
**Juvenile Justice & Family Law
Committee**

HB 1648

Brief Description: Protecting persons with a history of timely child support payments from mandatory wage assignment orders.

Sponsors: Representatives McMahan, Mielke, Condotta and Carrell.

Brief Summary of Bill

- Prohibits immediate wage withholding from a person with a history of timely child support payments from mandatory wage assignment orders.

Hearing Date: 2/13/03

Staff: Sonja Hallum (786-7092).

Background:

State law provides a number of provisions for the enforcement of child support obligations. Both the state and private parties may enforce support orders. Remedies include civil actions, contempt actions, and mandatory wage assignments.

Under current law, every court and administrative order for child support must include a provision stating that a notice of payroll deduction or other income withholding may be issued without further notice to the obligor at any time after entry of the order. This provision will not be included in the order for child support if the court finds that there is good cause not to require immediate income withholding until a payment is past due or if both parties agree to an alternate arrangement.

A petition seeking a mandatory wage assignment order may be filed by an obligee if the obligor is subject to a support order allowing immediate income withholding or is more than 15 days past due in child support payments in an amount equal to or greater than the obligation payable for one month. If the court orders immediate wage withholding the court must issue a mandatory wage assignment order. The obligor may seek a hearing to quash a wage assignment order upon a showing that the order causes extreme hardship or substantial injustice. If a wage assignment order has been in operation for a period of 12 consecutive

months and the obligor's support payments are current, the court may terminate the order upon motion of the obligor unless the obligee can show good cause as to why the order should remain in effect.

Federal law generally requires states to use mandatory wage assignments for the enforcement of child support. Under federal law, states must require that all persons obligated to pay child support shall be subject to immediate income withholding unless there is good cause not to require immediate withholding, or the parties enter into a written agreement for an alternate arrangement. Persons who are not automatically subject to immediate income withholding shall become subject to withholding when they become past due in an amount of support equal to one month's obligation, or when the obligor or the obligee requests that withholding begin.

Summary of Bill:

A court, or DCS, must not issue an order of payroll deduction or mandatory wage assignment for the enforcement of a child support obligation if the obligor has a history of timely payment of previously ordered child support. If the obligor is subject to a restraining order, no-contact order, or protection order with respect to the obligee or a child of the obligee, an order for immediate income withholding may be issued, even if the obligor has a history of timely payments.

An obligee may petition for a wage assignment order against the obligor's earnings only if the obligor is subject to an order allowing immediate income withholding and does not have a history of timely payment of previously ordered support.

Appropriation: None.

Fiscal Note: Requested on February 7, 2003.

Effective Date: The bill takes effect ninety days after adjournment of session in which bill is passed.