

SENATE BILL 6258

State of Washington 54th Legislature 1996 Regular Session

By Senators Wood, Moyer, Hochstatter, Hale, A. Anderson, McCaslin, Sellar, Morton, Oke, Roach, Strannigan, Johnson, McDonald, Winsley, Schow, Deccio, Swecker, Long, Zarelli, West, Newhouse, Cantu and Finkbeiner

Read first time 01/09/96. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to making welfare work; amending RCW 74.25.010,
2 74.25.020, 74.12.420, 26.16.205, 74.20A.020, 74.12.255, 13.34.160,
3 74.12.250, 74.08.025, 74.08.080, and 74.08.340; reenacting and amending
4 RCW 74.04.005; adding new sections to chapter 74.25 RCW; adding new
5 sections to chapter 74.12 RCW; adding a new section to chapter 44.28
6 RCW; creating new sections; repealing RCW 74.08.120 and 74.08.125;
7 repealing 1993 c 312 s 7; repealing 1992 c 136 s 1; repealing 1992 c
8 165 s 1; and providing contingent effective dates.

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

10 MAKING WELFARE WORK

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5 NEW SECTION. **Sec. 1.** INTENT. The legislature finds that it is  
6 important for the well-being of society, and for the families receiving  
7 aid to families with dependent children, that the provision of welfare  
8 from the public treasury reflects the values of mainstream American  
9 culture, specifically the importance of work, personal responsibility,  
10 and accountability for individual actions, and the value of the  
11 marriage commitment to each member of the family, including the  
12 children.

13 Therefore, it is the public policy of the state of Washington,  
14 through its aid to families with dependent children program, to require  
15 every able-bodied citizen on aid to families with dependent children to  
16 engage in paid or unpaid employment or engage in short-term training  
17 directed towards employment, to require accountability of all parents,  
18 and to discourage teen pregnancy by unwed parents as an action that is  
19 destructive to society.

20 Therefore, the legislature intends that:

21 (1) Income and employment assistance programs emphasize the  
22 temporary nature of welfare and set goals of responsibility, work, and  
23 independence;

24 (2) Employment assistance resources focus on employable recipients  
25 who are most at risk of a long-term stay on welfare;

26 (3) Caretakers receiving public assistance sign a contract  
27 delineating their obligation and responsibility to comply with  
28 requirements for work, training, and personal responsibility;

29 (4) Specific time limits for the receipt of public assistance be  
30 set for all recipients of aid to families with dependent children; and

31 (5) Unmarried parents who are minors generally will be ineligible  
32 for assistance under the aid to families with dependent children  
33 program.

1 **PART I. TARGET GROUPS**

2 NEW SECTION. **Sec. 101.** A new section is added to chapter 74.25  
3 RCW to read as follows:

4 **TARGET GROUP CONTRACTS.** The department shall assess each caretaker  
5 and, based on this assessment, refer the caretaker to the appropriate  
6 target group or groups as provided under sections 102, 103, and 104 of  
7 this act, unless the caretaker is not or would not be required to sign  
8 a contract under section 301(3) of this act. Assessments shall be  
9 based upon age, age of dependents, education, condition of incapacity,  
10 and employment history. The assessment and referral of caretakers who  
11 are applicants for assistance on or after the effective date of this  
12 section shall be made as part of the application approval process. The  
13 assessment and referral of caretakers who have been approved for  
14 assistance before the effective date of this section shall be completed  
15 within twelve months after that date.

16 **A. JOB-READY TARGET GROUP**

17 NEW SECTION. **Sec. 102.** A new section is added to chapter 74.25  
18 RCW to read as follows:

19 **JOB-READY TARGET GROUP.** All caretakers who are age eighteen or  
20 older and have an employment history, already possess job skills, or  
21 are likely to be reemployed with minimal services, shall be referred to  
22 the job-ready target group. Caretakers shall be entitled to grant  
23 assistance if they participate in sixteen weeks of job search within  
24 the first twenty-six weeks after signing an initial contract under  
25 section 301 of this act. All caretakers receiving aid to families with  
26 dependent children-employable shall be included in the job-ready target  
27 group. It is the intent of the legislature to refrain from excess  
28 expenditures on this group of aid to families with dependent children  
29 caretakers, as studies have demonstrated that job-ready individuals  
30 leave aid to families with dependent children quickly with minimal  
31 public help. Assessment and administrative costs shall be kept to a  
32 minimal level for this target group. Any caretakers in this group who  
33 do not have paid employment after sixteen weeks of job search within  
34 the first twenty-six weeks shall contract with the department for  
35 participation in the job preparation target group.



1 employment and training and education support services to assist  
2 caretakers under chapter 74.12 RCW to obtain employment. The program  
3 shall be operated by the department of social and health services in  
4 conformance with federal law ~~((and consistent with the following~~  
5 ~~legislative findings:))~~.

6 (1) The legislature finds that the well-being of children depends  
7 ~~((not only on meeting their material needs, but also))~~ on the ability  
8 of parents to become economically self-sufficient. It is in this way  
9 that the material needs of children can best be met. The job  
10 opportunities and basic skills training program is specifically  
11 directed at increasing the labor force participation and household  
12 earnings of aid to families with dependent children recipients, through  
13 the removal of barriers preventing them from achieving self-  
14 sufficiency. ~~((These barriers include, but are not limited to, the~~  
15 ~~lack of recent work experience, supportive services such as affordable~~  
16 ~~and reliable child care, adequate transportation, appropriate~~  
17 ~~counseling, and necessary job-related tools, equipment, books,~~  
18 ~~clothing, and supplies, the absence of basic literacy skills, the lack~~  
19 ~~of educational attainment sufficient to meet labor market demands for~~  
20 ~~career employees, and the nonavailability of useful labor market~~  
21 ~~assessments.))~~

22 (2) The legislature ~~((also))~~ recognizes that aid to families with  
23 dependent children recipients ~~((must be acknowledged as active))~~ are  
24 participants in self-sufficiency planning under the program. The  
25 legislature finds that the department of social and health services  
26 should clearly communicate ~~((concepts of the importance))~~ the  
27 requirement of work, the time-limited nature of public assistance, and  
28 how performance and effort directly affect future career and  
29 educational opportunities and economic well-being, as well as personal  
30 empowerment, self-motivation, and self-esteem to program participants.  
31 The legislature further recognizes that informed choice is consistent  
32 with individual responsibility, and that parents should be given a  
33 range of options for available child care while participating in the  
34 program.

35 (3) The legislature finds that current work experience is one of  
36 the most important factors influencing an individual's ability to work  
37 toward financial stability and an adequate standard of living in the  
38 long term, and that work experience should be the most important  
39 component of the program.

