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HOUSE BILL 2941

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State of Washington

54th Legislature

1996 Regular Session

By Representatives Tokuda, H. Sommers, Brown, Grant, Mason, Dickerson, Chopp, Costa, Cole, Hatfield, Conway, Chappell, Quall, Keiser, Wolfe, Kessler, Romero, Appelwick, Voloria, Ogden, Murray and Patterson

Read first time 01/30/96. Referred to Committee on Children & Family Services.

1 AN ACT Relating to welfare; amending RCW 74.12.420 and 74.25.020;  
2 adding new sections to chapter 74.12 RCW; adding a new section to  
3 chapter 74.20A RCW; adding new sections to chapter 46.20 RCW; adding a  
4 new section to chapter 74.13 RCW; adding a new section to chapter 48.43  
5 RCW; adding a new section to chapter 74.04 RCW; creating new sections;  
6 making appropriations; and providing expiration dates.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8

**PART I**

9

**TIME LIMITS ON PUBLIC ASSISTANCE**

10 **Sec. 101.** RCW 74.12.420 and 1994 c 299 s 9 are each amended to  
11 read as follows:

12 The legislature recognizes that long-term recipients of aid to  
13 families with dependent children may require a period of several years  
14 to attain economic self-sufficiency. To provide incentives for long-  
15 term recipients to leave public assistance and accept paid employment,  
16 the legislature finds that less punitive and onerous sanctions than  
17 those required by the federal government are appropriate. The  
18 legislature finds that a ten percent reduction in grants for long-term

1 recipients that may be replaced through earned income is a more  
2 positive approach than sanctions required by the federal government for  
3 long-term recipients who fail to comply with requirements of the job  
4 opportunities and basic skills program. A long-term recipient shall  
5 not be subject to two simultaneous sanctions for failure to comply with  
6 the participation requirements of the job opportunities and basic  
7 skills program and for exceeding the length of stay provisions of this  
8 section.

9 ~~(1) ((After forty-eight monthly benefit payments in a sixty-month~~  
10 ~~period, and after each additional twelve monthly benefit payments, the~~  
11 ~~aid to families with dependent children monthly benefit payment shall~~  
12 ~~be reduced by ten percent of the payment standard, except that after~~  
13 ~~forty-eight monthly payments in a sixty-month period, full monthly~~  
14 ~~benefit payments may be made))~~ After thirty-six full monthly benefit  
15 payments in a sixty-month period, benefit payments shall be reduced by  
16 ten percent each year for a period of no more than three years,  
17 totaling thirty-six monthly payments. At the end of the period  
18 consisting of thirty-six months of full payments in a sixty-month  
19 period followed by thirty-six months of reduced payments, no further  
20 payments may be allowed for two years. However, neither reduction nor  
21 time limits in this section apply if:

22 (a) The person is incapacitated or is needed in the home to care  
23 for a member of the household who is incapacitated;

24 (b) The person is needed in the home to care for a child who is  
25 under ~~((three))~~ two years of age;

26 (c) There are no adults in the assistance unit;

27 (d) The person is ~~((cooperating in the development and~~  
28 ~~implementation of an employability plan))~~ actively participating in the  
29 job opportunities and basic skills training program while receiving aid  
30 to families with dependent children and no present full-time, part-  
31 time, or unpaid work experience job is offered; ((or))

32 (e) During a month in which a grant reduction would be imposed  
33 under this section, the person is participating in an unpaid work  
34 experience program;

35 (f) Child care is not made available by the department;

36 (g) The person was not offered services by the job opportunities  
37 and basic skills program at least six months before the benefit  
38 reduction; or



1 of the department of social and health services as to the application  
2 of policies and rules adopted by the department of social and health  
3 services.

4 (2) ~~((To the extent feasible under federal law, the department of  
5 social and health services and all entities contracting with it shall  
6 give first priority of service to individuals volunteering for program  
7 participation.))~~ The department of social and health services shall  
8 develop a realistic schedule for the phase-in of client participation  
9 in the job opportunities and basic skills training program based on the  
10 availability of state and federal funding.

