How Can I Collect Child Support?

Intro
Read this if you want child support for your children.

Where else can I get info?

- If you owe support, see Do You Owe Child Support.
- For license suspension for support non-payment, see What to do About a License Suspension from DCS.

If you have questions about your situation, talk to a lawyer.

What is DCS?
The Division of Child Support (DCS) is the state agency that collects child support. DCS collects when

- A child gets welfare payments or Medicaid or is in foster care.
- You ask DCS for help collecting support

How do I get a child support order?
DCS can set the support amount through its own administrative system unless (or until) a court sets support.

How can DCS help collect support?
Once there is a support order, DCS can collect by garnishing (taking)

- wages
- unemployment benefits
- Labor and Industries payments
- some Social Security payments
- bank accounts

DCS can also

- take income tax refunds
- place liens on real and personal property

What if I do not know where the other parent is?
DCS has a locator service.

What if the other parent does not live in Washington?
DCS can still help set support.

What if we have not established the child’s parentage?
DCS will refer the case to the prosecuting attorney’s office for a court order of parentage and support.

Does DCS charge for its services?
Usually, no. If you have never gotten TANF or tribal TANF, there can be a small yearly fee for services.

Can I help DCS?
Yes. You should give the support enforcement officer (SEO) assigned to your case whatever info can help. If you have a support court order, give the SEO a copy. Other info that could help includes the other parent’s

- Most recent address
- Social Security number
- Current employer and rate of pay
• Other financial info, such as identification of bank accounts or other assets

DCS may ask you to update this info.

How does DCS collect support?

Usually by wage withholding (garnishing). This means taking the support directly from the other parent’s paycheck. DCS can also take support from other types of income. See “How can DCS help collect support,” above.

- DCS cannot garnish SSI or welfare payments.

What if the other parent is not working, or has no other regular income?

DCS can

- Take funds from bank accounts and, sometimes, other types of property, such as boats and cars.
- Ask for the parent’s federal tax refund.

The other parent can pay. What if they simply refuse to?

A judge can hold that parent in contempt and send the parent to jail. DCS can have the parent’s driver’s or professional license suspended.

How do I keep track of payments?

The state’s Washington State Support Registry does this. 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.

I get public assistance. Can I get support?

To get Temporary Assistance for Needy Families (TANF) cash assistance, you must assign your rights to get child support to DCS. (See below about cooperation and good cause.) This entitles DCS to get and keep support that would come to you if you were not getting assistance. DSHS can keep only as much support as the amount of your TANF grant.

If the current support obligation is more than your TANF, and DCS collects that support amount for two months in a row, your TANF will stop. You will get support payments instead of TANF as long as DCS can collect that support amount.

Can I get back support?

If you have never gotten public assistance, you are entitled to everything DCS collects, current or back support. DCS often also collects unpaid back support, called “arrears.”

If you have gotten public assistance in the past but are not getting it now, the state can keep the arrears 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 before it keeps 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 SEO how DCS is distributing arrears in your case. Get legal advice if you believe DCS is keeping arrears that belong to you.

What if I disagree with DCS?

With every support check you get, DCS should send you info about the support it has collected every few months. You can also check your payment history online at secure.dshs.wa.gov/home/default.aspx.

If you disagree with DCS’ calculations, or how they have distributed support, ask them for a Notice of Objection form to fill out and return it to the nearest DCS office. This is how you ask for a hearing. You should get notice of the hearing date, time, and place within a few weeks. Bring to the hearing any papers showing how DCS’ mistake.

Can I get more support?

Maybe. You can petition to modify (change) the support order to a higher amount if:

- The paying parent’s finances have gotten better since entry of the child support order.
- The support order is old.
- The children’s needs have changed.
- There are other reasons.

Read Change Your Child Support Order. and Asking DCS to Review Your Child Support Case for Modification.

Can the other parent ask to pay less child support?

Yes. If their financial situation has gotten worse since the original support order, they can petition to pay less support. Read Change Your Child Support Order.