1 (4) The legislature finds that education, including, but not  
2 limited to, literacy, high school equivalency, vocational, secondary,  
3 and postsecondary, is ~~((one of the most))~~ an important tool~~((s))~~ an  
4 individual needs to achieve full independence, and that this should be  
5 ~~((an important))~~ a component of the program.

6 (5) The legislature further finds that the objectives of this  
7 program are to assure that aid to families with dependent children  
8 recipients gain experience in the labor force and thereby enhance their  
9 long-term ability to achieve financial stability and an adequate  
10 standard of living at wages that will meet family needs.

11 (6) The legislature finds that a critical component for successful  
12 reductions in the aid to families with dependent children caseloads is  
13 employment. Employment opportunities must be increased through public-  
14 private partnerships. The department shall work with the private  
15 sector to meet market needs, increase employability through on-the-job  
16 training opportunities, and develop financial incentives for employers  
17 to hire recipients.

18 **Sec. 202.** RCW 74.25.020 and 1993 c 312 s 7 are each amended to  
19 read as follows:

20 (1) The department of social and health services ~~((is authorized~~  
21 ~~to))~~ shall contract for all functions of the jobs opportunities and  
22 basic skills program not specifically prohibited by federal law with  
23 public and private employment and training agencies and other public  
24 service entities to provide services prescribed or allowed under the  
25 federal social security act, as amended, to carry out the purposes of  
26 the jobs training program. ~~((The department of social and health~~  
27 services has sole authority and responsibility to carry out the job  
28 opportunities and basic skills training program. No contracting entity  
29 shall have the authority to review, change, or disapprove any  
30 administrative decision, or otherwise substitute its judgment for that  
31 of the department of social and health services as to the application  
32 of policies and rules adopted by the department of social and health  
33 services.)) The department, through its regional offices, shall  
34 collaborate with employers, recipients, education institutions, labor,  
35 private industry councils, the employment security department, and  
36 community action agencies to develop work programs that are effective  
37 and work in their communities.

1       (2) (~~To the extent feasible under federal law, the department of~~  
2 ~~social and health services and all entities contracting with it shall~~  
3 ~~give first priority of service to individuals volunteering for program~~  
4 ~~participation.~~

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

24       (3) Participants in the job preparation target group shall each be  
25 limited to the components of their initial contract unless good cause  
26 for exception is presented.

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

30       (5) Except for subsection (6) of this section, section 202, chapter  
31 . . . , Laws of 1996 (this section) shall not take effect if sections  
32 301, 302, 303, and 304 of this act do not become law.

33       (6) Section 7, chapter 312, Laws of 1993 is repealed if sections  
34 301, 302, 303, and 304 of this act do not become law.

35       NEW SECTION. Sec. 203. A new section is added to chapter 74.25  
36 RCW to read as follows:

37       COMMUNITY SERVICE PROGRAM. A caretaker participating in a  
38 community service program shall locate a community service experience

1 of at least one hundred hours per month with any willing public or  
2 private organization and provide documentation, signed by the recipient  
3 under penalty of perjury, to the department of his or her participation  
4 on forms established in rule by the department. Compliance shall be  
5 subject to random checks by the department.

6 **PART III. CONTRACTS FOR PERSONAL RESPONSIBILITY**

7 NEW SECTION. **Sec. 301.** A new section is added to chapter 74.12  
8 RCW to read as follows:

9 (1) A family receiving or applying for assistance under the aid to  
10 families with dependent children program is ineligible for continued or  
11 new assistance if the caretaker and the department have not entered  
12 into a contract satisfying the requirements of this section.

13 (2) The contract shall (a) be entered into by the department and  
14 caretaker on a form prescribed by the department; (b) contain a list of  
15 the available benefits to which the family is eligible, including  
16 referral to available community resources; (c) contain a summary of the  
17 responsibilities that the caretaker must exercise for receipt of such  
18 benefits, including high school completion or GED programs; (d) contain  
19 a statement of the rule in section 302 of this act prohibiting  
20 additional assistance for additional children; (e) contain a statement  
21 of the rules in section 303 of this act governing the duration of the  
22 contract; and (f) contain a statement of the rules in RCW 74.12.420  
23 governing long-term recipients.

24 (3) Caretakers are not required to enter into a contract under this  
25 section if:

26 (a) The caretaker is incapacitated or needed in the home to care  
27 for a member of the household who is incapacitated. The caretaker  
28 shall submit documentation of the incapacity indicating the incapacity  
29 will last at least ninety days. Such documentation shall be obtained  
30 by the caretaker from a health care practitioner regulated under Title  
31 18 RCW whose scope of practice includes diagnosis and treatment of the  
32 condition purported to cause the incapacity;

33 (b) The caretaker is needed in the home to care for a child under  
34 age six months. This one-time exemption ends in the month the child is  
35 six months old and does not apply to any subsequent children; or

36 (c) The caretaker is a minor.



1 (4) The department may adopt rules postponing the date by which any  
2 provision or provisions of subsections (1) and (2) of this section will  
3 apply to caretakers who have been approved for assistance before the  
4 effective date of this section. However, such postponement may not be  
5 for longer than twelve months after the effective date of this section.

6 (5) The provision of assistance under a contract entered into under  
7 this section is not an entitlement, but is a charitable gesture or gift  
8 on the part of the state, which at any time may be discontinued.

9 NEW SECTION. **Sec. 302.** A new section is added to chapter 74.12  
10 RCW to read as follows:

11 The monthly benefit payment paid to a caretaker shall not be  
12 increased as a result of the caretaker's becoming the biological parent  
13 of any additional child or children born more than three hundred days  
14 after the day on which the caretaker first applied for assistance under  
15 this chapter. The rule against benefit increases provided in this  
16 section applies for the thirty-six-month period the caretaker is  
17 eligible to receive full or reduced monthly benefits. Caretakers  
18 receiving assistance under this chapter on the effective date of this  
19 section shall, for purposes of this section, be considered to have  
20 first applied for assistance on the effective date of this section.

21 NEW SECTION. **Sec. 303.** A new section is added to chapter 74.12  
22 RCW to read as follows:

23 Except as provided in this section, a contract entered into under  
24 section 301 of this act may not last beyond the end of the last day of  
25 the twenty-fourth calendar month following the month in which the  
26 contract was entered into. The contract may be reviewed, revised, and  
27 renewed for additional periods of six months during the last eighteen  
28 months of eligibility if, for each renewal, the caretaker requests the  
29 renewal and the caretaker has complied with the contract, and if all  
30 eligibility requirements are satisfied. The department shall notify  
31 the caretaker of the need to review, revise, and renew the contract  
32 before its expiration. The department shall reduce the aid to families  
33 with dependent children monthly benefit payment by thirty-three percent  
34 for each month in which the caretaker is found to be out of compliance  
35 with the contract.

