WAC 388-14A-5005 How does DCS distribute federal tax refund offset collections? The division of child support (DCS) distributes federal tax refund offset collections in accordance with 42 U.S.C. Sec. 657 and 42 U.S.C. Sec. 654(34), as follows:

(1) DCS distributes federal tax refund offset collections to arrears only, and not to current support.

(2) DCS distributes federal tax refund offset collections within an individual case depending on the type of case to which the collection is distributed:

(a) In a never assistance case, all amounts are distributed to family arrears, meaning those arrears that have never been assigned.

(b) In a former assistance case, all amounts are distributed first to permanently assigned arrears, then to conditionally assigned arrears, then to family arrears.

(c) In a current assistance case, all amounts are distributed first to permanently assigned arrears, then to temporarily assigned arrears, then to conditionally assigned arrears, and then to family arrears.

(3) Federal tax refund offset collections distributed to assigned support are retained by the state to reimburse the cumulative amount of assistance that has been paid to the family.

(4) DCS may distribute federal tax refund offset collections only to certified support debts. DCS must refund any excess to the noncustodial parent (NCP).

(5) DCS may retain the $35 annual fee required under RCW 74.20.040 from federal tax refund offset collections distributed to nonassistance cases.

(6) When the Secretary of the Treasury, through the federal Office of Child Support Enforcement (OCSE), notifies DCS that a collection from a federal tax refund offset is from a tax refund based on a joint return, DCS follows the procedures set forth in WAC 388-14A-5010.

[Statutory Authority: RCW 26.18.170, 26.23.035, 26.23.110, 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310, and 74.20A.328. WSR 26-14-086, s 388-14A-5005, filed 6/29/26, effective 7/30/26. Statutory Authority: RCW 26.23.035 and 34.05.350 (1)(c). WSR 11-06-042, § 388-14A-5005, filed 2/28/11, effective 3/31/11. 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-5005, 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-5005, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 26.23.035, 74.08.090, 74.20A.310, and 45 C.F.R. 303.72 (h)(5). WSR 05-06-014, § 388-14A-5005, filed 2/22/05, effective 3/25/05. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310. WSR 01-03-089, § 388-14A-5005, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270.]