



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: May 19, 2021

TIME: 2:10 PM

WSR 21-12-003

Agency: Department of Social and Health Services, Economic Services Administration

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: The DSHS Division of Child Support (DCS) is amending the following sections in Chapter 388-14A WAC to align WACs with the Legislature's re-enactment of pass-through payments in 2SSB 5144 (Chapter 349, Laws of 2020).

Between October 1, 2008 and April 30, 2011, state law directed the Division of Child Support to pass through a portion of child support collections to a family receiving TANF. A pass-through payment is the portion of a support collection applied to assigned support that the state elects to pay a family receiving TANF at the time the collection was received. Due to budget constraints during the Great Recession, the Legislature repealed the statutory authority to issue these pass-through payments. At that time, DCS amended its pass-through payment rules to sunset the policy (see WAC 388-14A-5015).

DCS is amending WAC 388-14A-5015 and WAC 388-14A-5100 to clarify that pass-through payments are authorized again beginning February 1, 2021. These changes relate to internal governmental operations, are non-controversial, and align with statutory provisions in RCW 26.23.035.

Citation of rules affected by this order:

New:
Repealed:
Amended: WAC 388-14A-5015 and 388-14A-5100.
Suspended:

Statutory authority for adoption: RCW 26.09.105(20); 26.18.170(21); 26.23.050; 26.23.110(14); 43.20A.550; 74.04.055; 74.04.057; 74.08.090, 74.20A.310

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 21-06-093 on March 2, 2021 (date).
Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Web site:
Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	<u>2</u>	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	<u>2</u>	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

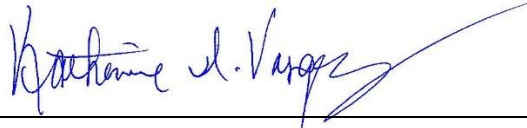
Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	<u>2</u>	Repealed	___

Date Adopted: May 19, 2021

Name: Katherine Iyall Vasquez

Title: DSHS Rules Coordinator

Signature:



AMENDATORY SECTION (Amending WSR 11-14-063, filed 6/30/11, effective 7/31/11)

WAC 388-14A-5015 What is a pass-through payment? (1) Between October 1, 2008 and April 30, 2011 and beginning again on February 1, 2021, the division of child support (DCS) (~~passed~~) passes through a portion of child support collections to a family receiving TANF.

(2) A pass-through payment (~~was~~) is the portion of a support collection applied to assigned support that the state (~~elected~~) elects to pay to a family receiving TANF at the time the collection (~~was~~) is received.

(3) Between October 1, 2008 and April 30, 2011, the pass-through payment was paid in the following amounts:

(a) Up to one hundred dollars per month to a family with one child in the assistance unit.

(b) Up to two hundred dollars per month to a family with two or more children in the assistance unit.

~~((3))~~ (4) Beginning February 1, 2021, the pass-through payment is paid in the following amounts:

(a) Up to fifty dollars per month to a family with one child in the assistance unit.

(b) Up to one hundred dollars per month to a family with two or more children in the assistance unit.

(5) The pass-through (~~was~~) is paid from collections distributed to either current support or assigned arrears.

~~((4))~~ (6) The pass-through amount for any month (~~could not~~) cannot exceed the amount collected in that month.

AMENDATORY SECTION (Amending WSR 11-14-063, filed 6/30/11, effective 7/31/11)

WAC 388-14A-5100 How does the division of child support notify the custodial parent about support collections? (1) The division of child support (DCS) mails a distribution and disbursement statement once each month to the last known address of a person for whom it received a support collection during the month, except as provided under subsection (6) of this section.

(2) DCS includes the following information in the distribution and disbursement statement:

(a) The amount of support collections DCS received and the date of collection;

(b) A description of how DCS distributed each support collection between current support and the support debt and any fees required by state or federal law;

(c) The amount DCS claims as reimbursement for public assistance paid, if applicable;

(d) The amount kept by the state to repay public assistance paid to the family;

(e) The amount disbursed to the family as a pass-through payment under WAC 388-14A-5015 (~~for collections received between October 1, 2008 and April 30, 2011~~);

(f) The amount disbursed to the family as a payment on support owed to the family;

(g) The amount kept by the state to pay the twenty-five dollar annual fee, if applicable; and

(h) The amount kept by the state to repay child support paid to the family in error.

(3) The person to whom a distribution and disbursement statement is sent may file a request for a hearing under subsection (4) of this section within ninety days of the date of the statement to contest how DCS distributed the support collections, and must make specific objections to the statement. The effective date of a hearing request is the date DCS receives the request.

(4) A hearing under this section is for the limited purpose of determining if DCS correctly distributed the support money described in the contested statement.

(a) There is no hearing right regarding fees that have been charged on a case.

(b) If a custodial parent (CP) wants to request a hardship waiver of the fee, the CP may request a conference board under WAC 388-14A-6400.

(5) A person who requests a late hearing must show good cause for being late.

(6) This section does not require DCS to send a distribution and disbursement statement to a recipient of payment services only.