1       **Sec. 304.** RCW 74.12.420 and 1994 c 299 s 9 are each amended to  
2 read as follows:

3       ~~((The legislature recognizes that long term recipients of aid to~~  
4 ~~families with dependent children may require a period of several years~~  
5 ~~to attain economic self sufficiency. To provide incentives for long~~  
6 ~~term recipients to leave public assistance and accept paid employment,~~  
7 ~~the legislature finds that less punitive and onerous sanctions than~~  
8 ~~those required by the federal government are appropriate. The~~  
9 ~~legislature finds that a ten percent reduction in grants for long term~~  
10 ~~recipients that may be replaced through earned income is a more~~  
11 ~~positive approach than sanctions required by the federal government for~~  
12 ~~long term recipients who fail to comply with requirements of the job~~  
13 ~~opportunities and basic skills program. A long term recipient shall~~  
14 ~~not be subject to two simultaneous sanctions for failure to comply with~~  
15 ~~the participation requirements of the job opportunities and basic~~  
16 ~~skills program and for exceeding the length of stay provisions of this~~  
17 ~~section.~~

18       ~~(1) After forty eight monthly benefit payments in a sixty month~~  
19 ~~period, and after each additional twelve monthly benefit payments, the~~  
20 ~~aid to families with dependent children monthly benefit payment shall~~  
21 ~~be reduced by ten percent of the payment standard, except that after~~  
22 ~~forty eight monthly payments in a sixty month period, full monthly~~  
23 ~~benefit payments may be made if:~~

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

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

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

29       ~~(d) The person is cooperating in the development and implementation~~  
30 ~~of an employability plan while receiving aid to families with dependent~~  
31 ~~children and no present full time, part time, or unpaid work experience~~  
32 ~~job is offered; or~~

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

36       ~~(2) For purposes of determining the amount of the food stamp~~  
37 ~~benefit for recipients subject to benefit reductions provided for in~~  
38 ~~subsection (1) of this section, countable income from the aid to~~

1 families with dependent children program shall be set at the payment  
2 standard.

3 ~~(3) For purposes of determining monthly benefit payments for two-~~  
4 ~~parent aid to families with dependent children households, the length~~  
5 ~~of stay criterion will be applied to the parent with the longer history~~  
6 ~~of public assistance receipt.)) (1) After a caretaker has received~~  
7 ~~twenty-four monthly benefit payments under this chapter, the caretaker~~  
8 ~~shall not be eligible for any additional monthly payments unless the~~  
9 ~~caretaker qualifies for additional assistance under subsection (2) of~~  
10 ~~this section.~~

11 (2)(a) After a caretaker has received twenty-four monthly benefit  
12 payments under this chapter, the caretaker shall qualify for the  
13 reduced monthly benefit payments provided in (b) of this subsection:

14 (i) During any month in which the caretaker is gainfully employed;

15 (ii) During any month in which the caretaker participates in a  
16 community volunteer experience pursuant to section 303 of this act; or

17 (iii) During any month in which the caretaker works as a volunteer  
18 in a child care facility pursuant to RCW 74.25.040.

19 (b) The reduced monthly benefits to a caretaker who qualifies under  
20 (a) of this subsection shall be as follows: For the twenty-fifth  
21 through the thirtieth month, the department shall reduce the monthly  
22 benefit payment to eighty percent of the payment standard; for the  
23 thirty-first through the thirty-sixth month, the department shall  
24 reduce the monthly benefit payment to sixty percent of the payment  
25 standard; for the thirty-seventh through the forty-second month, the  
26 department shall reduce the monthly benefit payment to forty percent of  
27 the payment standard. Following the receipt of forty-two full or  
28 partial monthly benefit payments, a caretaker is ineligible for any  
29 further assistance under this chapter.

30 (3) The department shall refer caretakers who require specialized  
31 assistance to appropriate department programs, crime victims programs  
32 through the department of community, trade, and economic development,  
33 or the crime victims' compensation program of the department of labor  
34 and industries.

35 NEW SECTION. Sec. 305. A new section is added to chapter 74.12  
36 RCW to read as follows:

1 In addition to their monthly benefit payment, caretakers may earn  
2 and keep the equivalent of fifty percent of the payment standard during  
3 every month they are eligible to receive assistance under this chapter.

4 NEW SECTION. **Sec. 306.** A new section is added to chapter 74.12  
5 RCW to read as follows:

6 (1) The department of social and health services shall adopt rules  
7 to implement sections 301 through 304 of this act and to enforce  
8 contracts adopted under section 301 of this act. However, it may not  
9 adopt such rules unless it has complied with subsections (2) and (3) of  
10 this section.

11 (2) The joint legislative oversight committee, consisting of two  
12 members from each caucus of the house of representatives and two  
13 members from each caucus of the senate, is created. Within sixty days  
14 after the effective date of this section, the department shall submit  
15 copies of its proposed rules under this section to the secretary of the  
16 senate and the chief clerk of the house of representatives for  
17 distribution to the joint committee. The committee shall review the  
18 proposed rules and shall provide the department with its comments, if  
19 any, on the proposed rules.

20 (3) When the committee comments on proposed rules, the committee  
21 shall give the department written notice of its findings and reasons  
22 therefor.

23 (4) The joint legislative oversight committee shall study the  
24 extent to which minor parents receiving aid to families with dependent  
25 children may be victimized by males fathering children for whom they do  
26 not provide support. The joint legislative oversight committee shall  
27 make recommendations to the appropriate committees of the legislature  
28 by December 1, 1996. The department of social and health services  
29 shall cooperate with the study by providing information as requested  
30 regarding the unmarried minor parents related to the aid to families  
31 with dependent children caseload, the extent to which aid to families  
32 with dependent children recipients in these circumstances receive  
33 ordered child support, and other information relevant to the subject of  
34 predatory nonsupport.

35 NEW SECTION. **Sec. 307.** A new section is added to chapter 74.12  
36 RCW to read as follows:

1 In order to be eligible for aid to families with dependent  
2 children, applicants shall, at the time of application for assistance,  
3 provide the names of both parents of their child or children, whether  
4 born or unborn, unless the applicant meets federal criteria for  
5 refusing such identification.

