

WSR 24-07-077
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed March 18, 2024, 12:29 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-02-043.

Title of Rule and Other Identifying Information: The department of social and health services (DSHS) is proposing to repeal WAC 388-450-0115 Does the department allocate the income of a financially responsible person who is excluded from the assistance unit? and 388-450-0116 How does the department count my income if I cannot get assistance because I am an alien? DSHS is proposing to amend WAC 388-408-0020 When am I not allowed to be in a TANF or SFA assistance unit?, 388-450-0050 How does your participation in the community jobs (CJ) program affect your cash assistance and basic food benefits?, 388-450-0105 Allocating the income of a financially responsible person included in the assistance unit, 388-450-0106 How does the department count my income if someone in my family cannot get assistance because of their alien status?, 388-450-0112 Does the department allocate the income of an ABD cash client to legal dependents?, 388-450-0113 Does the department allocate income of a housing and essential needs (HEN) referral recipient to legal dependents?, 388-450-0130 Does the department allocate the income of a nonapplying spouse to a caretaker relative?, 388-450-0137 Does the department allocate income of an ineligible spouse to an ABD cash client?, 388-450-0138 Does the department allocate income of an ineligible spouse to a housing and essential needs (HEN) referral recipient?, 388-450-0170 Does the department provide an earned income deduction as an incentive for persons who receive TANF/SFA to work?, 388-450-0177 Does the department offer an income deduction for the ABD cash program as an incentive for clients to work?, 388-450-0178 Does the department offer an income deduction for housing and essential needs (HEN) referral applicants and recipients as an incentive to work?, 388-478-0035 What are the maximum earned income limits for TANF, SFA, PWA, and RCA?, 388-486-0005 Unmarried pregnant or parenting minors—Required living arrangements, and 388-486-0010 Unmarried pregnant or parenting minors—Required school attendance. No amendments are being proposed to WAC 388-450-0120 as originally contemplated in the CR-101.

Hearing Location(s): On April 23, 2024, at 10:00 a.m., virtually via [Microsoft] Teams or call in at <https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings>. Please see the DSHS website for the most up-to-date information.

Date of Intended Adoption: No earlier than April 24, 2024.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, by April 23, 2024, at 5:00 p.m.

Assistance for Persons with Disabilities: Contact Shelley Tencza, DSHS rules consultant, phone 360-664-6036, fax 360-664-6185, TTY 711 relay service, email tenczasa@dshs.wa.gov, by April 9, 2024, at 5:00 p.m.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Effective August 1, 2024, these amendments will incorporate changes to earned income disregards for cash assistance programs, per 2SHB 1447 (chapter 418, Laws of 2023). As ap-

plicable, these amendments make additional changes required to improve clarity, update policy, or better align rule language with state and federal law or regulations.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 41.05.021, 49.46.120, 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.04.655, 74.04.770, 74.04.0052, 74.08.025, 74.08.043, 74.08.090, 74.08.335, 74.08A.100, 74.08A.120, 74.08A.230, 74.09.035, 74.09.530, and 74.62.030.

Statute Being Implemented: 2SHB 1447 (chapter 418, Laws of 2023).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Rocio Loera, P.O. Box 45470, Olympia, WA 98504-5470, 360-480-5477.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. These rules are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which in part states, "this section does not apply to ... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents.["]

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; and rule content is explicitly and specifically dictated by statute.

Is exempt under RCW 19.85.025(4).

Is exempt under RCW 34.05.328 (5)(b)(vii).

Explanation of exemptions: The proposed amendments do not impact small business. They only impact DSHS clients.

Scope of exemption for rule proposal:

Is fully exempt.

March 14, 2024
Katherine I. Vasquez
Rules Coordinator

SHS-5023.2

AMENDATORY SECTION (Amending WSR 10-12-095, filed 6/1/10, effective 7/2/10)

WAC 388-408-0020 When am I not allowed to be in a TANF or SFA assistance unit (AU)? Some people cannot be in an AU for TANF or SFA. This section describes who cannot be in your TANF or SFA AU and how this will affect your benefits.

(1) We do not include the following people in your TANF or SFA AU:

(a) A minor parent or child who has been placed in Title IV-E, state, or locally-funded foster care unless the placement is a temporary absence under WAC 388-454-0015;

(b) An adult parent in a two-parent household when:

(i) The other parent is unmarried and under the age of (~~eighteen~~) 18; and

(ii) We decide (~~that~~) your living arrangement is not appropriate under WAC 388-486-0005.

