

WSR 24-12-035

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

(Division of Child Support)

[Filed May 30, 2024, 7:43 a.m., effective June 30, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this proposal is to make nonsubstantive technical changes to WAC 388-14A-5001 in light of the enactment of the Revised Uniform Unclaimed Property Act, chapter 63.30 RCW, effective January 1, 2023.

The Washington state legislature enacted the Revised Uniform Unclaimed Property Act during the 2022 legislative session (chapter 225, Laws of 2022). The proposed amended rule replaces a citation to the Uniform Unclaimed Property Act, chapter 63.29 RCW, with a citation to the Revised Uniform Unclaimed Property Act, chapter 63.30 RCW. The proposal also makes other minor edits for grammatical purposes.

The division of child support has a strong interest in ensuring that its rules align with relevant statutes. Our proposal will ensure members of the public reading the rule are properly referred to relevant up-to-date statutory provisions.

Citation of Rules Affected by this Order: Amending WAC 388-14A-5001.

Statutory Authority for Adoption: RCW 26.23.035 and 34.05.353

(1) (c).

Adopted under notice filed as WSR 24-07-027 on March 12, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: May 30, 2024.

Katherine I. Vasquez
Rules Coordinator

SHS-5025.2

AMENDATORY SECTION (Amending WSR 11-06-042, filed 2/28/11, effective 3/31/11)

WAC 388-14A-5001 What procedures does DCS follow to distribute support collections? (1) When distributing support collections, the

division of child support (DCS) records collections in exact amounts of dollars and cents.

(2) DCS distributes support collections within two days of the date DCS receives the collection, unless DCS is unable to distribute the collection for one or more of the following reasons:

(a) DCS is unable to locate the payee and the payee has not signed up for electronic funds transfer (EFT) of disbursements;

(b) DCS does not have sufficient information to identify the accounts against which or to which it should distribute the money;

(c) An action is pending before a court or agency which has jurisdiction over the issue to determine whether child support is owed or how DCS should distribute the collection ~~((-))~~;

(d) DCS receives prepaid child support and is holding it for distribution in future months under WAC 388-14A-5008;

(e) DCS mails a notice of intent to distribute support money under WAC 388-14A-5050;

(f) DCS receives federal tax refund offset collections, which are distributed according to WAC 388-14A-5005 and 388-14A-5010 ~~((-))~~;

(g) DCS may hold funds and not issue a check to the family for amounts under one dollar. DCS must give credit for the collection, but may delay disbursement of that amount until a future collection is received which increases the amount of the disbursement to the family to at least one dollar. If no future collections are received which increase the disbursement to the family to at least one dollar, DCS transfers the amount to the department of revenue under RCW ~~((63.29.130))~~ 63.30.040. This subsection does not apply to disbursements which can be made by EFT; or

(h) Other circumstances exist which make a proper and timely distribution of the collection impossible through no fault or lack of diligence of DCS.

(3) DCS distributes support collections based on the date DCS receives the collection, except as provided under WAC 388-14A-5005. DCS distributes support collections based on the date of collection. DCS considers the date of collection to be the date that DCS receives the support collection, no matter when the money was withheld from the noncustodial parent (NCP).

(4) Under state and federal law, the division of child support (DCS) disburses support collections to the:

(a) Department when the department provides or has provided public assistance payments for the support of the family;

(b) Payee under the order, or to the custodial parent (CP) of the child according to WAC 388-14A-5050;

(c) Child support enforcement agency in another state or foreign country which submitted a request for support enforcement services;

(d) Indian tribe which has a TANF program, child support program, ~~((and/))~~ or a cooperative agreement regarding the delivery of child support services;

(e) Persons or entity making the payment when DCS is unable to identify the person to whom the support is payable after making reasonable efforts to obtain identification information.

(5) If DCS is unable to disburse a support collection because the location of the family or person is unknown, it must exercise reasonable efforts to locate the family or person. When the family or person cannot be located, DCS handles the collection in accordance with chapter ~~((63.29))~~ 63.30 RCW, the Revised Uniform Unclaimed Property Act.

(6) WAC 388-14A-5000 through 388-14A-5015 contain the rules for the distribution of support collections by DCS.

(7) DCS changes the distribution rules based on changes in federal statutes and regulations. DCS may also change the distribution rules based on the state budget, but only to the extent allowed by federal law.