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## Chapter 11: Responses to Collection Actions

### Section 11.000: Responses to Enforcement Actions - Noncustodial Parents (NCPs) and Custodial Parents (CPs)

This section discusses what to do when NCPs and CPs respond to DCS enforcement actions.

### Contents

Laws	<p><a href="#">42 USC 666 (a)(4)</a> liens  <a href="#">42 USC 666(b)(3)(A)</a> withholding from income  <a href="#">45 CFR 303.100</a> procedures for income withholding  <a href="#">RCW 26.23.100</a> relief from payroll deduction  <a href="#">RCW 74.20.010</a> professional standards for DCS staff  <a href="#">WAC 388-14A-6200</a> remedies to contest seizure of bank account  <a href="#">WAC 388-14A-6400</a> conference board  <a href="#">WAC 388-14A-8120 (3)</a> foster care limitations on collection</p>
Policy	<p>Treat all parties communicating with the Division of Child Support (DCS) with dignity and respect.</p> <p>If allowing the noncustodial parent (NCP) to acquire property or improve existing real property potentially increases DCS collections, DCS may release, partially release, or subordinate a DCS lien to allow a lending institution's new lien to have priority over the DCS lien.</p> <p>A conference board may consider the release of any income withholding or other enforcement action.</p> <p>Do not require a <b>Waiver of Statute of Limitations</b>, DSHS <a href="#">09-508</a>, as a condition to negotiations.</p> <p>Ask the NCP to sign a DSHS <a href="#">09-508</a> to secure the amount of the debt, if part or all of the debt is in danger of being lost to the Statute of Limitations.</p> <p>Immediately respond to claims that DCS attached exempt funds.</p>
Procedure	<p>Release any enforcement action issued at a time when enforcement was not appropriate or if DCS issued the action in error.</p>
Visual Aids	<p><a href="#">Flow Chart</a> - Exceptions to Immediate Wage Withholding (IWW)</p>
Automated Actions	
SEMS Screens	<p><a href="#">CF</a>, <a href="#">IA</a>, <a href="#">CC</a>, <a href="#">CH</a></p>
Forms Used	<p><a href="#">09-282</a>, <a href="#">09-286</a>, <a href="#">09-298</a>, <a href="#">09-298A</a>, <a href="#">09-857</a>, <a href="#">18-364</a></p>
Hearing and Conference Board Rights	<p>Conference board for NCP on collections and negotiations.</p> <p>Hearing right for non-obligated person or NCP for exempt funds.</p> <p>Conference board for custodial parent (CP) on negotiated arrears payments</p>

Personal Notes <a href="#">[Add a note]</a>	You have not added any notes to this handbook section.
See Also	<a href="#">7.000</a> Determining Who Has Hearing Rights <a href="#">7.015</a> Conference Board Requests <a href="#">19.000</a> Doing a Debt Calculation

## Procedures

### 1. What if the noncustodial parent (NCP) asks me to lower the amount of the income withholding notice?

1. Review the NCP's financial situation, payment history, and debt amount.
2. Negotiate with the NCP for a mutually satisfactory payment. Division of Child Support (DCS) staff are to conduct their enforcement duties with fairness, courtesy, and the highest professional standards.
  - If the NCP says that the withholding causes a hardship, see Section [11.020](#).
3. Ask the NCP to complete a **Statement of Resources and Expenses**, DSHS [18-097](#), to document the financial situation of the NCP when negotiating a long-term payment plan. Include in the analysis:
  1. Current income,
  2. Mandatory and discretionary spending,
  3. The needs of other children the NCP supports, and
  4. The size of the debt and whether we may lose some of the debt to the statute of limitations.
4. Ask the NCP to sign a **Waiver of Statute of Limitations Defense**,

DSHS [09-508](#), to secure the amount of the debt, if part or all of the debt is in danger of being lost to the Statute of Limitations. The NCP should be advised that without a 09-508 he or she would pay \$X, but with a 09-508 he or she would only have to pay \$Y.

**Note:** Do not require the NCP to sign a 09-508 as a condition to negotiations.

### 2. What if the NCP asks me to release all withholding actions?

1. Explain that federal law requires wage withholding. [42 USC 666\(b\)\(3\)\(A\)](#) and [45 CFR 303.100\(b\)](#) provide limited exceptions, which are:
  1. If the NCP has no arrears and the only withholding action was the result of an immediate wage withholding (IWW) order and not a late payment, see Section [11.005](#). Release is possible if all CPs consent and enter into an **Agreement to Terminate Wage Withholding**, DSHS [09-844](#), with the NCP.
  2. If the NCP or CP obtain a court or administrative order finding that there is good cause not to require immediate wage withholding, income withholding can be released. See Section [11.005](#).
2. If the NCP says that withholding causes an extreme hardship, offer the NCP a conference board. See Section [7.015](#), Conference Board Requests.

### 3. What if the NCP asks me to release a lien?

1. Explain that liens are a federal requirement and that we can only release them under certain circumstances, such as:
  1. The NCP has paid in full.
  2. The NCP wants to get a larger loan on his or her property and pay off all or most of the

arrears, but cannot get the loan because of an existing DCS lien.

