

Chapter 9 - Limitations to Enforcement

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Section 9.000: Determining if There is a Limitation to Enforcement

This section describes circumstances that may limit enforcement or collection actions on a case.

Contents

Laws	RCW 26.16.200 liability for child support RCW 26.23.060 limitations on withholding amount RCW 70.48.210(3)(d) city and county work release RCW 72.09.111 inmate wages RCW 72.09.480 15% child support deductions RCW 72.65.060 state DOC work release earnings not subject to collection RCW 74.20A.120 nonobligated spouse funds exempt WAC 388-14A-6200 DCS seizure of bank account WAC 388-25-0225(2) foster care good cause
Policy	
Procedure	Review all case circumstances to see if any limitations to enforcement or collection exist.
Visual Aids	Chart - Funds/Assets Exempt from Attachment
Automated Actions	
SEMS Screens	BC , CC , IA , BI
Forms Used	09-857
Hearing and Conference Board Rights	Administrative hearing if NCP or joint owner claims seized funds are exempt from collection. Conference board if NCP has issues other than funds are exempt (such as hardship).
Personal Notes [Add a note]	You have not added any notes to this handbook section.
See Also	4.015 Foster care limitations 6.180 Determining When Not to Collect Current Support 7.015 Conference Board Requests 10.075 Collecting from an NCP who is Incarcerated 13.040 Understanding Tribal Limitations 18.000 Identifying a Case for Closure

Procedures

1. What case circumstances might prevent enforcement action?

1. Good cause or domestic violence claims. See Sections [5.010](#) and [5.020](#).
2. The case is foster care and Children's Administration (CA) determines that there is good cause for DCS not to collect. See Section [4.015](#).
3. The nonassistance custodial parent (CP) who is not the named payee and is not the child's parent has not yet completed a **Declaration of Lawful Custody**, DSHS [09-693](#).

2. What case circumstances limit taking enforcement actions?

1. The funds that you want to attach are exempt from attachment (unattachable). See [Chart - Funds/ Assets Exempt from Attachment](#) Section [9.005](#). Exempt funds remain exempt even when deposited into a bank account.
2. The noncustodial parent (NCP) filed bankruptcy. See Sections [9.020](#) and [9.025](#).
3. The funds are subject to ERISA (Employee Retirement Income Security Act) protection and you must get a QDRO order. See Section [9.040](#), [Qualified Domestic Relations Order \(QDRO\) - ERISA Limitation](#).
4. The incarcerated NCP's funds are from Department of Corrections (DOC) state work release.
5. The incarcerated NCP's funds are in a DOC trust account and less than \$10.00, or are in an "offender" trust account. See Section [9.050](#) and [10.075](#).
Note: DOC is required to take 15% deductions from WA state inmates and send them to DCS for child support.
6. The NCP works for an Indian tribe, a tribal-owned enterprise, or an Indian-owned business located on a reservation or trust land. See Section [13.045](#).
 - Transfer the case to your Tribal Liaison.
7. Current support under the order is no longer due.
8. The order is no longer valid (vacated or dismissed) or the parties to the order have married each other after entry of the order. See Section [9.060](#).
9. The child receiving post-secondary educational support stops meeting educational requirements. See Section [6.180](#).
10. All or a portion of the debt is lost to the statute of limitations. See Section [9.075](#).
11. DCS stopped the NCP's current support obligation because the child was determined to be emancipated in fact. DCS must re-serve the NCP if the child once again becomes dependent. See Section [6.175](#).
12. DCS stopped enforcing administratively-established stepparent child support orders after the Harmon decision and resumed enforcing many of those orders after the Anderson decision. See [CN 202 Section III](#).

Revised February 15, 2005

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Section 9.005: Identifying Funds Exempt from Attachment

This section identifies funds that are not subject to DCS collection actions.

Contents

Laws	<p>5 CFR 581.104(h) Job Corps moneys exempt from garnishment 5 CFR 581.104 (j) SSI exempt from garnishment 34 CFR 675.2(b)(3) federal work study funds exempt 44 CFR 206.110(g) FEMA (Federal Emergency Management Agency) disaster funds exempt RCW 6.15.010(3)(d) exempt property RCW 26.16.200 liability for child support obligation RCW 72.65.060 state work release earnings RCW 74.08A.220 individual development accounts RCW 74.20A.030(3) public assistance funds exempt RCW 74.20A.120 exempt funds in a bank account WAC 388-14A-6200 exempt funds in a bank account 5 CFR 581.104 federal moneys exempt from garnishment</p>
Policy	<p>Do not seize real or personal property belonging to an NCP receiving public assistance.</p> <p>When someone proves that an asset is exempt from attachment under the law or belongs to a non-obligated person, release the DCS withholding order or lien.</p> <p>Do not initiate enforcement actions to attach assets exempt by state or federal law.</p> <p>You may choose not to issue an Order to Withhold and Deliver, DSHS 09-286 (OWD), if you have reason to believe funds in an account are TANF, or that attaching IDA (Individual Development Account) funds would create a hardship on the NCP or household.</p> <p>Immediately release funds from a bank account that you verify are TANF, GAU, or any other type of exempt funds. In TANF cases, release up to the amount of the TANF program payment.</p> <p>Do not attach any DOC state work release income.</p> <p>Do not attach DOC trust-accounts that contain less than \$10.00 as DCS has an agreement with DOC on trust accounts.</p> <p>Do not attach any Job Corps member benefits or monthly stipends.</p>
Procedure	Identify the source of funds; DCS cannot collect from certain funds.
Visual Aids	Chart - Funds/Assets Exempt from Attachment (.pdf file)
Automated Actions	Employer/asset information on IA not coded as former will prompt EV to suggest withholding from uncollectible funds.

SEMS Screens	CC , BC , IA
Forms Used	18-001 , 18-013 , 09-857 , 09-298 , 09-286
Hearing and Conference Board Rights	Hearing if NCP or other joint owner claims DCS seized exempt funds. Conference board if NCP claims hardship to household because of seizure of funds.
Personal Notes [Add a note]	You have not added any notes to this handbook section.
See Also	7.015 Conference Board requests 9.020 Chapter 7 Bankruptcy 9.025 Chapter 13 Bankruptcy 10.075 Withholding from inmate accounts 10.105 License Suspension 18.000 Identifying a Case for Closure 19.065 Refunding payments 20.025 Locating assets IM-98-03 Obtaining support from benefits paid by Dept of Veteran Affairs ACES for information on public assistance and SSI information

Procedures

1. What funds are exempt from attachment?

See [Chart](#) - Funds/Assets Exempt from Attachment.