6 **PART IV. MINOR PARENT PROVISIONS**

7 **Sec. 401.** RCW 26.16.205 and 1990 1st ex.s. c 2 s 13 are each  
8 amended to read as follows:

9 The expenses of the family and the education of the children,  
10 including stepchildren and any child of whom their minor child is a  
11 biological parent, are chargeable upon the property of both husband and  
12 wife, or either of them, and they may be sued jointly or separately.  
13 When a petition for dissolution of marriage or a petition for legal  
14 separation is filed, the court may, upon motion of the stepparent,  
15 terminate the obligation to support the stepchildren or children of the  
16 stepchildren. The obligation to support stepchildren and children of  
17 stepchildren shall cease upon the entry of a decree of dissolution,  
18 decree of legal separation, or death. The obligation of a husband and  
19 wife to support a child of their minor child terminates when their  
20 minor child reaches eighteen years of age, however, a stepparent's  
21 support obligation may be terminated earlier as provided for in this  
22 section.

23 **Sec. 402.** RCW 74.20A.020 and 1990 1st ex.s. c 2 s 15 are each  
24 amended to read as follows:

25 Unless a different meaning is plainly required by the context, the  
26 following words and phrases as hereinafter used in this chapter and  
27 chapter 74.20 RCW shall have the following meanings:

28 (1) "Department" means the state department of social and health  
29 services.

30 (2) "Secretary" means the secretary of the department of social and  
31 health services, his designee or authorized representative.

32 (3) "Dependent child" means any person:

33 (a) Under the age of eighteen who is not self-supporting, married,  
34 or a member of the armed forces of the United States; or

35 (b) Over the age of eighteen for whom a court order for support  
36 exists.

1 (4) "Support obligation" means the obligation to provide for the  
2 necessary care, support, and maintenance, including medical expenses,  
3 of a dependent child or other person as required by statutes and the  
4 common law of this or another state.

5 (5) "Superior court order" means any judgment, decree, or order of  
6 the superior court of the state of Washington, or a court of comparable  
7 jurisdiction of another state, establishing the existence of a support  
8 obligation and ordering payment of a set or determinable amount of  
9 support moneys to satisfy the support obligation. For purposes of RCW  
10 74.20A.055, orders for support which were entered under the uniform  
11 reciprocal enforcement of support act by a state where the responsible  
12 parent no longer resides shall not preclude the department from  
13 establishing an amount to be paid as current and future support.

14 (6) "Administrative order" means any determination, finding,  
15 decree, or order for support pursuant to RCW 74.20A.055, or by an  
16 agency of another state pursuant to a substantially similar  
17 administrative process, establishing the existence of a support  
18 obligation and ordering the payment of a set or determinable amount of  
19 support moneys to satisfy the support obligation.

20 (7) "Responsible parent" means a natural parent, adoptive parent,  
21 or stepparent of a dependent child or a person who has signed an  
22 affidavit acknowledging paternity which has been filed with the state  
23 office of vital statistics and includes the parent of an unmarried  
24 minor with a child.

25 (8) "Stepparent" means the present spouse of the person who is  
26 either the mother, father, or adoptive parent of a dependent child, and  
27 such status shall exist until terminated as provided for in RCW  
28 26.16.205.

29 (9) "Support moneys" means any moneys or in-kind providings paid to  
30 satisfy a support obligation whether denominated as child support,  
31 spouse support, alimony, maintenance, or any other such moneys intended  
32 to satisfy an obligation for support of any person or satisfaction in  
33 whole or in part of arrears or delinquency on such an obligation.

34 (10) "Support debt" means any delinquent amount of support moneys  
35 which is due, owing, and unpaid under a superior court order or an  
36 administrative order, a debt for the payment of expenses for the  
37 reasonable or necessary care, support, and maintenance, including  
38 medical expenses, of a dependent child or other person for whom a  
39 support obligation is owed; or a debt under RCW 74.20A.100 or

1 74.20A.270. Support debt also includes any accrued interest, fees, or  
2 penalties charged on a support debt, and attorneys fees and other costs  
3 of litigation awarded in an action to establish and enforce a support  
4 obligation or debt.

5 (11) "State" means any state or political subdivision, territory,  
6 or possession of the United States, the District of Columbia, and the  
7 Commonwealth of Puerto Rico.

8 **Sec. 403.** RCW 74.12.255 and 1994 c 299 s 33 are each amended to  
9 read as follows:

10 (1) The department shall determine, after consideration of all  
11 relevant factors and in consultation with the applicant, the most  
12 appropriate living situation for applicants under eighteen years of  
13 age, unmarried, and either pregnant or having a dependent child or  
14 children in the applicant's care. An appropriate living situation((s))  
15 shall include a place of residence that is maintained by the  
16 applicant's parents, parent, legal guardian, or other adult relative as  
17 their or his or her own home((, or other)) and that the department  
18 finds would provide an appropriate supportive living arrangement  
19 ((supervised by an adult where feasible and consistent with federal  
20 regulations under 45 C.F.R. chapter II, section 233.107)). It also  
21 includes a living situation maintained by an agency that is licensed  
22 under chapter 74.15 RCW that the department finds would provide an  
23 appropriate supportive living arrangement. Grant assistance shall not  
24 be provided under this chapter if the applicant does not reside in the  
25 most appropriate living situation, as determined by the department.

26 (2) ~~((An applicant under eighteen years of age who is either~~  
27 ~~pregnant or has a dependent child and is not living in a situation~~  
28 ~~described in subsection (1) of this section shall be))~~ A minor parent  
29 or pregnant minor residing in the most appropriate living situation, as  
30 provided under subsection (1) of this section, is presumed to be unable  
31 to manage adequately the funds paid to the minor or on behalf of the  
32 dependent child or children and, unless the ((teenage custodial parent  
33 demonstrates otherwise)) minor provides sufficient evidence to rebut  
34 the presumption, shall be subject to the protective payee requirements  
35 provided for under RCW 74.12.250 and 74.08.280.

36 (3) The department shall consider any statements or opinions by  
37 either parent of the ~~((teen recipient))~~ unmarried minor as to an  
38 appropriate living situation for the ~~((teen))~~ minor and his or her

1 children, whether in the parental home or other situation. If the  
2 parents or a parent of the (~~teen head of household applicant for~~  
3 ~~assistance~~) minor request, they or he or she shall be entitled to a  
4 hearing in juvenile court regarding (~~the fitness and suitability of~~  
5 ~~their home as the top priority choice~~) designation of the parental  
6 home or other relative placement as the most appropriate living  
7 situation for the pregnant or parenting (~~teen applicant for~~  
8 ~~assistance~~) minor.

9 The department shall provide the parents (~~shall have~~) or parent  
10 with the opportunity to make a showing (~~based on the preponderance of~~  
11 ~~the evidence~~) that the parental home is the most appropriate living  
12 situation. It shall be presumed in any administrative or judicial  
13 proceeding conducted under this subsection that the parental home or  
14 other relative placement requested by the parents or parent is the most  
15 appropriate living situation. This presumption is rebuttable.

