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## Judiciary Committee

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### HB 3084

**Title:** An act relating to restricted licenses for persons who fail to comply with child support obligations.

**Brief Description:** Establishing restricted licenses for persons who fail to comply with child support obligations.

**Sponsors:** Representatives Pettigrew, Walsh, McCoy, Appleton, Kelley, McIntire, Darneille and Hasegawa.

#### Brief Summary of Bill

- Requires the Department of Licensing and other licensing entities to issue restricted licenses to a person before it can suspend the person's license for failing to pay child support.
- Allows the restricted license to be extended if suspension of a license would cause undue hardship or interfere with the person's ability to comply with a child support order or typical parental functions and duties.

**Hearing Date:** 2/4/08

**Staff:** Trudes Tango (786-7384).

#### Background:

Federal law requires states to have a child support enforcement program that complies with federal requirements as a condition of receiving federal funds for child support enforcement and Temporary Aid to Needy Families programs. One such requirement is that states must have procedures for suspending or restricting the use of driver's licenses, professional and occupational licenses, and recreational licenses of persons owing past child support.

In Washington, the Division of Child Support (DCS) may initiate license suspension action against a person if the person has at least six months amount of overdue child support. To initiate license suspension, the DCS sends a notice to the parent telling him or her that the DCS intends to

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submit the parent's name to the Department of Licensing (DOL) and other appropriate licensing entities. The parent may:

- (1) request an administrative hearing within 20 days of the date notice was served to contest the issue of compliance. A request for a hearing stays the license suspension process until after a written decision is issued by the administrative law judge;
- (2) contact the DCS to negotiate a payment plan on the past child support owed and agree to make timely payments on current support. The DCS stays the license suspension process for up to 30 days to negotiate a payment plan;
- (3) file a modification of the child support obligation. The DCS stays the license suspension process for up to six months during modification proceedings; or
- (4) comply with the child support order. The DCS releases the parent from the license suspension process.

If the parent does not comply with the child support order or take any action, the DCS will certify the parent to the DOL and other licensing entities and ask them to take appropriate action to suspend the person's licenses. In determining which licenses should be suspended, the DCS considers the number and kind of licenses the parent has and the effect that suspension of a particular license will have in motivating the parent to pay support or to contact the DCS.

#### **Summary of Bill:**

When the DCS certifies a noncomplying parent to the DOL, the DOL must issue a restricted license for a period of not less than 90 days. The license permits the noncomplying parent to:

- drive to and from a place of employment;
- perform duties in the course of employment; and
- drive during any period of time in which he or she has custody of his or her child under a parenting plan.

After receiving a notice of a restricted license, the noncomplying parent may work with the DCS for a period of 30 days to reach an agreement by which his or her license will be returned. If an agreement is not reached, the noncomplying parent is entitled to an administrative hearing to determine whether the continued suspension will create an undue hardship or interfere with the noncomplying parent's ability to comply with a child support order or perform typical parental functions and duties.

If there is a finding that suspension will create undue hardship or interference, the DOL must extend the person's restricted license to drive until the noncomplying parent is in compliance with the child support order. If no undue hardship or interference is found, the restricted license will expire as scheduled.

In determining undue hardship or interference, the administrative law judge must consider, among other factors:

- the availability of public transportation near the person's place of residence, including consideration of transportation: (1) to and from work; (2) as it affects obligations to children; (3) in relation to medical concerns; and (4) as it relates to the ability to comply with court-ordered obligations; and
- any other responsibilities the parent may have to dependents, including children.

If suspension of other licenses affects the person's ability to comply with a child support order or parenting plan, the licensing entity must apply the provisions for a restricted license before suspending any license.

**Appropriation:** None.

**Fiscal Note:** Requested on 1/31/08.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.