



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 09, 2018

TIME: 1:48 PM

WSR 18-11-047

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

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) July 1, 2018 (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 department is amending WAC 388-14A-5007 "If the paying parent has more than one case, can DCS apply support money to only one specific case?".

The amendment deals with distribution of support payments when a noncustodial parent (NCP) has more than one child support case, to allow the Division of Child Support (DCS) to apply a payment in the manner specified by an Indian Tribe, when the Tribe sends money to DCS representing a tribal benefit received by an NCP who is a member of that tribe. DCS is adopting the amendment at the request of several tribes who wish to have payments applied in a manner consistent with tribal law or custom, or an order from the tribal court.

Citation of rules affected by this order:

- New: None
- Repealed: None
- Amended: WAC 388-14A-5007
- Suspended: None

Statutory authority for adoption: RCW 26.23.035, RCW 74.08.090

Other authority: n/a

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 18-08-050 on March 29, 2018 (date).

Describe any changes other than editing from proposed to adopted version: We have corrected a typo in the rule text, which when proposed rule had subsections (a), (b), (c), and (c). The fourth subsection has been "renumbered" as subsection (d).

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Federal statute:	New	___	Amended	___	Repealed	___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>1</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	___	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>1</u>	Repealed	___

Date Adopted: May 9, 2018

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



WAC 388-14A-5007 If the paying parent has more than one case, can DCS apply support money to only one specific case? (1) The division of child support (DCS) applies amounts to a support debt owed for one family or household and distributes the amounts accordingly, rather than make a proportionate distribution between support debts owed to different families, when:

(a) Proportionate distribution is administratively inefficient;
or

(b) The collection resulted from the sale or disposition of a specific piece of property against which a court awarded the custodial parent (CP) a judgment lien for child support; (~~(c)~~)

(c) The collection is the result of a contempt order which provides that DCS must distribute the amounts to a particular case; or

(d) An Indian tribe has designated that funds withheld from a tribal benefit should not be applied to all of the cases of a particular noncustodial parent (NCP), but rather should be distributed based on a tribal court order, tribal law, or tribal custom.

(2) If the collection is the result of an automated enforcement of interstate (AEI) transaction under RCW 74.20A.188, DCS applies the payment as provided in WAC 388-14A-5006, even if the requesting state wants the payment applied to a specific case.