(c) A court-ordered guardian, court-ordered custodian, or other adult acting *in loco parentis* (in the place of a parent) if they are not a relative of one of the children in the AU as defined under WAC 388-454-0010; or

(d) Someone who gets SSI benefits.

(2) If someone (~~that~~) lives with you who cannot be in the AU:

(a) We (~~do not~~) count them as a member of the AU when we determine the AU's (~~payment standard~~) household size for income deductions; and

(b) We do not count their income unless:

(i) They are financially responsible for a member of the AU under WAC 388-450-0095 through 388-450-0130(=); or

(ii) They are a child who does not meet the exclusions in WAC 388-450-0070.

AMENDATORY SECTION (Amending WSR 15-17-090, filed 8/18/15, effective 10/1/15)

WAC 388-450-0050 How does your participation in the community jobs (~~(CJ)~~) program affect your cash assistance and basic food benefits? (1) There are two different types of income in the community jobs program. They are:

(a) Subsidized, where your wages are paid from TANF or SFA funds; and

(b) Unsubsidized, where your wages are paid entirely by your employer.

(2) We figure your total monthly subsidized or unsubsidized income by:

(a) Estimating the number of hours you, your case manager, and the (~~CJ~~) community jobs contractor expect you to work for the month; and

(b) Multiplying the number of hours by the federal, state, or local minimum wage, whichever is higher.

(3) Because you are expected to participate and meet the requirements of (~~CJ~~) community jobs, once we determine what your total monthly income is expected to be, we do not change your TANF grant if your actual hours are more or less than anticipated.

(4) We treat the total income we expect you to get each month from your (~~CJ~~) community jobs position as:

(a) Earned income for cash assistance, except we do not count any of the (~~CJ~~) community jobs income for the first month you receive your paycheck.

(b) Earned income for basic food for all months.

(5) If your anticipated subsidized income is more than your grant amount, your cash grant is suspended. This means (~~that~~) you are still considered a TANF/SFA recipient, but you do not get a grant.

(a) Your grant can be suspended up to a maximum of nine months.

(b) You can keep participating in ~~((€))~~ community jobs even though your grant is suspended, as long as you would be eligible for a grant if we did not count your subsidized income.

(c) The months your grant is suspended do not count toward your ~~((sixty))~~ 60-month lifetime limit.

(6) If your unsubsidized income ~~((, after we subtract half of what you have earned is greater than your grant))~~ is greater than your grant after we apply the earned income deductions outlined in WAC 388-450-0170, your TANF/SFA case will close. This happens because your income is over the maximum you are allowed. You will still be able to participate in the ~~((€))~~ community jobs program for up to a total of nine months.

(7) If your income from other sources alone, not counting ~~((€))~~ community jobs income makes you ineligible for a cash grant, we terminate your grant and end your participation in ~~((€))~~ community jobs.

AMENDATORY SECTION (Amending WSR 13-18-007, filed 8/22/13, effective 10/1/13)

WAC 388-450-0105 Allocating the income of ((a)) financially responsible ((person)) persons included in the assistance unit. This section applies to TANF/SFA, PWA, and RCA. If you are included in the assistance unit, are financially responsible for someone and are disqualified or ineligible, as defined in WAC 388-450-0100, your income is available to meet the needs of the assistance unit. To figure out how much we count, we take the following steps: ((The income of a financially responsible person included in the assistance unit is countable to meet the needs of the assistance unit after the income is reduced by the following:

~~(1) Any applicable earned income incentive and work expense or deduction for the financially responsible person in the assistance unit, if that person is employed;~~

~~(2) The payment standard amount for the ineligible assistance unit members living in the home; and~~

~~(3) An amount not to exceed the department's standard of need for court or administratively ordered current or back support for legal dependents.)~~

(1) We start by totaling earned income, as defined in WAC 388-450-0030, and applying the earned income deductions outlined in WAC 388-450-0170.

(2) We add the unearned income, as defined in WAC 388-450-0025.

(3) We subtract the difference between the following payment standards (payment standards can be found in WAC 388-478-0020 and 388-478-0027):

(a) One that includes both eligible assistance unit members and those who cannot get assistance; and

(b) One that includes only the eligible assistance unit members who can get assistance.