3. The NCP wants to refinance and is willing to offer a lump-sum payment to DCS for a temporary release on the property.
2. You may negotiate with the NCP for a temporary lien release.
  1. Consider a lien release only if it increases immediate or future collection potential, or will contribute to DCS receiving regular payments from the NCP. See Section [7.015 Conference Board Requests](#).
  2. If you release a lien or file a partial release (usually on the specific piece of property), immediately after the lending institution files its lien, re-file a lien to ensure that DCS has second position.
3. DCS may subordinate a DCS lien by agreeing in a subordination agreement to allow the lending institution's new lien to have priority over a filed DCS lien in the event of a payoff or foreclosure. See Section [11.025](#).

#### 4. **What if the NCP tells me that DCS attached exempt funds in the NCP's bank account?**

1. Ask the NCP to provide proof that the funds are exempt. Exempt funds include public assistance, Supplemental Security Income (SSI) payments, joint owner's or non-obligated spouse's funds, partnership accounts, job training programs funded by TANF, etc. See Section [9.005](#).
2. If the NCP requests a hearing to prove the funds are exempt, take the appropriate action to process the hearing request. Set [SI](#) to avoid disbursement of the attached funds.
3. If you determine that the funds are exempt, immediately release the **Order to Withhold and Deliver - Property and Accounts**, DSHS [09-286](#).

#### 5. **What if the NCP in a foster care case says that enforcement reduces the household income to an amount less than the Need Standard?**

- o DCS does not collect and retain a support payment during a month when a child is in foster care if the NCP:
  1. Is the "head of household" with other dependent children at home, and
  2. Enforcement reduces the household income to less than the Need Standard. Refer to [WAC 388-14A-8120](#).

#### 6. **What if the NCP claims that lottery winnings belong to another person?**

- o If the NCP claims that lottery winnings belong to another person, refer the NCP to the Lottery Commission.

#### 7. **What if the CP thinks that arrears payments are too low?**

1. If the NCP is complying with the payment schedule in a support order, advise the CP that DCS honors the payment plan.
2. If the NCP has not complied with the payment schedule in the order, review for a possible increase.

3. Offer the CP a conference board if the CP does not agree with DCS's determination. See Section [7.015](#).

8. **What if the nonassistance custodial parent (CP) wants DCS to release enforcement action and DCS cannot?**

- o If the nonassistance CP wants you to release enforcement action, and the case requires enforcement action, advise that the CP may request case closure in writing. See Section [18.000](#).

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## Chapter 11: Responses to Collection Actions

### Section 11.005 Releasing Income Withholding for NCPs

This section describes what to do if the NCP has never had a delinquent support payment and wants DCS to release income-withholding action.

### Contents

Laws	<a href="#">45 CFR 303.100</a> (a)(7) and (b) income withholding release - alternative arrangement <a href="#">RCW 26.23.100</a> relief from payroll deduction
Policy	<p>If the <b>noncustodial parent (NCP)</b> has no arrears or has never made a late payment under an order that established the arrears obligation, release withholding only with the consent of all the NCP's <b>custodial parents (CPs)</b>. You may offer the NCP <b>electronic funds transfer (EFT)</b>.</p> <p>Release withholding if the NCP gets a court order to release income withholding.</p> <p>The <b>field office</b> determines which staff may authorize the full release of income withholding action only under specific circumstances.</p> <p>A conference board may consider release of any withholding action even when the CP does not consent.</p>
Procedure	Release withholding at the request of the non-delinquent NCP and with the notarized written consent of the CP.
Visual Aids	<a href="#">Flow Chart</a> - Exceptions to <b>Immediate Wage Withholding (IWW)</b>
Automated Actions	
SEMS Screens	<a href="#">CF</a> , <a href="#">IA</a> , <a href="#">CC</a> , <a href="#">CH</a>
Forms Used	<a href="#">09-296</a> , <a href="#">09-298</a> , <a href="#">09-298A</a> , <a href="#">09-844</a> , <a href="#">18-552</a> , <a href="#">18-553</a>
Hearing and Conference Board Rights	<b>Either party may request a conference board.</b>
Personal Notes <a href="#">[Add a note]</a>	You have not added any notes to this handbook section.
See Also	<a href="#">7.015</a> Conference Board Requests <a href="#">10.045</a> Voluntary Payments - EFT and Assignment of Earnings <a href="#">Child Support Internet Payment Site (CSIPS)</a>

## Procedures

### 1. How can I tell if the **noncustodial parent (NCP)** qualifies for a full release of withholding action?

1. The NCP qualifies if all of the following are true:
  1. There are no arrears owed on any of the NCP's cases.
  2. The NCP has never made a late payment on any order.
    - Do not count payments deducted timely but paid late by the employer.
  3. The only arrears **that were** ever owed on any case were established retroactively by an order establishing a back support obligation (no prior order).
  4. **The Division of Child Support (DCS)** took withholding action only because of an IWW order and not because of a delinquent or late payment.
2. If the NCP does not qualify:
  1. **Explain that federal law requires wage withholding.**
  2. Deny the request to terminate wage withholding, but offer the NCP a conference board. See [Section 7.015](#).
  3. If there is a court order, tell the NCP that the NCP may seek relief in Superior Court. See [RCW 26.23.100](#).

