
SENATE BILL 5535

State of Washington

67th Legislature

2022 Regular Session

By Senators C. Wilson, Das, Dhingra, Hasegawa, Lovelett, Nguyen, Nobles, Robinson, and Saldaña; by request of Department of Children, Youth, and Families

Prefiled 12/13/21. Read first time 01/10/22. Referred to Committee on Human Services, Reentry & Rehabilitation.

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

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

6 NEW SECTION. **Sec. 1.** The purpose of this act is to repeal RCW
7 13.40.220, also known as the "parent pay" statute, which requires
8 parents to pay a percentage of their gross income to the department
9 of children, youth, and families for the cost of their child's
10 support, treatment, and confinement in the department's juvenile
11 rehabilitation residential facilities.

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

1 The legislature finds that eliminating parents' financial
2 obligation to pay for their child's incarceration will advance racial
3 equity and help to support a successful transition to adulthood for
4 young people in the department's care.

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8 1993 c 466 s 1, & 1977 ex.s. c 291 s 76 are each repealed.

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

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

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

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

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

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

35 (c) Any assignment of collection authority for debt owed under
36 RCW 13.40.220 that was reported to a collection agency or out-of-
37 state collection agency as defined in RCW 19.16.100 shall be recalled

1 and terminated, and any outstanding debt shall be rendered null and
2 void and considered paid in full.

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

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