11 (3) The department of social and health services shall adopt rules  
12 under chapter 34.05 RCW ~~((establishing))~~ that conform to the criteria  
13 in federal law for mandatory program participation as well as establish  
14 criteria constituting circumstances of good cause for an individual  
15 failing or refusing to participate in an assigned program component, or  
16 failing or refusing to accept or retain employment. ((These)) The good  
17 cause criteria shall include, but not be limited to, the following  
18 circumstances: (a) If the individual is a parent or other relative  
19 personally providing care for a child under age ~~((six))~~ two years, and  
20 the employment would require the individual to work more than twenty  
21 hours per week; (b) if child care, or day care for an incapacitated  
22 individual living in the same home as a dependent child, is necessary  
23 for an individual to participate or continue participation in the  
24 program or accept employment, and such care is not available, and the  
25 department of social and health services fails to provide such care;  
26 (c) the employment would result in the family of the participant  
27 experiencing a net loss of cash income; or (d) circumstances that are  
28 beyond the control of the individual's household, either on a short-  
29 term or on an ongoing basis.

30 (4) The department of social and health services shall adopt rules  
31 under chapter 34.05 RCW as necessary to effectuate the intent and  
32 purpose of this chapter.

33 **PART III**  
34 **CHILD SUPPORT**

35 NEW SECTION. **Sec. 301.** A new section is added to chapter 74.20A  
36 RCW to read as follows:

1 (1) The department may serve a notice upon a responsible parent  
2 informing the parent of the department's intent to certify the parent  
3 to the department of licensing as an individual who is not in  
4 compliance with a child support order. As used in this section  
5 "noncompliance with a child support order" means arrears totaling three  
6 or more months of current support have accumulated since the entry of  
7 the order and the responsible parent has not made arrangements  
8 satisfactory to the division of child support to pay current support  
9 and retire the arrears. The notice shall be served personally, or by  
10 any form of mail requiring a return receipt. The notice shall inform  
11 the responsible parent that:

12 (a) Noncompliance may result in suspension of the parent's driver's  
13 license;

14 (b) The parent may contest the issue of compliance at an  
15 adjudicative proceeding under chapter 34.05 RCW;

16 (c) A request for an adjudicative proceeding shall be in writing  
17 and must be received by the department within twenty days of the date  
18 of service;

19 (d) If the parent requests an adjudicative proceeding within twenty  
20 days of the date of service, the department shall stay the action to  
21 certify the parent to the department of licensing pending the outcome  
22 of the adjudicative proceeding;

23 (e) The department shall certify the parent to the department of  
24 licensing for noncompliance with a child support order unless the  
25 parent, within twenty days of the date the notice is served:

26 (i) Requests an adjudicative proceeding to contest the issue of  
27 noncompliance; or

28 (ii) Makes arrangements, satisfactory to the department, to pay  
29 current support and retire the past-due child support debt;

30 (f) If the department certifies the parent to the department of  
31 licensing, the department of licensing shall suspend the parent's  
32 driver's license;

33 (g) If the parent requests an adjudicative proceeding, the parent  
34 shall direct the request to the division of child support field office  
35 that is responsible for handling the parent's case; and

36 (h) If the parent files an action to modify support with the  
37 appropriate judicial or administrative forum that issued the order, the  
38 department shall, for up to one hundred eighty days, stay the action to

1 certify the parent to the department of licensing for noncompliance  
2 with a child support order.

3 (2) The notice shall include the address and telephone number of  
4 the division of child support field office that issues the notice, a  
5 copy of the responsible parent's child support order, and the amount of  
6 the delinquency.

7 (3) A responsible parent may request an adjudicative proceeding  
8 within twenty days of the date the notice is served. The request for  
9 adjudicative proceeding shall be in writing and include the responsible  
10 parent's current address. The adjudicative proceeding shall be  
11 conducted in accordance with chapter 34.05 RCW and the rules of the  
12 department. The issues that may be considered at an adjudicative  
13 proceeding under this section are limited to whether the parent is  
14 required to pay child support under a child support order and whether  
15 the parent is in compliance with that order.

16 (4) The decision resulting from the adjudicative proceeding shall  
17 be in writing and inform the responsible parent of all rights to  
18 review. The responsible parent's copy of any order resulting from the  
19 adjudicative proceeding may be sent to the parent by regular mail.

20 (5) If a responsible parent timely requests an adjudicative  
21 proceeding to contest the issue of compliance with the child support  
22 order, the department may not certify the name of the parent to the  
23 department of licensing unless the adjudicative proceeding process  
24 results in a finding that the parent is not in compliance with the  
25 child support order.

