

HOUSE BILL REPORT

SHB 1171

As Passed House:
February 3, 2021

Title: An act relating to amending child support income withholding provisions to comply with federal child support program requirements.

Brief Description: Amending child support income withholding provisions to comply with federal child support program requirements.

Sponsors: House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Walen, Springer, Dolan and Lovick; by request of Department of Social and Health Services).

Brief History:

Committee Activity:

Civil Rights & Judiciary: 1/19/21, 1/22/21 [DPS].

Floor Activity:

Passed House: 2/3/21, 95-0.

Brief Summary of Substitute Bill

- Requires that enforcement of a child support obligation through income withholding must be through use of an income withholding order and form that complies with the requirements of federal law.
- Provides that child support may not be enforced through a garnishment against wages or other earnings under the garnishment laws, but must instead be enforced under child support enforcement laws.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Hansen, Chair; Simmons, Vice Chair; Walsh,

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Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno, Davis, Entenman, Goodman, Kirby, Klippert, Orwall, Peterson, Thai, Valdez, Walen and Ybarra.

Staff: Edie Adams (786-7180).

Background:

Child support obligations are established in the context of dissolution of marriage or parentage proceedings through the court or an administrative process with the Department of Social and Health Services (DSHS). The DSHS Division of Child Support (DCS) is responsible for administering the state's child support enforcement program and provides support enforcement services to parents receiving public assistance and to nonassistance parents who request support enforcement services.

The DCS may enforce child support obligations by taking withholding actions against a responsible parent's wages, earnings, assets, or benefits. Income withholding actions include wage assignment orders, notices of payroll deduction, and orders to withhold and deliver. A parent who has not requested enforcement services from the DCS also may take withholding actions to enforce the obligation, including wage assignment if the obligor is subject to an order allowing immediate income withholding or is past due in support. The garnishment laws include provisions addressing enforcement of child support obligations through a garnishment of wages or other earnings of an obligor. Under the garnishment process, a writ for continuing lien on earnings may be issued to require an obligor's employer to garnish a portion of the obligor's paycheck. A writ of garnishment may also be used to reach other assets of the obligor, such as funds in a bank account.

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 Assistance for Needy Families (TANF) programs. Under the Personal Responsibility and Work Opportunity Reconciliation Act, states are required to have and use a standard process for withholding of income for child support obligations. States must require that the income of a noncustodial parent must be subject to withholding, regardless of whether support payments are in arrears, unless the parent demonstrates that there is good cause not to require immediate withholding, or if the parties enter into a written agreement approved by the court for an alternative arrangement.

Federal regulations governing income withholding were revised and became effective in 2017. These revisions include a requirement that a federally approved income withholding form must be used when sending notice to employers to initiate income withholding for all child support obligations.

Summary of Substitute Bill:

Enforcement of a child support obligation through income withholding must be through use of an income withholding order that complies with the requirements of federal law and an income withholding form adopted and required by United State Department of Health and Human Services for income withholding and assignment of earnings actions.

Provisions allowing enforcement of child support obligations through a garnishment against wages or other earnings under garnishment laws are eliminated. A judgment creditor may seek to withhold from earnings based on a judgment or order for child support under child support enforcement laws.

Provisions addressing enforcement of a notice of payroll deduction or wage assignment with respect to child support are replaced with income withholding orders. The statutory wage assignment order form is repealed.

Appropriation: None.

Fiscal Note: Available.

Effective Date: This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 14, relating to required provisions in child support orders, which takes effect February 1, 2021.

Staff Summary of Public Testimony:

(In support) This is a technical bill that brings the child support enforcement laws into line with federal requirements. The standard federal form for income withholding has been in use for many years, but the state still has statutes that do not reflect that. This was pointed out in a recent federal review of our state plan. If the state plan is not in compliance with federal law, funding for Temporary Assistance for Needy Families and other programs is put in jeopardy.

(Opposed) None.

Persons Testifying: Representative Walen, prime sponsor; and Sharon Redmond, Division of Child Support.

Persons Signed In To Testify But Not Testifying: None.