
SUBSTITUTE SENATE BILL 5157

State of Washington

63rd Legislature

2013 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Carrell, Pearson, Schoesler, Hill, and Fain)

READ FIRST TIME 02/07/13.

1 AN ACT Relating to child care; amending RCW 74.20.040 and
2 74.20.330; reenacting and amending RCW 43.215.135; and adding a new
3 section to chapter 43.215 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.215 RCW
6 to read as follows:

7 The first time a provider receives a subsidy to which they should
8 have known they were not entitled, the department shall work with the
9 provider to ensure they understand the rules regarding receiving
10 subsidy payments. The second time the provider receives a subsidy to
11 which they should have known they were not entitled, the provider shall
12 be prohibited from receiving any future subsidy payments.

13 **Sec. 2.** RCW 74.20.040 and 2012 1st sp.s. c 4 s 1 are each amended
14 to read as follows:

15 (1) Whenever the department receives an application for public
16 assistance on behalf of a child, or the department receives an
17 application for subsidized child care services or working connections
18 child care services, the department or the department of early learning

1 shall take appropriate action under the provisions of this chapter,
2 chapter 74.20A RCW, or other appropriate statutes of this state to
3 establish or enforce support obligations against the parent or other
4 persons owing a duty to pay support moneys.

5 (2) The secretary may accept a request for support enforcement
6 services on behalf of persons who are not recipients of public
7 assistance and may take appropriate action to establish or enforce
8 support obligations against the parent or other persons owing a duty to
9 pay moneys. Requests accepted under this subsection may be conditioned
10 upon the payment of a fee as required by subsection (6) of this section
11 or through regulation issued by the secretary. The secretary may
12 establish by regulation, reasonable standards and qualifications for
13 support enforcement services under this subsection.

14 (3) The secretary may accept requests for support enforcement
15 services from child support enforcement agencies in other states
16 operating child support programs under Title IV-D of the social
17 security act or from foreign countries, and may take appropriate action
18 to establish and enforce support obligations, or to enforce subpoenas,
19 information requests, orders for genetic testing, and collection
20 actions issued by the other agency against the parent or other person
21 owing a duty to pay support moneys, the parent or other person's
22 employer, or any other person or entity properly subject to child
23 support collection or information-gathering processes. The request
24 shall contain and be accompanied by such information and documentation
25 as the secretary may by rule require, and be signed by an authorized
26 representative of the agency. The secretary may adopt rules setting
27 forth the duration and nature of services provided under this
28 subsection.

29 (4) The department may take action to establish, enforce, and
30 collect a support obligation, including performing related services,
31 under this chapter and chapter 74.20A RCW, or through the attorney
32 general or prosecuting attorney for action under chapter 26.09, 26.18,
33 26.20, 26.21A, or 26.26 RCW or other appropriate statutes or the common
34 law of this state.

35 (5) Whenever a support order is filed with the Washington state
36 support registry under chapter 26.23 RCW, the department may take
37 appropriate action under the provisions of this chapter, chapter 26.23

1 or 74.20A RCW, or other appropriate law of this state to establish or
2 enforce the support obligations contained in that order against the
3 responsible parent or other persons owing a duty to pay support moneys.

4 (6) The secretary, in the case of an individual who has never
5 received assistance under a state program funded under part A and for
6 whom the state has collected at least five hundred dollars of support,
7 shall impose an annual fee of twenty-five dollars for each case in
8 which services are furnished, which shall be retained by the state from
9 support collected on behalf of the individual, but not from the first
10 five hundred dollars of support. The secretary may, on showing of
11 necessity, waive or defer any such fee or cost.

12 (7) Fees, due and owing, may be retained from support payments
13 directly or collected as delinquent support moneys utilizing any of the
14 remedies in this chapter (~~(74.20—RCW)~~), chapter 74.20A RCW, chapter
15 26.21A RCW, or any other remedy at law or equity available to the
16 department or any agencies with whom it has a cooperative or
17 contractual arrangement to establish, enforce, or collect support
18 moneys or support obligations.

19 (8) The secretary may waive the fee, or any portion thereof, as a
20 part of a compromise of disputed claims or may grant partial or total
21 charge off of said fee if the secretary finds there are no available,
22 practical, or lawful means by which said fee may be collected or to
23 facilitate payment of the amount of delinquent support moneys or fees
24 owed.

25 (9) The secretary shall adopt rules conforming to federal laws,
26 including but not limited to complying with section 7310 of the federal
27 deficit reduction act of 2005, 42 U.S.C. Sec. 654, and rules and
28 regulations required to be observed in maintaining the state child
29 support enforcement program required under Title IV-D of the federal
30 social security act. The adoption of these rules shall be calculated
31 to promote the cost-effective use of the agency's resources and not
32 otherwise cause the agency to divert its resources from its essential
33 functions.

34 **Sec. 3.** RCW 74.20.330 and 2012 1st sp.s. c 4 s 2 are each amended
35 to read as follows:

36 (1) Whenever public assistance is paid under a state program funded
37 under Title IV-A of the federal social security act as amended by the

1 personal responsibility and work opportunity reconciliation act of
2 1996, and the federal deficit reduction act of 2005, each applicant or
3 recipient is deemed to have made assignment to the department of any
4 rights to a support obligation from any other person the applicant or
5 recipient may have in his or her own behalf or in behalf of any other
6 family member for whom the applicant or recipient is applying for or
7 receiving public assistance, including any unpaid support obligation or
8 support debt which has accrued at the time the assignment is made.

9 (2) Payment of public assistance under a state-funded program, or
10 a program funded under Title IV-A, IV-E, or XIX of the federal social
11 security act as amended by the personal responsibility and work
12 opportunity reconciliation act of 1996 shall:

13 (a) Operate as an assignment by operation of law; and

14 (b) Constitute an authorization to the department to provide the
15 assistance recipient with support enforcement services.

16 (3) Payment for subsidized child care services or working
17 connections child care services shall constitute an authorization to
18 the department to provide the recipient of the subsidy with support
19 enforcement services. The department is authorized to collect, but not
20 retain, child support payments under this subsection.

21 (4) Effective October 1, 2008, whenever public assistance is paid
22 under a state program funded under Title IV-A of the federal social
23 security act as amended by the personal responsibility and work
24 opportunity reconciliation act of 1996, and the federal deficit
25 reduction act of 2005, a member of the family is deemed to have made an
26 assignment to the state any right the family member may have, or on
27 behalf of the family member receiving such assistance, to support from
28 any other person, not exceeding the total amount of assistance paid to
29 the family, which accrues during the period that the family receives
30 assistance under the program.

31 **Sec. 4.** RCW 43.215.135 and 2012 c 253 s 5 and 2012 c 251 s 1 are
32 each reenacted and amended to read as follows:

33 (1) The department shall establish and implement policies in the
34 working connections child care program to promote stability and quality
35 of care for children from low-income households. Policies for the
36 expenditure of funds constituting the working connections child care

1 program must be consistent with the outcome measures defined in RCW
2 74.08A.410 and the standards established in this section intended to
3 promote continuity of care for children.

4 (2) As a condition of receiving a child care subsidy or a working
5 connections child care subsidy, the applicant or recipient must seek
6 child support enforcement services from the department of social and
7 health services, division of child support, unless the department finds
8 that the applicant or recipient has good cause not to cooperate.

9 (3) Beginning in fiscal year 2013, authorizations for the working
10 connections child care subsidy shall be effective for twelve months
11 unless a change in circumstances necessitates reauthorization sooner
12 than twelve months. The twelve-month certification applies only if the
13 enrollments in the child care subsidy or working connections child care
14 program are capped.

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