### 2. How do I get a written consent from a **custodial parent (CP)**?

1. Once you determine that the NCP qualifies for withholding release:
  1. Send a **How to Obtain an Agreement to Terminate Wage Withholding**, DSHS [18-553](#), to the NCP and include an **Agreement to Terminate Wage Withholding**, DSHS [09-844](#).
  2. Send copies of the **DSHS 18-553** to all the NCP's CPs. Exclude subro and **payment services only (PSO)** CPs.
2. When the NCP signs and returns the **DSHS 09-844**, send a copy to **all of** the CPs with a **Cover Letter for Agreement to Terminate Wage Withholding**, DSHS [18-552](#).
  1. Include a prepaid return envelope.
  2. Document mailing on the **case comment (CC)** using code 32.

**Note:** If the CP does not sign the DSHS 09-844, this is not the basis for noncooperation.
3. If any of the NCP's CPs **do** not agree with the release of withholding, deny the NCP's request and offer the NCP a conference board.

### 3. What do I do if all the CPs agree to a withholding release?

1. When you receive a DSHS 09-844 from each CP, make sure that it is signed and notarized. Do not accept any changes or alterations to the DSHS 09-844.
2. Only delegated **field office** staff may authorize the release.

3. The authorized designee may authorize or deny the NCP's request.

**Note:** Denial is appropriate if there is any indication that the NCP coerced the CP into signing or used the threat of violence. Contact the CP if necessary.

4. Document the final decision on the **case comment screen (CC)** using a code 32 and release the withholding if approved.
5. Send a signed copy of the DSHS 09-844 showing DCS approval to the NCP and to the CPs.

**Note:** If the wage withholding is released, the NCP may want to pay using electronic funds transfer. The **Child Support Internet Payment Site (CSIPS)** is an internet site designed by DCS to allow individuals and employers to send child support payments to DCS using electronic funds transfer (EFT).

#### 4. What if DCS denies the NCP's request after the parties agree?

1. If DCS does not approve the request, notify all the parties.
2. Either party may request a conference board.
3. A **nonassistance (NA)** CP who particularly wants termination may request **Payment Services Only (PSO)** (if there is a WSSR order) or request case closure.

#### 5. Under what circumstances would I resume withholding?

1. The NCP pays support late.
2. A CP makes a written request for DCS to initiate withholding.
3. Once DCS releases withholding, if a new IWW order is entered, the original **DSHS 09-844** agreement to terminate withholding remains in effect.

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## Chapter 11: Responses to Collection Actions

### Section 11.010 Responses to Enforcement Actions - Employers and Asset Holders

This section describes how an employer, asset holder, or government agency might respond to an enforcement action.

### Contents

Laws	<a href="#">RCW 26.21.453</a> Compliance with multiple income-withholding orders <a href="#">RCW 26.23.060</a> notice of payroll deduction <a href="#">RCW 26.23.070</a> payments to Washington State Support Registry <a href="#">RCW 74.20A.080</a> order to withhold and deliver <a href="#">RCW 74.20A.100</a> employer noncompliance <a href="#">RCW 74.20A.230</a> employee debtor rights protected <a href="#">WAC 388-14A-4130</a> receipt of National Medical Support Notice
Policy	On a case-by-case basis, allow an employer to annualize deductions only if the Division of Child Support (DCS) receives current support each month.
Procedure	Monitor case for receipt of answer or money
Visual Aids	
Automated Actions	<p>The forms table <b>FT</b> program tracks both automated and manually generated forms.</p> <p><b>FT Result:</b> updates IA. Determines whether <b>EV</b> suggests a new form or a follow-up review code <b>RC</b>.</p> <p><b>FT Result Date</b> = the date that <b>FT</b> was updated. If NCP is no longer employed, this date should equal the NCP's termination date. The <b>EV</b> program links to <b>IA</b> to determine if employer address is "better" than what is posted, depending on this date.</p> <p><b>FT Service Date</b> - post to avoid <b>RC</b> 93.</p>
SEMS Screens	<a href="#">IA</a> , <a href="#">FT</a> , <a href="#">CF</a> , <a href="#">MI</a>
Forms Used	<a href="#">09-288LNI</a> , <a href="#">09-290</a> , <a href="#">09-291</a> , <a href="#">09-873</a> , <a href="#">09-728</a> , <a href="#">09-857</a> , <a href="#">18-560</a>
Hearing and Conference Board Rights	An employer may request a hearing to dispute a noncompliance action.
Personal Notes <a href="#">[Add a note]</a>	You have not added any notes to this handbook section.
See Also	<a href="#">12.000</a> Noncompliance - collection actions <a href="#">12.005</a> Noncompliance - medical enrollment <a href="#">Child Support Internet Payment Site (CSIPS)</a> <a href="#">PCM 05-003</a>

## Procedures

### 1. What are employers and asset holders required to do?

1. The employer or asset holder must begin withholding from every check they issue to a **noncustodial parent (NCP)** beginning the first payday or disbursement following the receipt of the withholding order or notice.

**Note:** A financial institution must withhold the amount in the account as of the date of service.

2. The employer or asset holder must answer the income or wage withholding notice, unless the notice replaces an earlier DCS notice.

**Note:** When you receive the answer, ensure it is complete and check amounts for accuracy. Set **Support Enforcement Management System (SEMS)** screens based on the answer.

### 2. When must the employer or asset holder send withheld money?

1. After withholding funds from the NCP's earnings, the employer has seven (7) days to send the money to DCS.

Note: A bank must remit the funds no later than **twenty (20)** days after service.

2. The employer can also use the **Child Support Internet Payment Site (CSIPS)** to remit payments using **electronic funds transfer (EFT)**.