26 (6) If a responsible parent fails to respond timely to the original  
27 notice, the department shall issue a second notice to the parent. The  
28 second notice shall advise the parent that the department shall, ninety  
29 days from the date of the second notice, certify the parent to the  
30 department of licensing for noncompliance with a child support order  
31 unless the parent makes arrangements satisfactory to the division of  
32 child support to pay current support and retire the delinquency under  
33 the child support order. This second notice shall be sent by regular  
34 mail and the parent may not contest this second notice by requesting an  
35 adjudicative proceeding.

36 (7) The department may certify in writing, or by electronic  
37 transfer, to the department of licensing that a responsible parent is  
38 not in compliance with a child support order if:

1 (a) The parent does not timely request an adjudicative proceeding  
2 upon service of a notice issued under this section and is not in  
3 compliance with a child support order twenty-one days after service of  
4 the notice;

5 (b) Within twenty days of receiving the notice under this section  
6 the parent fails to make arrangements satisfactory to the division of  
7 child support to pay current support and retire the delinquency under  
8 the child support order; or

9 (c) The parent timely requests an adjudicative proceeding that  
10 results in a final order that the parent is not in compliance with a  
11 child support order.

12 The department shall send by regular mail a copy of any  
13 certification of noncompliance filed with the department of licensing  
14 to the responsible parent at the parent's last known address.

15 (8) The department shall release certifications of noncompliance  
16 previously filed with the department of licensing when the parent is in  
17 compliance with the child support order or makes satisfactory  
18 arrangements with the division of child support to retire any  
19 delinquency under the order. The department shall issue such releases  
20 to the department of licensing in writing, or by electronic transfer.  
21 The department shall send the parent a copy of the release by regular  
22 mail.

23 (9) Nothing in this section prohibits a responsible parent from  
24 filing an action with the appropriate forum to modify the child support  
25 order. The department shall, for up to one hundred eighty days, stay  
26 the action to certify the parent to the department of licensing for  
27 noncompliance with a child support order if the parent files an action  
28 to modify the order.

29 (10) The department shall adopt rules to implement and enforce this  
30 section.

31 NEW SECTION. **Sec. 302.** A new section is added to chapter 46.20  
32 RCW to read as follows:

33 In addition to other qualifications and conditions established  
34 under this chapter, the right of an individual to hold a driver's  
35 license issued by the department is subject to the requirements of  
36 section 301 of this act.

1        NEW SECTION.    **Sec. 303.**    A new section is added to chapter 46.20  
2 RCW to read as follows:

3        Within thirty days of the department's receipt of a written notice  
4 from the department of social and health services as provided under  
5 chapter 74.20A RCW stating that a child support obligor who operates a  
6 motor vehicle is not in compliance with a child support order, the  
7 department shall suspend the obligor's driver's license.    The  
8 department may not reinstate a license suspended for noncompliance with  
9 a child support order until authorized by the secretary of the  
10 department of social and health services, or the secretary's authorized  
11 representative.

12        NEW SECTION.    **Sec. 304.**    A new section is added to chapter 46.20  
13 RCW to read as follows:

14        Upon suspending an individual's driver's license under section 303  
15 of this act, the department shall notify the individual of the  
16 suspension. The notice of suspension shall specify the reason for, and  
17 the effective date of, the suspension. The notice of suspension shall  
18 inform the individual that in order to apply for reinstatement, the  
19 individual shall obtain written authorization from the department of  
20 social and health services. The notice of suspension shall inform the  
21 individual of the right to petition for judicial review of the notice  
22 of suspension in superior court within thirty days of receipt of the  
23 notice. The department shall send a copy of the notice of suspension  
24 to the department of social and health services.

25        NEW SECTION.    **Sec. 305.**    A new section is added to chapter 46.20  
26 RCW to read as follows:

27        Upon receipt of a release of certification issued by the department  
28 of social and health services, and at the request of an individual  
29 whose driver's license has been suspended under section 303 of this  
30 act, the department shall reissue the individual's driver's license if  
31 the individual is otherwise eligible under this chapter to obtain a  
32 driver's license.

33        NEW SECTION.    **Sec. 306.**    A new section is added to chapter 46.20  
34 RCW to read as follows:

1 The department of social and health services and the department of  
2 licensing may enter into an interagency agreement to carry out the  
3 requirements of chapter . . . , Laws of 1996 (this act).