16 (4) In cases in which the (~~head of household is under eighteen~~  
17 ~~years of age~~) minor is unmarried(~~)~~ and unemployed, (~~and requests~~  
18 ~~information on adoption~~) the department shall, as part of the  
19 determination of the appropriate living situation, provide information  
20 about adoption including referral to community-based organizations  
21 (~~for~~) providing counseling.

22 NEW SECTION. Sec. 404. A new section is added to chapter 74.12  
23 RCW to read as follows:

24 The parents of an unmarried minor who has a child are responsible  
25 for the support of the minor and child. The unmarried minor and the  
26 minor's child shall be considered to be part of the household of the  
27 minor's parents or parent for purposes of determining eligibility for  
28 aid to families with dependent children; and as such, the income and  
29 resources of the entire household are considered to be available to  
30 support the unmarried minor and his or her child.

31 Sec. 405. RCW 13.34.160 and 1993 c 358 s 2 are each amended to  
32 read as follows:

33 (1) In an action brought under this chapter, the court may inquire  
34 into the ability of the parent or parents of the child to pay child  
35 support and may enter an order of child support as set forth in chapter  
36 26.19 RCW. The court may enforce the same by execution, or in any way  
37 in which a court of equity may enforce its decrees. All child support



1 orders entered pursuant to this chapter shall be in compliance with the  
2 provisions of RCW 26.23.050.

3 (2) For purposes of this section, if a dependent child's parent is  
4 an unmarried minor, then the parent or parents of the minor shall also  
5 be deemed a parent or parents of the dependent child. However,  
6 liability for child support under this subsection only exists if the  
7 parent or parents of the unmarried minor parent are provided the  
8 opportunity for a hearing on their ability to provide support. Any  
9 child support order requiring such a parent or parents to provide  
10 support for the minor parent's child may be effective only until the  
11 minor parent reaches eighteen years of age.

12 **Sec. 406.** RCW 74.12.250 and 1963 c 228 s 21 are each amended to  
13 read as follows:

14 If the department, after investigation, finds that any applicant  
15 for assistance under this chapter or any recipient of funds under ((an  
16 aid to families with dependent children grant)) this chapter would not  
17 use, or is not utilizing, the grant adequately for the needs of ((the))  
18 his or her child or children or would dissipate the grant or is  
19 ((otherwise)) dissipating such grant, or would be or is unable to  
20 manage adequately the funds paid on behalf of said child and that to  
21 provide or continue ((said)) payments to ((him)) the applicant or  
22 recipient would be contrary to the welfare of the child, the department  
23 may make such payments to another individual who is interested in or  
24 concerned with the welfare of such child and relative: PROVIDED, That  
25 the department shall provide such counseling and other services as are  
26 available and necessary to develop greater ability on the part of the  
27 relative to manage funds in such manner as to protect the welfare of  
28 the family. Periodic review of each case shall be made by the  
29 department to determine if said relative is able to resume management  
30 of the assistance grant. If after a reasonable period of time the  
31 payments to the relative cannot be resumed, the department may request  
32 the attorney general to file a petition in the superior court for the  
33 appointment of a guardian for the child or children. Such petition  
34 shall set forth the facts warranting such appointment. Notice of the  
35 hearing on such petition shall be served upon the recipient and the  
36 department not less than ten days before the date set for such hearing.  
37 Such petition may be filed with the clerk of superior court and all  
38 process issued and served without payment of costs. If upon the

1 hearing of such petition the court is satisfied that it is for the best  
2 interest of the child or children, and all parties concerned, that a  
3 guardian be appointed, he shall order the appointment, and may require  
4 the guardian to render to the court a detailed itemized account of  
5 expenditures of such assistance payments at such time as the court may  
6 deem advisable.

7 It is the intention of this section that the guardianship herein  
8 provided for shall be a special and limited guardianship solely for the  
9 purpose of safeguarding the assistance grants made to dependent  
10 children. Such guardianship shall terminate upon the termination of  
11 such assistance grant, or sooner on order of the court, upon good cause  
12 shown.

13 **PART V. WELFARE EVALUATION AND EFFECTIVENESS STUDIES**

14 NEW SECTION. **Sec. 501.** A new section is added to chapter 44.28  
15 RCW to read as follows:

16 (1) The legislative budget committee shall conduct an evaluation of  
17 the effectiveness of the programs described in chapter . . . , Laws of  
18 1996 (this act). The evaluation shall assess the success of the  
19 programs in assisting clients to become employed and to reduce their  
20 use of aid to families with dependent children. It may include, but  
21 not be limited to:

- 22 (a) The costs and effectiveness of the programs;
- 23 (b) The extent to which work and job training opportunities have  
24 led to employment outcomes and economic independence;
- 25 (c) An analysis of aid to families with dependent children  
26 outcomes, including grant amounts and program exits, for clients; and
- 27 (d) An audit of performance-based contracts to providers offering  
28 job opportunities and basic skills training program services.

29 (2) Administrative data shall be provided by the department of  
30 social and health services, the employment security department, the  
31 state board for community and technical colleges, local government  
32 providers, and private contractors. The department of social and  
33 health services shall require contractors to provide administrative and  
34 outcome data needed for this evaluation.

35 (3) Additional data may be collected directly from clients if not  
36 available from administrative records.

1 (4) The legislative budget committee may convene an evaluation  
2 advisory group to assist in the study process. It may contract for  
3 services necessary to accomplish the purposes of this section.

4 (5) The legislative budget committee shall present an evaluation  
5 plan to the legislature after consultation with the federal government  
6 on the design of the evaluation.

7 (6) The legislative budget committee shall submit annual reports to  
8 the legislature, beginning in December 1999, with a final report due in  
9 December 2003, unless an earlier date is recommended by the committee.

10 **PART VI. MISCELLANEOUS**

11 **Sec. 601.** RCW 74.04.005 and 1992 c 165 s 1 and 1992 c 136 s 1 are  
12 each reenacted and amended to read as follows:

13 For the purposes of this title, unless the context indicates  
14 otherwise, the following definitions shall apply:

15 (1) "Public assistance" or "assistance"«Public aid to persons in  
16 need thereof for any cause, including services, medical care,  
17 assistance grants, disbursing orders, work relief, general assistance  
18 and federal-aid assistance.

19 (2) "Department"«The department of social and health services.

20 (3) "County or local office"«The administrative office for one or  
21 more counties or designated service areas.

22 (4) "Director" or "secretary" means the secretary of social and  
23 health services.