### 3. How do employers use the Child Support Internet Payment Site (CSIPS)?

1. The employer or individual must first register or set up an account with **CSIPS**.
  1. **DCS mails an activation code to the employer, which the employer uses to access the site the first time.**
  2. **DCS verifies that the bank account information is valid by sending a \$0 transaction through the banking system. If DCS does not receive an error message within ten (10) days, DCS sends the employer an e-mail message notifying that the bank account is active and it can be used to make payments.**
2. **Employers must create an employee list within CSIPS.**
  - **CSIPS requires the following information about each employee:**
    1. **First and last name,**
    2. **Social security number,**
    3. **Whether or not medical insurance is available to the employee, and**
    4. **Whether or not the employee has been terminated, and if this is the final withholding for that employee.**

**Note:** **Employers can create the employee list within CSIPS or they can import a text file from their existing payroll system into CSIPS.**

3. **Employers select the employees from the list in CSIPS and ensure the amount is correct for each employee and the date the bank will deduct the payment from the employer's bank account is correct.**

1. Employers must schedule payments by 3:00 pm at least two (2) business days in advance of the date they would like their bank to deduct the payment from their account.
2. Employers are limited to 200 employees per payment. This limit was set to transmit the information efficiently. Employers withholding for more than 200 employees can set up multiple accounts or they can contact DCS to discuss other EFT options.

#### 4. What must an employer do when a noncustodial parent (NCP) with a withholding action terminates employment?

1. Employers must continue withholding until they do not owe the NCP any more money.
2. The employer must contact DCS to let us know about the termination. They can do this in several ways:
  1. They can call DCS and tell us. If they call, ask when the NCP left. Also ask about the NCP's new employer. Confirm the NCP's address and phone number.
  2. They can send the **Employment Termination Notice**, DSHS [18-560](#). DCS encloses this prepaid postcard with the withholding notice/order.
  3. Some employers send a note or a copy of the answer that they kept on file.

#### 5. What must the employer do if the NCP does not work for them when they receive the Order/Notice to Withhold Income for Child Support, DSHS 09-857 (OWI)?

1. The employer may use the **Employment Termination Notice**, DSHS [18-560](#), or the **Answer to Order/Notice to Withhold Income for Child Support**, DSHS [09-290](#), to tell us the NCP does not work for them. Some employers just return the **Order/Notice to Withhold Income for Child Support, DSHS 09-857 (OWI)**. If this happens, contact the employer if you need more information.
2. The employer must tell us who the NCP's new employer is, if known.

#### 6. What if the employer returns the original Order/Notice to Withhold Income for Child Support, DSHS 09-857 (OWI), because the NCP is no longer employed?

- o Treat the return of the OWI as an answer when the NCP is no longer employed. Contact the employer if you need more information.

#### 7. Are substitute and intermittent hires considered employed?

- o **Yes.** Advise the employer to keep the withholding action on file if either of the following is true:
  1. The person is under contractual obligation to perform a service , or
  2. The employer might call the NCP to work without the NCP having to reapply for work.

#### 8. How long must an employer keep an Order/Notice to Withhold Income, DSHS 09-857 (OWI)?

- o The employer must keep the **Order/Notice to Withhold Income, DSHS 09-857 (OWI)** until they no longer employ the NCP and they no longer owe the NCP any money.

## 9. When does an OWI/OWD that DCS sent to Employment Security (ES) or Labor and Industries (L&I) expire?

1. A Notice of Payroll Deduction/Order to Withhold and Deliver - Employment Security (OWD), DSHS 09-873, to ES remains in effect until DCS or the court releases it. There is no automatic release date.
2. An automated Order to Withhold and Deliver - Labor and Industries Benefits (OWD), DSHS 09-288LNI, sent to L&I that attached to any open claim remains in effect until DCS releases it or until L&I no longer has any funds payable to the NCP. L&I has no mechanism to retain OWDs unless they have a claim.

## 10. How long must the employer keep the National Medical Support Notice, DSHS 09-727, on file?

1. The National Medical Support Notice, DSHS 09-727, remains in effect until:
  1. DCS withdraws the notice; **Or**
  2. Health insurance is no longer available through the employer or union.

**Note:** If coverage for the children is terminated, the employer or union must notify DCS within thirty (30) days of the date coverage ends.

## 11. What are some reasons an employer or asset holder might not honor a DCS notice?

1. An employer may state that the federal Employee Retirement Income Security Act (ERISA) is the basis for not honoring the DCS notice. If the ERISA is the employer's basis for not honoring an enforcement notice, you must get and send a Qualified Domestic Relations Order (QDRO). See Section 9.040.

**Note:** This section will be subject to change when the amended Policy Clarification Memo 05-003 Priority of Multiple Withholding Orders is finalized.

2. An employer may contact you stating that they already have another Uniform Interstate Family Support Act (UIFSA) withholding in place for the NCP.
  1. Tell the Washington employer that DCS withholds take precedence over any other attachment. The employer should pay the DCS withhold, then pay the other state's withhold if there is any money left in the 50% of NCP's net income limit.
  2. Determine the initiating state of the UIFSA attachment.
  3. Determine if the other state is enforcing the same order and debt.
  4. Contact the other state for an interstate case or to clarify services to the same family.
3. The Internal Revenue Service (IRS) or U.S. government might have a prior claim on the NCP's income.
  1. Ask the employer when the IRS or government attachment will be paid. Set a review to re-issue the withholding notice at that time.
  2. Consult with a claims officer about the priority of attachments issued by the federal government.

