

SENATE BILL REPORT

HB 1227

As of April 1, 2013

Title: An act relating to cost savings and efficiencies in mailing notices of possible license suspension for noncompliance with child support orders.

Brief Description: Regarding cost savings and efficiencies in mailing notices of possible license suspension for noncompliance with child support orders.

Sponsors: Representatives Hunt and Reykdal.

Brief History: Passed House: 3/06/13, 97-0.

Committee Activity: Law & Justice: 4/01/13.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Aldo Melchiori (786-7439)

Background: Federal law requires states to have procedures for the suspension or restriction of a person's driver's license, professional and occupational license, and recreational and sporting license if the person owes past child support. If the state fails to have such procedures, it may result in the loss of federal funds to the state's Temporary Assistance to Needy Families block grant. Since 1997, all court and administrative orders that establish or modify support obligations must include a statement notifying the responsible parent that the privilege to obtain and maintain a license may not be renewed, or may be suspended, if the parent is not in compliance with a support order.

Under Washington's license suspension program, the Department of Social and Health Services (DSHS) may serve an obligated parent with a notice of noncompliance if the parent fails to pay support when due. By rule, DSHS generally uses this enforcement tool when a parent is six months or more behind in child support.

DSHS serves the parent with a notice informing the parent of DSHS's intent to submit the parent's name to the Department of Licensing (DOL) and other licensing entities for license suspension. This notice of noncompliance must be served by certified mail, with return receipt requested. Personal service is required if the attempted service by certified mail is not successful. A copy of the responsible parent's child support order is served along with the notice.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In order to avoid license suspension, the parent has 20 days from the date of receipt of the notice to contact DSHS to pay overdue amounts, enter into a payment agreement, request an adjudicative hearing, or move to modify the child support obligation. If a noncomplying parent subsequently comes into compliance with the child support order, DSHS must promptly provide the parent and the appropriate licensing entity with a release stating that the parent is in compliance with the order.

Summary of Bill: DSHS may use first-class mail, rather than certified mail, to send the notice of intent to certify the responsible parent as a licensee who is not in compliance with a child support order, if the order establishing the support obligation includes the required statement that the responsible parent's licensing privileges may be suspended for noncompliance with the support order.

The notice must be sent to the responsible parent's last known mailing address on file with DSHS. The notice is deemed served three days from the date it is deposited in the mail.

DSHS is not required to include a copy of the child support order with the notice, but must provide a copy of the order to the responsible parent upon request.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is a simple cost-saving measure. Certified mail is very expensive, especially in cases requiring multiple mailings. The due process rights of responsible parents are still protected because they get notice about the consequences of noncompliance at the time the order is entered.

Persons Testifying: PRO: Representative Hunt, prime sponsor; Katie Nelson, WA Federation of State Employees.