

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1171

67th Legislature
2021 Regular Session

Passed by the House February 3, 2021
Yeas 95 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate April 3, 2021
Yeas 46 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1171** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1171

Passed Legislature - 2021 Regular Session

State of Washington 67th Legislature 2021 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Walen, Springer, Dolan, and Lovick; by request of Department of Social and Health Services)

READ FIRST TIME 01/26/21.

1 AN ACT Relating to amending child support income withholding
2 provisions to comply with federal child support program requirements;
3 amending RCW 6.27.105, 6.27.140, 6.27.150, 6.27.330, 26.18.020,
4 26.18.080, 26.18.090, 26.18.110, 26.18.130, 26.18.140, 26.23.010,
5 26.23.050, 26.23.050, 26.23.060, 74.20A.080, 74.20A.240, and
6 74.20A.350; reenacting and amending RCW 26.23.090; repealing RCW
7 26.18.100; providing an effective date; and providing an expiration
8 date.

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

10 **Sec. 1.** RCW 6.27.105 and 2019 c 371 s 5 are each amended to read
11 as follows:

12 (1) A writ that is issued for a continuing lien on earnings shall
13 be substantially in the following form, but:

14 (a) ~~((If the writ is issued under an order or judgment for child
15 support, the following statement shall appear conspicuously in the
16 caption: "This garnishment is based on a judgment or order for child
17 support";~~

18 ~~(b))~~) If the writ is issued under an order or judgment for
19 private student loan debt, the following statement shall appear
20 conspicuously in the caption: "This garnishment is based on a
21 judgment or order for private student loan debt";

1 (~~(e)~~) (b) If the writ is issued under an order or judgment for
2 consumer debt, the following statement shall appear conspicuously in
3 the caption: "This garnishment is based on a judgment or order for
4 consumer debt"; and

5 (~~(d)~~) (c) If the writ is issued by an attorney, the writ shall
6 be revised as indicated in subsection (2) of this section:

7 "IN THE COURT
8 OF THE STATE OF WASHINGTON IN AND FOR
9 THE COUNTY OF

10 ,
11 Plaintiff, No.
12 vs.
13 , WRIT OF
14 Defendant GARNISHMENT FOR
15 CONTINUING LIEN ON
16 , EARNINGS
17 Garnishee
18 THE STATE OF WASHINGTON TO:.....
19 Garnishee
20 AND TO:.....
21 Defendant

22 The above-named plaintiff has applied for a writ of
23 garnishment against you, claiming that the above-named
24 defendant is indebted to plaintiff and that the amount to
25 be held to satisfy that indebtedness is \$,
26 consisting of:

Balance on Judgment or Amount of Claim	\$
Interest under Judgment from to	\$
Per Day Rate of Estimated Interest	\$
	per day
Taxable Costs and Attorneys' Fees	\$
Estimated Garnishment Costs:	
Filing and Ex Parte Fees	\$
Service and Affidavit Fees	\$
Postage and Costs of Certified Mail	\$
Answer Fee or Fees	\$

1	Garnishment Attorney Fee	\$....
2	Other	\$....

3 THIS IS A WRIT FOR A CONTINUING LIEN. THE GARNISHEE SHALL HOLD
4 the nonexempt portion of the defendant's earnings due at the time of
5 service of this writ and shall also hold the defendant's nonexempt
6 earnings that accrue through the last payroll period ending on or
7 before SIXTY days after the date of service of this writ. HOWEVER, IF
8 THE GARNISHEE IS PRESENTLY HOLDING THE NONEXEMPT PORTION OF THE
9 DEFENDANT'S EARNINGS UNDER A PREVIOUSLY SERVED WRIT FOR A CONTINUING
10 LIEN, THE GARNISHEE SHALL HOLD UNDER THIS WRIT only the defendant's
11 nonexempt earnings that accrue from the date the previously served
12 writ or writs terminate and through the last payroll period ending on
13 or before sixty days after the date of termination of the previous
14 writ or writs. IN EITHER CASE, THE GARNISHEE SHALL STOP WITHHOLDING
15 WHEN THE SUM WITHHELD EQUALS THE AMOUNT STATED IN THIS WRIT OF
16 GARNISHMENT.

17 YOU ARE HEREBY COMMANDED, unless otherwise directed by the court,
18 by the attorney of record for the plaintiff, or by this writ, not to
19 pay any debt, whether earnings subject to this garnishment or any
20 other debt, owed to the defendant at the time this writ was served
21 and not to deliver, sell, or transfer, or recognize any sale or
22 transfer of, any personal property or effects of the defendant in
23 your possession or control at the time when this writ was served. Any
24 such payment, delivery, sale, or transfer is void to the extent
25 necessary to satisfy the plaintiff's claim and costs for this writ
26 with interest.

27 YOU ARE FURTHER COMMANDED to answer this writ according to the
28 instructions in this writ and in the answer forms and, within twenty
29 days after the service of the writ upon you, to mail or deliver the
30 original of such answer to the court, one copy to the plaintiff or
31 the plaintiff's attorney, and one copy to the defendant, at the
32 addresses listed at the bottom of this writ.

33 If, at the time this writ was served, you owed the defendant any
34 earnings (that is, wages, salary, commission, bonus, tips, or other
35 compensation for personal services or any periodic payments pursuant
36 to a nongovernmental pension or retirement program), the defendant is
37 entitled to receive amounts that are exempt from garnishment under
38 federal and state law. You must pay the exempt amounts to the
39 defendant on the day you would customarily pay the compensation or

1 other periodic payment. As more fully explained in the answer, the
2 basic exempt amount is the greater of seventy-five percent of
3 disposable earnings or a minimum amount determined by reference to
4 the employee's pay period, to be calculated as provided in the
5 answer. However, (~~if this writ carries a statement in the heading of~~
6 ~~"This garnishment is based on a judgment or order for child support,"~~
7 ~~the basic exempt amount is fifty percent of disposable earnings;~~
8 ~~and~~) if this writ carries a statement in the heading of "This
9 garnishment is based on a judgment or order for private student loan
10 debt," the basic exempt amount is the greater of eighty-five percent
11 of disposable earnings or fifty times the minimum hourly wage of the
12 highest minimum wage law in the state at the time the earnings are
13 payable; and if this writ carries a statement in the heading of "This
14 garnishment is based on a judgment or order for consumer debt," the
15 basic exempt amount is the greater of eighty percent of disposable
16 earnings or thirty-five times the state minimum hourly wage.

17 YOU MAY DEDUCT A PROCESSING FEE FROM THE REMAINDER OF THE
18 EMPLOYEE'S EARNINGS AFTER WITHHOLDING UNDER THIS WRIT. THE PROCESSING
19 FEE MAY NOT EXCEED TWENTY DOLLARS FOR THE FIRST ANSWER AND TEN
20 DOLLARS AT THE TIME YOU SUBMIT THE SECOND ANSWER.

21 If you owe the defendant a debt payable in money in excess of the
22 amount set forth in the first paragraph of this writ, hold only the
23 amount set forth in the first paragraph and any processing fee if one
24 is charged and release all additional funds or property to defendant.

25 IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE
26 ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM
27 AGAINST THE DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES, AND
28 COSTS WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU
29 PROPERLY ANSWER THIS WRIT, ANY JUDGMENT AGAINST YOU WILL NOT EXCEED
30 THE AMOUNT OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY NONEXEMPT
31 PROPERTY OR EFFECTS IN YOUR POSSESSION OR CONTROL.

32 JUDGMENT MAY ALSO BE ENTERED AGAINST THE DEFENDANT FOR COSTS AND
33 FEES INCURRED BY THE PLAINTIFF.

34 Witness, the Honorable, Judge of the above-
35 entitled Court, and the seal thereof, this day
36 of, (year)

37 [Seal]

38

1 Attorney for Clerk of
2 Plaintiff (or the Court
3 Plaintiff, if no
4 attorney)
5
6 Address By
7
8 Name of Defendant Address"
9
10 Address of Defendant

11 (2) If an attorney issues the writ of garnishment, the final
12 paragraph of the writ, containing the date, and the subscribed
13 attorney and clerk provisions, shall be replaced with text in
14 substantially the following form:

15 "This writ is issued by the undersigned attorney of record for
16 plaintiff under the authority of chapter 6.27 of the Revised Code of
17 Washington, and must be complied with in the same manner as a writ
18 issued by the clerk of the court.

19 Dated thisday of....., (year)
20
21 Attorney for Plaintiff
22
23 Address Address of the Clerk of the
24 Court"
25
26 Name of Defendant
27
28 Address of Defendant

29 **Sec. 2.** RCW 6.27.140 and 2019 c 371 s 6 are each amended to read
30 as follows:

31 (1) The notice required by RCW 6.27.130(1) to be mailed to or
32 served on an individual judgment debtor shall be in the following
33 form, printed or typed in no smaller than size twelve point font:

1 AND OF YOUR RIGHTS

2 A Writ of Garnishment issued in a Washington court has been
3 or will be served on the garnishee named in the attached copy
4 of the writ. After receipt of the writ, the garnishee is
5 required to withhold payment of any money that was due to you
6 and to withhold any other property of yours that the
7 garnishee held or controlled. This notice of your rights is
8 required by law.

9 YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

10 WAGES. If the garnishee is your employer who owes wages or
11 other personal earnings to you, your employer is required to
12 pay amounts to you that are exempt under state and federal
13 laws, as explained in the writ of garnishment. You should
14 receive a copy of your employer's answer, which will show how
15 the exempt amount was calculated. (~~If the garnishment is for~~
16 ~~child support, the exempt amount paid to you will be a~~
17 ~~percent of your disposable earnings, which is fifty percent~~
18 ~~of that part of your earnings remaining after your employer~~
19 ~~deducts those amounts which are required by law to be~~
20 ~~withheld.)) A garnishment against wages or other earnings for
21 child support may not be issued under chapter 6.27 RCW. If
22 the garnishment is for private student loan debt, the exempt
23 amount paid to you will be the greater of the following: A
24 percent of your disposable earnings, which is eighty-five
25 percent of the part of your earnings remaining after your
26 employer deducts those amounts which are required by law to
27 be withheld, or fifty times the minimum hourly wage of the
28 highest minimum wage law in the state at the time the
29 earnings are payable. If the garnishment is for consumer
30 debt, the exempt amount paid to you will be the greater of
31 the following: A percent of your disposable earnings, which
32 is eighty percent of the part of your earnings remaining
33 after your employer deducts those amounts which are required
34 by law to be withheld, or thirty-five times the state minimum
35 hourly wage.~~

36 BANK ACCOUNTS. If the garnishee is a bank or other
37 institution with which you have an account in which you have
38 deposited benefits such as Temporary Assistance for Needy

1 Families, Supplemental Security Income (SSI), Social
2 Security, veterans' benefits, unemployment compensation, or
3 any federally qualified pension, such as a state or federal
4 pension, individual retirement account (IRA), or 401K plan,
5 you may claim the account as fully exempt if you have
6 deposited only such benefit funds in the account. It may be
7 partially exempt even though you have deposited money from
8 other sources in the same account. An exemption is also
9 available under RCW 26.16.200, providing that funds in a
10 community bank account that can be identified as the earnings
11 of a stepparent are exempt from a garnishment on the child
12 support obligation of the parent.

