



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

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

Emergency Rule Only

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) July 24, 2015

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) files this CR-103E, *Rule-Making Order*, to adopt an emergency rule amending WAC 388-14A-4200 (“Do I get credit for dependent disability payments paid on my behalf to my children?”) in order to implement Senate Bill 5793 (Chapter 124, Laws of 2015), which takes effect on July 24, 2015. At the same time, DCS is filing a CR-101, *Preproposal Statement of Inquiry*, to commence the regular rulemaking process to permanently amend WAC 388-14A-4200. DCS hopes that the regular rulemaking process can be completed within the span of this emergency filing, but recognizes that the timelines under Chapter 34.05 RCW may require the adoption of a second emergency rule to maintain the status quo if the final rule cannot be made effective within that time.

Citation of existing rules affected by this order:

Repealed: n/a
 Amended: WAC 388-14A-4200
 Suspended: n/a

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; RCW 34.05.350(1)(b); and RCW 74.08.090.

Other authority : n/a

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: Senate Bill 5793 (Chapter 124, Laws of 2015), which takes effect on July 24, 2015, 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).

Date adopted:

July 22, 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: July 23, 2015

TIME: 11:31 AM

WSR 15-16-004

**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 in 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	_____

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.