
SUBSTITUTE SENATE BILL 6380

State of Washington

58th Legislature

2004 Regular Session

By Senate Committee on Children & Family Services & Corrections
(originally sponsored by Senators McCaslin, Kline, Thibaudeau and
Prentice; by request of Department of Social and Health Services)

READ FIRST TIME 02/09/04.

1 AN ACT Relating to the distribution of child support amongst
2 multiple cases; and amending RCW 26.23.035.

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

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

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

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

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

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

17 (ii) The support debt is in litigation;

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

1 (c) Provide for:

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

5 (ii) Distribution of past-due support payments if the responsible
6 parent owes a support debt for two or more Title IV-D cases, as
7 authorized under 42 U.S.C. Sec. 657. In determining priority of
8 distribution of past-due support payments between Washington state and
9 another state, the division of child support shall first distribute
10 past-due support payments to another state if there are nonassistance
11 arrears owing to a custodial parent in that state and if that state's
12 distribution policy is to first pay in full the nonassistance debt owed
13 to a custodial parent. Upon satisfaction of the nonassistance arrears
14 debt to a custodial parent in another state, or if the state is no
15 longer paying nonassistance arrears to that custodial parent,
16 Washington shall determine an appropriate distribution of past-due
17 payments; and

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

22 (2) The division of child support may distribute support payments
23 to the payee under the support order or to another person who has
24 lawful physical custody of the child or custody with the payee's
25 consent. The payee may file an application for an adjudicative
26 proceeding to challenge distribution to such other person. Prior to
27 distributing support payments to any person other than the payee, the
28 registry shall:

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

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

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

1 (3) If the Washington state support registry distributes a support
2 payment to a person in error, the registry may obtain restitution by
3 means of a set-off against future payments received on behalf of the
4 person receiving the erroneous payment, or may act according to RCW
5 74.20A.270 as deemed appropriate. Any set-off against future support
6 payments shall be limited to amounts collected on the support debt and
7 ten percent of amounts collected as current support.

8 (4) The division of child support shall ensure that the fifty
9 dollar pass through payment, as required by 42 U.S.C. Sec. 657 before
10 the adoption of P.L. 104-193, is terminated immediately upon July 27,
11 1997, and all rules to the contrary adopted before July 27, 1997, are
12 without force and effect.

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