13 OTHER EXEMPTIONS. If the garnishee holds other property of
14 yours, some or all of it may be exempt under RCW 6.15.010, a
15 Washington statute that exempts certain property of your
16 choice (including up to \$2,500.00 in a bank account if you
17 owe on private student loan debts; up to \$2,000.00 in a bank
18 account if you owe on consumer debts; or up to \$500.00 in a
19 bank account for all other debts) and certain other property
20 such as household furnishings, tools of trade, and a motor
21 vehicle (all limited by differing dollar values).

22 HOW TO CLAIM EXEMPTIONS. Fill out the enclosed claim form and
23 mail or deliver it as described in instructions on the claim
24 form. If the plaintiff does not object to your claim, the
25 funds or other property that you have claimed as exempt must
26 be released not later than 10 days after the plaintiff
27 receives your claim form. If the plaintiff objects, the law
28 requires a hearing not later than 14 days after the plaintiff
29 receives your claim form, and notice of the objection and
30 hearing date will be mailed to you at the address that you
31 put on the claim form.

32 THE LAW ALSO PROVIDES OTHER EXEMPTION RIGHTS. IF NECESSARY,
33 AN ATTORNEY CAN ASSIST YOU TO ASSERT THESE AND OTHER RIGHTS,
34 BUT YOU MUST ACT IMMEDIATELY TO AVOID LOSS OF RIGHTS BY
35 DELAY.

36 (2)(a) If the writ is to garnish funds or property held by a
37 financial institution, the claim form required by RCW 6.27.130(1) to
38 be mailed to or served on an individual judgment debtor shall be in

1 the following form, printed or typed in no smaller than size twelve
2 point font:

3 [Caption to be filled in by judgment creditor
4 or plaintiff before mailing.]

5 Name of Court

6 No

7 Plaintiff,

8 vs.

9 EXEMPTION CLAIM

10 Defendant,

11 Garnishee Defendant

12 INSTRUCTIONS:

- 13 1. Read this whole form after reading the enclosed
- 14 notice. Then put an X in the box or boxes that
- 15 describe your exemption claim or claims and write
- 16 in the necessary information on the blank lines. If
- 17 additional space is needed, use the bottom of the
- 18 last page or attach another sheet.
- 19 2. Make two copies of the completed form. Deliver
- 20 the original form by first-class mail or in person to
- 21 the clerk of the court, whose address is shown at
- 22 the bottom of the writ of garnishment. Deliver one
- 23 of the copies by first-class mail or in person to the
- 24 plaintiff or plaintiff's attorney, whose name and
- 25 address are shown at the bottom of the writ. Keep
- 26 the other copy. YOU SHOULD DO THIS AS
- 27 QUICKLY AS POSSIBLE, BUT NO LATER
- 28 THAN 28 DAYS (4 WEEKS) AFTER THE DATE
- 29 ON THE WRIT.

30 I/We claim the following money or property as exempt:

31 IF BANK ACCOUNT IS GARNISHED:

32 [] The account contains payments from:

33 [] Temporary assistance for needy families, SSI, or
34 other public assistance. I receive \$
35 monthly.

36 [] Social Security. I receive \$ monthly.

- 1 [] Veterans' Benefits. I receive \$ monthly.
- 2 [] Federally qualified pension, such as a state or
- 3 federal pension, individual retirement account
- 4 (IRA), or 401K plan. I receive \$ monthly.
- 5 [] Unemployment Compensation. I receive \$
- 6 monthly.
- 7 [] Child support. I receive \$ monthly.
- 8 [] Other. Explain
- 9 [] \$2,500 exemption for private student loan debts.
- 10 [] \$2,000 exemption for consumer debts.
- 11 [] \$500 exemption for all other debts.

12 IF EXEMPTION IN BANK ACCOUNT IS CLAIMED,
13 ANSWER ONE OR BOTH OF THE FOLLOWING:

- 14 [] No money other than from above payments are in
- 15 the account.
- 16 [] Moneys in addition to the above payments have
- 17 been deposited in the account. Explain
- 18
- 19

20 OTHER PROPERTY:

- 21 [] Describe property
- 22
- 23 (If you claim other personal property as exempt,
- 24 you must attach a list of all other personal property
- 25 that you own.)

26

27 Print: Your name	If married or in a state
	registered domestic
	partnership,
	name of husband/wife/
	state registered domestic
	partner
32
34 Your signature	Signature of husband,
	wife, or state registered
	domestic partner

35

36

1
 2
 3 Address Address
 4 (if different from yours)
 5
 6 Telephone number Telephone number
 7 (if different from yours)

8 CAUTION: If the plaintiff objects to your claim, you will have to
 9 go to court and give proof of your claim. For example, if you claim
 10 that a bank account is exempt, you may have to show the judge your
 11 bank statements and papers that show the source of the money you
 12 deposited in the bank. Your claim may be granted more quickly if you
 13 attach copies of such proof to your claim.

14 IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE
 15 PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE
 16 CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE
 17 PLAINTIFF'S ATTORNEY FEES.

18 (b) If the writ is directed to an employer to garnish earnings,
 19 the claim form required by RCW 6.27.130(1) to be mailed to or served
 20 on an individual judgment debtor shall be in the following form,
 21 (~~subject to (c) of this subsection,~~) printed or typed in no smaller
 22 than size twelve point font type:

23 [Caption to be filled in by judgment creditor
 24 or plaintiff before mailing.]

25
 26 Name of Court
 27 No.....
 28 Plaintiff,
 29 vs.
 30 EXEMPTION CLAIM
 31 Defendant,
 32
 33 Garnishee Defendant

34 INSTRUCTIONS:

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1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines. If additional space is needed, use the bottom of the last page or attach another sheet.
2. Make two copies of the completed form. Deliver the original form by first-class mail or in person to the clerk of the court, whose address is shown at the bottom of the writ of garnishment. Deliver one of the copies by first-class mail or in person to the plaintiff or plaintiff's attorney, whose name and address are shown at the bottom of the writ. Keep the other copy. YOU SHOULD DO THIS AS QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 WEEKS) AFTER THE DATE ON THE WRIT.

I/We claim the following money or property as exempt:
 IF PENSION OR RETIREMENT BENEFITS ARE GARNISHED:

Name and address of employer who is paying the benefits:.....

~~((IF EARNINGS ARE GARNISHED FOR CHILD SUPPORT:~~

~~I claim maximum exemption.))~~

IF EARNINGS ARE GARNISHED FOR PRIVATE STUDENT LOAN DEBT:

I claim maximum exemption.

IF EARNINGS ARE GARNISHED FOR CONSUMER DEBT:

I claim maximum exemption.

.....

Print: Your name If married or in a state
 registered domestic
 partnership,

1		name of husband/wife/state
2		registered domestic partner
3
4	Your signature	Signature of husband,
5		wife, or state registered
6		domestic partner
7
8
9	Address	Address
10		(if different from yours)
11
12	Telephone number	Telephone number
13		(if different from yours)

14 CAUTION: If the plaintiff objects to your claim, you will have to
15 go to court and give proof of your claim. For example, if you claim
16 that a bank account is exempt, you may have to show the judge your
17 bank statements and papers that show the source of the money you
18 deposited in the bank. Your claim may be granted more quickly if you
19 attach copies of such proof to your claim.

20 IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE
21 PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE
22 CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE
23 PLAINTIFF'S ATTORNEY FEES.

24 ~~(c) ((If the writ under (b) of this subsection is not a writ for~~
25 ~~the collection of child support, the exemption language pertaining to~~
26 ~~child support may be omitted.~~

27 ~~(d))~~ If the writ under (b) of this subsection is not a writ for
28 the collection of private student loan debt, the exemption language
29 pertaining to private student loan debt may be omitted.

30 ~~((e))~~ (d) If the writ under (b) of this subsection is not a
31 writ for the collection of consumer debt, the exemption language
32 pertaining to consumer debt may be omitted.

33 **Sec. 3.** RCW 6.27.150 and 2019 c 371 s 7 are each amended to read
34 as follows:

35 (1) Except as provided in subsections (2) and (3) of this
36 section, if the garnishee is an employer owing the defendant

1 earnings, then for each week of such earnings, an amount shall be
2 exempt from garnishment which is the greatest of the following:

3 (a) Thirty-five times the federal minimum hourly wage in effect
4 at the time the earnings are payable; or

5 (b) Seventy-five percent of the disposable earnings of the
6 defendant.

7 (2) In the case of a garnishment based on a (~~judgment or other~~
8 ~~order for child support or~~) court order for spousal maintenance,
9 other than a mandatory wage assignment order pursuant to chapter
10 26.18 RCW, or a mandatory assignment of retirement benefits pursuant
11 to chapter 41.50 RCW, the exemption shall be fifty percent of the
12 disposable earnings of the defendant.

13 (3) In the case of a garnishment based on a judgment or other
14 order for the collection of private student loan debt, for each week
15 of such earnings, an amount shall be exempt from garnishment which is
16 the greater of the following:

17 (a) Fifty times the minimum hourly wage of the highest minimum
18 wage law in the state at the time the earnings are payable; or

19 (b) Eighty-five percent of the disposable earnings of the
20 defendant.

21 (4) In the case of a garnishment based on a judgment or other
22 order for the collection of consumer debt, for each week of such
23 earnings, an amount shall be exempt from garnishment which is the
24 greater of the following:

25 (a) Thirty-five times the state minimum hourly wage; or

26 (b) Eighty percent of the disposable earnings of the defendant.

27 (5) The exemptions stated in this section shall apply whether
28 such earnings are paid, or are to be paid, weekly, monthly, or at
29 other intervals, and whether earnings are due the defendant for one
30 week, a portion thereof, or for a longer period.

31 (6) Unless directed otherwise by the court, the garnishee shall
32 determine and deduct exempt amounts under this section as directed in
33 the writ of garnishment and answer, and shall pay these amounts to
34 the defendant.

35 (7) No money due or earned as earnings as defined in RCW 6.27.010
36 shall be exempt from garnishment under the provisions of RCW
37 6.15.010, as now or hereafter amended.