1. American Indian Trust, Settlement, and Judgment Funds, and Land held in Trust that are excluded under Federal Law. **Example:** Payments made to the Confederated Tribes of Colville Reservation Grand Coulee Dam Settlement Act PL 103-436.
2. American Indian employment. Example: NCP works for an Indian tribe, a tribal-owned enterprise, or an Indian-owned business located on a reservation or trust land. **Note:** Contact your Tribal Liaison with questions.
3. Bankruptcy protected funds.
4. Child support paid or owed to the NCP or their spouse.
Example: NCP claims all the money DCS withheld from NCP's bank account is from child support paid to the NCP for the child(ren) in the NCP's care. Or, the NCP claims the money in the account is child support received by the NCP's spouse for the spouse's children.
5. College Federal Work Study funds paid to an NCP are exempt.
 - Federal work study funds are not wages; they are solely for educational purposes. You may withhold other work study earnings if they are not paid with federal funds. **Note:** Try to negotiate a voluntary payment agreement with work-study recipients.
6. Corporate or partnership funds in a bank account, unless you are taking employer noncompliance action. See Section [10.060](#).
 - Even if the corporation or partnership is the NCP's, do not attach the funds unless you are taking noncompliance action against the NCP's corporation or partnership because the entity failed to honor a DSHS 09-857.
7. DOC "offender" accounts, funds of the incarcerated NCP that are from DOC state work release, or are in a DOC trust account and less than \$10.00. See Section 9.050.
8. DSHS funds to reimburse a recipient of Chore Services who paid an NCP. If a Chore Services recipient pays the NCP for providing the services and DSHS reimburses the recipient, the DSHS payment to the recipient is exempt from attachment.
 1. You may attach DSHS payments to the NCP as a Chore Services provider, but do not attempt to enforce medical, as the NCP is not a state employee.
 2. You may not know whether the NCP is the provider or the recipient of Chore Services until you send the [09-857](#).
 3. The ES Screen shows Chore Services as:
Name of DSHS Provider or Client
c/o DSHS Disbursements
PO Box 45845
Olympia, WA 98504-5845
9. ERISA protected funds (need QDRO). See Sections [9.040](#) and [9.045](#).
10. Federal education grants or fellowships, including Pell grants and Bureau of Indian Affairs education assistance benefits.
11. FEMA disaster funds.
12. Funds, earnings, or property belonging to a non-obligated person are exempt. If a financial account is

in both names, the burden is on the NCP and joint owner to prove the NCP has no interest in the asset.

Note: A non-obligated spouse may voluntarily make payments from their own funds on behalf of the NCP.

13. Job Corps benefits or monthly stipend, unless the NCP authorizes an allotment to pay child support.
Note: NCPs may voluntarily initiate an allotment to make the child support payments by completing the form, Job Corps corpsmembers Allotment Determination that is available through the Job Corps center. The government will match the allotment by five (5) times what the NCP has authorized as his allotment. DCS staff should encourage the NCP to initiate an allotment.
14. Supplemental Security Income (SSI) benefits.
15. State work release funds, funds of the incarcerated NCP in a DOC trust account of which the balance is less than \$10.00, and funds in an "offender" trust account. See Section [9.050](#).
16. Surplus mortgage escrow accounts that are not refundable to the NCP.
17. TANF, GAU, or other public assistance funds (State or Tribal), including EFT deposits into the recipient's bank account, diversion assistance payments, or early exit bonus payments are exempt.
Note: The above payments, located within a bank account, cannot be identified and excluded from the FIDM match before DCS issues an **Order to Withhold and Deliver - Property and Accounts**, [DSHS 09-286](#). If an NCP contacts DCS, and you verify that the funds in the account are exempt, immediately release the funds up to the amount of the TANF program payment.
Exception: A TANF recipient's earned income is subject to mandatory income withholding, unless the income is earned while participating in a qualifying job training program or paid with TANF funds. See Section [11.025](#).
18. Total v Total refunds.
19. Certain Veteran's Affairs (VA) disability benefits. The VA will notify you if the NCP's benefits are uncollectible when you send an **Order/Notice to Withhold Income for Child Support**, [DSHS 09-857](#).
20. Funds claimed or received by DCS that are subject to a prior claim for reimbursement of Medicaid expenses.

2. Do I attach funds that I think might be exempt?

1. If you know that all the funds are exempt, do not attach the funds.
2. If you do not know that all the funds are exempt, attach the funds until someone proves to you that the funds are exempt.
3. Once you know that funds are exempt, release the collection action and refund any exempt funds to the appropriate party.
4. You may choose not to issue an **Order/Notice to Withhold Income for Child Support**, [DSHS 09-857](#) or the **Order to Withhold and Deliver Child Support**, [DSHS 09-286](#), if you have reason to believe that the funds in an account are TANF program payments or otherwise exempt.
5. If you have reason to believe that the account is an IDA (Individual Development Account), you may choose not to issue a [DSHS 09-286](#). if you believe the collection action would create a hardship on the NCP.

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Note: This section has been superseded by [CN-246 Section # III](#)

Section 9.020: Chapter 7 Bankruptcy

This section describes what to do if a NCP files a Chapter 7 bankruptcy.

Contents

CN-246

Laws	11 USC 362 (a) (2) bankruptcy automatic stay
Policy	Respond immediately to written or verbal notices that a bankruptcy or court-ordered stay is in effect. You may file a proof of claim if there are assets in the estate.
Procedure	Code the BC screen to reflect the status of the NCP's bankruptcy status. Determine whether the NCP has filed bankruptcy, what actions are required, and what actions you can take.
Visual Aids	
Automated Actions	Set Enforcement Services (Enf Svc) on BC to 9 to prevent EV from running on the case. This action will also remove the debt from appearing on the NCP's debt on the BI screen
SEMS Screens	CC , IA , BC , EV
Forms Used	09-857 , 09-873 , 09-298 , Proof of Claim
Hearing and Conference Board Rights	
Personal Notes [Add a note]	You have not added any notes to this handbook section.
See Also	Chapter 19 Debt Calculation U. S. Bankruptcy Court - Western District U. S. Bankruptcy Court - Eastern District U. S. Courts

Procedures

1. Why would someone file a Chapter 7 bankruptcy?

1. To extinguish all the debtor's dischargeable debts, effective as of the date of filing.
2. To liquidate and distribute the debtor's nonexempt assets, if any, to creditors.
3. To protect the debtor's exempt assets.
4. To stay (suspend) collection by most creditors, although DCS can collect from wages earned after the date of filing.