24 (5) "Federal-aid assistance"«The specific categories of assistance  
25 for which provision is made in any federal law existing or hereafter  
26 passed by which payments are made from the federal government to the  
27 state in aid or in respect to payment by the state for public  
28 assistance rendered to any category of needy persons for which  
29 provision for federal funds or aid may from time to time be made, or a  
30 federally administered needs-based program.

31 (6)(a) "General assistance"«Aid to persons in need who:

32 (i) Are not eligible to receive federal-aid assistance, other than  
33 food stamps and medical assistance; however, an individual who refuses  
34 or fails to cooperate in obtaining federal-aid assistance, without good  
35 cause, is not eligible for general assistance;

36 (ii) Meet one of the following conditions:

1 (A) Pregnant: PROVIDED, That need is based on the current income  
2 and resource requirements of the federal aid to families with dependent  
3 children program: PROVIDED FURTHER, That during any period in which an  
4 aid for dependent children employable program is not in operation, only  
5 those pregnant women who are categorically eligible for medicaid are  
6 eligible for general assistance; or

7 (B) Subject to chapter 165, Laws of 1992, incapacitated from  
8 gainful employment by reason of bodily or mental infirmity that will  
9 likely continue for a minimum of ninety days as determined by the  
10 department.

11 (C) Persons who are unemployable due to alcohol or drug addiction  
12 are not eligible for general assistance. Persons receiving general  
13 assistance on July 26, 1987, or becoming eligible for such assistance  
14 thereafter, due to an alcohol or drug-related incapacity, shall be  
15 referred to appropriate assessment, treatment, shelter, or supplemental  
16 security income referral services as authorized under chapter 74.50  
17 RCW. Referrals shall be made at the time of application or at the time  
18 of eligibility review. Alcoholic and drug addicted clients who are  
19 receiving general assistance on July 26, 1987, may remain on general  
20 assistance if they otherwise retain their eligibility until they are  
21 assessed for services under chapter 74.50 RCW. Subsection  
22 (6)(a)(ii)(B) of this section shall not be construed to prohibit the  
23 department from granting general assistance benefits to alcoholics and  
24 drug addicts who are incapacitated due to other physical or mental  
25 conditions that meet the eligibility criteria for the general  
26 assistance program;

27 (iii) Are citizens or aliens lawfully admitted for permanent  
28 residence or otherwise residing in the United States under color of  
29 law; and

30 (iv) Have furnished the department their social security account  
31 number. If the social security account number cannot be furnished  
32 because it has not been issued or is not known, an application for a  
33 number shall be made prior to authorization of assistance, and the  
34 social security number shall be provided to the department upon  
35 receipt.

36 (b) Notwithstanding the provisions of subsection (6)(a)(i), (ii),  
37 and (c) of this section, general assistance shall be provided to the  
38 following recipients of federal-aid assistance:

1 (i) Recipients of supplemental security income whose need, as  
2 defined in this section, is not met by such supplemental security  
3 income grant because of separation from a spouse; or

4 (ii) To the extent authorized by the legislature in the biennial  
5 appropriations act, to recipients of aid to families with dependent  
6 children whose needs are not being met because of a temporary reduction  
7 in monthly income below the entitled benefit payment level caused by  
8 loss or reduction of wages or unemployment compensation benefits or  
9 some other unforeseen circumstances. The amount of general assistance  
10 authorized shall not exceed the difference between the entitled benefit  
11 payment level and the amount of income actually received.

12 (c) General assistance shall be provided only to persons who are  
13 not members of assistance units receiving federal aid assistance,  
14 except as provided in subsection (6)(a)(ii)(A) and (b) of this section,  
15 and will accept available services which can reasonably be expected to  
16 enable the person to work or reduce the need for assistance unless  
17 there is good cause to refuse. Failure to accept such services shall  
18 result in termination until the person agrees to cooperate in accepting  
19 such services and subject to the following maximum periods of  
20 ineligibility after reapplication:

21 (i) First failure: One week;

22 (ii) Second failure within six months: One month;

23 (iii) Third and subsequent failure within one year: Two months.

24 (d) Persons found eligible for general assistance based on  
25 incapacity from gainful employment may, if otherwise eligible, receive  
26 general assistance pending application for federal supplemental  
27 security income benefits. Any general assistance that is subsequently  
28 duplicated by the person's receipt of supplemental security income for  
29 the same period shall be considered a debt due the state and shall by  
30 operation of law be subject to recovery through all available legal  
31 remedies.

32 (e) The department shall adopt by rule medical criteria for general  
33 assistance eligibility to ensure that eligibility decisions are  
34 consistent with statutory requirements and are based on clear,  
35 objective medical information.

36 (f) The process implementing the medical criteria shall involve  
37 consideration of opinions of the treating or consulting physicians or  
38 health care professionals regarding incapacity, and any eligibility

1 decision which rejects uncontroverted medical opinion must set forth  
2 clear and convincing reasons for doing so.

3 (g) Recipients of general assistance based upon a finding of  
4 incapacity from gainful employment who remain otherwise eligible shall  
5 not have their benefits terminated absent a clear showing of material  
6 improvement in their medical or mental condition or specific error in  
7 the prior determination that found the recipient eligible by reason of  
8 incapacitation. Recipients of general assistance based upon pregnancy  
9 who relinquish their child for adoption, remain otherwise eligible, and  
10 are not eligible to receive benefits under the federal aid to families  
11 with dependent children program shall not have their benefits  
12 terminated until the end of the month in which the period of six weeks  
13 following the birth of the recipient's child falls. Recipients of the  
14 federal aid to families with dependent children program who lose their  
15 eligibility solely because of the birth and relinquishment of the  
16 qualifying child may receive general assistance through the end of the  
17 month in which the period of six weeks following the birth of the child  
18 falls.

19 (7) "Applicant"«Any person who has made a request, or on behalf of  
20 whom a request has been made, to any county or local office for  
21 assistance.

22 (8) "Recipient"«Any person receiving assistance and in addition  
23 those dependents whose needs are included in the recipient's  
24 assistance.

25 (9) "Standards of assistance"«The level of income required by an  
26 applicant or recipient to maintain a level of living specified by the  
27 department.

28 (10) "Resource"«Any asset, tangible or intangible, owned by or  
29 available to the applicant at the time of application, which can be  
30 applied toward meeting the applicant's need, either directly or by  
31 conversion into money or its equivalent: PROVIDED, That an applicant  
32 may retain the following described resources and not be ineligible for  
33 public assistance because of such resources.

