
SUBSTITUTE SENATE BILL 5535

State of Washington

67th Legislature

2022 Regular Session

By Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators C. Wilson, Das, Dhingra, Hasegawa, Lovelett, Nguyen, Nobles, Robinson, and Saldaña; by request of Department of Children, Youth, and Families)

READ FIRST TIME 01/21/22.

1 AN ACT Relating to repealing requirements for parent payment of
2 the cost of their child's support, treatment, and confinement;
3 amending RCW 43.20B.095; creating new sections; and repealing RCW
4 13.16.085 and 13.40.220.

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

6 NEW SECTION. **Sec. 1.** (1) The purpose of this act is to repeal
7 RCW 13.16.085 and 13.40.220, also known as the "parent pay" statutes,
8 which requires parents to pay a percentage of their gross income for
9 the cost of their child's support, treatment, and confinement.

10 (2) The parent pay statutes essentially operate as a legal
11 financial obligation assessed on parents for their child's
12 incarceration. These laws disproportionately impact poorer parents and
13 represent a dated policy and philosophy that is not aligned with
14 current racial equity and social justice reforms. Pursuing these
15 parents is unfair and takes advantage of people at their most
16 vulnerable, undermining government credibility and the integrity of
17 the legal process. Placing these parents in debt may also result in
18 unstable home environments, deterring successful youth reentry back
19 into the community.

20 (3) The legislature finds that eliminating parents' financial
21 obligation to pay for their child's incarceration will advance racial

1 equity and help to support a successful transition to adulthood for
2 young people in juvenile detention and in the department's care.

3 NEW SECTION. **Sec. 2.** The following acts or parts of acts are
4 each repealed:

5 (1) RCW 13.16.085 (Financial responsibility for cost of
6 detention) and 1955 c 369 s 1; and

7 (2) RCW 13.40.220 (Costs of support, treatment, and confinement—
8 Order—Contempt of court) and 2021 c 206 s 6, 2017 3rd sp.s. c 6 s
9 610, 1995 c 300 s 1, 1994 sp.s. c 7 s 529, 1993 c 466 s 1, & 1977
10 ex.s. c 291 s 76.

11 **Sec. 3.** RCW 43.20B.095 and 2019 c 470 s 10 are each amended to
12 read as follows:

13 The department is authorized to establish and to recover debts
14 for the department of children, youth, and families under this
15 chapter ((and under ~~RCW 13.40.220~~)) pursuant to a contract between
16 the department of children, youth, and families and the department
17 that is entered into in compliance with the interlocal cooperation
18 act, chapter 39.34 RCW.

19 NEW SECTION. **Sec. 4.** (1) This act does not affect any moneys
20 paid to the department of children, youth, and families or the courts
21 before the effective date of this section. Any moneys already
22 collected from a parent or other person legally obligated to care for
23 and support a child under RCW 13.16.085 or 13.40.220 before the
24 effective date of this section will not be refunded to that person.

25 (2) On the effective date of this section:

26 (a) All pending actions or proceedings to recover debt owed by a
27 parent or other person legally obligated to care for and support a
28 child under RCW 13.16.085 or 13.40.220 shall be terminated with
29 prejudice including, but not limited to, tax refund intercepts,
30 federal and state benefit intercepts, wage garnishments, payment
31 plans, and automatic bank account deductions;

32 (b) All outstanding debts or other obligations including, but not
33 limited to, interest charges owed by a parent or other person legally
34 obligated to care for and support a child under RCW 13.16.085 or
35 13.40.220 shall be canceled with prejudice, rendered null and void,
36 and considered paid in full; and

1 (c) Any assignment of collection authority for debt owed under
2 RCW 13.16.085 or 13.40.220 that was reported to a collection agency
3 or out-of-state collection agency as defined in RCW 19.16.100 shall
4 be recalled and terminated, and any outstanding debt shall be
5 rendered null and void and considered paid in full.

6 (3) This act does not create a cause of action against the state
7 of Washington.

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