38 **Sec. 4.** RCW 6.27.330 and 2012 c 159 s 13 are each amended to
39 read as follows:

1 (1) A judgment creditor may obtain a continuing lien on earnings
2 by a garnishment pursuant to this chapter, except as provided in
3 subsection (2) of this section.

4 (2) A continuing lien on earnings may not be issued pursuant to
5 this chapter if the garnishment is based on a judgment or other order
6 for child support. A judgment creditor may seek to withhold from
7 earnings based on a judgment or other order for child support under
8 chapter 26.18 RCW.

9 **Sec. 5.** RCW 26.18.020 and 2018 c 150 s 102 are each amended to
10 read as follows:

11 Unless the context clearly requires otherwise, the definitions in
12 this section apply throughout this chapter.

13 (1) "Dependent child" means any child for whom a support order
14 has been established or for whom a duty of support is owed.

15 (2) "Duty of maintenance" means the duty to provide for the needs
16 of a spouse or former spouse or domestic partner or former domestic
17 partner imposed under chapter 26.09 RCW.

18 (3) "Duty of support" means the duty to provide for the needs of
19 a dependent child, which may include necessary food, clothing,
20 shelter, education, and health care. The duty includes any obligation
21 to make monetary payments, to pay expenses, including maintenance in
22 cases in which there is a dependent child, or to reimburse another
23 person or an agency for the cost of necessary support furnished a
24 dependent child. The duty may be imposed by court order, by operation
25 of law, or otherwise.

26 (4) "Obligee" means the custodian of a dependent child, the
27 spouse or former spouse or domestic partner or former domestic
28 partner, or person or agency, to whom a duty of support or duty of
29 maintenance is owed, or the person or agency to whom the right to
30 receive or collect support or maintenance has been assigned.

31 (5) "Obligor" means the person owing a duty of support or duty of
32 maintenance.

33 (6) "Support or maintenance order" means any judgment, decree, or
34 order of support or maintenance issued by the superior court or
35 authorized agency of the state of Washington; or a judgment, decree,
36 or other order of support or maintenance issued by a court or agency
37 of competent jurisdiction in another state or country, which has been
38 registered or otherwise made enforceable in this state.

1 (7) "Employer" includes the United States government, a state or
2 local unit of government, and any person or entity who pays or owes
3 earnings or remuneration for employment to the obligor.

4 (8) "Earnings" means compensation paid or payable for personal
5 services or remuneration for employment, whether denominated as
6 wages, salary, commission, bonus, or otherwise, and, notwithstanding
7 any other provision of law making the payments exempt from
8 garnishment, attachment, or other process to satisfy support or
9 maintenance obligations, specifically includes periodic payments
10 pursuant to pension or retirement programs, or insurance policies of
11 any type, but does not include payments made under Title 50 RCW,
12 except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

13 (9) "Disposable earnings" means that part of the earnings of an
14 individual remaining after the deduction from those earnings of any
15 amount required by law to be withheld.

16 (10) "Department" means the department of social and health
17 services.

18 (11) "Health insurance coverage" is another term for, and
19 included in the definition of, "health care coverage." Health
20 insurance coverage includes any coverage under which medical services
21 are provided by an employer or a union whether that coverage is
22 provided through a self-insurance program, under the employee
23 retirement income security act of 1974, a commercial insurer pursuant
24 to chapters 48.20 and 48.21 RCW, a health care service contractor
25 pursuant to chapter 48.44 RCW, or a health maintenance organization
26 pursuant to chapter 48.46 RCW, and the state through chapter 41.05
27 RCW.

28 (12) "Insurer" means a commercial insurance company providing
29 disability insurance under chapter 48.20 or 48.21 RCW, a health care
30 service contractor providing health care coverage under chapter 48.44
31 RCW, a health maintenance organization providing comprehensive health
32 care services under chapter 48.46 RCW, and shall also include any
33 employer or union which is providing health insurance coverage on a
34 self-insured basis.

35 (13) "Remuneration for employment" means moneys due from or
36 payable by the United States to an individual within the scope of 42
37 U.S.C. Sec. 659 and 42 U.S.C. Sec. 662(f).

38 (14) "Health care coverage" means fee for service, health
39 maintenance organization, preferred provider organization, and other
40 types of private health insurance and public health care coverage

1 under which medical services could be provided to a dependent child
2 or children. The term "health care coverage" includes, but is not
3 limited to, health insurance coverage.

4 (15) "Public health care coverage," sometimes called "state
5 purchased health care," means state-financed or federally financed
6 medical coverage, whether or not there is an assignment of rights.
7 For children residing in Washington state, this includes coverage
8 through the department of social and health services or the health
9 care authority, except for coverage under chapter 41.05 RCW; for
10 children residing outside of Washington, this includes coverage
11 through another state's agencies that administer state purchased
12 health care programs.

13 (16) "Income withholding order" means an order regarding
14 withholding of income of amounts payable as a support obligation that
15 complies with the requirements in 42 U.S.C. Sec. 666.

16 **Sec. 6.** RCW 26.18.080 and 1987 c 435 s 19 are each amended to
17 read as follows:

18 (1) Upon receipt of a petition or motion seeking a mandatory wage
19 assignment that complies with RCW 26.18.070, the court shall issue
20 ((a)): (a) A wage assignment order~~((, as provided in RCW 26.18.100~~
21 ~~and))~~ for unpaid maintenance; (b) an income withholding order for
22 unpaid child support; or (c) an income withholding order for unpaid
23 maintenance and unpaid child support, including the information
24 required in RCW 26.18.090~~((+1))~~, directed to the employer, and
25 commanding the employer to answer the order on the forms served with
26 the order that comply with RCW 26.18.120 within twenty days after
27 service of the order upon the employer.

28 (2) The clerk of the court shall forward a copy of the mandatory
29 wage assignment or income withholding order, a true and correct copy
30 of the support orders in the court file, and a statement containing
31 the obligee's address and social security number shall be forwarded
32 to the Washington state support registry within five days of the
33 entry of the order.

34 **Sec. 7.** RCW 26.18.090 and 2008 c 6 s 1032 are each amended to
35 read as follows:

36 (1) The wage assignment order in RCW 26.18.080 for unpaid
37 maintenance only shall include:

1 (a) The maximum amount of current (~~support or~~) maintenance, if
2 any, to be withheld from the obligor's earnings each month, or from
3 each earnings disbursement; and

4 (b) The total amount of the arrearage or reimbursement judgment
5 previously entered by the court, if any, together with interest, if
6 any.

7 (2) The total amount to be withheld from the obligor's earnings
8 each month, or from each earnings disbursement, shall not exceed
9 fifty percent of the disposable earnings of the obligor. If the
10 amounts to be paid toward the arrearage are specified in the
11 (~~support or~~) maintenance order, then the maximum amount to be
12 withheld is the sum of: Either the current support or maintenance
13 ordered, or both; and the amount ordered to be paid toward the
14 arrearage, or fifty percent of the disposable earnings of the
15 obligor, whichever is less.

16 (3) The provisions of RCW 6.27.150 do not apply to wage
17 assignments for (~~child support or~~) maintenance authorized under
18 this chapter, but fifty percent of the disposable earnings of the
19 obligor are exempt, and may be disbursed to the obligor.

20 (~~(4) (If an obligor is subject to two or more attachments for
21 child support on account of different obligees, the employer shall,
22 if the nonexempt portion of the obligor's earnings is not sufficient
23 to respond fully to all the attachments, apportion the obligor's
24 nonexempt disposable earnings between or among the various obligees
25 equally. Any obligee may seek a court order reapportioning the
26 obligor's nonexempt disposable earnings upon notice to all interested
27 obligees. Notice shall be by personal service, or in the manner
28 provided by the civil rules of superior court or applicable statute.~~

29 ~~(5))~~ If an obligor is subject to two or more attachments for
30 maintenance on account of different obligees, the employer shall, if
31 the nonexempt portion of the obligor's earnings is not sufficient to
32 respond fully to all the attachments, apportion the obligor's
33 nonexempt disposable earnings between or among the various obligees
34 equally. An obligee may seek a court order reapportioning the
35 obligor's nonexempt disposable earnings upon notice to all interested
36 obligees. Notice shall be by personal service, or in the manner
37 provided by the civil rules of superior court or applicable statute.

38 (5) An income withholding order for unpaid child support or
39 unpaid child support and unpaid maintenance shall meet federal
40 requirements in 42 U.S.C. Sec. 666.

1 NEW SECTION. **Sec. 8.** RCW 26.18.100 (Wage assignment order—Form)
2 and 2016 c 202 s 24, 2008 c 6 s 1033, & 1998 c 77 s 1 are each
3 repealed.

4 **Sec. 9.** RCW 26.18.110 and 2008 c 6 s 1034 are each amended to
5 read as follows:

6 (1) An employer upon whom service of a wage assignment order or
7 income withholding order has been made shall answer the order by
8 sworn affidavit within twenty days after the date of service. The
9 answer shall state whether the obligor is employed by or receives
10 earnings or other remuneration from the employer, whether the
11 employer will honor the wage assignment order or income withholding
12 order, and whether there are either multiple child support or
13 maintenance attachments, or both, against the obligor.

14 (2) If the employer possesses any earnings or remuneration due
15 and owing to the obligor, the earnings subject to the wage assignment
16 order or income withholding order shall be withheld immediately upon
17 receipt of the wage assignment order or income withholding order. The
18 withheld earnings shall be delivered to the Washington state support
19 registry or, if the wage assignment order is to satisfy a duty of
20 maintenance, to the addressee specified in the assignment within five
21 working days of each regular pay interval.

22 (3) The employer shall continue to withhold the ordered amounts
23 from nonexempt earnings or remuneration of the obligor until notified
24 by:

25 (a) The court that the wage assignment has been modified or
26 terminated; or

27 (b) ~~((The))~~ In the case of an income withholding order, the
28 Washington state support registry ~~((or obligee))~~ that the accrued
29 child support or maintenance debt has been paid ~~((, provided the wage~~
30 ~~assignment order contains the language set forth under RCW~~
31 ~~26.18.100(3)(b))~~). The employer shall promptly notify the addressee
32 specified in the assignment when the employee is no longer employed.
33 If the employer no longer employs the employee, the wage assignment
34 order shall remain in effect for one year after the employee has left
35 the employment or the employer has been in possession of any earnings
36 or remuneration owed to the employee, whichever is later. The
37 employer shall continue to hold the wage assignment order during that
38 period. If the employee returns to the employer's employment during
39 the one-year period the employer shall immediately begin to withhold

1 the employee's earnings or remuneration according to the terms of the
2 wage assignment order. If the employee has not returned within one
3 year, the wage assignment shall cease to have effect at the
4 expiration of the one-year period, unless the employer continues to
5 owe remuneration for employment to the obligor.