4 NEW SECTION. **Sec. 307.** A new section is added to chapter 46.20  
5 RCW to read as follows:

6 The department of social and health services shall indemnify the  
7 department of licensing for reasonable legal expenses incurred in  
8 defending the department's actions to comply with the requirements in  
9 sections 301 through 305 of this act.

10 NEW SECTION. **Sec. 308.** A new section is added to chapter 74.12  
11 RCW to read as follows:

12 (1) The diversion-from-welfare program is established to assist  
13 families with a likelihood of imminent recurring income who could  
14 otherwise qualify for public assistance. The department may establish  
15 two pilot projects, one east of the crest of the Cascade mountains, and  
16 one west of the crest of the Cascade mountains, to divert families  
17 eligible to receive public assistance and instead provide a cash  
18 diversion payment.

19 (2) Applicants for and recipients of benefits under the diversion-  
20 from-welfare program shall not be required to assign rights to collect  
21 child support as a condition of receipt of program benefits.

22 (3) A person who has accepted a cash diversion payment is not  
23 eligible for additional welfare aid for a three-month period beginning  
24 with the first day of the month in which the diversion payment is made.

25 (4) The department shall provide the following benefits and  
26 services under the diversion program:

27 (a) A one-time cash payment to meet basic or emergency needs to  
28 stabilize the family and avoid continuing welfare assistance;

29 (b) The cash payment shall be based on the individual needs of each  
30 family and shall not exceed the value of what would be received by that  
31 family in a three-month period if the family were receiving welfare  
32 payments;

33 (c) Transitional child care assistance shall be provided for up to  
34 twelve months; and

35 (d) Transitional medical assistance shall be provided for up to  
36 twelve months.

1 (5) The department shall use federal funding for the diversion  
2 program.

3 **PART IV**  
4 **GENERAL PROVISIONS**

5 NEW SECTION. **Sec. 401.** A new section is added to chapter 74.12  
6 RCW to read as follows:

7 The provision that recipients of aid to families with dependent  
8 children may earn and keep the first thirty dollars and one-third of  
9 the remaining amount earned without having their monthly benefit  
10 payment reduced by that amount may be extended to the duration of the  
11 time the individual is receiving a welfare grant.

12 NEW SECTION. **Sec. 402.** A new section is added to chapter 74.12  
13 RCW to read as follows:

14 In order to receive payments, a recipient must name the  
15 noncustodial parent, except in the cases of victims of rape and incest.  
16 The department shall take all reasonable steps to determine the  
17 identity of the noncustodial parent. The department shall cooperate  
18 with licensed health care providers, prosecuting attorneys, and other  
19 interested parties to determine the noncustodial parent's identity.

20 NEW SECTION. **Sec. 403.** A new section is added to chapter 74.12  
21 RCW to read as follows:

22 An aid to families with dependent children recipient's length of  
23 benefits shall be determined based on actual months of receipt of  
24 public assistance, including months of receipt of public assistance  
25 before the effective date of this section. Benefits shall not be  
26 reduced under this section before January 1, 1997.

27 NEW SECTION. **Sec. 404.** A new section is added to chapter 74.13  
28 RCW to read as follows:

29 The office of child care policy shall restructure assistance child  
30 care, transitional child care, and employment child care into a unified  
31 program. If not fully funded, priority for child care shall be in the  
32 following order to: (1) Those who are on welfare and working; (2)  
33 those in transition from welfare; and (3) those employed and needing  
34 child care assistance.



1 (a) Designation of three categories of eligible aid to families  
2 with dependent children;

3 (b) Selection criteria that the department can use to establish a  
4 pool of prospective aid to families with dependent children  
5 participants;

6 (c) A restriction on the total number of employees that an employer  
7 may have in the program, except that no more than twenty percent of the  
8 employer's employees may participate in the program, except businesses  
9 with fewer than five employees may have one employee participate;

10 (d) A requirement that the employer participate in the earned  
11 income tax credit program;

12 (e) Standards regarding length and learning objectives of training  
13 plans. Training plans may not exceed two years.

14 (2) The department of social and health services may contract with  
15 a public or private entity to carry out the department's duties under  
16 this section. The department of social and health services reserves  
17 the right to withdraw designation of authority to this entity without  
18 showing cause.