2. What authority does the bankruptcy court have?

1. The court has jurisdiction over property the NCP acquired before filing, as well as limited assets, not including wages, acquired by the NCP after filing and before discharge.
2. The court may grant a discharge of debts, typically in 90 to 120 days after filing.

3. What must I do when a Chapter 7 bankruptcy occurs?

1. Change enforcement services code on **BC** to 9. Keep the code as 9 until the bankruptcy discharge order is issued, and then reset with the appropriate code. **Note:** Set a review code for ninety (90) days to review if the discharge order has been issued.
2. You may withhold earnings (for current support, arrears, and medical premiums) to the same extent as if a Chapter 7 bankruptcy had not been filed. **Note:** Because wages for work performed after the filing of Chapter 7 are not part of the bankruptcy estate, DCS can collect any child support debt owing while a case is in Chapter 7 bankruptcy. **Note:** Consult with a claims officer if you are contacted by a trustee who asks that DCS return part or all of the withheld earnings.
3. You can serve an administrative notice (09-275 or 09-710), or initiate paternity or modification while an NCP is in Chapter 7 bankruptcy.
4. Chapter 7 bankruptcy does not affect DCS license suspension actions.
5. Do not file a proof of claim unless notified by the bankruptcy court that there are nonexempt assets in the bankruptcy estate. See [9.025 C](#) for proof of claim filing procedures.
6. Do not initiate a collection action against an NCP's bank account while a case is in a Chapter 7 bankruptcy. If DCS issued a collection action against the NCP's bank account prior to the filing of the bankruptcy, it may be necessary to release the bank account in TANF arrears cases (consult a Claims Officer).
7. Do not release liens or collection actions against earnings. Allow IRS certification to take place.
8. Do not file new liens while a case is in Chapter 7 bankruptcy.

4. What about credit bureau reporting?

- o A Chapter 7 bankruptcy does not affect credit reporting.

5. What about out-of-state NCPs?

- Follow the same procedures as with in-state NCPs.

6. **Was an NCP ever able to discharge a child support debt?**

1. Bankruptcy petitions filed 10/1/79 through 8/12/81 could discharge public assistance debts assigned to the state.
2. Bankruptcy petitions filed 10/1/79 through 11/25/86 could discharge "state only" foster care debts assigned to the state.

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Note: This section has been superseded by [CN-246 Section # IV](#)

Section 09.025: Chapter 13 Bankruptcy

This section describes what to do if an NCP files a Chapter 13 bankruptcy.

Contents

CN-246

Laws	11 USC 362(a)(2) bankruptcy automatic stay
Policy	Respond immediately to verbal or written notices that a bankruptcy or court-ordered stay is in effect. The Chapter 13 bankruptcy trustee may allow DCS to enforce current support.
Procedure	Contact the bankruptcy trustee when you receive notification that an NCP has filed a Chapter 13 bankruptcy. See local field office procedures for supporting documents to be filed with the proof of claim.
Visual Aids	List -Chapter 13 Bankruptcy Court Addresses and Phone Numbers
Automated Actions	Set Enforcement Services (Enf Svc) on BC to 9 prevent EV from running on that case. This action will also remove the debt from appearing on the NCP's debt on the BI screen.
SEMS Screens	CC , IA , BC
Forms Used	09-857 , 09-298 , Proof of Claim
Hearing and Conference Board Rights	
Personal Notes [Add a note]	You have not added any notes to this handbook section.
See Also	List - Chapter 13 Bankruptcy Court Addresses & Phone Numbers 19.000 Doing a Debt Calculation U. S. Bankruptcy Court - Western District U. S. Bankruptcy Court - Eastern District U. S. Court links to court districts

Procedures

1. Why would someone file a Chapter 13 bankruptcy?

- Chapter 13 provides a supervised plan that sets a debt repayment over an extended period of time, usually 36-60 months.

2. What authority does the bankruptcy court have?

1. The court approves a repayment plan that follows the rules of the court.

1. There are two bankruptcy districts in Washington: Western Washington and Eastern Washington.

Western Washington includes cases filed in Seattle and Tacoma bankruptcy courts. While there are trustees in Vancouver, Vancouver does not have a Bankruptcy court. Typically Vancouver cases are filed in the Tacoma Bankruptcy court

Eastern Washington includes cases filed in Spokane and Yakima Bankruptcy courts.

2. Local rules vary between bankruptcy districts, and within different trustee locations in the Western District of Washington.
3. In the Eastern District and for filings administered by the Vancouver trustees, only arrears owing as of the date of the filing of the bankruptcy petitions are paid in the plan.
4. Plans administered by the trustees in Seattle and Tacoma may encompass current support as well as arrears in the plan.
5. Questions regarding bankruptcies should be directed to your claims officer. If you need additional help, then for Western Washington cases, contact the AAG [Dan Radin](#).

Note: The AAG does not represent DCS in bankruptcy cases in Eastern Washington, Regions 1 and 2. For additional help on bankruptcies from these regions contact the Spokane County Deputy Prosecuting Attorney, [Arthur K. Hayashi](#).

2. The court mails the Notice of Filing of the Chapter 13 petition and the Notice of Stay to all listed creditors within 3 weeks of the filing date.

Note: Debtors often neglect to include WSSR/DCS in the list of creditors. DCS is a creditor and subject to the jurisdiction of the bankruptcy court.

3. What do I do when a Chapter 13 bankruptcy occurs?

1. You can serve an administrative notice (09-275 or 09-710) or initiate paternity or modification while an NCP is in Chapter 13 bankruptcy. You may proceed without asking for permission from the bankruptcy court.
2. Read the plan to determine how the NCP will pay child support.
 1. Tacoma and Seattle trustees only:

1. If current support is to be paid within the plan, release any OWI and file a proof of claim.
2. If current support is not paid within the plan, reduce the OWI to current only (if NCP or NCP's attorney complains, release the OWI and contact the AAG in Western Washington).
2. All other trustees in Washington State:
 - Any current support and arrears owing after the date of filing of the bankruptcy are collectible by DCS outside the plan.
3. If the plan does not include current support payments, but DCS is unable to collect current support outside the plan (no known employer), contact the appropriate AAG or deputy prosecutor regarding filing an objection to the plan. See Subsection B1 above.
3. File a proof of claim in every Chapter 13 case for the amount of arrears owing as of the date of the filing of the bankruptcy petition.
 1. For Seattle and Tacoma filings, file a separate claim for each of NCP's cases, separate out current from the arrears, then separate the non-assistance (NA) arrears from the TANF arrears and mark the NA arrears priority.
 2. For Vancouver and Eastern Washington filings, all arrears should be filed as single priority claim.
 3. For Oregon filings, only NA arrears are a priority claim.
 4. For other states, non-assistance arrears are always a priority claim, but check with the bankruptcy court in the other states to ascertain the status of public assistance arrears.