6 (4) The employer may deduct a processing fee from the remainder
7 of the employee's earnings after withholding under the wage
8 assignment order or income withholding order, even if the remainder
9 is exempt under RCW 26.18.090. The processing fee may not exceed (a)
10 ten dollars for the first disbursement made by the employer to the
11 Washington state support registry; and (b) one dollar for each
12 subsequent disbursement to the clerk.

13 (5) An income withholding order (~~for wage assignment~~) for
14 support for a dependent child entered under this chapter shall have
15 priority over any other wage assignment or garnishment, except for
16 another wage assignment or garnishment for child support, or order to
17 withhold and deliver under chapter 74.20A RCW. An order for wage
18 assignment for spousal maintenance entered under this chapter shall
19 have priority over any other wage assignment or garnishment, except
20 for a wage assignment, garnishment, or order to withhold and deliver
21 under chapter 74.20A RCW for support of a dependent child, and except
22 for another wage assignment or garnishment for maintenance.

23 (6) An employer who fails to withhold earnings as required by a
24 wage assignment order or income withholding order issued under this
25 chapter may be held liable to the obligee for one hundred percent of
26 the support or maintenance debt, or the amount of support or
27 maintenance moneys that should have been withheld from the employee's
28 earnings whichever is the lesser amount, if the employer:

29 (a) Fails or refuses, after being served with a wage assignment
30 order or income withholding order, to deduct and promptly remit from
31 the unpaid earnings the amounts of money required in the order;

32 (b) Fails or refuses to submit an answer to the notice of wage
33 assignment or income withholding after being served; or

34 (c) Is unwilling to comply with the other requirements of this
35 section.

36 Liability may be established in superior court. Awards in
37 superior court shall include costs, interest under RCW 19.52.020 and
38 4.56.110, and reasonable attorneys' fees.

1 (7) No employer who complies with a wage assignment order or
2 income withholding order issued under this chapter may be liable to
3 the employee for wrongful withholding.

4 (8) No employer may discharge, discipline, or refuse to hire an
5 employee because of the entry or service of a wage assignment or
6 income withholding order issued and executed under this chapter. If
7 an employer discharges, disciplines, or refuses to hire an employee
8 in violation of this section, the employee or person shall have a
9 cause of action against the employer. The employer shall be liable
10 for double the amount of damages suffered as a result of the
11 violation and for costs and reasonable attorneys' fees, and shall be
12 subject to a civil penalty of not more than two thousand five hundred
13 dollars for each violation. The employer may also be ordered to hire,
14 rehire, or reinstate the aggrieved individual.

15 (9) For wage assignments or income withholding payable to the
16 Washington state support registry, an employer may combine amounts
17 withheld from various employees into a single payment to the
18 Washington state support registry, if the payment includes a listing
19 of the amounts attributable to each employee and other information as
20 required by the registry.

21 (10) An employer shall deliver a copy of the wage assignment
22 order or income withholding order to the obligor as soon as is
23 reasonably possible.

24 **Sec. 10.** RCW 26.18.130 and 1987 c 435 s 22 are each amended to
25 read as follows:

26 (1) Service of the wage assignment order or income withholding
27 order on the employer is invalid unless it is served with five answer
28 forms in substantial conformance with RCW 26.18.120, together with
29 stamped envelopes addressed to, respectively, the clerk of the court
30 where the order was issued, the Washington state support registry,
31 the obligee's attorney or the obligee, and the obligor. The obligee
32 shall also include an extra copy of the wage assignment order or
33 income withholding order for the employer to deliver to the obligor.
34 Service on the employer shall be in person or by any form of mail
35 requiring a return receipt.

36 (2) On or before the date of service of the wage assignment order
37 or income withholding order on the employer, the obligee shall mail
38 or cause to be mailed by certified mail a copy of the wage assignment
39 order or income withholding order to the obligor at the obligor's

1 last known post office address; or, in the alternative, a copy of the
2 wage assignment order or income withholding order shall be served on
3 the obligor in the same manner as a summons in a civil action on,
4 before, or within two days after the date of service of the order on
5 the employer. This requirement is not jurisdictional, but if the copy
6 is not mailed or served as this subsection provides, or if any
7 irregularity appears with respect to the mailing or service, the
8 superior court, in its discretion, may quash the wage assignment
9 order or income withholding order, upon motion of the obligor
10 promptly made and supported by an affidavit showing that the obligor
11 has suffered substantial injury due to the failure to mail or serve
12 the copy.

13 **Sec. 11.** RCW 26.18.140 and 2008 c 6 s 1036 are each amended to
14 read as follows:

15 (1) Except as provided in subsection (2) of this section, in a
16 hearing to quash, modify, or terminate the wage assignment order or
17 income withholding order, the court may grant relief only upon a
18 showing that the wage assignment order or income withholding order
19 causes extreme hardship or substantial injustice. Satisfaction by the
20 obligor of all past due payments subsequent to the issuance of the
21 wage assignment order or income withholding order is not grounds to
22 quash, modify, or terminate the wage assignment order or income
23 withholding order. If a wage assignment order or income withholding
24 order has been in operation for twelve consecutive months and the
25 obligor's support or maintenance obligation is current, the court may
26 terminate the order upon motion of the obligor unless the obligee can
27 show good cause as to why the wage assignment order or income
28 withholding order should remain in effect.

29 (2) The court may enter an order delaying, modifying, or
30 terminating the wage assignment order or income withholding order and
31 order the obligor to make payments directly to the obligee as
32 provided in RCW 26.23.050(2).

33 **Sec. 12.** RCW 26.23.010 and 1987 c 435 s 1 are each amended to
34 read as follows:

35 The legislature recognizes the financial impact on custodial
36 parents and children when child support is not received on time, or
37 in the correct amount. The legislature also recognizes the burden

1 placed upon the responsible parent and the second family when
2 enforcement action must be taken to collect delinquent support.

3 It is the intent of the legislature to create a central
4 Washington state support registry to improve the recordkeeping of
5 support obligations and payments, thereby providing protection for
6 both parties, and reducing the burden on employers by creating a
7 single standardized process through which support payments are
8 deducted from earnings.

9 It is also the intent of the legislature that child support
10 payments be made through (~~mandatory wage assignment or payroll~~
11 ~~deduction~~) income withholding if the responsible parent becomes
12 delinquent in making support payments under a court or administrative
13 order for support.

14 To that end, it is the intent of the legislature to interpret all
15 existing statutes and processes to give effect to, and to implement,
16 one central registry for recording and distributing support payments
17 in this state.

18 **Sec. 13.** RCW 26.23.050 and 2019 c 46 s 5026 are each amended to
19 read as follows:

20 (1) If the division of child support is providing support
21 enforcement services under RCW 26.23.045, or if a party is applying
22 for support enforcement services by signing the application form on
23 the bottom of the support order, the superior court shall include in
24 all court orders that establish or modify a support obligation:

25 (a) A provision that orders and directs the responsible parent to
26 make all support payments to the Washington state support registry;

27 (b) A statement that withholding action may be taken against
28 wages, earnings, assets, or benefits, and liens enforced against real
29 and personal property under the child support statutes of this or any
30 other state, without further notice to the responsible parent at any
31 time after entry of the court order, unless:

32 (i) One of the parties demonstrates, and the court finds, that
33 there is good cause not to require immediate income withholding and
34 that withholding should be delayed until a payment is past due; or

35 (ii) The parties reach a written agreement that is approved by
36 the court that provides for an alternate arrangement;

37 (c) A statement that the receiving parent might be required to
38 submit an accounting of how the support, including any cash medical
39 support, is being spent to benefit the child;

1 (d) A statement that any parent required to provide health care
2 coverage for the child or children covered by the order must notify
3 the division of child support and the other parent when the coverage
4 terminates; and

5 (e) A statement that the responsible parent's privileges to
6 obtain and maintain a license, as defined in RCW 74.20A.320, may not
7 be renewed, or may be suspended if the parent is not in compliance
8 with a support order as provided in RCW 74.20A.320.

9 As used in this subsection and subsection (3) of this section,
10 "good cause not to require immediate income withholding" means a
11 written determination of why implementing immediate wage withholding
12 would not be in the child's best interests and, in modification
13 cases, proof of timely payment of previously ordered support.

14 (2) In all other cases not under subsection (1) of this section,
15 the court may order the responsible parent to make payments directly
16 to the person entitled to receive the payments, to the Washington
17 state support registry, or may order that payments be made in
18 accordance with an alternate arrangement agreed upon by the parties.

19 (a) The superior court shall include in all orders under this
20 subsection that establish or modify a support obligation:

21 (i) A statement that withholding action may be taken against
22 wages, earnings, assets, or benefits, and liens enforced against real
23 and personal property under the child support statutes of this or any
24 other state, without further notice to the responsible parent at any
25 time after entry of the court order, unless:

26 (A) One of the parties demonstrates, and the court finds, that
27 there is good cause not to require immediate income withholding and
28 that withholding should be delayed until a payment is past due; or

29 (B) The parties reach a written agreement that is approved by the
30 court that provides for an alternate arrangement;

31 (ii) A statement that the receiving parent may be required to
32 submit an accounting of how the support is being spent to benefit the
33 child;

34 (iii) A statement that any parent required to provide health care
35 coverage for the child or children covered by the order must notify
36 the division of child support and the other parent when the coverage
37 terminates; and

38 (iv) A statement that a parent seeking to enforce the obligation
39 to provide health care coverage may:

40 (A) File a motion in the underlying superior court action; or

1 (B) If there is not already an underlying superior court action,
2 initiate an action in the superior court.

3 As used in this subsection, "good cause not to require immediate
4 income withholding" is any reason that the court finds appropriate.

5 (b) The superior court may order immediate or delayed income
6 withholding as follows:

7 (i) Immediate income withholding may be ordered if the
8 responsible parent has earnings. If immediate income withholding is
9 ordered under this subsection, all support payments shall be paid to
10 the Washington state support registry. The superior court shall issue
11 a mandatory wage assignment order as set forth in chapter 26.18 RCW
12 when the support order is signed by the court. The parent entitled to
13 receive the transfer payment is responsible for serving the employer
14 with the order and for its enforcement as set forth in chapter 26.18
15 RCW.

16 (ii) If immediate income withholding is not ordered, the court
17 shall require that income withholding be delayed until a payment is
18 past due. The support order shall contain a statement that
19 withholding action may be taken against wages, earnings, assets, or
20 benefits, and liens enforced against real and personal property under
21 the child support statutes of this or any other state, without
22 further notice to the responsible parent, after a payment is past
23 due.

