

WSR 21-06-093  
EXPEDITED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Economic Services Administration)  
[Filed March 2, 2021, 10:49 a.m.]

Title of Rule and Other Identifying Information: WAC 388-14A-5015 What is a pass-through payment?, and 388-14A-5100 How does the division of child support notify the custodial parent about support collections?

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: **Background:** Between October 1, 2008, and April 30, 2011, state law directed the division of child support (DCS) to pass through a portion of child support collections to a family receiving temporary assistance for needy families (TANF). A pass-through payment is the portion of a support collection applied to assigned support that the state elects to pay a family receiving TANF at the time the collection was received. Due to budget constraints during the great recession, the legislature repealed the statutory authority to issue these pass-through payments. At that time, DCS amended its pass-through payment rules to sunset the policy (see WAC 388-14A-5015).

During the 2020 session, the legislature reenacted pass-through payments in 2SSB 5144 (chapter 349, Laws of 2020). DCS is now directed to issue pass-through payments under RCW 26.23.035 effective February 1, 2021.

**Issue:** The language in WAC 388-14A-5015 and 388-14A-5100 must be updated to align with current state law in RCW 26.23.035.

**Proposed solution:** DCS proposes to amend WAC 388-14A-5015 and 388-14A-5100 to clarify that pass-through payments are authorized again beginning February 1, 2021. These changes relate to internal governmental operations, are noncontroversial, and align with statutory provisions in RCW 26.23.035. If objections are made during the expedited rule-making process, DCS will withdraw the CR-105 and start the permanent rule-making process under chapter 34.05 RCW.

Reasons Supporting Proposal: DCS has a strong interest in ensuring that its rules align with relevant statutory provisions. Pass-through payments provide significant relief and assistance to families and DCS rules should reflect the existing policy found in RCW 26.23.035.

Statutory Authority for Adoption: RCW 26.09.105(20), 26.18.170(21), 26.23.050, 26.23.110(14), 43.20A.550, 74.04.055, 74.04.057, 74.08.090, 74.20A.310.

Statute Being Implemented: RCW 26.23.035.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of social and health services (DSHS), governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Brady Horenstein, P.O. Box 9162, Olympia, WA 98507-9162, 360-664-5291.

This notice meets the following criteria to use the expedited adoption process for these rules:

Relates only to internal governmental operations that are not subject to violation by a person.

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The proposed amendments relate only to DCS operations and are authorized by statute (RCW 26.23.035).

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO DSHS, Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, phone 360-664-6097, fax 360-664-6185, email DSHSRPAURulesCoordinator@dshs.wa.gov, AND RECEIVED BY 5:00 p.m., May 4, 2021.

February 25, 2021  
Katherine I. Vasquez  
Rules Coordinator

**SHS-4853.1**

AMENDATORY SECTION (Amending WSR 11-14-063, filed 6/30/11, effective 7/31/11)

**WAC 388-14A-5015 What is a pass-through payment?** (1) Between October 1, 2008 and April 30, 2011 and beginning again on February 1, 2021, the division of child support (DCS) (~~((passed))~~) passes through a portion of child support collections to a family receiving TANF.

(2) A pass-through payment (~~((was))~~) is the portion of a support collection applied to assigned support that the state (~~((elected))~~) elects to pay to a family receiving TANF at the time the collection (~~((was))~~) is received.

(3) Between October 1, 2008 and April 30, 2011, the pass-through payment was paid in the following amounts:

(a) Up to one hundred dollars per month to a family with one child in the assistance unit.

(b) Up to two hundred dollars per month to a family with two or more children in the assistance unit.

~~((3))~~ (4) Beginning February 1, 2021, the pass-through payment is paid in the following amounts:

(a) Up to fifty dollars per month to a family with one child in the assistance unit.

(b) Up to one hundred dollars per month to a family with two or more children in the assistance unit.

(5) The pass-through (~~was~~) is paid from collections distributed to either current support or assigned arrears.

(~~(4)~~) (6) The pass-through amount for any month (~~could not~~) cannot exceed the amount collected in that month.

[Statutory Authority: RCW 26.23.035 and 74.08.090. WSR 11-14-063, § 388-14A-5015, filed 6/30/11, effective 7/31/11. Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.050, [26.23.]110, 74.20.040, 74.20A.030, [74.20A.]055, [74.20A.]056, and 74.20A.310. WSR 09-02-059, § 388-14A-5015, filed 1/5/09, effective 1/27/09.]

AMENDATORY SECTION (Amending WSR 11-14-063, filed 6/30/11, effective 7/31/11)

**WAC 388-14A-5100 How does the division of child support notify the custodial parent about support collections?** (1) The division of child support (DCS) mails a distribution and disbursement statement once each month to the last known address of a person for whom it received a support collection during the month, except as provided under subsection (6) of this section.

(2) DCS includes the following information in the distribution and disbursement statement:

(a) The amount of support collections DCS received and the date of collection;

(b) A description of how DCS distributed each support collection between current support and the support debt and any fees required by state or federal law;

(c) The amount DCS claims as reimbursement for public assistance paid, if applicable;

(d) The amount kept by the state to repay public assistance paid to the family;

(e) The amount disbursed to the family as a pass-through payment under WAC 388-14A-5015 (~~(for collections received between October 1, 2008 and April 30, 2011)~~);

(f) The amount disbursed to the family as a payment on support owed to the family;

(g) The amount kept by the state to pay the twenty-five dollar annual fee, if applicable; and

(h) The amount kept by the state to repay child support paid to the family in error.

(3) The person to whom a distribution and disbursement statement is sent may file a request for a hearing under subsection (4) of this section within ninety days of the date of the statement to contest how DCS distributed the support collections, and must make specific objections to the statement. The effective date of a hearing request is the date DCS receives the request.

(4) A hearing under this section is for the limited purpose of determining if DCS correctly distributed the support money described in the contested statement.

(a) There is no hearing right regarding fees that have been charged on a case.

(b) If a custodial parent (CP) wants to request a hardship waiver of the fee, the CP may request a conference board under WAC 388-14A-6400.

(5) A person who requests a late hearing must show good cause for being late.

(6) This section does not require DCS to send a distribution and disbursement statement to a recipient of payment services only.

[Statutory Authority: RCW 26.23.035 and 74.08.090. WSR 11-14-063, § 388-14A-5100, filed 6/30/11, effective 7/31/11. Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.050, [26.23.]110, 74.20.040, 74.20A.030, [74.20A.]055, [74.20A.]056, and 74.20A.310. WSR 09-02-059, § 388-14A-5100, filed 1/5/09, effective 1/27/09. Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. WSR 08-12-029, § 388-14A-5100, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310. WSR 01-03-089, § 388-14A-5100, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270 and 388-14-274.]