**Note:** You may consider contacting the IRS. Some Support Enforcement Officers have had some success in contacting their local IRS office and working out an agreement for collecting from the NCP.

4. An employer may contact you to tell you that they have received something from a bankruptcy court to attach wages.
  1. Find out where the bankruptcy is filed.
  2. Contact the trustee of the bankruptcy court.
  3. Refer to bankruptcy Sections [9.020](#) and [9.025](#).
5. A federal employer may demand service by **certified mail return receipt** (CMRR) or **demand** a certified copy of the court order before honoring a withholding notice.
  - Attach a copy of OCSE memo [DCL - 98-107: OCSE Director's letter](#).
6. The employer refuses to honor the enforcement notice.
  1. For in-state employers, review the case for employer noncompliance. See Section [12.000](#).
  2. For out-of-state employers, review the case for interstate referral. See Section [15.050](#).

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## Chapter 11: Responses to Collection Actions

### Section 11.015 Responses to Collection Actions - Non-obligated Persons

This section describes what to do when you learn that DCS attached funds that belong to someone other than the NCP.

### Contents

Laws	<a href="#">RCW 74.20A.120</a> financial institution withholds - administrative hearings <a href="#">WAC 388-14A-6200</a> financial institution withholds - administrative hearings
Policy	When collecting from financial institution accounts, instruct the financial institution to attach funds belonging only to the <b>noncustodial parent</b> (NCP). Release funds that belong to a non-obligated party.  Immediately respond to claims that <b>the Division of Child Support</b> (DCS) attached exempt funds, money, or physical property belonging to a non-obligated party.
Procedure	Release withholding action or refer for administrative hearing when someone objects.
Visual Aids	
Automated Actions	
SEMS Screens	
Forms Used	<a href="#">09-286</a>
Hearing and Conference Board Rights	Hearing for any non-obligated person
Personal Notes <a href="#">[Add a note]</a>	You have not added any notes to this handbook section.
See Also	<a href="#">7.000</a> Determining Who Has Hearing Rights <a href="#">7.055</a> Hearing Rights Based on Objections to Withholding Actions Taken Against a Bank Account <a href="#">10.060</a> Bank Accounts and Financial Institution Data Match <a href="#">12.000</a> Handling Noncompliance - Collection Actions <a href="#">23.015</a> Community Relations Unit Functions

## Procedures

### 1. What if DCS attached funds and the person is not the NCP?

1. A person may contact you to tell you that the Division of Child Support (DCS) attached funds and the person says that he or she is not the noncustodial parent (NCP).
  1. Ask the person to provide identification.
  2. Check if the person's Social Security number is the same as the NCP's.
  3. Determine if there is a relationship between the NCP and the person.
  4. Immediately release the withholding action if the person is clearly not the NCP and the withholding action was a case of mistaken identity.
  5. Update the Support Enforcement Management System (SEMS) records to ensure no future withholding from this non-obligated person takes place.
  6. Release any Internal Revenue Service (IRS) certifications or credit bureau reporting affecting the non-obligated person.
  7. If the person says they want to bring a legal claim against DCS or that they have incurred monetary damages as a result of DCS actions, the Customer Relations Unit (CRU) will attempt to settle the issue. If the issue cannot be resolved, CRU may send a Tort Claim Form to the person. See Section [23.015](#).
  8. If the person is the NCP's partner on a partnership account, release the **Order to Withhold and Deliver**, DSHS 09-286 (OWD).

**Exception:** If you are proceeding with an employer noncompliance action, you may attach funds from the corporation or partnership with an OWD. See Section [10.060 C.2](#) and [Section 12.000](#).

### 2. What if DCS attached funds and someone claims that the funds do not belong to the NCP?

1. A person associated with or related to the NCP may contact you to tell you that DCS attached funds that do not belong to the NCP.
  1. Check the name and Social Security number on the DCS collection document.
  2. Ask the person to prove that the funds do not belong to the NCP. **Note:** If the attached account is a joint account in both names, the burden is on the NCP and the other account holder to prove the NCP has no funds in the account.
  3. Advise the person of hearing rights. See Section [7.000](#).
  4. Follow field office procedures for releases, administrative hearings, or conference boards.

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## Chapter 11: Responses to Collection Actions

### Section 11.020 Negotiating with NCPs Who Have Hardship Issues

This section describes how to assist NCPs with hardship issues.

### Contents

Laws	<a href="#">RCW 26.23.080</a> employer retaliation against NCP prohibited <a href="#">RCW 74.20A.160</a> debt payment schedule, release funds in hardship cases <a href="#">RCW 74.20A.220</a> authority for accepting settlements and writing off debts <a href="#">WAC 388-14A-6400</a> conference board
Policy	Accommodate the <b>noncustodial parent</b> (NCP) as much as reasonably possible to resolve hardship issues.  Provide the earliest relief for parents who suffer serious hardship or injustice.  If a documented hardship exists, a <b>field office</b> designee may decide lump sum settlements, write off DSHS debts, release collection actions (including IRS certification), and return IRS tax refunds.
Procedure	Explain options available to the NCP with hardship issues
Visual Aids	
Automated Actions	
SEMS Screens	<a href="#">OR</a> , <a href="#">CF</a>
Forms Used	<a href="#">09-277B</a> , <a href="#">09-280B</a> , <a href="#">09-508</a> , <a href="#">09-741</a> , <a href="#">09-996</a> , <a href="#">18-097</a> , <a href="#">18-364</a>
Hearing and Conference Board Rights	<a href="#">7.000</a> : Determining Who Has Hearing Rights
Personal Notes <a href="#">[Add a note]</a>	You have not added any notes to this handbook section.
See Also	<a href="#">7.000</a> : Determining Who Has Hearing Rights <a href="#">Washington State Courthouse Facilitators</a> <a href="#">DCS Public Internet Site - Services and Resources</a>