34 (a) A home, which is defined as real property owned and used by an  
35 applicant or recipient as a place of residence, together with a  
36 reasonable amount of property surrounding and contiguous thereto, which  
37 is used by and useful to the applicant. Whenever a recipient shall  
38 cease to use such property for residential purposes, either for himself  
39 or his dependents, the property shall be considered as a resource which

1 can be made available to meet need, and if the recipient or his  
2 dependents absent themselves from the home for a period of ninety  
3 consecutive days such absence, unless due to hospitalization or health  
4 reasons or a natural disaster, shall raise a rebuttable presumption of  
5 abandonment: PROVIDED, That if in the opinion of three physicians the  
6 recipient will be unable to return to the home during his lifetime, and  
7 the home is not occupied by a spouse or dependent children or disabled  
8 sons or daughters, such property shall be considered as a resource  
9 which can be made available to meet need.

10 (b) Household furnishings and personal effects and other personal  
11 property having great sentimental value to the applicant or recipient,  
12 as limited by the department consistent with limitations on resources  
13 and exemptions for federal aid assistance.

14 (c) A motor vehicle, other than a motor home, used and useful  
15 having an equity value not to exceed (~~one~~) five thousand (~~five~~  
16 ~~hundred~~) dollars.

17 (d) All other resources, including any excess of values exempted,  
18 not to exceed one thousand dollars or other limit as set by the  
19 department, to be consistent with limitations on resources and  
20 exemptions necessary for federal aid assistance. The department shall  
21 also allow recipients of aid to families with dependent children to  
22 exempt savings accounts with combined balances of up to an additional  
23 three thousand dollars.

24 (e) Applicants for or recipients of general assistance shall have  
25 their eligibility based on resource limitations consistent with the aid  
26 to families with dependent children program rules adopted by the  
27 department.

28 (f) If an applicant for or recipient of public assistance possesses  
29 property and belongings in excess of the ceiling value, such value  
30 shall be used in determining the need of the applicant or recipient,  
31 except that: (i) The department may exempt resources or income when  
32 the income and resources are determined necessary to the applicant's or  
33 recipient's restoration to independence, to decrease the need for  
34 public assistance, or to aid in rehabilitating the applicant or  
35 recipient or a dependent of the applicant or recipient; and (ii) the  
36 department may provide grant assistance for a period not to exceed nine  
37 months from the date the agreement is signed pursuant to this section  
38 to persons who are otherwise ineligible because of excess real property

1 owned by such persons when they are making a good faith effort to  
2 dispose of that property: PROVIDED, That:

3 (A) The applicant or recipient signs an agreement to repay the  
4 lesser of the amount of aid received or the net proceeds of such sale;

5 (B) If the owner of the excess property ceases to make good faith  
6 efforts to sell the property, the entire amount of assistance may  
7 become an overpayment and a debt due the state and may be recovered  
8 pursuant to RCW 43.20B.630;

9 (C) Applicants and recipients are advised of their right to a fair  
10 hearing and afforded the opportunity to challenge a decision that good  
11 faith efforts to sell have ceased, prior to assessment of an  
12 overpayment under this section; and

13 (D) At the time assistance is authorized, the department files a  
14 lien without a sum certain on the specific property.

15 (11) "Income"«(a) All appreciable gains in real or personal  
16 property (cash or kind) or other assets, which are received by or  
17 become available for use and enjoyment by an applicant or recipient  
18 during the month of application or after applying for or receiving  
19 public assistance. The department may by rule and regulation exempt  
20 income received by an applicant for or recipient of public assistance  
21 which can be used by him to decrease his need for public assistance or  
22 to aid in rehabilitating him or his dependents, but such exemption  
23 shall not, unless otherwise provided in this title, exceed the  
24 exemptions of resources granted under this chapter to an applicant for  
25 public assistance. In determining the amount of assistance to which an  
26 applicant or recipient of aid to families with dependent children is  
27 entitled, the department is hereby authorized to disregard as a  
28 resource or income the earned income exemptions consistent with federal  
29 requirements. The department may permit the above exemption of  
30 earnings of a child to be retained by such child to cover the cost of  
31 special future identifiable needs even though the total exceeds the  
32 exemptions or resources granted to applicants and recipients of public  
33 assistance, but consistent with federal requirements. In formulating  
34 rules and regulations pursuant to this chapter, the department shall  
35 define income and resources and the availability thereof, consistent  
36 with federal requirements. All resources and income not specifically  
37 exempted, and any income or other economic benefit derived from the use  
38 of, or appreciation in value of, exempt resources, shall be considered



1 in determining the need of an applicant or recipient of public  
2 assistance.

3 (b) If, under applicable federal requirements, the state has the  
4 option of considering property in the form of lump sum compensatory  
5 awards or related settlements received by an applicant or recipient as  
6 income or as a resource, the department shall consider such property to  
7 be a resource.

8 (12) "Need"«The difference between the applicant's or recipient's  
9 standards of assistance for himself and the dependent members of his  
10 family, as measured by the standards of the department, and value of  
11 all nonexempt resources and nonexempt income received by or available  
12 to the applicant or recipient and the dependent members of his family.

13 (13) "Caretaker" means the parent of the dependent child or  
14 children who is head of the household. However, in situations where  
15 there are two parents in the household, "caretaker" means that parent  
16 who, as a parent, has received assistance under the program for the  
17 longest period.

18 (14) For purposes of determining eligibility for public assistance  
19 and participation levels in the cost of medical care, the department  
20 shall exempt restitution payments made to people of Japanese and Aleut  
21 ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian  
22 and Pribilof Island Restitution Act passed by congress, P.L. 100-383,  
23 including all income and resources derived therefrom.

24 (~~(14)~~) (15) In the construction of words and phrases used in this  
25 title, the singular number shall include the plural, the masculine  
26 gender shall include both the feminine and neuter genders and the  
27 present tense shall include the past and future tenses, unless the  
28 context thereof shall clearly indicate to the contrary.

29 (16) Except for subsections (17) and (18) of this section, section  
30 601, chapter . . . , Laws of 1996 (this section) shall not take effect  
31 if sections 301, 302, 303, and 304 of this act do not become law.

32 (17) Section 1, chapter 136, Laws of 1992 is repealed if sections  
33 301, 302, 303, and 304 of this act do not become law.

34 (18) Section 1, chapter 165, Laws of 1992 is repealed if sections  
35 301, 302, 303, and 304 of this act do not become law.

36 NEW SECTION. Sec. 602. If any part of this act is found to be in  
37 conflict with federal requirements that are a prescribed condition to  
38 the allocation of federal funds to the state, the conflicting part of

1 this act is inoperative solely to the extent of the conflict and with  
2 respect to the agencies directly affected, and this finding does not  
3 affect the operation of the remainder of this act in its application to  
4 the agencies concerned. The rules under this act shall meet federal  
5 requirements that are a necessary condition to the receipt of federal  
6 funds by the state. As used in this section, "allocation of federal  
7 funds to the state" means the allocation of federal funds that are  
8 appropriated by the legislature to the department of social and health  
9 services and on which the department depends for carrying out any  
10 provision of the operating budget applicable to it.