24 (c) If a mandatory (~~wage~~) income withholding order under
25 chapter 26.18 RCW is issued under this subsection and the division of
26 child support provides support enforcement services under RCW
27 26.23.045, the existing wage withholding assignment is prospectively
28 superseded upon the division of child support's subsequent service of
29 an income withholding (~~notice~~) order.

30 (3) The office of administrative hearings and the department of
31 social and health services shall require that all support obligations
32 established as administrative orders include a provision which orders
33 and directs that the responsible parent shall make all support
34 payments to the Washington state support registry. All administrative
35 orders shall also state that the responsible parent's privileges to
36 obtain and maintain a license, as defined in RCW 74.20A.320, may not
37 be renewed, or may be suspended if the parent is not in compliance
38 with a support order as provided in RCW 74.20A.320. All
39 administrative orders shall also state that withholding action may be
40 taken against wages, earnings, assets, or benefits, and liens

1 enforced against real and personal property under the child support
2 statutes of this or any other state without further notice to the
3 responsible parent at any time after entry of the order, unless:

4 (a) One of the parties demonstrates, and the presiding officer
5 finds, that there is good cause not to require immediate income
6 withholding; or

7 (b) The parties reach a written agreement that is approved by the
8 presiding officer that provides for an alternate agreement.

9 (4) If the support order does not include the provision ordering
10 and directing that all payments be made to the Washington state
11 support registry and a statement that withholding action may be taken
12 against wages, earnings, assets, or benefits if a support payment is
13 past due or at any time after the entry of the order, or that a
14 parent's licensing privileges may not be renewed, or may be
15 suspended, the division of child support may serve a notice on the
16 responsible parent stating such requirements and authorizations.
17 Service may be by personal service or any form of mail requiring a
18 return receipt.

19 (5) Every support order shall state:

20 (a) The address where the support payment is to be sent;

21 (b) That withholding action may be taken against wages, earnings,
22 assets, or benefits, and liens enforced against real and personal
23 property under the child support statutes of this or any other state,
24 without further notice to the responsible parent at any time after
25 entry of a support order, unless:

26 (i) One of the parties demonstrates, and the court finds, that
27 there is good cause not to require immediate income withholding; or

28 (ii) The parties reach a written agreement that is approved by
29 the court that provides for an alternate arrangement;

30 (c) The income of the parties, if known, or that their income is
31 unknown and the income upon which the support award is based;

32 (d) The support award as a sum certain amount;

33 (e) The specific day or date on which the support payment is due;

34 (f) The names and ages of the dependent children;

35 (g) A provision requiring both the responsible parent and the
36 custodial parent to keep the Washington state support registry
37 informed of whether he or she has access to health care coverage at
38 reasonable cost and, if so, the health care coverage information;

1 (h) That either or both the responsible parent and the custodial
2 parent shall be obligated to provide medical support for his or her
3 child through health care coverage if:

4 (i) The obligated parent provides accessible coverage for the
5 child through private or public health care coverage; or

6 (ii) Coverage that can be extended to cover the child is or
7 becomes available to the parent through employment or is union-
8 related; or

9 (iii) In the absence of such coverage, through an additional sum
10 certain amount, as that parent's monthly payment toward the premium
11 as provided under RCW 26.09.105;

12 (i) That a parent providing health care coverage must notify both
13 the division of child support and the other parent when coverage
14 terminates;

15 (j) That if proof of health care coverage or proof that the
16 coverage is unavailable is not provided within twenty days, the
17 parent seeking enforcement or the department may seek direct
18 enforcement of the coverage through the employer or union of the
19 parent required to provide medical support without further notice to
20 the parent as provided under chapter 26.18 RCW;

21 (k) The reasons for not ordering health care coverage if the
22 order fails to require such coverage;

23 (l) That the responsible parent's privileges to obtain and
24 maintain a license, as defined in RCW 74.20A.320, may not be renewed,
25 or may be suspended if the parent is not in compliance with a support
26 order as provided in RCW 74.20A.320;

27 (m) That each parent must:

28 (i) Promptly file with the court and update as necessary the
29 confidential information form required by subsection (7) of this
30 section; and

31 (ii) Provide the state case registry and update as necessary the
32 information required by subsection (7) of this section; and

33 (n) That parties to administrative support orders shall provide
34 to the state case registry and update as necessary their residential
35 addresses and the address of the responsible parent's employer. The
36 division of child support may adopt rules that govern the collection
37 of parties' current residence and mailing addresses, telephone
38 numbers, dates of birth, social security numbers, the names of the
39 children, social security numbers of the children, dates of birth of
40 the children, driver's license numbers, and the names, addresses, and

1 telephone numbers of the parties' employers to enforce an
2 administrative support order. The division of child support shall not
3 release this information if the division of child support determines
4 that there is reason to believe that release of the information may
5 result in physical or emotional harm to the party or to the child, or
6 a restraining order or protective order is in effect to protect one
7 party from the other party.

8 (6) After the responsible parent has been ordered or notified to
9 make payments to the Washington state support registry under this
10 section, the responsible parent shall be fully responsible for making
11 all payments to the Washington state support registry and shall be
12 subject to payroll deduction or other income-withholding action. The
13 responsible parent shall not be entitled to credit against a support
14 obligation for any payments made to a person or agency other than to
15 the Washington state support registry except as provided under RCW
16 74.20.101. A civil action may be brought by the payor to recover
17 payments made to persons or agencies who have received and retained
18 support moneys paid contrary to the provisions of this section.

19 (7) All petitioners and parties to all court actions under
20 chapters 26.09, 26.10, 26.12, 26.18, 26.21A, 26.23, 26.26A, 26.26B,
21 and 26.27 RCW shall complete to the best of their knowledge a
22 verified and signed confidential information form or equivalent that
23 provides the parties' current residence and mailing addresses,
24 telephone numbers, dates of birth, social security numbers, driver's
25 license numbers, and the names, addresses, and telephone numbers of
26 the parties' employers. The clerk of the court shall not accept
27 petitions, except in parentage actions initiated by the state, orders
28 of child support, decrees of dissolution, or parentage orders for
29 filing in such actions unless accompanied by the confidential
30 information form or equivalent, or unless the confidential
31 information form or equivalent is already on file with the court
32 clerk. In lieu of or in addition to requiring the parties to complete
33 a separate confidential information form, the clerk may collect the
34 information in electronic form. The clerk of the court shall transmit
35 the confidential information form or its data to the division of
36 child support with a copy of the order of child support or parentage
37 order, and may provide copies of the confidential information form or
38 its data and any related findings, decrees, parenting plans, orders,
39 or other documents to the state administrative agency that
40 administers Title IV-A, IV-D, IV-E, or XIX of the federal social

1 security act. In state initiated parentage actions, the parties
2 adjudicated the parents of the child or children shall complete the
3 confidential information form or equivalent or the state's attorney
4 of record may complete that form to the best of the attorney's
5 knowledge.

6 (8) The department has rule-making authority to enact rules
7 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19)
8 as amended by section 7307 of the deficit reduction act of 2005.
9 Additionally, the department has rule-making authority to implement
10 regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and
11 308.

12 **Sec. 14.** RCW 26.23.050 and 2020 c 227 s 9 are each amended to
13 read as follows:

14 (1) If the division of child support is providing support
15 enforcement services under RCW 26.23.045, or if a party is applying
16 for support enforcement services by signing the application form on
17 the bottom of the support order, the superior court shall include in
18 all court orders that establish or modify a support obligation:

19 (a) A provision that orders and directs the person required to
20 pay support to make all support payments to the Washington state
21 support registry;

22 (b) A statement that withholding action may be taken against
23 wages, earnings, assets, or benefits, and liens enforced against real
24 and personal property under the child support statutes of this or any
25 other state, without further notice to the person required to pay
26 support at any time after entry of the court order, unless:

27 (i) One of the parties demonstrates, and the court finds, that
28 there is good cause not to require immediate income withholding and
29 that withholding should be delayed until a payment is past due; or

30 (ii) The parties reach a written agreement that is approved by
31 the court that provides for an alternate arrangement;

32 (c) A statement that the payee under the order or the person
33 entitled to receive support might be required to submit an accounting
34 of how the support, including any cash medical support, is being
35 spent to benefit the child;

36 (d) A statement that a party to the support order who is required
37 to provide health care coverage for the child or children covered by
38 the order must notify the division of child support and the other
39 party to the support order when the coverage terminates;

1 (e) A statement that any privilege of the person required to pay
2 support to obtain and maintain a license, as defined in RCW
3 74.20A.320, may not be renewed, or may be suspended if the person is
4 not in compliance with a support order as provided in RCW 74.20A.320;
5 and

6 (f) A statement that the support obligation under the order may
7 be abated as provided in RCW 26.09.320 if the person required to pay
8 support is confined in a jail, prison, or correctional facility for
9 at least six months, or is serving a sentence greater than six months
10 in a jail, prison, or correctional facility.

11 As used in this subsection and subsection (3) of this section,
12 "good cause not to require immediate income withholding" means a
13 written determination of why implementing immediate wage withholding
14 would not be in the child's best interests and, in modification
15 cases, proof of timely payment of previously ordered support.

16 (2) In all other cases not under subsection (1) of this section,
17 the court may order the person required to pay support to make
18 payments directly to the person entitled to receive the payments, to
19 the Washington state support registry, or may order that payments be
20 made in accordance with an alternate arrangement agreed upon by the
21 parties.

22 (a) The superior court shall include in all orders under this
23 subsection that establish or modify a support obligation:

24 (i) A statement that withholding action may be taken against
25 wages, earnings, assets, or benefits, and liens enforced against real
26 and personal property under the child support statutes of this or any
27 other state, without further notice to the person required to pay
28 support at any time after entry of the court order, unless:

29 (A) One of the parties demonstrates, and the court finds, that
30 there is good cause not to require immediate income withholding and
31 that withholding should be delayed until a payment is past due; or

32 (B) The parties reach a written agreement that is approved by the
33 court that provides for an alternate arrangement;

34 (ii) A statement that the payee under the order or the person
35 entitled to receive support may be required to submit an accounting
36 of how the support is being spent to benefit the child;

37 (iii) A statement that any party to the order required to provide
38 health care coverage for the child or children covered by the order
39 must notify the division of child support and the other party to the
40 order when the coverage terminates; and

1 (iv) A statement that a party to the order seeking to enforce the
2 other party's obligation to provide health care coverage may:

3 (A) File a motion in the underlying superior court action; or

4 (B) If there is not already an underlying superior court action,
5 initiate an action in the superior court.

6 As used in this subsection, "good cause not to require immediate
7 income withholding" is any reason that the court finds appropriate.