19 (3) The department of social and health services shall manage the  
20 program so that the total amount of credits by all employers claiming  
21 tax credits does not exceed fifteen million dollars in any biennium.  
22 The department shall enter into contracts with employers on a first-  
23 come, first-served basis. The department shall maintain an up-to-date  
24 tabulation of the potential total amount of all credits that may be  
25 claimed during each biennium under all training plans and shall not  
26 enter into any additional training plan agreement if to do so would  
27 result in the amount exceeding fifteen million dollars during a  
28 biennium.

29 (4) Employers who agree to accept a one hundred percent tax credit  
30 instead of the one hundred twenty percent shall be given priority in  
31 selection and placement of qualified participants.

32 (5) Employers who develop permanent work positions for their  
33 trainees will have priority. Employers who do not develop permanent  
34 work positions for their trainees may be excluded from participating in  
35 the program.

36 (6) This section expires June 30, 2001.

37

## **B. APPRENTICESHIP PROGRAMS**



1 of an employment transition program requiring work in community service  
2 positions by aid to families with dependent children recipients who are  
3 able to work and are not able to find a training position as described  
4 in sections 602 through 604 of this act. Acceptable work under this  
5 program includes positions such as:

- 6 (a) School assistant in local public schools;
- 7 (b) Child care assistant in private nonprofit agencies; and
- 8 (c) Home care worker in private nonprofit agencies.

9 (2) The department shall make recommendations concerning the  
10 reasonable amount of hours to be worked by aid to families with  
11 dependent children recipients in exchange for their aid to families  
12 with dependent children grant and food stamp allocation.

13 (3) The department shall work with community-based organizations  
14 and aid to families with dependent children recipients in developing  
15 these recommendations and shall submit a report to appropriate  
16 committees of the legislature no later than November 1, 1996.

17 (4) This section expires December 1, 1996.

18 NEW SECTION. **Sec. 606.** A new section is added to chapter 74.04  
19 RCW to read as follows:

20 The department of social and health services, the employment  
21 security department, the department of community, trade, and economic  
22 development, and the community and technical colleges shall cooperate  
23 and coordinate among the existing state and federal assistance and  
24 training programs to focus the efforts of enrollees and programs to  
25 most effectively achieve results from the various programs.

26 NEW SECTION. **Sec. 607.** (1) No training plans may be entered into  
27 after June 30, 2001. Contracts in effect on June 30, 2001, shall  
28 continue in effect according to the terms of the contract.

29 (2) If the program under section 601 of this act is terminated  
30 before June 30, 2001, persons eligible for tax credits at the time of  
31 program termination shall receive such credits, subject to the  
32 limitations in section 601 of this act.

33 **PART VII**  
34 **MISCELLANEOUS**

1        NEW SECTION.    **Sec. 701.** Part headings as used in this act do not  
2 constitute any part of the law.

3        NEW SECTION.    **Sec. 702.** The sum of one hundred fifty thousand  
4 dollars, or as much thereof as may be necessary, is appropriated for  
5 the biennium ending June 30, 1997, from the general fund to the  
6 department of health for the purposes of section 502 of this act.

7        NEW SECTION.    **Sec. 703.** The sum of four hundred eighty thousand  
8 dollars, or as much thereof as may be necessary, is appropriated for  
9 the biennium ending June 30, 1997, from the general fund to the  
10 department of health for the purposes of section 503 of this act.

11       NEW SECTION.    **Sec. 704.** The governor and the department of social  
12 and health services shall seek all necessary exemptions and waivers  
13 from and amendments to federal statutes, rules, and regulations and  
14 shall report to the appropriate committees in the house of  
15 representatives and senate quarterly on the efforts to secure the  
16 federal changes to permit full implementation of this act at the  
17 earliest possible date.

18       NEW SECTION.    **Sec. 705.** If any part of this act is found to be in  
19 conflict with federal requirements that are a prescribed condition to  
20 the allocation of federal funds to the state, the conflicting part of  
21 this act is inoperative solely to the extent of the conflict and with  
22 respect to the agencies directly affected, and this finding does not  
23 affect the operation of the remainder of this act in its application to  
24 the agencies concerned. The rules under this act shall meet federal  
25 requirements that are a necessary condition to the receipt of federal  
26 funds by the state.

27       NEW SECTION.    **Sec. 706.** If any provision of this act or its  
28 application to any person or circumstance is held invalid, the  
29 remainder of the act or the application of the provision to other  
30 persons or circumstances is not affected.

--- END ---