11 **Sec. 603.** RCW 74.08.025 and 1981 1st ex.s. c 6 s 9 are each  
12 amended to read as follows:

13 Public assistance (~~shall~~) may be awarded to any applicant:

14 (1) Who is in need and otherwise meets the eligibility requirements  
15 of department assistance programs; and

16 (2) Who has not made a voluntary assignment of property or cash for  
17 the purpose of qualifying for an assistance grant; and

18 (3) Who is not an inmate of a public institution except as a  
19 patient in a medical institution or except as an inmate in a public  
20 institution who could qualify for federal aid assistance: PROVIDED,  
21 That the assistance paid by the department to recipients in nursing  
22 homes, or receiving nursing home care, may cover the cost of clothing  
23 and incidentals and general maintenance exclusive of medical care and  
24 health services. The department may pay a grant to cover the cost of  
25 clothing and personal incidentals in public or private medical  
26 institutions and institutions for tuberculosis. The department shall  
27 allow recipients in nursing homes to retain, in addition to the grant  
28 to cover the cost of clothing and incidentals, wages received for work  
29 as a part of a training or rehabilitative program designed to prepare  
30 the recipient for less restrictive placement to the extent permitted  
31 under Title XIX of the federal social security act.

32 **Sec. 604.** RCW 74.08.080 and 1989 c 175 s 145 are each amended to  
33 read as follows:

34 (1)(a) A public assistance applicant or recipient who is aggrieved  
35 by a decision of the department or an authorized agency of the  
36 department has the right to an adjudicative proceeding. A current or  
37 former recipient who is aggrieved by a department claim that he or she

1 owes a debt for an overpayment of assistance or food stamps, or both,  
2 has the right to an adjudicative proceeding.

3 (b) An applicant or recipient has no right to an adjudicative  
4 proceeding when the sole basis for the department's decision is a state  
5 or federal law that requires an assistance adjustment for a class of  
6 recipients.

7 (c) An applicant or recipient may not use the defense of equitable  
8 estoppel or any other equitable defenses in any adjudicative proceeding  
9 involving public assistance.

10 (2) The adjudicative proceeding is governed by the Administrative  
11 Procedure Act, chapter 34.05 RCW, and this subsection.

12 (a) The applicant or recipient must file the application for an  
13 adjudicative proceeding with the secretary within ninety days after  
14 receiving notice of the aggrieving decision.

15 (b) The hearing shall be conducted at the local community services  
16 office or other location in Washington convenient to the appellant.

17 (c) The appellant or his or her representative has the right to  
18 inspect his or her department file and, upon request, to receive copies  
19 of department documents relevant to the proceedings free of charge.

20 (d) The appellant has the right to a copy of the tape recording of  
21 the hearing free of charge.

22 (e) The department is limited to recovering an overpayment arising  
23 from assistance being continued pending the adjudicative proceeding to  
24 the amount recoverable up to the sixtieth day after the secretary's  
25 receipt of the application for an adjudicative proceeding.

26 (f) If the final adjudicative order is made in favor of the  
27 appellant, assistance shall be paid from the date of denial of the  
28 application for assistance or thirty days following the date of  
29 application for aid to families with dependent children or forty-five  
30 days after date of application for all other programs, whichever is  
31 sooner; or in the case of a recipient, from the effective date of the  
32 local community services office decision.

33 (g) This subsection applies only to an adjudicative proceeding in  
34 which the appellant is an applicant for or recipient of medical  
35 assistance or the limited casualty program for the medically needy and  
36 the issue is his or her eligibility or ineligibility due to the  
37 assignment or transfer of a resource. The burden is on the department  
38 to prove by a preponderance of the evidence that the person knowingly  
39 and willingly assigned or transferred the resource at less than market

1 value for the purpose of qualifying or continuing to qualify for  
2 medical assistance or the limited casualty program for the medically  
3 needy. If the prevailing party in the adjudicative proceeding is the  
4 applicant or recipient, he or she is entitled to reasonable attorney's  
5 fees.

6 (3)(a) When a person files a petition for judicial review as  
7 provided in RCW 34.05.514 of an adjudicative order entered in a public  
8 assistance program, no filing fee shall be collected from the person  
9 and no bond shall be required on any appeal. In the event that the  
10 superior court, the court of appeals, or the supreme court renders a  
11 decision in favor of the appellant, said appellant shall be entitled to  
12 reasonable attorney's fees and costs. If a decision of the court is  
13 made in favor of the appellant, assistance shall be paid from date of  
14 the denial of the application for assistance or thirty days after the  
15 application for aid to families with dependent children or forty-five  
16 days following the date of application, whichever is sooner; or in the  
17 case of a recipient, from the effective date of the local community  
18 services office decision.

19 **Sec. 605.** RCW 74.08.340 and 1959 c 26 s 74.08.340 are each amended  
20 to read as follows:

21 All assistance granted under this title shall be deemed to be  
22 granted and to be held subject to the provisions of any amending or  
23 repealing act that may hereafter be enacted, and no recipient shall  
24 have any claim for compensation, or otherwise, by reason of his  
25 assistance being affected in any way by such amending or repealing act.  
26 There is no entitlement to public assistance. Public assistance shall  
27 be considered solely as a charitable gesture or gift on the part of the  
28 state, which at any time may be discontinued.

29 NEW SECTION. **Sec. 606.** The following acts or parts of acts are  
30 each repealed:

31 (1) RCW 74.08.120 and 1992 c 108 s 2, 1987 c 75 s 39, 1981 1st  
32 ex.s. c 6 s 15, 1981 c 8 s 12, 1979 c 141 s 326, 1969 ex.s. c 259 s 1,  
33 1969 ex.s. c 159 s 1, 1965 ex.s. c 102 s 1, & 1959 c 26 s 74.08.120;  
34 and

35 (2) RCW 74.08.125 and 1993 c 22 s 1 & 1992 c 108 s 3.

1        NEW SECTION.    **Sec. 607.**    Until July 1, 1998, the governor shall  
2 report quarterly to the appropriate committees of the legislature on  
3 the efforts to secure the federal changes to permit full implementation  
4 of this act at the earliest possible date.

5        NEW SECTION.    **Sec. 608.**    The table of contents, part headings,  
6 subheadings, and captions used in this act do not constitute any part  
7 of the law.

8        NEW SECTION.    **Sec. 609.**    If any provision of this act or its  
9 application to any person or circumstance is held invalid, the  
10 remainder of the act or the application of the provision to other  
11 persons or circumstances is not affected.

--- END ---