## Procedures

### 1. What do I do when an NCP raises hardship issues?

1. Identify the nature of the **noncustodial parent's(NCP's)** hardship.
2. Tell the NCP with a financial hardship what **the Division of Child Support (DCS)** may do to help.

### 2. What can I do to help an NCP with a financial hardship?

1. Determine if the current support amount in the order agrees with the NCP's income. If **it does not**, explain the options available to the NCP to get relief.
2. If the NCP has an administrative order:
  1. The NCP may be able to request a late hearing or petition to vacate an administrative order.
    - If this applies, offer to take an oral request for hearing with the **Record of Oral Objection/Request for Adjudicative Proceeding (Hearing)**, DSHS [09-277B](#). See Section [7.010](#). **Note:** For an oral conference board request, use a **Record of Oral Request for a Conference Board**, DSHS [09-996](#).
  2. If the NCP wants to request a modification of the administrative order, send a **Petition for Modification - Administrative Order**, [DSHS 09-280B](#), packet. See Section [16.000](#).
3. If the NCP has a court order:
  1. The NCP can request a modification review through DCS, or petition for modification on their own or with the help of an attorney. See Section [16.000](#).
  2. Explain to the NCP that there may be some other assistance available, such as help through a [courthouse facilitator](#) or through legal services.
4. If the NCP has accrued a substantial Temporary Assistance to Needy Families (TANF) arrears and repayment creates a hardship:
  - Offer a conference board for a possible write-off of the permanent TANF debt. See Section [7.015](#)

**Note:** For an oral conference board request, use a **Record of Oral Request for a Conference Board**, DSHS [09-996](#).
5. Offer to negotiate a new arrears payment if the amount withheld is too high.
6. If the NCP's withhold does not cover current support, encourage supplemental voluntary payments.
7. If the NCP has no attachable income, encourage voluntary payments, even for less than current support.
8. If the NCP is now unemployed and has severance pay, be aware of possible hardship issues. If NCP claims that taking the entire amount of the severance pay creates a hardship:
  1. Consider taking only a portion of the pay, or
  2. Consider releasing the action if the NCP is making other types of payments towards current support and has not accrued substantial arrears.

### 3. How do I reach a payment agreement with the NCP?

1. Consider the NCP's earning capacity, income, resources, and expenses when negotiating an agreement.
2. Work with the NCP on a payment plan that DCS, the NCP, and the CP can live with. You can set up small payments at first with review intervals or automatic increases. Get the payment plan in writing, if possible. Include the following elements:
  1. Case number(s),
  2. NCP name,
  3. Date of first payment,
  4. Date future payments due,
  5. Payment amount per month,
  6. The NCP must tell DCS of address changes, employer changes, or any other change that might affect the amount of support, and
  7. When the agreement will be reviewed again.

**Note:** If the NCP does not meet the terms of the payment agreement, the Support Enforcement Officer (SEO) can take further collection actions.

3. Ask the NCP to sign a **Waiver of Statute of Limitations Defense**, DSHS [09-508](#), to secure the amount of the debt if part or all of the debt is in danger of being lost to the statute of limitations. **Note:** Do not require the NCP to sign a DSHS 09-508 as a condition to negotiations. The NCP should be advised that without a DSHS 09-508 he or she would pay \$X, but with a DSHS 09-508 he or she would only have to pay \$Y.
4. If the NCP opposes the payment plan, try to resolve the dispute at the first possible level. Offer the NCP a conference board if negotiations fail. Use a **Record of Oral Request for a Conference Board**, DSHS [09-996](#). See Section [7.015](#).
5. Set a review code to periodically review or renegotiate with the NCP:
  1. Use a **Negotiation Letter**, DSHS [18-364](#), to reopen negotiations.
  2. Ask the NCP to complete a Statement of Resources and Expenses, DSHS [18-097](#), to determine if the NCP's circumstances have changed.

#### 4. **When can I negotiate payments by Electronic Funds Transfer (EFT)?**

- o See Section [10.045](#) for more information about Electronic Funds Transfer (EFT).

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## Chapter 11: Responses to Collection Actions

### Section 11.025 Negotiating with NCPs Enrolled in Qualifying Job-Training Programs

This section explains what to do when an NCP's earnings are subsidized by TANF.

