

WAC 388-14A-6205 What happens at a hearing on an objection to seizure of a bank account?

(1) If either the noncustodial parent (NCP) or the joint owner of record objects to a division of child support (DCS) collection action against a bank account, DCS schedules a hearing solely for the purpose of determining whether or not one of the following exemptions applies to the funds in the bank account, or to the other property attached by the order to withhold and deliver:

(a) Pursuant to RCW 26.16.200 and 74.20A.120, the property or funds in the community bank account, joint bank account, or safe deposit box, or a portion of the property or funds which can be identified as the earnings of the NCP's spouse who does not owe a support obligation to the NCP's child or children, are exempt from satisfaction of the child support obligation of the NCP.

(b) The funds in the bank account, or a portion of those funds can be identified as TANF, GA-U, GA-X, SSI benefits, or other kinds of funds which are legally exempt from collection action; or

(c) The funds or property attached by the order to withhold and deliver can be identified as being solely owned by the joint owner of record of the bank account or safe deposit box who does not owe a child support obligation to the child or children of the NCP and are exempt from satisfaction of the NCP's child support obligation.

(2) The person challenging the collection action has the burden of tracing the funds and proving the property or funds in the bank account, or property in a safe deposit box, are exempt from satisfaction of the NCP's child support obligation.

(3) The administrative law judge (ALJ) is limited to the determination of whether the funds in the bank account, or the other property attached by the order to withhold and deliver is exempt from satisfaction of the NCP's child support obligation.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310, 45 C.F.R. 303.106. WSR 01-24-079, § 388-14A-6205, filed 12/3/01, effective 1/3/02.]