

How can I collect child support?

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Learn how the state Division of Child Support (DCS) can help you find the other parent and set and collect child support.

What is DCS?

The Division of Child Support (DCS) (<https://www.dshs.wa.gov/esa/division-child-support>) is the state agency that collects child support. They collect when a child gets public benefits such as TANF (<https://www.dshs.wa.gov/esa/community-services-offices/temporary-assistance-needy-families>) or Apple Health (<https://www.hca.wa.gov/about-hca/programs-and-initiatives/apple-health-medicaid>), or is in foster care, or when you ask DCS for help (<https://www.dshs.wa.gov/esa/division-child-support/enroll-child-support-services>) collecting support for the children. DCS collects the support from the other parent and then passes it on to you.

DCS doesn't charge families with low incomes who are currently getting or have previously gotten public assistance. If you've never gotten TANF or tribal TANF, there can be a small yearly fee for services.

What can DCS do to help me get child support?

If you have a hard time reading, speaking, or understanding English, let DCS know right away. Ask DCS for a free interpreter and translated notices.

DCS can do a lot for you.

Help figure out who the other parent is: DCS will refer the case to the prosecuting attorney's office. The prosecuting attorney will file a court case asking for a court order of parentage and support.

Find the other parent: If you don't know where the other parent is in the first place, DCS has a locator service and may be able to find the parent to collect from them. Even if the other parent doesn't live in Washington, DCS can still help set support.

Set a support amount: DCS can set the support amount through its own system unless or until a judge sets support.

Enforce a support order: Once there's a support order, DCS can collect by taking (garnishing):

- Pay from a job (wages)
- Unemployment benefits
- Labor and Industries (L & I) payments
- Some Social Security payments
- Bank accounts
- Income tax refunds

DCS **can't** garnish SSI or public assistance payments.

DCS can also place legal claims (liens) on property owned by the parent who owes child support. Then if that parent sells off property, DCS will be notified and can collect child support from the sale profits.

If the other parent has no regular income, DCS can take funds from bank accounts and maybe other types of property, such as boats and cars. They can also ask for the parent's federal tax refund.

DCS will keep track of support payments through its Washington State Support Registry. Its records are the best way to know if someone has paid or owes support.

If the other parent ever pays you directly, **tell DCS** so their payment records are accurate.

If the other parent can pay but simply won't, DCS can have the parent's driver's license or other type of license taken away (suspended).

A judge can also hold that parent in contempt and, possibly, send the parent to jail. (Jail time is rare for child support. ())

If you already have a support order and the other parent has fallen behind in payments, DCS can help you collect back support.

What information should I give DCS?

You should give your DCS worker whatever information can help find the other parent or determine how much the other parent makes. If you have a support court order, give them a copy. You should also give DCS the other parent's most recent address and their Social Security number, current employer and rate of pay, and other financial information, such as bank account details or other assets if you have that information.

What if collecting support could harm my child or me?

Normally, in return for TANF payments, you must cooperate with DCS's efforts to get support from the other parent. This usually means providing information about the children's other parent, including their name and a last known address. If this could place you or your children in danger, DCS may excuse you from cooperating. This is called **good cause**.

If you're concerned for your or your children's safety, tell your welfare worker you believe you have good cause (<http://www.dshs.wa.gov/esa/division-child-support/domestic-violence-information>) not to cooperate with support enforcement efforts.

Give DCS any evidence of why you're afraid, such as medical records, protection orders, criminal records, or police reports. If you don't have such records, your sworn statement might prove good cause.

If DCS decides you must cooperate anyway, they may threaten to lower your grant. Then you should ask for a hearing. An administrative law judge will decide if you must cooperate.

DCS may decide you don't have to cooperate, **but** they can try to collect support without danger of harm to you or the children. You can also appeal that decision. You should keep getting your usual amount of assistance until the hearing decision.

I'm afraid for my safety. Does DCS have to tell the other parent where we're living?

Maybe not. Even if you cooperate with DCS, they can keep your location from the other parent if you have well-founded safety concerns. If the other parent asks DCS for your children's address, DCS should let you ask for a hearing to keep DCS from giving it out. You can appear at the hearing by phone. You don't have to say where you're calling in from.

Can I get back support?

You can get back support through DCS if they can collect it. How much they give you depends on how much back support the other parent owes you and how much the other parent owes DSHS for public assistance DSHS has given you and your children.

- **If you've never gotten public assistance**, you're entitled to everything DCS collects, current or back support.
- **If you've gotten public assistance in the past but you don't get it now**, DCS can keep the back support that built up while you got assistance. Arrears that have built up **since** you last got public assistance belong to you. DCS should pay you first. Then it can keep any arrears that belong to the state.
- **Arrears that built up before you went on public assistance** may come to you **or** go to the state, depending on when they built up and how DCS collects them. Usually, arrears collected by wage withholding go to you. Arrears collected by income tax refund intercept usually go to the state.

Ask your DCS worker how DCS is paying out back support in your case. Get legal advice if you believe DCS is keeping money that belongs to you.

Can I get more support?

You might be able to get DCS to change (to modify) the amount or some other aspect of your child support order if circumstances have changed. **Examples:** the paying parent is making more money, the support order is old, or the children's needs have changed.

If you have a **court order** of support and you **don't** meet DCS's criteria for modifying, you can file a petition or motion to change (to modify) the support order

If I get child support, will that make me over income for public assistance?

If you get TANF, DCS keeps enough of the support to reimburse DSHS for the TANF they paid you. DCS gives you whatever's left after that. If the amount of support the other parent must pay is more than the TANF you get, and DCS collects that support amount for 2 months in a row, your TANF will stop. You'll get support payments instead of TANF as long as DCS can collect that support amount.

 You can probably still get Apple Health.

If you disagree with how much or how little support DCS is giving you, you can fill out and return the **Notice of Objection form** that came with the DCS notice of action. Read the notice carefully to find out your deadline for sending an objection. This is how you ask for a hearing. You should get notice of the hearing date, time, and place in a few weeks. Bring any proof of DCS' mistake with you to the hearing.

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