8 (b) The superior court may order immediate or delayed income
9 withholding as follows:

10 (i) Immediate income withholding may be ordered if the person
11 required to pay support has earnings. If immediate income withholding
12 is ordered under this subsection, all support payments shall be paid
13 to the Washington state support registry. The superior court shall
14 issue a mandatory wage assignment order as set forth in chapter 26.18
15 RCW when the support order is signed by the court. The payee under
16 the order or the person entitled to receive the transfer payment is
17 responsible for serving the employer with the order and for its
18 enforcement as set forth in chapter 26.18 RCW.

19 (ii) If immediate income withholding is not ordered, the court
20 shall require that income withholding be delayed until a payment is
21 past due. The support order shall contain a statement that
22 withholding action may be taken against wages, earnings, assets, or
23 benefits, and liens enforced against real and personal property under
24 the child support statutes of this or any other state, without
25 further notice to the person required to pay support, after a payment
26 is past due.

27 (c) If a mandatory (~~wage~~) income withholding order under
28 chapter 26.18 RCW is issued under this subsection and the division of
29 child support provides support enforcement services under RCW
30 26.23.045, the existing wage withholding assignment is prospectively
31 superseded upon the division of child support's subsequent service of
32 an income withholding (~~notice~~) order.

33 (3) The office of administrative hearings and the department of
34 social and health services shall require that all support obligations
35 established as administrative orders include a provision which orders
36 and directs that the person required to pay support shall make all
37 support payments to the Washington state support registry. All
38 administrative orders shall also state that any privilege of the
39 person required to pay support to obtain and maintain a license, as
40 defined in RCW 74.20A.320, may not be renewed, or may be suspended if

1 the person is not in compliance with a support order as provided in
2 RCW 74.20A.320. All administrative orders shall also state that
3 withholding action may be taken against wages, earnings, assets, or
4 benefits, and liens enforced against real and personal property under
5 the child support statutes of this or any other state without further
6 notice to the person required to pay support at any time after entry
7 of the order, unless:

8 (a) One of the parties demonstrates, and the presiding officer
9 finds, that there is good cause not to require immediate income
10 withholding; or

11 (b) The parties reach a written agreement that is approved by the
12 presiding officer that provides for an alternate agreement.

13 (4) If the support order does not include the provision ordering
14 and directing that all payments be made to the Washington state
15 support registry and a statement that withholding action may be taken
16 against wages, earnings, assets, or benefits if a support payment is
17 past due or at any time after the entry of the order, or that
18 licensing privileges of the person required to pay support may not be
19 renewed, or may be suspended, the division of child support may serve
20 a notice on the person stating such requirements and authorizations.
21 Service may be by personal service or any form of mail requiring a
22 return receipt.

23 (5) Every support order shall state:

24 (a) The address where the support payment is to be sent;

25 (b) That withholding action may be taken against wages, earnings,
26 assets, or benefits, and liens enforced against real and personal
27 property under the child support statutes of this or any other state,
28 without further notice to the person required to pay support at any
29 time after entry of a support order, unless:

30 (i) One of the parties demonstrates, and the court finds, that
31 there is good cause not to require immediate income withholding; or

32 (ii) The parties reach a written agreement that is approved by
33 the court that provides for an alternate arrangement;

34 (c) The income of the parties, if known, or that their income is
35 unknown and the income upon which the support award is based;

36 (d) The support award as a sum certain amount;

37 (e) The specific day or date on which the support payment is due;

38 (f) The names and ages of the dependent children;

39 (g) A provision requiring both the person required to pay
40 support, and the payee under the order or the person entitled to

1 receive support who is a parent of the child or children covered by
2 the order, to keep the Washington state support registry informed of
3 whether he or she has access to health care coverage at reasonable
4 cost and, if so, the health care coverage information;

5 (h) That either or both the person required to pay support, and
6 the payee under the order or the person entitled to receive support
7 who is a parent of the child or children covered by the order, shall
8 be obligated to provide medical support for a child or children
9 covered by the order through health care coverage if:

10 (i) The person obligated to provide medical support provides
11 accessible coverage for the child or children through private or
12 public health care coverage; or

13 (ii) Coverage that can be extended to cover the child or children
14 is or becomes available to the person obligated to provide medical
15 support through employment or is union-related; or

16 (iii) In the absence of such coverage, through an additional sum
17 certain amount, as that obligated person's monthly payment toward the
18 premium as provided under RCW 26.09.105;

19 (i) That a person obligated to provide medical support who is
20 providing health care coverage must notify both the division of child
21 support and the other party to the order when coverage terminates;

22 (j) That if proof of health care coverage or proof that the
23 coverage is unavailable is not provided within twenty days, the
24 person seeking enforcement or the department may seek direct
25 enforcement of the coverage through the employer or union of the
26 person required to provide medical support without further notice to
27 the person as provided under chapter 26.18 RCW;

28 (k) The reasons for not ordering health care coverage if the
29 order fails to require such coverage;

30 (l) That any privilege of the person required to pay support to
31 obtain and maintain a license, as defined in RCW 74.20A.320, may not
32 be renewed, or may be suspended if the person is not in compliance
33 with a support order as provided in RCW 74.20A.320;

34 (m) That each party to the support order must:

35 (i) Promptly file with the court and update as necessary the
36 confidential information form required by subsection (7) of this
37 section; and

38 (ii) Provide the state case registry and update as necessary the
39 information required by subsection (7) of this section; and

1 (n) That parties to administrative support orders shall provide
2 to the state case registry and update as necessary their residential
3 addresses and the address of the employer of the person required to
4 pay support. The division of child support may adopt rules that
5 govern the collection of parties' current residence and mailing
6 addresses, telephone numbers, dates of birth, social security
7 numbers, the names of the children, social security numbers of the
8 children, dates of birth of the children, driver's license numbers,
9 and the names, addresses, and telephone numbers of the parties'
10 employers to enforce an administrative support order. The division of
11 child support shall not release this information if the division of
12 child support determines that there is reason to believe that release
13 of the information may result in physical or emotional harm to the
14 party or to the child, or a restraining order or protective order is
15 in effect to protect one party from the other party.

16 (6) After the person required to pay support has been ordered or
17 notified to make payments to the Washington state support registry
18 under this section, that person shall be fully responsible for making
19 all payments to the Washington state support registry and shall be
20 subject to payroll deduction or other income-withholding action. The
21 person required to pay support shall not be entitled to credit
22 against a support obligation for any payments made to a person or
23 agency other than to the Washington state support registry except as
24 provided under RCW 74.20.101. A civil action may be brought by the
25 person required to pay support to recover payments made to persons or
26 agencies who have received and retained support moneys paid contrary
27 to the provisions of this section.

28 (7) All petitioners and parties to all court actions under
29 chapters 26.09, 26.10, 26.12, 26.18, 26.21A, 26.23, 26.26A, 26.26B,
30 and 26.27 RCW shall complete to the best of their knowledge a
31 verified and signed confidential information form or equivalent that
32 provides the parties' current residence and mailing addresses,
33 telephone numbers, dates of birth, social security numbers, driver's
34 license numbers, and the names, addresses, and telephone numbers of
35 the parties' employers. The clerk of the court shall not accept
36 petitions, except in parentage actions initiated by the state, orders
37 of child support, decrees of dissolution, or parentage orders for
38 filing in such actions unless accompanied by the confidential
39 information form or equivalent, or unless the confidential
40 information form or equivalent is already on file with the court

1 clerk. In lieu of or in addition to requiring the parties to complete
2 a separate confidential information form, the clerk may collect the
3 information in electronic form. The clerk of the court shall transmit
4 the confidential information form or its data to the division of
5 child support with a copy of the order of child support or parentage
6 order, and may provide copies of the confidential information form or
7 its data and any related findings, decrees, parenting plans, orders,
8 or other documents to the state administrative agency that
9 administers Title IV-A, IV-D, IV-E, or XIX of the federal social
10 security act. In state initiated parentage actions, the parties
11 adjudicated the parents of the child or children shall complete the
12 confidential information form or equivalent or the state's attorney
13 of record may complete that form to the best of the attorney's
14 knowledge.

15 (8) The department has rule-making authority to enact rules
16 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19)
17 as amended by section 7307 of the deficit reduction act of 2005.
18 Additionally, the department has rule-making authority to implement
19 regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and
20 308.

21 **Sec. 15.** RCW 26.23.060 and 2020 c 125 s 15 are each amended to
22 read as follows:

23 (1) The division of child support may issue (~~(a notice of payroll~~
24 ~~deduction)~~) an income withholding order:

25 (a) As authorized by a support order that contains a notice
26 clearly stating that child support may be collected by withholding
27 from earnings, wages, or benefits without further notice to the
28 obligated parent; or

29 (b) After service of a notice containing an income-withholding
30 provision under this chapter or chapter 74.20A RCW.

31 (2) The division of child support shall serve (~~(a notice of~~
32 ~~payroll deduction)~~) an income withholding order upon a responsible
33 parent's employer or upon the employment security department for the
34 state in possession of or owing any benefits from the unemployment
35 compensation fund to the responsible parent pursuant to Title 50 RCW
36 or from the paid family and medical leave program under Title 50A
37 RCW:

38 (a) In the manner prescribed for the service of a summons in a
39 civil action;

1 (b) By certified mail, return receipt requested;

2 (c) By electronic means if there is an agreement between the
3 secretary and the person, firm, corporation, association, political
4 subdivision, department of the state, or agency, subdivision, or
5 instrumentality of the United States to accept service by electronic
6 means; or

7 (d) By regular mail to a responsible parent's employer unless the
8 division of child support reasonably believes that service of process
9 in the manner prescribed in (a) or (b) of this subsection is required
10 for initiating an action to ensure employer compliance with the
11 withholding requirement.

12 (3) Service of (~~(a notice of payroll deduction)~~) an income
13 withholding order upon an employer or employment security department
14 requires the employer or employment security department to
15 immediately make a mandatory payroll deduction from the responsible
16 parent's unpaid disposable earnings or benefits paid by the
17 employment security department. The employer or employment security
18 department shall thereafter deduct each pay period the amount stated
19 in the (~~notice~~) order divided by the number of pay periods per
20 month. The payroll deduction each pay period shall not exceed fifty
21 percent of the responsible parent's disposable earnings.

22 (4) (~~A notice of payroll deduction~~) An income withholding order
23 for support shall have priority over any wage assignment,
24 garnishment, attachment, or other legal process.