(4) We subtract any court or administratively ordered child support paid for legal dependents. This includes both current and back support. The amount cannot be more than the need standard in WAC 388-478-0015 for the number of dependents.

(5) We subtract any employment-related child care expenses you had prior to approval.

(6) Whatever is left is countable income and subtracted from the grant.

AMENDATORY SECTION (Amending WSR 13-18-007, filed 8/22/13, effective 10/1/13)

WAC 388-450-0106 How does the department count ((my)) income if someone ((in my family)) cannot get assistance because of their ((alien)) immigration status? This section applies to TANF/SFA, PWA, and RCA.

~~((If you are included in the assistance unit and you are financially responsible for someone, as defined in WAC 388-450-0100, who does)) Some people cannot get assistance because they do not meet the ((alien)) requirements described in WAC 388-424-0010 ((, we do not count all of your income. We subtract some of it so that you can use that part to help support the people who cannot get assistance)). If you do not meet those requirements and are financially responsible for someone in the assistance unit, as defined in WAC 388-450-0100, we count some of your income. To figure out how much we count, we take the following ((seven)) steps:~~

~~(1) We start by ((only counting fifty percent of your)) totaling earned income, as defined in WAC 388-450-0030, and applying the earned income deductions outlined in WAC 388-450-0170 ((,)).~~

~~(2) We add all ((of your)) the unearned income, as defined in WAC 388-450-0025.~~

~~(3) We subtract the difference between the following payment standards (payment standards can be found in WAC 388-478-0020 and 388-478-0027):~~

~~(a) One that includes both eligible assistance unit members and those who cannot get assistance ((because of their alien status)); and~~

~~(b) One that includes only the eligible assistance unit members who can get assistance.~~

~~(4) ((We subtract the payment standard for the number of people who are ineligible for reasons other than alien status, as defined in WAC 388-450-0100 (4)(b) through (f)).~~

~~((5)) We subtract any court or administratively ordered child support ((you pay)) paid for legal dependents. This includes both current and back support. The amount cannot be more than the need standard in WAC 388-478-0015 for the number of dependents.~~

~~((6)) (5) We subtract any employment-related child care expenses you ((have)) had prior to approval.~~

~~((7)) (6) ((Then, we count)) Whatever is left ((as unearned)) is countable income and subtracted from the grant.~~

AMENDATORY SECTION (Amending WSR 12-10-042, filed 4/27/12, effective 6/1/12)

WAC 388-450-0112 Does the department allocate the income of an ABD cash client to legal dependents? This section applies to the aged, blind, or disabled (ABD) cash assistance program.

(1) The income of an ABD cash client is reduced by the following:

(a) The ABD cash earned income ((disregard)) deductions as specified in WAC 388-450-0177; and

(b) ~~((An))~~ The amount ~~((not to exceed the department's))~~ of both current and back child support the ABD cash client is paying each month under a court or administrative order. The amount cannot be more than the need standard ~~((of need for court or administratively ordered current or back support for legal dependents))~~ in WAC 388-478-0015 for the number of dependents.

(2) When ~~((a))~~ an ABD cash client in a medical institution, alcohol or drug treatment center, congregate care facility or adult family home has income, the income is countable to meet the client's needs after the income is reduced by the following:

(a) The payment standard amount for the nonapplying spouse and legal dependents living in the home; and

(b) The standard of assistance the client is eligible for while in an alternative care facility.

AMENDATORY SECTION (Amending WSR 13-24-044, filed 11/26/13, effective 1/1/14)

WAC 388-450-0113 Does the department allocate income of a housing and essential needs (HEN) referral ~~((recipient))~~ client to legal dependents? This section applies to referrals to the housing and essential needs (HEN) program.

(1) The income of a HEN referral ~~((recipient))~~ client is reduced by the following:

(a) The HEN referral earned income ~~((disregard))~~ deductions as specified in WAC 388-450-0178; and

(b) The amount of both current and ~~((or))~~ back child support ~~((that))~~ the ~~((recipient))~~ HEN referral client is paying each month under a court or administrative order. ~~((If the monthly child support payment is greater than the department's standard of need, income is instead reduced by the department's standard of need.))~~ The amount cannot be more than the need standard in WAC 388-478-0015 for the number of dependents.