Note: If you do file a proof of claim in a Chapter 13 bankruptcy, you must file it with the court, not the trustee. Trustees are appointed by the bankruptcy court and they do change over time.

4. If medical enforcement is provided at any cost to the NCP, follow the same procedures as you would for current support in the case.
5. Set enforcement services code on **BC** to 9 until termination of the plan. Reset to the appropriate code when the plan is finished.
6. Stop IRS certification. Change the auto IRS certification code in **CF** to N and decertify (change arrears to zero) for any IRS certified debt amount.

Note: Set a review for one (1) year to check on the bankruptcy status.
7. Do not release liens.
8. Do not file new liens while a case is in Chapter 13 bankruptcy.
9. If an NCP's license has been suspended by DCS, DCS must contact the appropriate agency to reinstate the license.

4. What about credit bureau reporting?

- Do not report after you receive notification of a Chapter 13 filing. If DCS reported the debt prior to the date of filing, it is not necessary to delete the report. Change the credit bureau reporting indicator to E in all filings, change back to N after the plan is finished.

5. What about out-of-state NCPs?

- For out-of-state Chapter 13 bankruptcies, review the plan (consult with a CLO or AAG). After confirmation of the plan is received and property is again vested back to the NCP, issue an **Order/ Notice to Withhold Income for Child Support, DSHS 09-857**, for current support if current support is payable outside of the plan.

6. What if I receive bankruptcy notification from OCSE?

1. The federal Office of Child Support Enforcement (OCSE) may notify DCS of a bankruptcy if the Federal Financial Management Services (FMS) received a bankruptcy notification. OCSE sends DCS any paperwork that it receives from FMS.
 - FMS ensures that federal tax offset does not occur.
2. Respond immediately to the bankruptcy notice.
3. Set the code Enforcement Services (Enf Svc) on the **BC** to 9 and set a review for one year to check on the bankruptcy status or to remove the code. Remove the code after one year unless DCS is receiving funds resulting from a Proof of Claim.
 - If a year has passed since the NCP filed bankruptcy, the NCP will receive a pre-offset notice stating that the NCP is eligible again for federal administrative and tax offset.
4. Contact the bankruptcy court or trustee about filing a Proof of Claim.

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Section 9.040 QDRO - Qualified Domestic Relations Order - ERISA Limitation

This section describes a Qualified Domestic Relations Order (QDRO) and when you may need one.

Contents

Laws	29 USC 1056(d)(3)(B) and (C) QDRO definitions and requirements. RCW 74.20A.080 (10) businesses and others not civilly liable to debtor if comply with order to withhold
Policy	Get a Qualified Domestic Relations Order (QDRO) when collections have failed due to a federal ERISA law.
Procedure	When ERISA is the basis for not honoring a withholding action, request a QDRO through the Prosecutor's Office.
Visual Aids	
Automated Actions	
SEMS Screens	FT
Forms Used	09-298 , 09-290 , 09-857
Hearing and Conference Board Rights	Conference board
Personal Notes [Add a note]	You have not added any notes to this handbook section.
See Also	

Procedures

1. What is a QDRO?

- The federal Employee Retirement Income Security Act (ERISA) protects pension plan benefits from garnishment. A Qualified Domestic Relations Order (QDRO) is an exception to this protection. A QDRO is a court order for child or spousal support that allows the assignment of pension plan benefits to someone other than the plan beneficiary.

Note: An administrative notice/order can not take the place of a QDRO.

2. When might I need a QDRO?

- If an employer or a financial institution does not honor a withholding action on the basis of ERISA, a QDRO will require compliance. In general, the federal ERISA protects pension plan benefits from garnishment. A QDRO is an exception to this protection.

3. How do I obtain a QDRO?

1. First, send a full release of the previously served withholding action to the plan administrator.
2. Then, request a QDRO through the Prosecutor's Office. Follow local office procedure to request this from the Prosecutor.
 1. The Prosecutor will probably need a copy of the underlying order and a copy of the **Answer to Order/Notice to Withhold Income for Child Support**, that shows ERISA protection claimed.
 2. Most pension fund administrators provide a sample copy of their QDRO. If available, send the sample to the Prosecutor.

4. What do I do after I get a QDRO?

1. After the Prosecutor returns the QDRO, serve a copy of the QDRO on the plan administrator, certified mail return receipt ([CMRR](#)). Enclose a new 09-290, but do not send another 09-857. The QDRO takes the place of the 09-857.
2. Mail a copy of the QDRO to the NCP, regular mail.
3. If the plan administrator fails to honor the QDRO, refer the case back to the Prosecutor who obtained the QDRO. Ask the Prosecutor to review the case for contempt action.

Chapter 9: Limitations to Enforcement

Section 9.045 - Medical Enforcement Limitations

This section describes what limitations to medical enforcement may be present on a case.

Contents

Laws	<p>45 CFR 302.33 service to individuals not receiving IV-A or IV-E foster care or Medicaid.</p> <p>45 CFR 303.31(c) medical support enforcement services to be provided</p> <p>45 CFR 303.32(b) National Medical Support Notice exception</p> <p>RCW 26.19.071(5) determination of net income</p> <p>WAC 388-14A-2000 (2)(d), (3) eligibility for services</p> <p>WAC 388-14A-4123 employer failure to comply</p>
Policy	<p>Do not accept a direct nonassistance application for medical enforcement only. NA applications must be for full support enforcement services.</p> <p>Federal regulations do not allow a CP to decline medical support enforcement services when the child does not have insurance coverage.</p> <p>Do not send medical enforcement notices to the employer when DCS already has medical coverage information.</p> <p>Do not require an employer to provide medical information when it is not required.</p>
Procedure	Review the circumstances of the case for any limitations to enforcing medical.
Visual Aids	
Automated Actions	<p>The Medical field on OR drives the National Medical Support Notice, DSHS 09-727. If there is no NCP responsibility and the case is public assistance, EV will suggest modifying the order for medical.</p> <p>The EV program compares the Coverage code on MI to the IA employer address Insurance field to determine if we need to send an 09-727.</p>
SEMS Screens	OR , MI , CC , IA
Forms Used	09-727
Hearing and Conference Board Rights	
Personal Notes [Add a note]	You have not added any notes to this handbook section.
See Also	<p>6.105 Establishing or Determining the NCP's Medical Support Obligation</p> <p>24.005 Enforcing a Medical Support Obligation</p>

