

ESHB 1652 - S COMM AMD

By Committee on Law & Justice

ADOPTED 02/29/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 26.23.035 and 2020 c 349 s 1 are each amended to
4 read as follows:

5 (1) The department of social and health services shall adopt
6 rules for the distribution of support money collected by the division
7 of child support. These rules shall:

8 (a) Comply with Title IV-D of the federal social security act as
9 amended by the personal responsibility and work opportunity
10 reconciliation act of 1996 and the federal deficit reduction act of
11 2005;

12 (b) Direct the division of child support to distribute support
13 money within eight days of receipt, unless one of the following
14 circumstances, or similar circumstances specified in the rules,
15 prevents prompt distribution:

16 (i) The location of the custodial parent is unknown;

17 (ii) The support debt is in litigation;

18 (iii) The division of child support cannot identify the
19 responsible parent or the custodian;

20 (c) Provide for proportionate distribution of support payments if
21 the responsible parent owes a support obligation or a support debt
22 for two or more Title IV-D cases; and

23 (d) Authorize the distribution of support money, except money
24 collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to
25 the IV-D custodian before the debt owed to the state when the
26 custodian stops receiving a public assistance grant.

27 (2) The division of child support may distribute support payments
28 to the payee under the support order or to another person who has
29 lawful physical custody of the child or custody with the payee's
30 consent. The payee may file an application for an adjudicative
31 proceeding to challenge distribution to such other person. Prior to
32 distributing support payments to any person other than the payee, the
33 registry shall:

1 (a) Obtain a written statement from the child's physical
2 custodian, under penalty of perjury, that the custodian has lawful
3 custody of the child or custody with the payee's consent;

4 (b) Mail to the responsible parent and to the payee at the
5 payee's last known address a copy of the physical custodian's
6 statement and a notice which states that support payments will be
7 sent to the physical custodian; and

8 (c) File a copy of the notice with the clerk of the court that
9 entered the original support order.

10 (3) If the Washington state support registry distributes a
11 support payment to a person in error, the registry may obtain
12 restitution by means of a set-off against future payments received on
13 behalf of the person receiving the erroneous payment, or may act
14 according to RCW 74.20A.270 as deemed appropriate. Any set-off
15 against future support payments shall be limited to amounts collected
16 on the support debt and (~~ten~~) 10 percent of amounts collected as
17 current support.

18 (4) (~~(Effective February 1, 2021, consistent)~~) Consistent with 42
19 U.S.C. Sec. 657(a) as amended by section 7301(b)(7)(B) of the federal
20 deficit reduction act of 2005, the department shall pass through
21 (~~(child support that does not exceed fifty dollars per month~~
22 ~~collected on behalf of a family, or in the case of a family that~~
23 ~~includes two or more children an amount that is not more than one~~
24 ~~hundred dollars per month)) to a family all amounts collected as
25 current child support each month on behalf of the family. The
26 department has rule-making authority to implement this subsection.~~

27 NEW SECTION. Sec. 2. A new section is added to chapter 74.08A
28 RCW to read as follows:

29 The department shall disregard and not count as income any amount
30 of current child support passed through to applicants or recipients
31 pursuant to RCW 26.23.035 in determining eligibility for and the
32 amount of temporary assistance for needy families or WorkFirst.

33 NEW SECTION. Sec. 3. If specific funding for the purposes of
34 this act, referencing this act by bill or chapter number, is not
35 provided by June 30, 2024, in the omnibus appropriations act, this
36 act is null and void.

37 NEW SECTION. Sec. 4. This act takes effect January 1, 2026."

ADOPTED 02/29/2024

1 On page 1, line 1 of the title, after "through;" strike the
2 remainder of the title and insert "amending RCW 26.23.035; adding a
3 new section to chapter 74.08A RCW; creating a new section; and
4 providing an effective date."

EFFECT: Changes the effective date from July 1, 2024, to January 1, 2026.

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