(2) When a HEN referral ~~((recipient))~~ client in a medical institution, alcohol or drug treatment center, congregate care facility or adult family home has income, the income is countable to meet the ~~((recipient's))~~ client's needs after the income is reduced by the following:

(a) The HEN referral program income limit for the nonapplying spouse and legal dependents living in the home; and

(b) The standard of assistance the client is eligible for while residing in the alternative care facility.

AMENDATORY SECTION (Amending WSR 12-10-042, filed 4/27/12, effective 6/1/12)

WAC 388-450-0130 Does the department allocate the income of a nonapplying spouse to a caretaker relative? This section applies to TANF/SFA, PWA, and RCA programs.

~~((1))~~ The community income of the nonapplying spouse and applying spouse is combined. See WAC 388-450-0005 to determine what income is available as community income. To figure out how much we count, we take the following steps:

~~((2) Subtract a one person payment standard as specified in WAC 388-478-0020.~~

~~(3) The remainder is allocated to the caretaker relative.))~~

(1) We start by totaling earned income, as defined in WAC 388-450-0030, and applying the earned income disregards outlined in WAC 388-450-0170.

(2) We add all the unearned income, as defined in WAC 388-450-0025.

(3) We subtract the difference between the following payment standards (payment standards can be found in WAC 388-478-0020 and 388-478-0027):

(a) One that includes both eligible assistance unit members and those who cannot get assistance; and

(b) One that includes only the eligible assistance unit members who can get assistance.

(4) We subtract any court or administratively ordered child support paid for legal dependents. This includes both current and back support. The amount cannot be more than the need standard in WAC 388-478-0015 for the number of dependents.

(5) We subtract any employment-related child care expenses you had prior to approval.

(6) Whatever is left is countable income and subtracted from the grant.

AMENDATORY SECTION (Amending WSR 12-10-042, filed 4/27/12, effective 6/1/12)

WAC 388-450-0137 Does the department allocate income of an ineligible spouse to an ABD cash client? This section applies to the aged, blind, or disabled (ABD) cash assistance program.

~~(1) ((When an ABD cash client is married and lives with the non-applying spouse, the following income is available to the client:~~

~~(a) The remainder of the client's wages, retirement benefits or separate property after reducing the income by:~~

~~(i) The ABD cash work incentive deduction, as specified in WAC 388-450-0177; and~~

~~(ii) An amount not to exceed the department's standard of need for court or administratively ordered current or back support for legal dependents.~~

~~(b) The remainder of the nonapplying spouse's wages, retirement benefits and separate property after reducing the income by:~~

~~(i) An amount not to exceed the department's standard of need for court or administratively ordered current or back support for legal dependents; and~~

~~(ii) The payment standard amount as specified under WAC 388-478-0033 which includes ineligible assistance unit members.~~

(c) One-half of all other community income, as provided in WAC 388-450-0005.)) The community income of the ineligible spouse and applying spouse is combined. See WAC 388-450-0005 to determine what income is available as community income. To figure out how much income we count, we take the following steps:

(a) We start by totaling earned income, as defined in WAC 388-450-0030, and subtract the earned income deductions outlined in WAC 388-450-0177;

(b) We add all the unearned income, as defined in WAC 388-450-0025;

(c) We subtract the difference between the two person and one person payment standards (payment standards can be found in WAC 388-478-0033).

(2) We subtract any court or administratively ordered child support paid for legal dependents. This includes both current and back support. The amount cannot exceed the standard of need in WAC 388-478-0015 for the number of dependents.

(3) Then, we compare the remaining income after deductions in subsections (1) and (2) of this section to the income limits defined in WAC 388-478-0090.

AMENDATORY SECTION (Amending WSR 13-24-044, filed 11/26/13, effective 1/1/14)

WAC 388-450-0138 Does the department allocate income of an ineligible spouse to a housing and essential needs (HEN) referral ((recipient)) client? This section applies to referrals to the housing and essential needs (HEN) program.

(1) When a HEN referral ((recipient)) client is married and lives with their ((nonapplying)) ineligible spouse, we take the following ((income is considered available to the client)) steps to figure out how much income we count:

(a) ((The remainder of the recipient's wages, retirement benefits and other income after reducing the total income by:

(i) The HEN referral work incentive deduction, as specified in WAC 388-450-0178; and

(ii) The amount of current and/or back child support that the recipient is paying each month under a court or administrative order. If the monthly child support payment is greater than the department's standard of need, income is instead reduced by the department's standard of need.