Procedures

1. When do I not enforce medical support obligations?

- o Do not enforce a medical obligation when:
 1. The case has a pending good cause claim.
 2. The CP is on medical assistance and is either pregnant or has given birth within the last six months.
Note: You can enforce the medical support obligation for other children in the CP's household.
 3. The order is for arrears only.
 4. The nonassistance CP declined medical enforcement services in writing and provided DCS with proof of medical insurance coverage for the children.
 5. The premium amount for the children exceeds the limit shown on the NMSN.
 6. The NCP's total current support obligation plus the total premium for children on the DCS case exceeds 50% of the NCP's net income when the NCP's principle place of employment is Washington State.
 - If you are collecting an amount on arrears, reduce the arrears amount if it will allow for medical enforcement. Federal Law requires some amount on arrears unless the NCP is enrolled in a qualifying job-training program.
 7. The NCP provides Chore Services to a DSHS client.
 8. The child does not reside within the service area and the plan does not provide a minimum of urgent and emergent care where the child lives.
 9. All mailing and home addresses on the nonassistance CP's IA screen are "former."
 - Document in a code 60 case comment that medical is not being enforced because DCS has no current address for the nonassistance CP and there is no active Medicaid. The SEO should take action to locate the CP. You must continue medical enforcement for a CP who is receiving Medicaid in Washington State.
 10. When the SEO knows the NCP's employer does not offer insurance to its employees.
 - The SEO must document in a type 60 case comment that the NMSN is not being sent to the employer (specify the employer's name) because the employer has previously told DCS it does not offer insurance to its employees.
Note: If an insurance company or Third Party Administrator is not complying, you should contact the Medical Coordinator in State Office. See Section [12.005](#).

2. Who is subject to medical noncompliance fines?

- o Employers who are not military, federal, or tribal.

3. What was the process for medical enforcement for ERISA employers before the NMSN?

1. Before March 22, 2004, the state office medical coordinator completed a letter to accompany the old 09-727 form to enroll the children in the employer's medical insurance plan. This was the Qualified Medical Child Support Order (QMCSO) process.
2. The new NMSN 09-727 form replaces the old 09-727 form and the QMCSO. A NMSN is a QMCSO by law.

Revised February 10, 2005

Chapter 9: Limitations to Enforcement

Section 9.050: Inmates and Offenders Limitations

This section describes the limitations to withholding from an inmate or offender.

Contents

Laws	RCW 70.48.210(3)(d) city and county work release RCW 72.09.111 inmate wages RCW 72.09.480 15% child support deductions RCW 72.65.060 DOC state work release earnings not subject to collection
Policy	<p>Do not attach any DOC state work-release income, but you can attach county work release.</p> <p>Do not attach DOC trust accounts that you know contain less than \$10.00.</p> <p>Do not attach an "offender account."</p> <p>Federal prisons cannot withhold from an inmate NCP's wages or accounts without the inmate's consent.</p>
Procedure	<p>Attempt to determine the amount of money in an inmate trust account before sending an Order to Withhold and Deliver, DSHS 09-286.</p>
Visual Aids	
Automated Actions	<p>The DOC/SEMS interface will post a CC when an inmate NCP has a DOC account (this may be old information).</p>
SEMS Screens	IA , CC , OR
Forms Used	09-286
Hearing and Conference Board Rights	<p>Hearing if NCP believes that trust account funds are exempt from collection.</p> <p>Conference board for other issues, such as hardship.</p>
Personal Notes [Add a note]	<p>You have not added any notes to this handbook section.</p>
See Also	7.015 Conference Board Requests Income withholding for federal prisoners

Procedures

1. What are the service limitations?

- Do not use restricted delivery to serve the NCP at a Department of Corrections (DOC) institution. If a person from DOC signs the receipt, DCS has good substitute service. See Section [6.125](#).

2. What are the collection limitations?

1. Do not send an **Order to Withhold and Deliver - Property and Accounts**, DSHS 09-286, if you know the inmate account contains less than \$10.00.
2. Do not attach the NCP's inmate trust account if you know that it contains only exempt funds. See Section [9.005](#).
3. Do not send an **Order/Notice to Withhold Income for Child Support**, DSHS 09-857, to DOC for wage withholding if the inmate works for DOC.
Note: Effective July 27, 2003, DOC must withhold 15% from an inmate's earnings or from other deposits made into their inmate account.
4. Do not attach earnings derived from the state DOC work release program whether in an inmate account or from an employer.
Note: You can collect earnings from a city or county work release program.
5. Do not attach an "offender account." This is a DOC system of tracking what the offender owes to DOC and is a method of accepting payments. It is not an inmate account.

3. What are the contact limitations?

1. Do not send an **Employer Inquiry**, DSHS [18-002](#), to DOC or to any employer when the NCP is in a DOC state work release program.
 - Contact the Community Corrections Officer (CCO) located at the work release facility if you want information from a work release facility. Do not contact non-DOC personnel. The NCP's CCO must approve any voluntary payment agreement.
2. Do not contact DOC for employer information or a better address. If you need to contact DOC directly, go through DCS headquarters.
 - You may contact the NCP's Community Corrections Officer (CCO) or the specific correctional institution if you have specific questions.

Revised February 3, 2005

Chapter 9: Limitations to Enforcement

Section 9.060: Order-Related Limitations

This section describes restrictions on collection due to circumstances related to support orders.



