



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

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

- Preproposal Statement of Inquiry was filed as WSR 15-15-169; or
- Expedited Rule Making--Proposed notice was filed as WSR:\_\_\_; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR:
- Continuance of WSR:

**Title of rule and other identifying information:** (Describe Subject)

The DSHS Division of Child Support (DCS) is amending WAC 388-14A-4200 in order to implement Senate Bill 5793 (Chapter 124, Laws of 2015), which took effect on July 24, 2015 but is not yet codified. SB 5793 amended RCW 26.18.190 to add a new subsection (3) providing as follows: "(3) When the veterans' administration apportions a veteran's benefits to pay child support on behalf of or on account of the child or children of the veteran, the amount paid for the child or children shall be treated for all purposes as if the veteran paid the benefits toward the satisfaction of that person's child support obligation for that period for which benefits are paid."

In order to implement SB 5793, DCS must amend WAC 388-14A-4200, "Do I get credit for dependent disability payments paid on my behalf to my children?" to include credit for these benefits paid by the US Department of Veterans Affairs (the new name of the agency formerly known as the Veterans' Administration).

In addition to the regular rulemaking process, DCS filed an emergency rule effective July 24, 2015 under WSR 15-16-004; that emergency rule expires on November 20, 2015. DCS is filing a second emergency rule, which is necessary to maintain the status quo because the final rule cannot be made effective within the time of one emergency rule.

**Hearing location(s):**

Office Building 2  
DSHS Headquarters  
1115 Washington  
Olympia, WA 98504

Public parking at 11<sup>th</sup> and Jefferson. A map is available at:  
<http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>

Date: December 22, 2015 Time: 10:00 a.m.

**Submit written comments to:**

Name: DSHS Rules Coordinator  
Address: PO Box 45850  
Olympia, WA 98504  
e-mail: [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov)  
fax: (360) 664-6185

**by: 5:00 p.m. December 22, 2015**

**Assistance for persons with disabilities:** Contact:

Jeff Kildahl, DSHS Rules Consultant by December 8, 2015  
Phone: (360) 664-6092 or TTY: (360) 664-6178  
Email: [KildaJA@dshs.wa.gov](mailto:KildaJA@dshs.wa.gov)

**Date of intended adoption:** Not earlier than December 23, 2015  
(Note: This is **NOT** the **effective** date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

In order to implement SB 5793, DCS is amending WAC 388-14A-4200, "Do I get credit for dependent disability payments paid on my behalf to my children?" to include credit for these benefits paid by the US Department of Veterans Affairs (the new name of the agency formerly known as the Veterans' Administration).

**Reasons supporting proposal:**

Required by change in state law.

**Statutory authority for adoption:**

Implementation of Senate Bill 5793 (Chapter 124, Laws of 2015), which takes effect on July 24, 2015, is authorized under RCW 26.23.030(3); RCW 34.05.220(1)(a); RCW 34.05.322; and RCW 74.08.090.

**Statute being implemented:**

Senate Bill 5793 (Chapter 124, Laws of 2015), which has not yet been codified, amends RCW 26.18.190.

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

**DATE**

November 13, 2015

**NAME** (type or print)

Katherine Vasquez

**SIGNATURE**

**TITLE**

DSHS Rules Coordinator

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: November 17, 2015**

**TIME: 1:57 PM**

**WSR 15-23-097**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None

**Name of proponent:** (person or organization) Department of Social and Health Services

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Nancy Koptur	DCS HQ, PO Box 9162, Olympia WA 98507-9162	( 360 ) 664-5065
Implementation.... Nancy Koptur	DCS HQ, PO Box 9162, Olympia WA 98507-9162	(360 ) 664-5065
Enforcement..... Nancy Koptur	DCS HQ, PO Box 9162, Olympia WA 98507-9162	( 360 ) 664-5065

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

Phone: ( )

Fax: ( )

e-mail

No. Explain why no statement was prepared.

This rule does not have an economic impact on any business. WAC 388-14A-4200 deals with allowing credit to a noncustodial parent's child support obligation based on the receipt of dependent benefits or apportioned benefits. New subsection (3) of RCW 26.18.190 provides as follows: "(3) When the veterans' administration apportions a veteran's benefits to pay child support on behalf of or on account of the child or children of the veteran, the amount paid for the child or children shall be treated for all purposes as if the veteran paid the benefits toward the satisfaction of that person's child support obligation for that period for which benefits are paid."

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

Phone: ( )

fax: ( )

e-mail:

No: Please explain: Although this rule meets the definition of a significant legislative rule under RCW 34.05.328(5), the requirement for a cost-benefit analysis does not apply because this rule adopts a state statute [RCW 34.05.328(5)(b)(iii)] and the content of the rule is "explicitly and specifically dictated by statute" [RCW 34.05.328(5)(b)(v)].

**WAC 388-14A-4200 Do I get credit for dependent disability payments paid on my behalf to my children?** (1) When the department of labor and industries or a self-insurer pays compensation under chapter 51.32 RCW on behalf of or on account of the child or children of a noncustodial parent (NCP), the division of child support (DCS) treats the amount of compensation the department or self-insurer pays on behalf of the child or children as if the NCP paid the compensation toward the NCP's child support obligations.

(2) When the Social Security administration pays Social Security disability dependency benefits, retirement benefits, or survivors insurance benefits on behalf of or on account of the child or children of an NCP who is a disabled person, a retired person, or a deceased person, DCS treats the amount of benefits paid for the child or children as if the NCP paid the benefits toward the NCP's child support obligation for the period for which benefits are paid.

(3) When the veterans' administration (now known as the U.S. Department of Veterans Affairs) apportions a veteran's benefits to pay child support on behalf of or on account of the child or children of the veteran, DCS treats the amount of benefits paid for the child or children for all purposes as if the veteran paid the benefits toward the satisfaction of that person's child support obligation for the period for which benefits are paid.

(4) Under no circumstances does the NCP have a right to reimbursement of any compensation paid under subsection (1), ~~((2))~~ (2), or (3) of this section.