

for three days or more of a week, he shall be considered unavailable for the entire week.

Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of the remuneration (if any) payable to him with respect to such week which is in excess of twelve dollars. Such benefit, if not a multiple of one dollar, shall be computed to the next higher multiple of one dollar.

SEC. 4. This act shall take effect on July 5, 1959. **Effective date.**

Passed the House March 11, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 322.

[H. B. 290.]

DEPENDENT CHILDREN—SUPPORT.

AN ACT relating to public assistance and the support of dependent children; prescribing powers and duties of the attorney general, certain county and city officers, and superior and justice courts in relation thereto; providing for support orders and the enforcement thereof; providing for release of certain information to the department of internal revenue; providing for subrogation and collection by the department in certain cases; and providing penalties; adding a new chapter to Title 74 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. There is added to Title 74 RCW a **New chapter.** new chapter to read as set forth in sections 2 through 24 of this act.

SEC. 2. The purpose of this act is to provide a **Purpose.** more effective and efficient way to effect the support of dependent children by the person or per-

sons who, under the law, are primarily responsible for such support and to lighten the heavy burden of the taxpayer who in many instances is paying toward the support of dependent children while persons who should be held responsible are avoiding their responsibilities.

Dependent child, children.

SEC. 3. For the purposes of this act, a dependent child or children shall mean a child as defined in RCW 74.12.010 or RCW 13.04.010.

Agreements with attorney general authorized.

SEC. 4. The prosecuting attorney of any county other than Class AA or Class A may enter into an agreement with the attorney general whereby the primary responsibility for the enforcement of support payments for any dependent child or children shall become the duty of the attorney general. Upon the execution of such agreement, the attorney general shall be empowered to exercise any and all duties of the prosecuting attorney in connection with said enforcement of support payments.

Department reports of nonsupport—Action to enforce support.

SEC. 5. Whenever the department of public assistance receives an application for public assistance on behalf of a child or children and it shall appear to the satisfaction of the department that the child or children has or have been abandoned by its parents or that the child or children and one parent have been abandoned by the other parent or that the parent or foster parent or other person who has a responsibility for the care, support, or maintenance of such child or children has failed or neglected to give proper care or support to such child or children, the department shall report such fact to the attorney general. The attorney general shall either refer the matter to the proper prosecuting attorney, or in those counties in which there is an agreement between the prosecuting attorney and the attorney general that the attorney general shall act to enforce support, the attorney general shall

take appropriate action under the abandonment or nonsupport statutes or other appropriate statutes of this state to insure that such parent or foster parent or other person responsible shall pay for the care, support, or maintenance of said dependent child or children.

SEC. 6. The attorney general shall be informed about or take action only in those cases where the dependent children are or are about to become, recipients of public assistance, as aid to dependent children cases, foster home cases or otherwise.

Action only when recipient of public assistance.

SEC. 7. Any person having the care, custody or control of any dependent child or children who shall fail or refuse to cooperate with the department of public assistance, any prosecuting attorney or the attorney general in the course of administration of provisions of this act shall be guilty of a misdemeanor.

Refusal to cooperate, misdemeanor.

SEC. 8. In all Class AA and Class A counties and in such other counties in which there is no agreement between the prosecuting attorney and the attorney general that the attorney general shall act to enforce support, the attorney general shall promptly report the facts to the prosecuting attorney or refer the county office of the department of public assistance to the prosecuting attorney and the prosecuting attorney shall take all necessary steps or appropriate action under abandonment or nonsupport statutes or other appropriate statutes of this state to insure that the parent, foster parent or other person responsible shall pay for the support and maintenance of such dependent child or children.

Action to enforce support by prosecuting attorney.

SEC. 9. In those instances where by agreement between the attorney general and prosecuting attorney, the attorney general shall act to enforce support, the prosecuting attorney and the sheriff

Assisting attorney general mandatory.

of each county and the city police of any municipality within the state, shall provide such aid and assistance to the attorney general as the attorney general may request and the circumstances of the case require.

In those cases where action is taken by the prosecuting attorney, the attorney general, the sheriff of each county and the city police of any municipality within the state shall lend such aid and assistance as may be requested and the circumstances of the case require.

Reports of
prosecuting
attorney.

SEC. 10. In Class AA and Class A counties, and in such other counties in which there is no agreement between the prosecuting attorney and the attorney general that the attorney general shall act to enforce support, the prosecuting attorney shall make full and complete reports to the attorney general as to the status of all cases pending or closed since the last report was filed. Such reports shall be made upon request and also on or before February 1st and August 1st of each year, for the prior six months ending January 1st and July 1st, respectively. Each report shall relate the name or names of all parties against whom action has been taken, the name of the court where taken, the place of employment of the person responsible for support and the earnings of such person, the action taken and the result of such action including a report of the amount of money ordered paid.

Disposition of
support money
—Report of
court clerk.

