

HB 2553 - S COMM AMD

By Committee on Children & Family Services & Corrections

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 26.23.035 and 1997 c 58 s 933 are each amended to
4 read as follows:

5 (1) The department of social and health services shall adopt rules
6 for the distribution of support money collected by the division of
7 child support. These rules shall:

8 (a) Comply with Title IV-D of the federal social security act as
9 amended by the personal responsibility and work opportunity
10 reconciliation act of 1996;

11 (b) Direct the division of child support to distribute support
12 money within eight days of receipt, unless one of the following
13 circumstances, or similar circumstances specified in the rules,
14 prevents prompt distribution:

15 (i) The location of the custodial parent is unknown;

16 (ii) The support debt is in litigation;

17 (iii) The division of child support cannot identify the responsible
18 parent or the custodian;

19 (c) Provide for:

20 (i) Proportionate distribution of current support payments if the
21 responsible parent owes a support obligation ((~~or a support debt~~)) for
22 two or more Title IV-D cases;

23 (ii) Where a responsible parent owes a support debt for two or more
24 Title IV-D cases, distribution of past-due support payments shall be as
25 follows:

26 (A) First, to proportionately satisfy arrears owed to the families
27 living in states whose distribution policy is to give priority to
28 payment of arrears owed to families;

29 (B) After arrears owed to the families designated in (c)(ii)(A) of

1 this subsection are satisfied, then proportionately to satisfy arrears
2 assigned to this state;

3 (C) After arrears owed to this state are satisfied, then
4 proportionately to satisfy arrears owed to families living in states
5 whose distribution policy does not give priority to payment of arrears
6 owed to families;

7 (D) After all other arrears are satisfied, then proportionately to
8 satisfy arrears assigned to another jurisdiction; and

9 (d) Authorize the distribution of support money, except money
10 collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to
11 the IV-D custodian before the debt owed to the state when the custodian
12 stops receiving a public assistance grant.

13 (2) The division of child support may distribute support payments
14 to the payee under the support order or to another person who has
15 lawful physical custody of the child or custody with the payee's
16 consent. The payee may file an application for an adjudicative
17 proceeding to challenge distribution to such other person. Prior to
18 distributing support payments to any person other than the payee, the
19 registry shall:

20 (a) Obtain a written statement from the child's physical custodian,
21 under penalty of perjury, that the custodian has lawful custody of the
22 child or custody with the payee's consent;

23 (b) Mail to the responsible parent and to the payee at the payee's
24 last known address a copy of the physical custodian's statement and a
25 notice which states that support payments will be sent to the physical
26 custodian; and

27 (c) File a copy of the notice with the clerk of the court that
28 entered the original support order.

29 (3) If the Washington state support registry distributes a support
30 payment to a person in error, the registry may obtain restitution by
31 means of a set-off against future payments received on behalf of the
32 person receiving the erroneous payment, or may act according to RCW
33 74.20A.270 as deemed appropriate. Any set-off against future support
34 payments shall be limited to amounts collected on the support debt and
35 ten percent of amounts collected as current support.

36 (4) The division of child support shall ensure that the fifty
37 dollar pass through payment, as required by 42 U.S.C. Sec. 657 before

1 the adoption of P.L. 104-193, is terminated immediately upon July 27,
2 1997, and all rules to the contrary adopted before July 27, 1997, are
3 without force and effect."

HB 2553 - S COMM AMD

By Committee on Children & Family Services & Corrections

4 On page 1, line 2 of the title, after "cases;" strike the remainder
5 of the title and insert "and amending RCW 26.23.035."

--- END ---