25 (5) The (~~notice of payroll deduction~~) income withholding order
26 shall be in writing and include:

27 (a) The name and social security number of the responsible
28 parent;

29 (b) The amount to be deducted from the responsible parent's
30 disposable earnings each month, or alternate amounts and frequencies
31 as may be necessary to facilitate processing of the payroll
32 deduction;

33 (c) A statement that the total amount withheld shall not exceed
34 fifty percent of the responsible parent's disposable earnings;

35 (d) The address to which the payments are to be mailed or
36 delivered; and

37 (e) A notice to the responsible parent warning the responsible
38 parent that, despite the payroll deduction, the responsible parent's
39 privileges to obtain and maintain a license, as defined in RCW

1 74.20A.320, may not be renewed, or may be suspended if the parent is
2 not in compliance with a support order as defined in RCW 74.20A.320.

3 (6) An informational copy of the (~~(notice of payroll deduction)~~)
4 income withholding order shall be mailed to the last known address of
5 the responsible parent by regular mail.

6 (7) An employer or employment security department that receives
7 (~~(a notice of payroll deduction)~~) an income withholding order shall
8 make immediate deductions from the responsible parent's unpaid
9 disposable earnings and remit proper amounts to the Washington state
10 support registry within seven working days of the date the earnings
11 are payable to the responsible parent.

12 (8) An employer, or the employment security department, upon whom
13 (~~(a notice of payroll deduction)~~) an income withholding order is
14 served, shall make an answer to the division of child support within
15 twenty days after the date of service. The answer shall confirm
16 compliance and institution of the payroll deduction or explain the
17 circumstances if no payroll deduction is in effect. The answer shall
18 also state whether the responsible parent is employed by or receives
19 earnings from the employer or receives benefit payments from the
20 employment security department, whether the employer or employment
21 security department anticipates paying earnings or benefits and the
22 amount of earnings or benefit payments. If the responsible parent is
23 no longer employed, or receiving earnings from the employer, the
24 answer shall state the present employer's name and address, if known.
25 If the responsible parent is no longer receiving benefit payments
26 from the employment security department, the answer shall state the
27 present employer's name and address, if known.

28 The returned answer or a payment remitted to the division of
29 child support by the employer constitutes proof of service of the
30 (~~(notice of payroll deduction)~~) income withholding order in the case
31 where the (~~(notice)~~) order was served by regular mail.

32 (9) The employer may deduct a processing fee from the remainder
33 of the responsible parent's earnings after withholding under the
34 (~~(notice of payroll deduction)~~) income withholding order, even if the
35 remainder is exempt under RCW 26.18.090. The processing fee may not
36 exceed: (a) Ten dollars for the first disbursement made to the
37 Washington state support registry; and (b) one dollar for each
38 subsequent disbursement to the registry.

39 (10) The (~~(notice of payroll deduction)~~) income withholding order
40 shall remain in effect until released by the division of child

1 support, the court enters an order terminating the (~~notice~~) income
2 withholding order and approving an alternate arrangement under RCW
3 26.23.050, or until the employer no longer employs the responsible
4 parent and is no longer in possession of or owing any earnings to the
5 responsible parent. The employer shall promptly notify the office of
6 support enforcement when the employer no longer employs the parent
7 subject to the (~~notice~~) income withholding order. For the
8 employment security department, the (~~notice of payroll deduction~~)
9 income withholding order shall remain in effect until released by the
10 division of child support or until the court enters an order
11 terminating the (~~notice~~) income withholding order.

12 (11) The division of child support (~~may~~) must use (~~uniform~~
13 ~~interstate~~) income withholding forms adopted and required by the
14 United States department of health and human services to take
15 withholding actions under this section whether the responsible parent
16 is receiving earnings or unemployment compensation in this state or
17 in another state.

18 **Sec. 16.** RCW 26.23.090 and 1997 c 296 s 13 and 1997 c 58 s 894
19 are each reenacted and amended to read as follows:

20 (1) The employer shall be liable to the Washington state support
21 registry, or to the agency or firm providing child support
22 enforcement for another state, under Title IV-D of the federal social
23 security act and issuing a notice, garnishment, or wage assignment
24 attaching wages or earnings in satisfaction of a support obligation,
25 for the amount of support moneys which should have been withheld from
26 the employee's earnings, if the employer:

27 (a) Fails or refuses, after being served with (~~a notice of~~
28 ~~payroll deduction, or substantially similar action issued by the~~
29 ~~agency or firm providing child support enforcement for another~~
30 ~~state,~~) an income withholding order under Title IV-D of the federal
31 social security act, to deduct and promptly remit from unpaid
32 earnings the amounts of money required in the (~~notice~~) order;

33 (b) Fails or refuses to submit an answer to the (~~notice of~~
34 ~~payroll deduction, or substantially similar action issued by the~~
35 ~~agency or firm providing child support enforcement for another~~
36 ~~state,~~) income withholding order under Title IV-D of the federal
37 social security act, after being served; or

38 (c) Is unwilling to comply with the other requirements of RCW
39 26.23.060.

1 (2) Liability may be established in superior court or may be
2 established pursuant to RCW 74.20A.350. Awards in superior court and
3 in actions pursuant to RCW 74.20A.350 shall include costs, interest
4 under RCW 19.52.020 and 4.56.110, and reasonable attorneys' fees and
5 staff costs as a part of the award. Debts established pursuant to
6 this section may be collected by the division of child support using
7 any of the remedies available under chapter 26.09, 26.18, 26.21,
8 26.23, 74.20, or 74.20A RCW for the collection of child support.

9 **Sec. 17.** RCW 74.20A.080 and 2002 c 199 s 7 are each amended to
10 read as follows:

11 (1) The secretary may issue to any person, firm, corporation,
12 association, political subdivision, department of the state, or
13 agency, subdivision, or instrumentality of the United States, an
14 order to withhold and deliver property of any kind, including but not
15 restricted to earnings which are or might become due, owing, or
16 belonging to the debtor, when the secretary has reason to believe
17 that there is in the possession of such person, firm, corporation,
18 association, political subdivision, department of the state, or
19 agency, subdivision, or instrumentality of the United States property
20 which is or might become due, owing, or belonging to said debtor.
21 Such order to withhold and deliver may be issued:

22 (a) At any time, if a responsible parent's support order:

23 (i) Contains notice that withholding action may be taken against
24 earnings, wages, or assets without further notice to the parent; or

25 (ii) Includes a statement that other income-withholding action
26 under this chapter may be taken without further notice to the
27 responsible parent;

28 (b) Twenty-one days after service of a notice of support debt
29 under RCW 74.20A.040;

30 (c) Twenty-one days after service of a notice and finding of
31 parental responsibility under RCW 74.20A.056;

32 (d) Twenty-one days after service of a notice of support owed
33 under RCW 26.23.110;

34 (e) Twenty-one days after service of a notice and finding of
35 financial responsibility under RCW 74.20A.055; or

36 (f) When appropriate under RCW 74.20A.270.

37 (2) The order to withhold and deliver shall:

1 (a) State the amount to be withheld on a periodic basis if the
2 order to withhold and deliver is being served to secure payment of
3 monthly current support;

4 (b) State the amount of the support debt accrued;

5 (c) State in summary the terms of RCW 74.20A.090 and 74.20A.100;

6 (d) Be served:

7 (i) In the manner prescribed for the service of a summons in a
8 civil action;

9 (ii) By certified mail, return receipt requested;

10 (iii) By electronic means if there is an agreement between the
11 secretary and the person, firm, corporation, association, political
12 subdivision, department of the state, or agency, subdivision, or
13 instrumentality of the United States to accept service by electronic
14 means;

15 (iv) By regular mail to a responsible parent's employer unless
16 the division of child support reasonably believes that service of
17 process in the manner prescribed in (d)(i) or (ii) of this subsection
18 is required for initiating an action to ensure employer compliance
19 with the withholding requirement; or

20 (v) By regular mail to an address if designated by the financial
21 institution as a central levy or garnishment address, and if the
22 notice is clearly identified as a levy or garnishment order. Before
23 the division of child support may initiate an action for
24 noncompliance with a withholding action against a financial
25 institution, the division of child support must serve the order to
26 withhold and deliver on the financial institution in the manner
27 described in (d)(i) or (ii) of this subsection.

28 (3) The division of child support (~~(may)~~) must use (~~(uniform~~
29 ~~interstate)~~) income withholding forms adopted and required by the
30 United States department of health and human services to take
31 withholding actions under this section (~~(when the responsible parent~~
32 ~~is owed money or property that is located in this state or in another~~
33 ~~state)~~).

34 (4) Any person, firm, corporation, association, political
35 subdivision, department of the state, or agency, subdivision, or
36 instrumentality of the United States upon whom service has been made
37 is hereby required to:

38 (a) Answer said order to withhold and deliver within twenty days,
39 exclusive of the day of service, under oath and in writing, and shall
40 make true answers to the matters inquired of therein; and

1 (b) Provide further and additional answers when requested by the
2 secretary.

3 (5) The returned answer or a payment remitted to the division of
4 child support by the employer constitutes proof of service of the
5 order to withhold and deliver in the case where the order was served
6 by regular mail.

7 (6) Any such person, firm, corporation, association, political
8 subdivision, department of the state, or agency, subdivision, or
9 instrumentality of the United States in possession of any property
10 which may be subject to the claim of the department shall:

11 (a) (i) Immediately withhold such property upon receipt of the
12 order to withhold and deliver; and

13 (ii) Within seven working days deliver the property to the
14 secretary;

15 (iii) Continue to withhold earnings payable to the debtor at each
16 succeeding disbursement interval as provided for in RCW 74.20A.090,
17 and deliver amounts withheld from earnings to the secretary within
18 seven working days of the date earnings are payable to the debtor;

19 (iv) Deliver amounts withheld from periodic payments to the
20 secretary within seven working days of the date the payments are
21 payable to the debtor;

22 (v) Inform the secretary of the date the amounts were withheld as
23 requested under this section; or

24 (b) Furnish to the secretary a good and sufficient bond,
25 satisfactory to the secretary, conditioned upon final determination
26 of liability.

27 (7) An order to withhold and deliver served under this section
28 shall not expire until:

29 (a) Released in writing by the division of child support;

30 (b) Terminated by court order;

31 (c) A person or entity, other than an employer as defined in
32 Title 50 RCW, who has received the order to withhold and deliver does
33 not possess property of or owe money to the debtor; or

34 (d) An employer who has received the order to withhold and
35 deliver no longer employs, contracts, or owes money to the debtor
36 under a contract of employment, express or implied.

37 (8) Where money is due and owing under any contract of
38 employment, express or implied, or is held by any person, firm,
39 corporation, or association, political subdivision, or department of
40 the state, or agency, subdivision, or instrumentality of the United

1 States subject to withdrawal by the debtor, such money shall be
2 delivered by remittance payable to the order of the secretary.