#### Contents

Laws	<a href="#">RCW 74.04.280</a> Exempts garnishment of wages subsidized with TANF funds. Chapters <a href="#">74.20</a> RCW and <a href="#">74.20A</a> RCW. <a href="#">WAC 388-450A-0010</a> Subsidized income cannot be garnished
Policy	The Division of Child Support (DCS) cannot withhold income when the noncustodial parent's (NCP's) income is being paid with temporary assistance to needy families (TANF) funds. This includes Community Jobs and WorkFirst work study earnings.
Procedure	Release income withholding if you find that the employer is funded by TANF, including Community Jobs and WorkFirst work study.  Refund payments received from this employer to the NCP.
Visual Aids	
Automated Actions	
SEMS Screens	
Forms Used	
Hearing and Conference Board Rights	
Personal Notes <a href="#">[Add a note]</a>	You have not added any notes to this handbook section.
See Also	

## Procedures

### 1. **What should I do if I find out the NCP is working for an employer funded by TANF, including Community Jobs and WorkFirst work study?**

1. If the employer tells the Division of Child Support (DCS) that the noncustodial parent's (NCP's) earnings are subsidized by TANF, release the Order/Notice to Withhold Income for Child Support, DSHS [09-857](#).
2. If DCS has received payments as result of the DSHS 09-857, refund the payments to the NCP.
3. You may contact the WorkFirst Program Manager to find out how long the NCP's earnings may be funded by TANF or if anything might be available to pay support.

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## Chapter 11: Responses to Collection Actions

### Section 11.030 Releasing Liens and Filing a Satisfaction of Judgment

This section describes when and how to release liens, including judgment liens. It also describes when to file a Satisfaction of Judgment.

### Contents

Laws	<p><a href="#">RCW 4.56.210</a> cessation of lien</p> <p><a href="#">RCW 74.20A.060</a> liens</p> <p><a href="#">WAC 388-14A-1020</a> satisfaction of judgment defined</p> <p><a href="#">WAC 388-14A-2099</a> filing a satisfaction of judgment</p>
Policy	<p>If there is a support debt, whenever possible keep a lien in place to preserve DCS's priority.</p> <p>Release the lien when only current support is due.</p> <p>When closing a case due to the inability to locate attachable assets, do not release a lien if the support is still collectible.</p> <p>The Division of Child Support (DCS) may consider a partial or full lien release when the lien attaches to the property acquired clearly by an innocent third party. Consult a claims officer about the potential liability of a title insurance company in property transfers.</p> <p>Give the court-ordered payee the opportunity to object by sending the <b>Notice of Intention to File a Satisfaction of Judgment</b>, DSHS <a href="#">09-699</a>, when DCS wants to file a satisfaction of judgment for a debt owed to the payee.</p> <p>Send a satisfaction of judgment only on Washington State orders.</p>
Procedure	Release all liens when a case has no collectible debt and we are closing the case.
Visual Aids	<a href="#">Washington State County Officials Website</a>
Automated Actions	
SEMS Screens	<a href="#">CH</a> , <a href="#">LN</a>
Forms Used	<a href="#">09-296</a> , <a href="#">09-688</a> , <a href="#">09-699</a> , <a href="#">09-701</a>
Hearing and Conference Board Rights	
Personal Notes <a href="#">[Add a note]</a>	You have not added any notes to this handbook section.
See Also	<p><a href="#">9.020</a> Chapter 7 Bankruptcy</p> <p><a href="#">9.025</a> Chapter 13 Bankruptcy</p>

## Procedures

### 1. When do I release a lien?

1. Release a lien in full when one of the following occurs:
  1. The noncustodial parent (NCP) has paid the case in full and you are closing the case; or
  2. Arrears no longer exist on the case; or
  3. A court order, administrative hearing, or conference board directs you to release the lien; or
  4. DCS filed the lien in error; or
  5. Good cause, Level A, is granted on the NCP's only open case.
2. Release a lien in part when your judgment and local office policy determine that such an action will contribute to receiving regular payments from the NCP. **Example:** The NCP needs the money to establish a business which has real potential for NCP to bring in enough to make regular payments.
3. Use a subordination agreement (provided by an attorney, title, or escrow company) as an alternative to a partial release whenever possible. This keeps the full lien in place but it changes the priority so that DCS would be paid second. This may be a method to use when NCP has many assets, as the money would not run out before it was DCS's turn to collect.

### 2. How do I release a lien?

1. Release liens from the **LN** screen, selecting the Release Lien option so that the Support Enforcement Management System (SEMS) will automatically update the form's status on **FT** and **LN**.
2. A pre-existing lien might not appear on the **LN** screen. If there is an old pre-existing lien, search through the case comments to find the lien filing number and county for a release. Then add the lien information to the **LN** screen using the following steps:
  1. Select the *Add Lien* tab on the **LN** screen.
  2. Select the County.
  3. Select the check box at the bottom left corner of the screen. This tells SEMS to not print a lien.
  4. Click on the *Add IV-D#* tab to add appropriate cases to the lien release.
  5. Select the *Update* tab. Update the lien information on the new entry just made.
  6. Release the lien using the *Release Lien* option.

### 3. Why would I file a Satisfaction of Judgment, DSHS 09-688?

- o File a DSHS 09-688 to allow release of a judgment lien and to notify the court that the NCP has paid all or part of the Washington State judgment.

### 4. When do I file a Satisfaction of Judgment, DSHS 09-688?

1. When the NCP pays the Washington court ordered judgment in full, or
2. When the judgment has been lost to the statute of limitations.

3. **Note:** DCS enters a partial satisfaction of judgment when the DCS case or cases cover only a portion of the judgment and the NCP paid that portion in full.