Starting 7/28/19, DCS will file to change your support amount if they determine that:

- an order is 15% higher or lower than it should be
- the paying parent is in jail or prison

DCS set the support amount. How do I ask for more support?

Fill out DCS’ Petition for Modification form DSHS 09-280B. Find it at www.dshs.wa.gov/office-of-the-secretary/forms in English and Spanish.

Send it to the DCS office or DSHS Board of Appeals. At a hearing, an administrative law judge (ALJ) will decide whether to increase the support.

A court set support. Do I have to go back to court if I want more support?

Yes.

If you cannot get a lawyer, you can try filing the papers yourself, or ask a courthouse facilitator for help. Some volunteer lawyer programs have classes to teach you how to do a child support modification in court.

You can also ask DCS to file a modification action on your behalf. DCS must review support orders periodically and change them up or down depending on the situation. Read Asking DCS to Review Your Child Support Case for Modification.

What if collecting support could harm my child or me?

Normally, in return for welfare payments, you must cooperate with DCS’s efforts to get child support from the other parent. If this
could place you or your child in danger, DCS may excuse you from cooperating. This is called *good cause*.

If you are concerned for your or your children’s safety, tell your welfare worker you believe you have good cause not to cooperate with support enforcement efforts. Show them any evidence of why you are afraid, such as:

- medical records
- protection orders
- criminal records
- police reports

If you do not have such records, your sworn statement might be good cause. [DCS’ good cause form #18-344](https://www.dshs.wa.gov/office-of-the-secretary/forms) is here:

If the state decides you must cooperate anyway and threatens to lower your grant, you can have a hearing about whether you have good cause not to cooperate.

DSHS may decide you do not have to cooperate BUT they can try to collect without danger of harm to you or the children. You can appeal that decision. You should keep getting your usual amount of assistance until the hearing decision.

**I fear for my safety. Does DCS have to tell the other parent where we are living?**

Even if you agree to 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 child’s address, DCS should give you the chance to ask for a hearing to keep DCS from giving it out. You can appear at the hearing by phone from an undisclosed location.

Read more about good cause at [www.dshs.wa.gov/esa/faq/](https://www.dshs.wa.gov/esa/faq/).

**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 one of these is true:

- You cannot speak or understand English easily.
- You have a communication-related disability.

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. You may have to pay for one. You should not have to pay for an interpreter if you need one due to a disability.

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

If any time during a legal proceeding you do not feel the interpreter is doing a good job, you have the right to ask for another one.

**B. Communications with DCS**

DCS must provide an interpreter if your ability to communicate in English is limited.
You should ask for an interpreter every time you talk to DCS.

You should also get translations of any forms that could affect your rights. Be sure to ask DCS to have all your forms translated.

DCS must provide these interpreter and translation services as soon as possible. Do not sign any form or make a written agreement unless you completely understand it.

**What if I need legal help?**

- Apply online with CLEAR*Online - [nwjustice.org/get-legal-help](http://nwjustice.org/get-legal-help)
  or

- Call CLEAR at 1-888-201-1014

CLEAR is Washington’s toll-free, centralized intake, advice and referral service for people with low income seeking free legal assistance with civil legal problems.

- **Outside King County:** Call 1-888-201-1014 weekdays 9:15 a.m. - 12:15 p.m.

- **King County:** Call 211 for info and referral to a legal services provider weekdays 8:00 am – 6:00 pm. You can also call (206) 461-3200, or toll-free 1-877-211-WASH (9274). You can also get information on King County legal service providers at [www.resourcehouse.com/win211/](http://www.resourcehouse.com/win211/).

- **Persons 60 and Over:** Seniors age 60 or over can call CLEAR*Sr at 1-888-387-7111, regardless of income. Assets limits may apply. King County seniors can call 2-1-1.

Deaf, hard of hearing or speech impaired callers can call CLEAR or 211 (or toll-free 1-877-211-9274) using the relay service of your choice.

CLEAR and 211 will conference in free interpreters when needed.


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