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**SECOND SUBSTITUTE SENATE BILL 5144**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Dhingra, O'Ban, Wilson, C., Keiser, Darneille, and Frockt)

READ FIRST TIME 01/23/20.

1 AN ACT Relating to implementing child support pass-through  
2 payments; and amending RCW 26.23.035.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 26.23.035 and 2010 2nd sp.s. c 3 s 1 are each  
5 amended to read as follows:

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

9 (a) Comply with Title IV-D of the federal social security act as  
10 amended by the personal responsibility and work opportunity  
11 reconciliation act of 1996 and the federal deficit reduction act of  
12 2005;

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

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

18 (ii) The support debt is in litigation;

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

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

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

8 (2) The division of child support may distribute support payments  
9 to the payee under the support order or to another person who has  
10 lawful physical custody of the child or custody with the payee's  
11 consent. The payee may file an application for an adjudicative  
12 proceeding to challenge distribution to such other person. Prior to  
13 distributing support payments to any person other than the payee, the  
14 registry shall:

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

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

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

24 (3) If the Washington state support registry distributes a  
25 support payment to a person in error, the registry may obtain  
26 restitution by means of a set-off against future payments received on  
27 behalf of the person receiving the erroneous payment, or may act  
28 according to RCW 74.20A.270 as deemed appropriate. Any set-off  
29 against future support payments shall be limited to amounts collected  
30 on the support debt and ten percent of amounts collected as current  
31 support.

32 ~~(4) ((The division of child support shall ensure that the fifty~~  
33 ~~dollar pass-through payment, as required by 42 U.S.C. Sec. 657 before~~  
34 ~~the adoption of P.L. 104-193, is terminated immediately upon July 27,~~  
35 ~~1997, and all rules to the contrary adopted before July 27, 1997, are~~  
36 ~~without force and effect.~~

37 ~~(5) The division of child support shall ensure that the child~~  
38 ~~support pass-through payment adopted under section 2, chapter 143,~~  
39 ~~Laws of 2007 pursuant to)) Effective February 1, 2021, consistent~~  
40 ~~with 42 U.S.C. Sec. 657(a) as amended by section 7301(b) (7) (B) of the~~

1 federal deficit reduction act of 2005, (~~is suspended as of May 1,~~  
2 ~~2011, and all rules to the contrary adopted before May 1, 2011, are~~  
3 ~~without force and effect~~) the department shall pass through child  
4 support that does not exceed fifty dollars per month collected on  
5 behalf of a family, or in the case of a family that includes two or  
6 more children an amount that is not more than one hundred dollars per  
7 month. The department has rule-making authority to implement this  
8 subsection.

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