(b) The remainder of the nonapplying spouse's wages, retirement benefits and other income after reducing the total income by:

(i) An amount not to exceed the department's standard of need for court ordered or administratively ordered current or back child support for legal dependents; and

(ii) The HEN referral income limit amount as specified under WAC 388-478-0090 which includes ineligible assistance unit members.

(c) One-half of all other community income.)) We start by totaling earned income, as defined in WAC 388-450-0030, and subtract the earned income deduction, as defined in WAC 388-450-0178;

(b) We add all the unearned income, as defined in WAC 388-450-0025;

(c) We subtract the difference between the two person and one person payment standards (payment standards can be found in WAC 388-478-0033).

(2) We subtract any court or administratively ordered child support paid for legal dependents. This includes both current and back support. The amount cannot exceed the standard of need in WAC 388-478-0015 for the number of dependents.

(3) Then, we compare the remaining income after deductions in subsections (1) and (2) of this section to the income limits defined in WAC 388-478-0090.

AMENDATORY SECTION (Amending WSR 15-02-006, filed 12/26/14, effective 1/26/15)

WAC 388-450-0170 Does the department provide an earned income deduction (~~(as an incentive)~~) for ~~((persons who))~~ households that receive TANF/SFA, RCA, and PWA to work? (~~(This section applies to TANF/SFA, RCA and PWA.)~~)

(1) If ~~((a client works))~~ an individual is working, the department only counts some of the income to determine eligibility and benefit level.

(2) We start by deducting the first \$500 of the total household's earned income.

~~(3) We ((only count fifty percent)) then subtract 50% of ((your)) the remaining~~ monthly gross earned income. (~~We do this to encourage you to work.~~)

~~((3))~~ (4) If you pay for care before we approve your benefits, we subtract the amount you ~~((pay))~~ paid for those dependent children or incapacitated adults who get cash assistance with you.

(a) The amount we subtract is:

(i) Prorated according to the date you are eligible for benefits;

(ii) Cannot be more than your gross monthly income; and

(iii) Cannot exceed the following for each dependent child or incapacitated adult:

Dependent Care Maximum Deductions

Hours Worked Per Month	Child Under Two Years of Age (& Under)	Child ((Over)) Two Years of Age and Older or Incapacitated Adult
0 - 40	\$ 50.00	\$ 43.75
41 - 80	\$ 100.00	\$ 87.50
81 - 120	\$ 150.00	\$ 131.25
121 or More	\$ 200.00	\$ 175.00

(b) In order to get this deduction:

(i) The person providing the care must be someone other than the parent or stepparent of the child or incapacitated adult; and

(ii) You must verify the expense.

AMENDATORY SECTION (Amending WSR 12-10-042, filed 4/27/12, effective 6/1/12)

WAC 388-450-0177 Does the department ~~((offer))~~ provide an earned income deduction for the ABD cash program ((as an incentive for clients to work))? The department gives a deduction to people who receive income from work while receiving aged, blind, or disabled cash assistance. The deduction applies to aged, blind, or disabled cash benefits only. We allow the following income deduction when we determine the amount of your benefits:

~~We ((only count fifty percent of your monthly gross earned income. We do this to encourage you to work.))~~ deduct the first \$500 of gross monthly earnings and then one-half of remaining earnings.

AMENDATORY SECTION (Amending WSR 13-24-044, filed 11/26/13, effective 1/1/14)

WAC 388-450-0178 Does the department (~~offer~~) provide an earned income deduction for housing and essential needs (HEN) referral applicants and recipients (~~as an incentive to work~~)? We give a deduction to housing and essential needs (HEN) referral applicants and recipients who receive income from work. The deduction applies to eligibility for referral to the HEN program only. We allow the following income deduction when we determine your eligibility for referral to the HEN program:

We (~~only count fifty percent of your monthly gross earned income. We do this to encourage work.~~) deduct the first \$500 of gross monthly earnings and then one-half of remaining earnings.

