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**SECOND SUBSTITUTE SENATE BILL 5535**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senate Ways & Means (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 02/07/22.

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4 each repealed: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) This act does not create a cause of action against the state  
26 of Washington.

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