SUBSTITUTE SENATE BILL 5244

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State of Washington   **54th Legislature**   **1995 Regular Session**

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Owen and Hargrove)

Read first time 02/22/95.

1   AN ACT Relating to the definition of "dependent child" for purposes
2 of aid to families with dependent children; amending RCW 74.12.010 and
3 74.04.060; adding a new section to chapter 74.12 RCW; and creating a
4 new section.

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

6   **Sec. 1.** RCW 74.12.010 and 1992 c 136 s 2 are each amended to read
7 as follows:
8   For the purposes of the administration of aid to families with
9 dependent children assistance, the term "dependent child" means any
10 child in need under the age of eighteen years who has been deprived of
11 parental support or care by reason of the death, continued absence from
12 the home, or physical or mental incapacity of the parent, and who is
13 living with a relative as specified under federal aid to families with
14 dependent children program requirements, in a place of residence
15 maintained by one or more of such relatives as his or their homes. The
16 term "dependent child" does not include a child who voluntarily leaves
17 the home of a parent, without the consent of the parent, unless out-of-
18 home placement has been approved for that child under chapter 13.32A
19 RCW and the parent is required to contribute to support of the child

pursuant to RCW 13.32A.175. The term a "dependent child" shall, notwithstanding the foregoing, also include a child who would meet such requirements except for his removal from the home of a relative specified above as a result of a judicial determination that continuation therein would be contrary to the welfare of such child, for whose placement and care the state department of social and health services or the county office is responsible, and who has been placed in a licensed or approved child care institution or foster home as a result of such determination and who: (1) Was receiving an aid to families with dependent children grant for the month in which court proceedings leading to such determination were initiated; or (2) would have received aid to families with dependent children for such month if application had been made therefor; or (3) in the case of a child who had been living with a specified relative within six months prior to the month in which such proceedings were initiated, would have received aid to families with dependent children for such month if in such month he had been living with such a relative and application had been made therefor, as authorized by the Social Security Act: PROVIDED, That to the extent authorized by the legislature in the biennial appropriations act and to the extent that matching funds are available from the federal government, aid to families with dependent children assistance shall be available to any child in need who has been deprived of parental support or care by reason of the unemployment of a parent or stepparent liable under this chapter for support of the child.

"Aid to families with dependent children" means money payments, services, and remedial care with respect to a dependent child or dependent children and the needy parent or relative with whom the child lives and may include another parent or stepparent of the dependent child if living with the parent and if the child is a dependent child by reason of the physical or mental incapacity or unemployment of a parent or stepparent liable under this chapter for the support of such child.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.12 RCW to read as follows:

(1) Whenever the department receives an application for aid to families with dependent children assistance on behalf of a child under this chapter, the department shall determine whether the child is living with a parent of the child. Whenever the child is living in the

1 home of a person or relative other than a parent of the child, the
2 department shall notify the parent that an application for assistance
3 on behalf of the child has been received by the department.

4 (2) If the department determines that the child has voluntarily
5 left the home of a parent, without the consent of the parent, the
6 department shall advise the parent of the provisions of the family
7 reconciliation act under Chapter 13.32A RCW.

8 (3) Upon written request of the parent, the department shall notify
9 the parent of the address and location of the child subject to the
10 provisions of RCW 74.04.060.

11 (4) If a child voluntarily leaves the home of a parent, without
12 parental consent, the parent has no obligation or duty to pay for any
13 aid to families with dependent children assistance provided under this
14 chapter.

15 **Sec. 3.** RCW 74.04.060 and 1987 c 435 s 29 are each amended to read
16 as follows:

17 (1) For the protection of applicants and recipients, the department
18 and the county offices and their respective officers and employees are
19 prohibited, except as hereinafter provided, from disclosing the
20 contents of any records, files, papers and communications, except for
21 purposes directly connected with the administration of the programs of
22 this title. In any judicial proceeding, except such proceeding as is
23 directly concerned with the administration of these programs, such
24 records, files, papers and communications, and their contents, shall be
25 deemed privileged communications and except for the right of any
26 individual to inquire of the office whether a named individual is a
27 recipient of welfare assistance and such person shall be entitled to an
28 affirmative or negative answer. ((However,))

29 (2) Upon written request of a parent who has been awarded
30 visitation rights in an action for divorce or separation or any parent
31 with legal custody of the child, the department shall disclose to him
32 or her the last known address and location of his or her natural or
33 adopted children. The secretary shall adopt rules which establish
34 procedures for disclosing the address of the children and providing,
35 when appropriate, for prior notice to the custodian of the children.
36 The notice shall state that a request for disclosure has been received
37 and will be complied with by the department unless the department
38 receives a copy of a court order which enjoins the disclosure of the

information or restricts or limits the requesting party's right to
contact or visit the other party or the child. Information supplied to
a parent by the department shall be used only for purposes directly
related to the enforcement of the visitation and custody provisions of
the court order of separation or decree of divorce. No parent shall
disclose such information to any other person except for the purpose of
enforcing visitation provisions of the said order or decree.

(3) When an application for aid to families with dependent children
assistance has been filed on the behalf of a child who has left his or
her parent's home, without the parent's consent, the department shall,
upon written request of the parent, disclose to the parent the last
known address and location of the child. The department, when
appropriate, shall provide prior notice to the adult with whom the
child is living. The notice shall state that a request for disclosure
has been received and will be complied with by the department unless
the department receives a copy of a court order that enjoins the
disclosure of the information or restricts or limits the requesting
party's right to contact or visit the other party or the child.

(4) The county offices shall maintain monthly at their offices a
report showing the names and addresses of all recipients in the county
receiving public assistance under this title, together with the amount
paid to each during the preceding month.

(5) The provisions of this section shall not apply to duly
designated representatives of approved private welfare agencies, public
officials, members of legislative interim committees and advisory
committees when performing duties directly connected with the
administration of this title, such as regulation and investigation
directly connected therewith: PROVIDED, HOWEVER, That any information
so obtained by such persons or groups shall be treated with such degree
of confidentiality as is required by the federal social security law.

(6) It shall be unlawful, except as provided in this section, 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 for commercial or political purposes of any nature. The
violation of this section shall be a gross misdemeanor.

NEW SECTION. **Sec. 4.** By October 1, 1995, the department shall
request the governor to seek congressional action on any federal

1 legislation that may be necessary to implement any sections of this
2 act. By October 1, 1995, the department shall request the governor to
3 seek federal agency action on any federal regulation that may require
4 a federal waiver. By January 1 of each year, the department shall
5 report to the legislature on the status of its efforts to obtain any
6 federal statutory or regulatory waivers provided in this section. If
7 all federal statutory or regulatory waivers necessary to fully
8 implement this act have not been obtained, the department shall report
9 the extent to which this act can be implemented without receipt of such
10 waivers. The reporting requirement under this section shall terminate
11 upon a report from the department that all waivers necessary to
12 implement this act have been obtained.

13   NEW SECTION.   **Sec. 5.**   If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

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