Contents

Laws	<p>RCW 26.09.120 to whom support is paid</p> <p>RCW 26.09.170(4) administrative establishment after marriage</p> <p>Ross v Azcarate: order stops when payee dies</p> <p>RCW 26.21.510(1) UIFSA Choice of Law - Statute of limitations for arrearages</p> <p>RCW 26.21.530 procedure to contest registered order</p> <p>RCW 26.21.550 confirmed order</p> <p>WAC 388-14A-7100 order from another state may be registered</p>
Policy	<p>Do not collect support on an order that has been vacated.</p> <p>DCS does not collect certain debts that accrued under a temporary order.</p> <p>Do not collect current support based on an order when either of the parties or the child dies. If a child on an undifferentiated order dies, collect the full amount specified in the order.</p> <p>Do not collect attorney fees, GAL fees, and other costs of court action awarded to a nonassistance CP unless the state of Washington established paternity and paid for those costs.</p> <p>Do not collect any fees awarded to the CP's attorney.</p> <p>If a non-assistance CP already has an order that included the NCP obligation to pay for GAL costs and the state of Washington was not involved in the paternity action, DCS does not set up a case to collect GAL costs for the CP.</p> <p>Do not collect AFDC birth cost judgments on orders entered on/after March 1, 1991.</p> <p>Collect interest on Washington State orders only when it is reduced to a sum-certain judgment in a court order. Do not collect interest on a support debt unless the court has made it a sum-certain judgment.</p> <p>Collect uninsured medical costs only when a court has made them a sum-certain judgment.</p> <p>Collect interest in interstate cases only if we receive a request to do so, if the support order being enforced is not from Washington State, and if the amount of interest being</p>

	<p>requested is based on the certified calculations of a IV-D agency or CPA.</p> <p>Do not collect on an order that specifically orders DCS to stop IV-D services.</p> <p>Do not collect on an order that allows the NCP to pay support directly to the CP unless the CP has applied for non-assistance services or is a recipient of TANF. Note: You may treat a new order as a request to close an existing case if the new order allows the NCP to pay the CP directly.</p> <p>If you receive a new order in an existing case and you can not tell from the new order if the parties want to continue to enforce child support, send the Response to New Support Order, DSHS 09-888, to both parties and continue full collection services unless both parties notify us to stop.</p> <p>DCS stopped enforcing administratively-established stepparent child support orders after the Harmon decision and resumed enforcing many of those orders after the Anderson decision.</p>
Procedure	Review the case circumstances and the order for any of these situations.
Visual Aids	
Automated Actions	Make sure the OR is filled in correctly, since OR drives EV .
SEMS Screens	CC , OR , CF , BC
Forms Used	18-571 , 09-272 , 09-277 , 09-277B , 09-520 , 09-674 , 09-888
Hearing and Conference Board Rights	<p>NCP has a right to a conference board to dispute arrears on a 09-272.</p> <p>CP has a right to a hearing if she disagrees with the amount shown on the 09-272.</p> <p>NCP has a right to a hearing if either party disagrees with the amounts in the 09-674.</p>
Personal Notes [Add a note]	You have not added any notes to this handbook section.
See Also	<p>6.015 Determining if a Temporary Order is Collectible After a Final Order</p> <p>6.180 Determining When Not to Enforce Current Support</p> <p>7.000 Determining Who Has Hearing Rights - Table</p> <p>18.000 Chart - Case Closure Criteria and Codes</p> <p>19.040 Crediting NCP Payments</p>

Procedures

1. When do I not collect on a final court order?

1. Do not collect when a court has vacated the support order.
2. Do not collect current support based on an order when either of the parties or the child dies.

Exception: If the NCP died and the order specifically allows current support collection against the NCP's estate, you may collect. You may collect arrears from the NCP's estate.

1. If a child on an undifferentiated order dies and you cannot identify the support for the deceased child, collect the full per-month order amount for the remaining children.
 2. If the payee on the order dies and the children go to live with a custodian who requests services, serve a **Notice and Finding of Financial Responsibility**, DSHS [09-275](#). See Section [6.180](#)
3. When an order awards any fees or court costs payable to a nonassistance CP, do not collect them unless incurred in a IV-D action. See Sections [6.000](#) and [2.065](#).
 - If DCS is currently collecting any of these costs incurred in a non-IV-D action, before stopping collection, consult with a claims officer to determine if collection is required under special circumstances.
 4. Do not collect uninsured medical costs that are not a sum-certain judgment.
 5. Do not collect public assistance birth cost judgments entered on orders on or after March 1, 1991. You may collect these judgments on orders before this date.
 6. Do not collect on an order that specifically orders DCS to stop IV-D services.
 7. Do not collect on an order that allows the NCP to pay support directly to the CP unless the CP has applied for non-assistance services or is a recipient of TANF.
 1. You may treat a new order as a request to close an existing case if the new order allows the NCP to pay the CP directly.
 2. [Response to New Support Order, DSHS 09-888. Continue providing full support enforcement services unless both parties notify us to stop.](#)
 8. Do not collect interest on a [Washington State](#) order unless it is reduced to a sum-certain judgment.
 9. [Before taking action to assess or collect interest in a responding interstate case, verify that:](#)
 1. [The request is received from any one of the following:](#)
 1. [a IV-D Agency located in another state; or](#)
 2. [an Indian tribe; or](#)
 3. [a foreign reciprocating country; or](#)
 4. [from a CP or NCP located in another state who has submitted a UIFSA petition through an initiating tribunal without involving the IJ's child support agency;](#)
Note: This does not include CPs or NCPs who have directly applied for our services, and
 2. [The support order being enforced is not a Washington State Order; and](#)

3. The amount of interest being requested is based on certified calculations by a IV-D agency or a Certified Public Accountant (CPA).

Note: Do not collect interest in a responding interstate case unless it meets all three of the criteria listed above. If it does not meet one or more of the criteria, advise the initiating jurisdiction (IJ) that we will not collect interest for them until the case meets all of the criteria.

10. Stop collecting current support and establish an administrative support order when:

1. The parties to a divorce remarry each other and later separate; Or
2. The unmarried parties to a paternity order marry each other and separate.
3. Do not establish support administratively if the court enters a final paternity order after the parties marry. Enforce the court order.

Note: All other non-support provisions of the paternity order remain in effect after the marriage.

2. Do these limitations apply to temporary court orders?

- o Yes. There are restrictions on collecting arrears that accrued under some temporary orders. See Section 6.015.

Revised March 30, 2005

Chapter 9: Limitations to Enforcement

Section 9.075: Applying the Statute of Limitations (SOL)

This section describes how to apply the SOL and actions to take to prevent the debt from being lost to the SOL. (This section incorporates and replaces Section 19.035.)

