

How Can I Collect Child Support?

Introduction

This publication is for parents who want to get child support for their children. Separate publications have general information for parents owing child support and about license suspension for non-payment of support. See [Do You Owe Child Support?](#) and [What to do About a License Suspension from DCS](#). If you have questions about your child support situation, consult with a lawyer.

The Division of Child Support (DCS) is the state agency that collects child support from parents. DCS collects child support when a child receives welfare payments or is in foster care, or if a parent asks the state for assistance in collecting support. To collect child support, DCS can garnish wages, unemployment compensation, Labor and Industries payments, some Social Security payments, and bank accounts. DCS can also intercept income tax refunds and place liens on real and personal property.

How can I get help in collecting child support?

DCS' services are usually free. (If you're a custodial parent who's never received AFDC, TANF or tribal TANF, there's an annual \$25 fee for services.) DCS has many ways to help you set and collect child support. There's a locator service to help find parents who owe support. DCS can help you set child support even if the other parent of your children doesn't live in the state. If the paternity of the child hasn't been established, DCS will refer the case to the prosecuting attorney's office for a court order of paternity and child support. DCS can also set the support amount through its own administrative system unless (or until) a court

sets child support. Once child support is set, DCS can collect from the parent who must pay by withholding wages or in other ways.

What information should I give to DCS?

The person assigned to the case, known as a support enforcement officer (SEO), will want whatever information you have that can help in the collection effort. If you have a child support court order, such as a dissolution decree, give a copy to the SEO. Other information that could help the SEO includes the most recent address of the other parent, his/her social security number, current employer and rate of pay, and other financial information such as identification of bank accounts or other assets. Be prepared to update this information with DCS.

How does DCS collect child support?

The most common way DCS collects support is by wage withholding (garnishing). This means taking the support directly from the other parent's paycheck. DCS can also withhold support payments from other sources of income, such as unemployment compensation, industrial insurance benefits, and Social Security disability and retirement benefits (but not SSI or welfare payments). If the other parent isn't receiving wages or has no other regular income, DCS can take funds from bank accounts and, in some cases, other types of property, such as boats and cars. DCS can request that the non-paying parent's federal tax refund be taken for payment of support. Where a parent who can pay fails to do so, DCS can also cause their driver's or professional license to be suspended. A parent can also be held in

contempt of court, and can even be jailed, for refusing to pay child support.

How do I keep track of payments made?

The state has a system for keeping track of child support payments called the Washington State Support Registry. Registry records are the best way to know if support's been paid or is owed. If the other parent ever pays you directly, you must tell DCS so that the payment records remain accurate.

Can I receive support while I'm receiving public assistance?

As a condition of receiving Temporary Assistance for Needy Families (TANF) cash assistance, you must assign your rights to receive child support to DCS. (See below about cooperation and good cause).

This assignment entitles DCS to receive and retain the child support that would otherwise come to you if you weren't receiving assistance. DSHS can keep only as much support as is actually paid to you in assistance. If the current support obligation exceeds the amount of your TANF grant and DCS collects the current support amount for two consecutive months, your assistance will be terminated and you'll receive support payments instead of assistance as long as DCS can collect the current support amount.

What right do I have to arrears?

DCS often can collect unpaid back support, called arrears, in addition to current support. If you've never received public assistance, you're entitled to receive everything DCS collects, whether current support or arrears. If you've received public assistance in the past but aren't currently, the state can keep the arrears that accrued during the months

you received assistance. Arrears that have accrued since you last received public assistance belong to you and should be paid to you before DCS keeps any arrears that belong to the state. Arrears that accrued *before* you received public assistance may come to you or go to the state, depending on when they accrued and how they are collected. The most common situation is that arrears collected by wage withholding go to the parent, while arrears collected by income tax refund intercept go to the state. However, that isn't always the case. Ask your SEO about how DCS is distributing arrears in your case. Seek legal advice if you believe that DCS may be keeping arrears that belong to you.