AMENDATORY SECTION (Amending WSR 23-23-054, filed 11/8/23, effective 1/1/24)

WAC 388-478-0035 What are the maximum earned income limits for TANF, SFA, PWA, and RCA? To be eligible for temporary assistance for needy families (TANF), state family assistance (SFA), refugee cash assistance (RCA), or pregnant women assistance (PWA), a family's gross earned income must be below the following levels (~~(+)~~), which includes the \$500 family earnings deduction:

Number of family members	Maximum earned income level	Number of family members	Maximum monthly earned income level
1	\$(900) <u>1,400</u>	6	\$(2,180) <u>2,680</u>
2	((1,140)) <u>1,640</u>	7	((2,516)) <u>3,016</u>
3	((1,412)) <u>1,912</u>	8	((2,784)) <u>3,284</u>
4	((1,666)) <u>2,166</u>	9	((3,058)) <u>3,558</u>
5	((1,918)) <u>2,418</u>	10 or more	((3,324)) <u>3,824</u>

AMENDATORY SECTION (Amending WSR 12-10-042, filed 4/27/12, effective 6/1/12)

WAC 388-486-0005 Unmarried pregnant or parenting minors—Required living arrangement. (1) This rule affects only the minor's eligibility for cash assistance. It does not affect the eligibility of the minor parent's child for a cash grant.

(2) The following definitions apply to terms used in this section:

(a) "Unmarried" means a person who has never been married or whose marriage has been annulled. It does not include a person who has been divorced or widowed.

(b) "Minor" means a person younger than (~~(eighteen)~~) 18 years of age.

(c) "Legal guardian" means a court-appointed legal guardian or court-appointed permanent custodian.

(d) "Relative" is a person who is related to the pregnant or parenting minor as defined under RCW 74.15.020(~~((4))~~).

(3) An unmarried pregnant or parenting minor is not eligible for TANF, SFA, or PWA unless the person:

(a) Has been emancipated by a court; or

(b) Lives in a home approved by the department and has a protective payee.

(4) The home of a minor's parent, legal guardian, or adult relative may be approved unless:

(a) The minor has no living parent, legal guardian, or adult relative that can be located or those persons do not want the minor to live with them;

(b) The minor or the minor's child is being or has been seriously harmed either physically, emotionally, or sexually in the home of the parent, legal guardian, or adult relative;

(c) Substantial evidence exists of an act or failure to act by the parent, legal guardian, or adult relative that presents imminent or serious harm to the minor or the minor's child if they lived there; or

(d) The department determines that it is in the best interest of the minor or the minor's child to waive the requirement of living in the home of a parent, legal guardian, or adult relative.

(5) If the home of a minor's parent, legal guardian, or adult relative is not available or suitable, one of the following alternatives may be approved:

(a) A facility or home licensed under chapter 74.15 RCW that provides a supportive and supervised living arrangement requiring residents to learn parenting skills;

(b) A maternity home;

(c) Other adult-supervised living arrangement; or

(d) The minor's current or proposed living arrangement, if the department determines it is appropriate.

(6) A home that includes the other natural parent of the minor's child or unborn child is never approved if:

(a) The minor is under age (~~(sixteen)~~) 16; and

(b) The other parent is (~~(eighteen)~~) 18 or older and meets the age criteria for rape of a child as set forth in RCW 9A.44.073, 9A.44.076, and 9A.44.079.

(7) The income of a minor parent found ineligible under this section is treated according to WAC 388-450-0100 and (~~(388-450-0115)~~) 388-450-0105 when determining the eligibility and benefit level of the minor parent's child.

AMENDATORY SECTION (Amending WSR 13-24-043, filed 11/26/13, effective 1/1/14)

WAC 388-486-0010 Unmarried pregnant or parenting minors—Required school attendance. (1) This rule affects only the minor's eligibility for cash assistance. It does not affect the eligibility of the minor parent's child for a cash grant.

(2) To be eligible for TANF or SFA, an unmarried pregnant or parenting minor who has not completed high school or a high school equivalency certificate program must participate in educational activities leading to the attainment of a high school diploma or high school equivalency certificate.

(3) The minor must meet the standard for satisfactory attendance set by the school or program in which the minor is enrolled.

(4) An unmarried minor is exempt from this rule if the minor has:

(a) Been emancipated by a court; or

(b) A child who is less than (~~twelve~~) 12 weeks old.

(5) The income of a minor parent found ineligible under this section is treated according to WAC 388-450-0100 and (~~388-450-0115~~) 388-450-0105 when determining the eligibility and benefit level of the minor parent's child.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-450-0115	Does the department allocate the income of a financially responsible person who is excluded from the assistance unit?
WAC 388-450-0116	How does the department count my income if I cannot get assistance because I am an alien?