Contents

Laws	<p>28 USC 115.1738B full faith and credit, choice of law</p> <p>RCW 4.16.020(3) ten years past the youngest child turning 18</p> <p>RCW 6.17.020 extensions to SOL</p> <p>RCW 26.21.510 UIFSA Choice of Law</p> <p>RCW 43.20B.030 retained support SOL</p> <p>RCW 74.20A.220 waiver of SOL</p> <p>RCW 74.20A.275(2) SOL for support payments in possession of a 3rd party</p>
Policy	<p>Unless the NCP waived the SOL defense, apply the appropriate statute of limitations to obligations when calculating support debts.</p> <p>If a court-ordered debt is being lost to the SOL, you may apply arrears payments to the court-ordered debt rather than to an earlier NCO period with no SOL.</p> <p>When enforcing an order issued outside of Washington State, apply Washington's SOL unless the order state's SOL is longer.</p> <p>Seek an extension of the SOL only where circumstances warrant it.</p> <p>Do not collect or revive support arrears already lost to the Statute of Limitations.</p> <p>Collect the maximum possible to avoid losing a debt to the Statute of Limitations defense.</p>
Procedure	<p>Review the case to determine if a Waiver of Statute of Limitations Defense, DSHS 09-508 is appropriate.</p>
Visual Aids	<p>Chart 1 - Statute of Limitations Dates for Court and Administrative Orders</p> <p>Chart 2 - Applying the Statute of Limitations in Multi-state Scenarios.</p>
Automated Actions	
SEMS Screens	<p>CC, CF, OR, BC, WB</p>
Forms Used	<p>09-508</p>
Hearing and Conference Board Rights	
Personal Notes [Add a note]	<p>You have not added any notes to this handbook section.</p>
See Also	<p>7.015 Conference Board Requests</p> <p>11.020 Negotiating with NCPs who have Hardship Issues</p> <p>11.025 Negotiating with NCPs Enrolled in Qualifying Job-Training Programs</p> <p>15.085 Choice of Law - Choosing Which State's Statute of Limitations to Use</p>

Procedures

1. What is the Statute of Limitations (SOL)?

- For DCS purposes, the SOL is the law that specifies how long a support debt remains collectible. If you do not collect a payment within the time allowed, the payment becomes uncollectible and lost to the SOL. The SOL determines how far back you can apply arrears payments.
- Changes in Washington State laws require different Statute of Limitations rules for difference time periods. See [Chart 1](#).

2. How does the SOL affect my cases?

1. When calculating the NCP's support debt, apply the SOL of the issuing or enforcing state, whichever is longer. See [Chart 2](#).
2. For administrative orders dated before 9/1/73, there was a six (6) year SOL. Apply arrears payments received prior to 9/1/79 no farther back than 9/1/73. Arrears prior to 9/1/73 are lost to SOL and are uncollectible.
3. For administrative orders dated 9/1/73 through 7/22/89, arrears payments received after 8/31/79 may be applied as far back as 9/1/73. Arrears debts for administrative orders dated in this period remain collectible as there was no SOL for administrative orders during this period.
4. For administrative orders dated 7/23/89 or later, the SOL is ten (10) years from the 18th birthday of the youngest child. These debts are collectible until the youngest child owed support under the order reaches age 28.
5. For court orders dated prior to 7/23/89, all payments due prior to 7/1/74 are lost to SOL and are uncollectible.
6. For court orders dated prior to 7/23/89 with payments due between 7/1/74 through present, there is a ten (10) year SOL. These debts are collectible for ten (10) years after the due date of the payment.
7. For court orders dated 7/23/89 or later, there is a ten (10) year SOL from the 18th birthday of the youngest child. These debts are collectible until the youngest child owed support under the order reaches age 28.
8. For court judgments entered prior to 7/23/89 based upon a prior order of support, there is a ten (10) year SOL. These debts are collectible for ten (10) years after the due date of each payment of the judgment. A monthly breakdown is required to apply the SOL. Use the Debt Calc 2000 program to calculate these debts.
9. For court judgments entered prior to 7/23/89 with no prior order of support, there is a ten (10) year SOL from the date of judgment. No monthly breakdown is required.
10. For court judgments entered 7/23/89 or later, there is a ten (10) year SOL from the 18th birthday of the youngest child. These debts are collectible until the youngest child owed support under the order reaches age 28.
11. Attorney fees and costs awarded in a judgment have a SOL of ten (10) years from the date of the judgment. Any back support awarded would have the 18 years old plus ten (10) years SOL.
12. On retained support debts, apply a six-year SOL from the date of service, unless DCS has an administrative remedy (e.g., lien or judgement) in place. Then DCS has ten years from date of service to collect the debt.
Note: DebtCalc 2000 correctly applies the SOL to debts under court orders prior to July 1989, but it does not know the difference between administrative debts and court order debts. You may have to

create separate calculations for debts with and without the SOL unless a 09-508 is on file. It does not apply the post-7/22/89 SOL of ten years after the youngest child turns 18.

3. How can I prevent a debt from being lost to the SOL?

1. Ask the NCP to sign a **Waiver of Statute of Limitations Defense**, DSHS 09-508, to secure the debt, if:
 1. The NCP wants DCS to accept a proposed payment plan that puts the debt in jeopardy of being lost to the SOL now or in the future.
 2. There is a reason to believe the debt would be in jeopardy of being lost to the SOL. See Section 11.020.

Note: Do not require an NCP to sign a 09-508 as a pre-condition to negotiations. You may require the NCP to sign before agreeing to a reduced payment plan.
 3. From the date the NCP signs, apply the waiver to future support and to support-related judgments that accrue on the case under any order. The waiver applies only to the children named on the waiver and follows the obligation to any other DCS case.
 4. Delete any arrears already lost at the time of signing from the CF. The waiver does not revive any support already lost to the SOL.
2. Consider seeking an extension of the SOL when amounts due prior to 7/23/89 become subject to being lost to the SOL. If your FO has a local agreement with the Prosecutor, you may seek an extension before the debt or judgment expires.
 1. Follow local procedure for Prosecutor referrals.
 2. Review the case to verify whether circumstances warrant seeking an extension. Look at the collection potential, the collection history, and the size of the debt.
 3. Do a complete debt calculation before referring the case.
 4. If one party still lives in the county where the order was entered, refer it to that county's Prosecutor. Otherwise, refer it to the county where the NCP lives.

4. How do I post a signed DSHS 09-508 to the case?

1. Take the following actions to post a signed 09-508.
 1. Make a CC code 47 entry on all the NCP cases to show that the NCP signed a 09-508 and the date that it was signed. You may want to have the 9-508 imaged to all of the NCP's cases.
 2. Make a notation on the White Board (WB) with the date the 09-508 was signed.
 3. Have a copy of the 09-508 imaged to all of the NCP's cases to which the waiver applies.
2. Some court orders entered through the Prosecutor or Assistant Attorney General that set up a payment schedule may contain SOL waiver language. Post this waiver language to the case the same way that a 09-508 is posted.