SEC. 11. Whenever as a result of a support action taken by either the attorney general or prosecuting attorney support money is paid by the person or persons responsible for support, such money shall be paid into the registry of the superior court and shall be disbursed by the clerk of the superior court each month to the persons entitled thereto. On the fifteenth day of each month, a report by the clerk of the superior court shall be made to the

department of public assistance containing a statement indicating whether or not the amounts ordered to be paid have been paid.

SEC. 12. In cases where a support action by the attorney general or prosecuting attorney is necessary and no warrant has been issued, the person complained against shall be taken by the prosecuting attorney or the attorney general handling the matter before either the superior court or justice court and such court shall hear the matter and enter an order fixing the amount of support to be paid by such person. Orders of support by superior court shall be filed with the clerk of the superior court, and copies of justice court orders of support signed by the justice of the peace shall be filed in the office of the clerk of the superior court.

Forums—
Order of
support filed.

SEC. 13. Where in any divorce or separate maintenance action an order has been entered or a final decree has been entered requiring payments to be made by any person for the support of a minor child or children, a copy of such order or final decree may be filed in the special filing provided for in section 14 and shall be prima facie proof of the ability of such person to pay for the support of such child or children to the person having care, custody or control of the child or children, in any civil action brought to enforce the provisions of this act.

Order as
evidence in
civil case.

SEC. 14. The county clerk shall keep a separate index and a separate file covering all orders entered under this act for the payment of money for the benefit of a dependent child or dependent children. It shall be unlawful for any person, body, association, firm, corporation, or other agency to solicit, publish, disclose, receive, make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of any lists or names secured as

Order file—
Use of list,
gross misde-
meanor.

a result of this index and file for commercial or political purposes of any nature. The violation of this provision shall be a gross misdemeanor.

Orders filed free.

SEC. 15. Orders shall be filed in the county clerk's office without cost or fee.

Court processes available.

SEC. 16. Whenever further action to enforce support is necessary against the person named in such order or copy of order, the same shall be by bench warrant or show cause order, garnishment, attachment or execution or other process ordered by any judge of the superior court upon the application of either the attorney general or the prosecuting attorney.

Information available to revenue service.

SEC. 17. Notwithstanding the provisions of RCW 74.04.060, upon approval of the department of health, education and welfare of the federal government, the public assistance department may disclose to and keep the internal revenue department of the treasury of the United States advised of the names of all persons who are under legal obligation to support any minor child or dependent children and who are not doing so, to the end that the internal revenue department may have available to it the names of such persons for review in connection with income tax returns and claims of dependencies made by persons filing income tax returns.

Public assistance available if no support—Subrogation.

SEC. 18. Payments of public assistance on behalf of a child or children shall not be withheld or reduced as a result of a support order entered under this act or pursuant to an order or final decree of divorce or separate maintenance when such support is not in fact being paid. By accepting such public assistance, the recipient thereof shall be deemed to consent to the recovery by the department of an amount equal to the amount required to be paid under said support order or the amount

of public assistance paid as a result of the non-payment of support, whichever is the lesser. The department shall be subrogated to the right of said child or children or person having the care, custody, and control of said child or children to prosecute any support action existing under the laws of the state of Washington.

SEC. 19. The department may, in lieu of bringing an action, give notice to the person required to pay such support that as a result of the nonpayment of such support, there is a debt due and owing the state, and that the person may appear for a hearing and present evidence of payment of such support if it has in fact been paid. Notice of the hearing shall be given by personal service at least ten days prior to the hearing. The hearing shall be held within thirty days after the issuance of the notice, at a time and place specified by the department, in the county in which the person resides before a duly authorized representative of the department.

Hearing in lieu of bringing action.

SEC. 20. If such person fails to appear or upon appearing fails to submit satisfactory evidence of the payment of such support, the department shall enter an order declaring that a certain sum is due and owing the state. A copy of such order shall be filed with the clerk of the superior court of the county in which the person resides and the clerk of the superior court in the county in which the support order was entered; a copy of such order shall within ten days of its entry be served upon the party affected thereby by certified or registered mail or personal service.

Hearing order—Filed—Served.

SEC. 21. Any person affected by such an order of the department may, within ten days after personal service of the order or within fifteen days after the mailing of such order, appeal from the order to the superior court of the county in which

Appeal from hearing order—Order as lien—Processes available.

he resides; such appeal shall be tried de novo. If the person fails to appeal the order within the time provided or if the court, on appeal, affirms the order of the department, the order duly entered and filed shall become a lien upon all property, real or personal of the person against whom it is entered. To effect collection of the amount found due, the superior court may avail itself of its contempt powers, by warrant or show cause order, or its powers of execution, garnishment or attachment upon the application of either the attorney general or the prosecuting attorney. Either party may appeal the decision of the superior court to the supreme court of the state. No bond shall be required on any appeal under this act.

Severability.

SEC. 22. The several provisions of this act are hereby declared to be separate and severable and if any clause, sentence, paragraph, subdivision, section or part thereof shall for any reason be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other clause, sentence, paragraph, subdivision or section.

Emergency.

SEC. 23. This act is necessary for the immediate preservation of the public health, peace and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 11, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 24, 1959.