

HOUSE BILL REPORT

HB 1227

As Reported by House Committee On: Judiciary

Title: An act relating to cost savings and efficiencies in mailing notices of possible license suspension for noncompliance with child support orders.

Brief Description: Regarding cost savings and efficiencies in mailing notices of possible license suspension for noncompliance with child support orders.

Sponsors: Representatives Hunt and Reykdal.

Brief History:

Committee Activity:

Judiciary: 1/30/13, 2/5/13 [DP].

Brief Summary of Bill

- Authorizes the Department of Social and Health Services (DSHS) to serve a notice of intent to certify a responsible parent as not in compliance with a child support obligation by first-class mail, rather than certified mail, in certain circumstances.
- Eliminates the requirement that a copy of the responsible parent's child support order be included with the notice, but requires the DSHS to provide a copy of the order upon request of the responsible parent.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 13 members: Representatives Pedersen, Chair; Hansen, Vice Chair; Rodne, Ranking Minority Member; O'Ban, Assistant Ranking Minority Member; Goodman, Hope, Jinkins, Kirby, Klippert, Nealey, Orwall, Roberts and Shea.

Staff: Edie Adams (786-7180).

Background:

Federal law requires states to have procedures for the suspension or restriction of a person's driver's license, professional and occupational license, and recreational and sporting license if

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the person owes past child support. If the state fails to have such procedures, it may result in the loss of federal funds to the state's Temporary Assistance to Needy Families block grant. Since 1997, all court and administrative orders that establish or modify support obligations must include a statement notifying the responsible parent that the privilege to obtain and maintain a license may not be renewed, or may be suspended, if the parent is not in compliance with a support order.

Under Washington's license suspension program, the Department of Social and Health Services (DSHS) may serve an obligated parent with a notice of noncompliance if the parent fails to pay his or her support when due. By rule, the DSHS generally uses this enforcement tool when a parent is six months or more behind in child support.

The DSHS serves the parent with a notice informing the parent of the DSHS's intent to submit the parent's name to the Department of Licensing (DOL) and other licensing entities for license suspension. This notice of noncompliance must be served by certified mail, return receipt requested. Personal service is required if the attempted service by certified mail is not successful. A copy of the responsible parent's child support order must be served along with the notice.

In order to avoid license suspension, the parent has 20 days from the date of receipt of the notice to contact the DSHS to pay overdue amounts, enter into a payment agreement, request an adjudicative hearing, or move to modify the child support obligation. If a noncomplying parent subsequently comes into compliance with the child support order, the DSHS must promptly provide the parent and the appropriate licensing entity with a release stating that the parent is in compliance with the order.

Summary of Bill:

The DSHS may use first-class mail, rather than certified mail, to send the notice of intent to certify the responsible parent as a licensee who is not in compliance with a child support order, if the order establishing the support obligation includes the required statement that the responsible parent's licensing privileges may be suspended for noncompliance with the support order.

The notice must be sent to the responsible parent's last known mailing address on file with the DSHS. The notice is deemed served three days from the date it is deposited in the mail.

The DSHS is not required to include a copy of the child support order with the notice, but must provide a copy of the order to the responsible parent upon request.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill is the result of child support staff identifying ways to increase efficiencies and save state money. Sending these notices by certified mail is very expensive; sometimes it costs hundreds of dollars to get proper service. This change does not compromise the rights of parents with child support obligations. It makes the process consistent with how the DSHS sends other collection action notices.

Since 1997 child support orders must include language notifying the parent that failure to pay child support may result in suspension of the person' licenses. Parents are required to keep the DSHS notified of their current address. License suspension is an action of last resort, so by the time we take this action, multiple notices have been sent, many other collection efforts have been attempted, and the parents know we are taking enforcement action against them.

(Opposed) None.

Persons Testifying: Nancy Koptur, Department of Social and Health Services; and Katie Nelson, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying: None.