5. How do I prepare a debt calculation after the NCP signs a 09-508?

1. Before you prepare a debt calc, always:
 1. Check the case record for a signed 09-508 or order (usually paternity) for waiver language

and code 47 **CC** entries. Some court orders entered through the Prosecutor/AAG that set up a payment schedule may contain SOL waiver language.

2. Check the NCP's other cases. Sometimes the NCP waived debts for multiple cases, but the 09-508 may appear on only one of the cases' case comments. The 09-508 or court-order waiver only applies to the children named on the form or in the order.
2. From the date the NCP signed the waiver, apply the waiver to past support not already lost to the SOL, and to future support that accrues on the case under any order. The waiver follows the obligation for the children on the 09-508 to any other DCS case.
3. Do not charge the NCP for periods lost to the SOL or lost at the time the NCP signed a waiver. The 09-508 does not revive any debt already lost to the SOL at the time of signature.
4. Include periods now lost to the SOL in the NCP's debt calculation if you have applied arrears payments to the SOL period.
 1. Show the SOL period, amounts charged, amounts credited, and net lost to the SOL.
 2. Enter only the collectible debt on the CF screen.
5. The debt calculation program Debt Calc 2000 can be used to do a SOL calculation.
 1. It applies arrears payments based on the correct SOL for court orders and any signed waiver of the SOL.
 2. If you have both non court-ordered and court-ordered obligations, the program can not distinguish between the two. Run a separate calculation for each.
 3. If a court-ordered debt is being lost to the SOL, you may apply arrears payments to the court-ordered debt rather than to an earlier non-court ordered period with no SOL. For SOL calculations, apply arrears payments to the earliest accrued arrears (EAA).
 4. The program can not compute another state's SOL law.
6. **If another state has registered the order for enforcement, does that state become the issuing state for purposes of applying the SOL?**
 - o No. The issuing state is the state that entered the original order. If another state registers the order, that has no impact on the issuing state. However, if a state registers an order and then modifies the order, that state is the issuing state for the order of modification.
7. **Once I have applied the statute of limitations to a case, can I ever "un-apply" the statute of limitations and revive the debt?**
 1. No. If you have already applied the statute of limitations to a case, do not "un-apply" the statute of limitations.

Note: If DCS made a representation to the NCP that DCS will not be collecting debt because of loss to SOL, and then DCS attempts to revive the debt, the NCP may not legally have to pay the amounts treated as previously lost to the SOL because of the equitable estoppel defense.
 2. Do not revive the debt, unless a tribunal issues an order or judgment that includes the old debt.
 3. Do not collect support arrears already lost to the statute of limitations.
 4. If you are referring an existing case to another state where WA has already applied the SOL, send the debt calculation with the SOL applied. We need to let the enforcing state know if we applied the SOL,

in case the NCP raises an equitable estoppel defense.

1. You should also send a calculation without the SOL applied. The enforcing state can decide whether or not to "un-apply" the SOL and revive the debt.
2. If the enforcing state revives the debt, increase the amount on the CF to match the responding jurisdiction's calculation.
5. If you are opening a new case to be referred to another state for enforcement, you do not need to apply the SOL to the debt calculation when sending the interstate referral.

8. **What options does the CP have if he or she does not agree with WA's application of the statute of limitations?**

The CP can:

1. Request a conference board. In a conference board proceeding, the NCP may raise the defense of equitable estoppel if WA represented to the NCP that WA would not collect arrears already lost to the SOL.
2. Apply directly for services to another state where either the NCP resides, the CP resides, or the order was issued.
3. Go to court and get a judgment for the arrears. DCS must honor the judgment, even if the court did not apply the SOL.

9. **What do I do if an enforcing state refers the case back to WA after "un-applying" the SOL that we had previously applied?**

- o If WA is again enforcing the order, we apply the SOL of the issuing state or WA, whichever is longer, when setting up the case. Adjust the CF accordingly.

-

Revised February 10, 2005

[Chapter 9: Limitations to Enforcement](#)

[Section 9.080: Limitations to Spousal Support Services](#)

[This section describes what services we cannot provide on spousal support only cases.](#)

[Contents](#)

Laws	42 USC 666(a)(7)(A) Reporting arrearages to credit bureaus 45 CFR 303.72 (a)(3)(i) past due support qualifying for offset RCW 74.20A.320 license suspension WAC 388-14A-4510 Who is subject to the DCS license suspension
Policy	DCS does not certify spousal support only debts to the Internal Revenue Service. DCS does not suspend a license on spousal support only debts. DCS does not report spousal support only debts to the credit bureaus.
Procedure	Enforce medical if the requirement to provide insurance coverage for the payee is specifically mentioned in the order. Use the algorithm to apply payments when the NCP owes support on more cases than the spousal support only case. Do not pursue contempt actions. Spousal support only cases do not meet current contempt requirement criteria.
Visual Aids	
Automated Actions	
SEMS Screens	
Forms Used	
Hearing and Conference Board Rights	
Personal Notes [Add a note]	You have not added any notes to this handbook section.
See Also	

Procedures

1. Under what circumstances can DCS certify spousal support debts to the Internal Revenue Service?

1. Certify a support debt that includes spousal support only if that support debt also includes child support owed for a child living in the same household.
2. Do not include spousal support that accrued after the child emancipated if the case otherwise meets the criteria in 1, above for certification. Only post-majority TANF debts meeting the criteria in 1 are certifiable to the IRS.

2. What enforcement actions are we prohibited from taking against an NCP who owes spousal support only?

1. Do not suspend licenses.
2. Do not pursue contempt actions. Spousal support only cases do not meet current contempt requirement criteria.
3. Do not report spousal support only debts to the credit bureaus.

3. Do we enforce medical on spousal support only cases?

1. On out-of-state orders, enforce medical if the requirement to provide insurance coverage for the CP is specifically mentioned in the order. **Note:** On in-state orders we enforce medical only while we are enforcing current child support included in the same court action. When child support ends, we do not continue to enforce medical for spousal support while collecting arrears on the case.
2. Follow the same procedures you would use to enforce medical on any other non-assistance case. See Section 24.005.

4. How does a spousal support only case affect distribution when NCP owes current and/or arrears on other cases?

- o DCS does not distinguish between child support and spousal support when distributing payments between cases. DCS uses the algorithm to apply payments when the NCP owes support on more cases than the spousal support only case.

-