

# SENATE BILL REPORT

## SHB 1171

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As of February 15, 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:** Passed House: 2/3/21, 95-0.

**Committee Activity:** Law & Justice: 2/15/21.

### Brief Summary of Bill

- Requires enforcement of a child support obligation through income withholding 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.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Shani Bauer (786-7468)

**Background:** The Division of Child Support (DCS) provides assistance in establishing, modifying, and collecting child support. DCS must provide services if a family is receiving assistance—Temporary Assistance to Needy Families (TANF)—or if a party who is not receiving assistance applies for services.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

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. Under federal law, states must use a standard process for withholding income for child support obligations. States must require that the income of a noncustodial parent be subject to withholding, regardless of whether support payments are in arrears, unless the parent demonstrates 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.

A parent who has not requested enforcement services from 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 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.

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 TANF programs.

**Summary of 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 the United States 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:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This is a technical bill with a series of statutory changes to ensure compliance with federal requirements. The standardized income withholding form has been in place for several years. A number of statutes use terminology other than income withholding order. Those statutes are amended here. Failure to comply with federal law can put child support funding and TANF funding at risk.

**Persons Testifying:** PRO: Sharon Redmond, Division of Child Support.

**Persons Signed In To Testify But Not Testifying:** No one.