## 5. How do I file a satisfaction of judgment?

1. **First**, send the **Notice of Intention to File a Satisfaction of Judgment**, DSHS [09-699](#), to the payee on the order. **Send a copy to the NCP.**
  1. On a responding interstate case, send the **DSHS 09-699** (for Washington court orders only) to the initiating IV-D agency.
  2. The payee has **twenty** (20) days from the date of mailing to request a conference board to show that the NCP has not paid the debt in full.
  3. Even if there are multiple judgments in the order, send only one **DSHS 09-699** for all satisfied judgments. If there are multiple judgment orders, send a **DSHS 09-699** for each judgment order.
  4. Do not send a 09-699 to the payee for judgments entered in the favor of the state of Washington (genetic tests or medical judgments owed to DSHS).
2. **After 20 days, if there is no response, send a Satisfaction of Judgment, DSHS 09-688, to the clerk of the court where the order was entered.**
  1. If an order contains multiple judgments, enter only the judgment **number** to be satisfied.
  2. Copies go to the payee and NCP.

**Note:** If DCS determines that the NCP has not paid off the judgment, send a **Withdrawal of Notice of Intent to File a Satisfaction of Judgment**, DSHS [09-701](#), to the NCP by certified mail return receipt (CMRR), and to the payee by regular mail.

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## Chapter 11: Responses to Collection Actions

### Section 11.035 Private Collection Agency (PCA) Hired by the CP

This section describes DCS's working relationship with PCAs hired by a CP.

### Contents

Laws	<a href="#">45 CFR 303.11</a> federal case closure criteria <a href="#">WAC 388-14A-2080</a> case closure criteria
Policy	DCS may close a nonassistance case if the private collection agency does not send payments through the <a href="#">Washington State Support Registry (WSSR)</a> .  Continue normal enforcement actions when a <a href="#">custodial parent (CP)</a> hires a private collection agency.  Credit the <a href="#">noncustodial parent (NCP)</a> for all money paid to the private collection agency, including deducted agency fees.
Procedure	Explain DCS requirements for <a href="#">processing payments and disclosing information</a> to all concerned parties.
Visual Aids	
Automated Actions	EV continues all automated functions as long as the case remains <a href="#">in full collection status</a> .
SEMS Screens	<a href="#">CC</a> , <a href="#">IA</a> , <a href="#">CF</a> , <a href="#">CH</a>
Forms Used	<a href="#">18-513</a> , <a href="#">18-514</a> , <a href="#">18-515</a> , <a href="#">18-516</a> , <a href="#">18-516A</a>
Hearing and Conference Board Rights	
Personal Notes <a href="#">[Add a note]</a>	You have not added any notes to this handbook section.
See Also	<a href="#">18.000</a> Chart: Case Closure Criteria and Codes

## Procedures

### 1. What do I do if a CP hires a private collection agency to collect support?

1. Do not disclose any information to a private collector until you have a signed **Individual or Private Agency Statement for Release of Child Support Enforcement Information**, DSHS [18-515](#), and **Authorization to Disclose Information to an Individual or Private Agency**, DSHS [18-516](#), in the file.
2. If a private agency or attorney, rather than the **custodial parent (CP)**, tells you that they were hired to collect child support, contact the CP. Explain the options:
  1. **The CP can keep the case open for continued full collection,**
  2. **The CP can request the case convert to Payment Services Only (PSO), or**
  3. **The CP can request case closure.**
3. If the CP chooses to keep the case open:
  1. Send the CP an **Authorization to Disclose Information to An Individual Or Private Agency**, DSHS [18-516](#). This allows the **Division of Child Support (DCS)** to disclose information to the collector. The CP agrees to instruct the collector to forward all payments to the **Washington State Support Registry (WSSR)** before deducting any fees, and authorizes DCS to use the collector's address as the payment address.
  2. After the CP returns the DSHS 18-516, send an **Individual or Private Agency Cover Letter**, DSHS [18-513](#), **Child Support Collection Transmittal**, DSHS [18-514](#), and the **Individual or Private Agency Statement for Release of Child Support Enforcement Information**, DSHS [18-515](#), to the collector. Send a copy of the DSHS 18-513 to the CP.
4. If the CP chooses to close the case:
  1. Send the CP an **Authorization to Disclose Information to an Individual or Private Agency/ Request to Terminate Child Support Enforcement Services**, DSHS [18-516A](#). This tells the CP which services we will terminate. If the order is WSSR, it tells the CP that DCS will change the case to PSO, and that the collector must forward payments to WSSR before deducting fees.
  2. When the CP returns the DSHS 18-516A, send the DSHS 18-513, the DSHS 18-514, and the DSHS 18-515 to the collector. Send a copy of the DSHS 18-513 to the CP.
  3. The CP must return the signed **DSHS 18-516A** in order to close the case. Follow normal [case closure](#) procedures.
5. Cash will process payments from a private collector as **A9**.
  1. If the collector shows on the DSHS 18-514 that they collected more than they sent as a payment (indicating that they deducted a fee), **Central Services staff forwards the DSHS 18-514 to the field office for review.**
  2. The responsible Support Enforcement Officer (RSEO) adjusts the CF screen to credit the full amount of the NCP's payment, and posts a case comment (**CC**) 33 documenting the **adjustment.**
6. You cannot close a case solely because a CP has hired a private collection agency or private attorney to collect support. The case must meet normal closure criteria. **See Section [18.000](#).**

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