3 (9) Delivery to the secretary of the money or other property held
4 or claimed shall satisfy the requirement and serve as full
5 acquittance of the order to withhold and deliver.

6 (10) A person, firm, corporation, or association, political
7 subdivision, department of the state, or agency, subdivision, or
8 instrumentality of the United States that complies with the order to
9 withhold and deliver under this chapter is not civilly liable to the
10 debtor for complying with the order to withhold and deliver under
11 this chapter.

12 (11) The secretary may hold the money or property delivered under
13 this section in trust for application on the indebtedness involved or
14 for return, without interest, in accordance with final determination
15 of liability or nonliability.

16 (12) Exemptions contained in RCW 74.20A.090 apply to orders to
17 withhold and deliver issued under this section.

18 (13) The secretary shall also, on or before the date of service
19 of the order to withhold and deliver, mail or cause to be mailed a
20 copy of the order to withhold and deliver to the debtor at the
21 debtor's last known post office address, or, in the alternative, a
22 copy of the order to withhold and deliver shall be served on the
23 debtor in the same manner as a summons in a civil action on or before
24 the date of service of the order or within two days thereafter. The
25 copy of the order shall be mailed or served together with a concise
26 explanation of the right to petition for judicial review. This
27 requirement is not jurisdictional, but, if the copy is not mailed or
28 served as in this section provided, or if any irregularity appears
29 with respect to the mailing or service, the superior court, in its
30 discretion on motion of the debtor promptly made and supported by
31 affidavit showing that the debtor has suffered substantial injury due
32 to the failure to mail the copy, may set aside the order to withhold
33 and deliver and award to the debtor an amount equal to the damages
34 resulting from the secretary's failure to serve on or mail to the
35 debtor the copy.

36 (14) An order to withhold and deliver issued in accordance with
37 this section has priority over any other wage assignment,
38 garnishment, attachment, or other legal process.

39 (15) The division of child support shall notify any person, firm,
40 corporation, association, or political subdivision, department of the

1 state, or agency, subdivision, or instrumentality of the United
2 States required to withhold and deliver the earnings of a debtor
3 under this action that they may deduct a processing fee from the
4 remainder of the debtor's earnings, even if the remainder would
5 otherwise be exempt under RCW 74.20A.090. The processing fee shall
6 not exceed ten dollars for the first disbursement to the department
7 and one dollar for each subsequent disbursement under the order to
8 withhold and deliver.

9 **Sec. 18.** RCW 74.20A.240 and 1997 c 296 s 16 are each amended to
10 read as follows:

11 (1) Any person, firm, corporation, association, political
12 subdivision, department of the state, or agency, subdivision, or
13 instrumentality of the United States employing a person owing a
14 support debt or obligation, shall honor, according to its terms, a
15 duly executed assignment of earnings presented by the secretary as a
16 plan to satisfy or retire a support debt or obligation. This
17 requirement to honor the assignment of earnings and the assignment of
18 earnings itself shall be applicable whether said earnings are to be
19 paid presently or in the future and shall continue in force and
20 effect until released in writing by the secretary. Payment of moneys
21 pursuant to an assignment of earnings presented by the secretary
22 shall serve as full acquittance under any contract of employment. A
23 person, firm, corporation, association, political subdivision,
24 department of the state, or agency, subdivision, or instrumentality
25 of the United States that complies with the assignment of earnings
26 under this chapter is not civilly liable to the debtor for complying
27 with the assignment of earnings under this chapter. The secretary
28 shall be released from liability for improper receipt of moneys under
29 an assignment of earnings upon return of any moneys so received.

30 (2) An assignment of earnings presented by the secretary in
31 accordance with this section must include income withholding forms
32 adopted and required by the United States department of health and
33 human services.

34 (3) An assignment of earnings presented by the secretary in
35 accordance with this section has priority over any other wage
36 assignment, garnishment, attachment, or other legal process except
37 for another wage assignment, garnishment, attachment, or other legal
38 process for support moneys.

1 (4) The employer may deduct a processing fee from the remainder
2 of the debtor's earnings, even if the remainder would be exempt under
3 RCW 74.20A.090. The processing fee shall not exceed fifteen dollars
4 from the first disbursement to the department and one dollar for each
5 subsequent disbursement under the assignment of earnings.

6 **Sec. 19.** RCW 74.20A.350 and 2018 c 150 s 202 are each amended to
7 read as follows:

8 (1) The division of child support may issue a notice of
9 noncompliance to any person, firm, entity, or agency of state or
10 federal government that the division believes is not complying with:

11 (a) (~~A notice of payroll deduction~~) An income withholding order
12 issued under chapter 26.23 RCW;

13 (b) A lien, order to withhold and deliver, or assignment of
14 earnings issued under this chapter;

15 (c) Any other wage assignment, garnishment, attachment, or
16 withholding instrument properly served by the agency or firm
17 providing child support enforcement services for another state, under
18 Title IV-D of the federal social security act;

19 (d) A subpoena issued by the division of child support, or the
20 agency or firm providing child support enforcement for another state,
21 under Title IV-D of the federal social security act;

22 (e) An information request issued by the division of child
23 support, or the agency or firm providing child support enforcement
24 for another state under Title IV-D of the federal social security
25 act, to an employer or entity required to respond to such requests
26 under RCW 74.20A.360;

27 (f) The duty to report newly hired employees imposed by RCW
28 26.23.040; or

29 (g) The duty of a business, employer, or payroll processor that
30 has received an income withholding order from the department of
31 social and health services requiring payment to the Washington state
32 support registry to remit withheld funds by electronic means imposed
33 by RCW 26.23.065.

34 (2) Liability for noncompliance with a wage withholding,
35 garnishment, order to withhold and deliver, or any other lien or
36 attachment issued to secure payment of child support is governed by
37 RCW 26.23.090 and 74.20A.100, except that liability for noncompliance
38 with remittance time frames is governed by subsection (4) of this
39 section.

1 (3) Fines for noncompliance by a business, employer, or payroll
2 processor with the duty to remit withheld funds by electronic means
3 imposed by RCW 26.23.065 are governed by subsection (4)(c) of this
4 section.

5 (4) The division of child support may impose fines of up to one
6 hundred dollars per occurrence for:

7 (a) Noncompliance with a subpoena or an information request
8 issued by the division of child support, or the agency or firm
9 providing child support enforcement services for another state under
10 Title IV-D of the federal social security act;

11 (b) Noncompliance with the required time frames for remitting
12 withheld support moneys to the Washington state support registry, or
13 the agency or firm providing child support enforcement services for
14 another state, except that no liability shall be established for
15 failure to make timely remittance unless the division of child
16 support has provided the person, firm, entity, or agency of state or
17 federal government with written warning:

18 (i) Explaining the duty to remit withheld payments promptly;

19 (ii) Explaining the potential for fines for delayed submission;

20 and

21 (iii) Providing a contact person within the division of child
22 support with whom the person, firm, entity, or agency of state or
23 federal government may seek assistance with child support withholding
24 issues;

25 (c) A business, employer, or payroll processor's noncompliance
26 with the duty to remit withheld funds by electronic means imposed by
27 RCW 26.23.065. The division of child support may not impose fines for
28 failure to comply with this requirement unless it has provided the
29 person, firm, entity, or agency of state or federal government with
30 written warning:

31 (i) Explaining the duty to remit withheld payments by electronic
32 means;

33 (ii) Explaining the potential for fines for failure to remit
34 withheld payments by electronic means when required under RCW
35 26.23.065; and

36 (iii) Providing a contact person within the division of child
37 support with whom the person, firm, entity, or agency of state or
38 federal government may seek assistance with child support withholding
39 issues.

1 (5) The division of child support may assess fines according to
2 RCW 26.23.040 for failure to comply with employer reporting
3 requirements.

4 (6) The division of child support may suspend licenses for
5 failure to comply with a subpoena issued under RCW 74.20.225.

6 (7) The division of child support may serve a notice of
7 noncompliance by personal service or by any method of mailing
8 requiring a return receipt.

9 (8) The liability asserted by the division of child support in
10 the notice of noncompliance becomes final and collectible on the
11 twenty-first day after the date of service, unless within that time
12 the person, firm, entity, or agency of state or federal government:

13 (a) Initiates an action in superior court to contest the notice
14 of noncompliance;

15 (b) Requests a hearing by delivering a hearing request to the
16 division of child support in accordance with rules adopted by the
17 secretary under this section; or

18 (c) Contacts the division of child support and negotiates an
19 alternate resolution to the asserted noncompliance or demonstrates
20 that the person, firm, entity, or agency of state or federal
21 government has complied with the child support processes.

22 (9) The notice of noncompliance shall contain:

23 (a) A full and fair disclosure of the rights and obligations
24 created by this section; and

25 (b) Identification of the:

26 (i) Child support process with respect to which the division of
27 child support is alleging noncompliance; and

28 (ii) State child support enforcement agency issuing the original
29 child support process.

30 (10) In an administrative hearing convened under subsection
31 (8)(b) of this section, the presiding officer shall determine whether
32 or not, and to what extent, liability for noncompliance exists under
33 this section, and shall enter an order containing these findings. If
34 liability does exist, the presiding officer shall include language in
35 the order advising the parties to the proceeding that the liability
36 may be collected by any means available to the division of child
37 support under subsection (13) of this section without further notice
38 to the liable party.

39 (11) Hearings under this section are governed by the
40 administrative procedure act, chapter 34.05 RCW.

1 (12) After the twenty days following service of the notice, the
2 person, firm, entity, or agency of state or federal government may
3 petition for a late hearing. A petition for a late hearing does not
4 stay any collection action to recover the debt. A late hearing is
5 available upon a showing of any of the grounds stated in civil rule
6 60 for the vacation of orders.

7 (13) The division of child support may collect any obligation
8 established under this section using any of the remedies available
9 under chapter 26.09, 26.18, 26.21A, 26.23, 74.20, or 74.20A RCW for
10 the collection of child support.

11 (14) The division of child support may enter agreements for the
12 repayment of obligations under this section. Agreements may:

13 (a) Suspend the obligation imposed by this section conditioned on
14 future compliance with child support processes. Such suspension shall
15 end automatically upon any failure to comply with a child support
16 process. Amounts suspended become fully collectible without further
17 notice automatically upon failure to comply with a child support
18 process;

19 (b) Resolve amounts due under this section and provide for
20 repayment.

21 (15) The secretary may adopt rules to implement this section.

22 NEW SECTION. **Sec. 20.** Section 13 of this act expires February
23 1, 2021.

24 NEW SECTION. **Sec. 21.** Section 14 of this act takes effect
25 February 1, 2021.

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