW:

1 (a) In the manner prescribed for the service of a summons in a
2 civil action;

3 (b) By certified mail, return receipt requested;

4 (c) By electronic means if there is an agreement between the
5 secretary and the person, firm, corporation, association, political
6 subdivision, department of the state, or agency, subdivision, or
7 instrumentality of the United States to accept service by electronic
8 means; or

9 (d) By regular mail to a responsible parent's employer unless the
10 division of child support reasonably believes that service of process
11 in the manner prescribed in (a) or (b) of this subsection is required
12 for initiating an action to ensure employer compliance with the
13 withholding requirement.

14 (3) Service of a notice of payroll deduction upon an employer or
15 employment security department requires the employer or employment
16 security department to immediately make a mandatory payroll deduction
17 from the responsible parent's unpaid disposable earnings or
18 unemployment compensation benefits. The employer or employment
19 security department shall thereafter deduct each pay period the amount
20 stated in the notice divided by the number of pay periods per month.
21 The payroll deduction each pay period shall not exceed fifty percent of
22 the responsible parent's disposable earnings.

23 (4) A notice of payroll deduction for support shall have priority
24 over any wage assignment, garnishment, attachment, or other legal
25 process.

26 (5) The notice of payroll deduction shall be in writing and
27 include:

28 (a) The name and social security number of the responsible parent;

29 (b) The amount to be deducted from the responsible parent's
30 disposable earnings each month, or alternate amounts and frequencies as
31 may be necessary to facilitate processing of the payroll deduction;

32 (c) A statement that the total amount withheld shall not exceed
33 fifty percent of the responsible parent's disposable earnings;

34 (d) The address to which the payments are to be mailed or
35 delivered; and

36 (e) A notice to the responsible parent warning the responsible
37 parent that, despite the payroll deduction, the responsible parent's
38 privileges to obtain and maintain a license, as defined in RCW

1 74.20A.320, may not be renewed, or may be suspended if the parent is
2 not in compliance with a support order as defined in RCW 74.20A.320.

3 (6) An informational copy of the notice of payroll deduction shall
4 be mailed to the last known address of the responsible parent by
5 regular mail.

6 (7) An employer or employment security department that receives a
7 notice of payroll deduction shall make immediate deductions from the
8 responsible parent's unpaid disposable earnings and remit proper
9 amounts to the Washington state support registry within seven working
10 days of the date the earnings are payable to the responsible parent.

11 (8) An employer, or the employment security department, upon whom
12 a notice of payroll deduction is served, shall make an answer to the
13 division of child support within twenty days after the date of service.
14 The answer shall confirm compliance and institution of the payroll
15 deduction or explain the circumstances if no payroll deduction is in
16 effect. The answer shall also state whether the responsible parent is
17 employed by or receives earnings from the employer or receives
18 unemployment compensation benefits from the employment security
19 department, whether the employer or employment security department
20 anticipates paying earnings or unemployment compensation benefits and
21 the amount of earnings. If the responsible parent is no longer
22 employed, or receiving earnings from the employer, the answer shall
23 state the present employer's name and address, if known. If the
24 responsible parent is no longer receiving unemployment compensation
25 benefits from the employment security department, the answer shall
26 state the present employer's name and address, if known.

27 The returned answer or a payment remitted to the division of child
28 support by the employer constitutes proof of service of the notice of
29 payroll deduction in the case where the notice was served by regular
30 mail.

31 (9) The employer (~~or employment security department~~) may deduct
32 a processing fee from the remainder of the responsible parent's
33 earnings after withholding under the notice of payroll deduction, even
34 if the remainder is exempt under RCW 26.18.090. The processing fee may
35 not exceed: (a) Ten dollars for the first disbursement made to the
36 Washington state support registry; and (b) one dollar for each
37 subsequent disbursement to the registry.

38 (10) The notice of payroll deduction shall remain in effect until
39 released by the division of child support, the court enters an order

1 terminating the notice and approving an alternate arrangement under RCW
2 26.23.050, or until the employer no longer employs the responsible
3 parent and is no longer in possession of or owing any earnings to the
4 responsible parent. The employer shall promptly notify the office of
5 support enforcement when the employer no longer employs the parent
6 subject to the notice. For the employment security department, the
7 notice of payroll deduction shall remain in effect until released by
8 the division of child support or until the court enters an order
9 terminating the notice.

10 (11) The division of child support may use uniform interstate
11 withholding forms adopted by the United States department of health and
12 human services to take withholding actions under this section when the
13 responsible parent is receiving earnings or unemployment compensation
14 in another state.

15 NEW SECTION. **Sec. 2.** If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

19 NEW SECTION. **Sec. 3.** If any part of this act is found to be in
20 conflict with federal requirements that are a prescribed condition to
21 the allocation of federal funds to the state or the eligibility of
22 employers in this state for federal unemployment tax credits, the
23 conflicting part of this act is inoperative solely to the extent of the
24 conflict, and the finding or determination does not affect the
25 operation of the remainder of this act. Rules adopted under this act
26 must meet federal requirements that are a necessary condition to the
27 receipt of federal funds by the state or the granting of federal
28 unemployment tax credits to employers in this state.

29 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
30 preservation of the public peace, health, or safety, or support of the
31 state government and its existing public institutions, and takes effect
32 immediately.

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