What if I disagree with DCS?

DCS should send you information about the child support it's collected every few months, and with every support check you receive. If you disagree with their calculations or with the way they've distributed support, you can appeal by asking for a hearing. To ask for a hearing, get a Notice of Objection form from DCS, fill it out, and return it to the nearest DCS office. You should receive notice of the date, time and place of the hearing within a few weeks of your request. Bring to the hearing any papers which show how DCS made a mistake.

Can I have my child support increased?

If the paying parent's finances have improved since the child support order was entered, or the support order is old, or the children's needs have changed, or there are other reasons for an increase in support, you can petition to modify the support order to a higher amount. By the same token, if the paying parent's financial situation has gotten worse since the original child support order

was established, he or she can petition to have the child support amount reduced. If the child support was set by DCS, DCS has a form called a Petition for Modification that you can fill out and send to the DCS office or the DSHS Board of Appeals. A hearing will be set and an administrative law judge (ALJ) will decide whether or not to increase the support.

If support was set by a court, you must return to court to obtain a modification. If you can't get a lawyer, you can try to file the papers yourself or seek help from a courthouse facilitator. Some volunteer lawyer programs have classes to teach people how to do child support modifications in superior court. You can also ask DCS to initiate a modification action on your behalf. DCS must review support orders periodically and modify them up or down according to the circumstances.

What if collection of support could harm me or my child?

Normally, in return for welfare payments, you must cooperate with DCS's efforts to collect child support from the non-custodial parent. However, if you or your child's safety could be endangered by the state's efforts to collect support from the other parent, you may be excused from cooperating (called *good cause*). If you're concerned for your or your children's safety, tell your welfare worker that you believe you have good cause not to cooperate with support enforcement efforts. It would help to show any evidence of the reasons you're fearful, such as medical records, protection orders, criminal records or police reports. If you don't have such records, your sworn statement alone can be the basis for good cause not to cooperate. If the state decides you have to cooperate despite your concerns about harm and threatens to reduce your grant, you have the right to a hearing on the question of whether you have good cause not

to cooperate. It's also possible for DSHS to decide you don't have to cooperate but that they can try and collect without a danger of harm to you or the children, a decision that can also be appealed. You should continue to receive your normal amount of assistance until the hearing decision is made.

Even if you agree to cooperate with DCS, you can have your whereabouts kept secret from the other parent if you have well-founded concerns about your or your children's safety. If DCS is asked by the other parent to give your child's address, you should be notified and given the chance to request a hearing to keep it from being released. For protection, you may appear at the hearing by telephone from an undisclosed location.

What rights do I have for interpretation and translation services?

A. Interpreters for Legal Proceedings

In any legal proceeding started by DCS, a prosecuting attorney, or other governmental body, you have the right to have a qualified interpreter appointed and paid for if you can't speak or understand English easily or you have a communication-related disability.

Certified interpreters are required to be appointed for languages certified by the Office of the Administrator for the Courts unless good cause is found and noted on the record. If you speak limited English, for legal proceedings not started by DCS, a prosecuting attorney, or other governmental body, you still have the right to have an interpreter appointed, but you may have to pay for one if you can afford it. However, you shouldn't be required to pay for an interpreter if you need one due to a disability.

If you or your witness(s) can't easily understand or communicate in spoken language because of a hearing or speech impairment, you have the right to have a qualified and/or intermediary interpreter appointed and paid for in both civil and criminal proceedings.

If at any time during a legal proceeding you don't feel the interpreter is doing a good job, you have the right to request another interpreter.

B. Communications with DCS

DCS must provide an interpreter if your ability to communicate in English is limited. Be sure to ask for an interpreter every time you talk to DCS. You should also receive translations of any forms that could affect your rights; be sure to ask that all your forms be translated. DCS must provide these interpreter and translation services without significant delay. Don't sign any form or make a written agreement unless you completely understand the form or agreement.

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