
HOUSE BILL 2644

State of Washington 52nd Legislature 1992 Regular Session

By Representatives Rasmussen, Winsley, Leonard, Dorn, Tate, Spanel, Roland, Mitchell, J. Kohl and Brekke

Read first time 01/22/92. Referred to Committee on Human Services.

1 AN ACT Relating to students receiving public assistance; amending
2 RCW 74.04.005; creating new sections; and providing an expiration date.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that an educated
5 work force is a key to competitiveness in America, and that state
6 policies should not force potential graduates to become dropouts. It
7 is in the state's interest that students who are attending secondary
8 school full time and demonstrating progress toward earning a diploma
9 should continue to be eligible to receive public assistance benefits.
10 The legislature therefore establishes a pilot program to demonstrate
11 improved school completion rates among this population.

12 **Sec. 2.** RCW 74.04.005 and 1991 sp.s. c 10 s 1 are each amended to
13 read as follows:

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

3 (1) "Public assistance" or "assistance"--Public aid to persons in
4 need thereof for any cause, including services, medical care,
5 assistance grants, disbursing orders, work relief, general assistance
6 and federal-aid assistance.

7 (2) "Department"--The department of social and health services.

8 (3) "County or local office"--The administrative office for one or
9 more counties or designated service areas.

10 (4) "Director" or "secretary" means the secretary of social and
11 health services.

12 (5) "Federal-aid assistance"--The specific categories of assistance
13 for which provision is made in any federal law existing or hereafter
14 passed by which payments are made from the federal government to the
15 state in aid or in respect to payment by the state for public
16 assistance rendered to any category of needy persons for which
17 provision for federal funds or aid may from time to time be made, or a
18 federally administered needs-based program.

19 (6)(a) "General assistance"--Aid to persons in need who are:

20 (i) (~~Are~~) Not eligible to receive federal-aid assistance, other
21 than food stamps and medical assistance; however, an individual who
22 refuses or fails to cooperate in obtaining federal-aid assistance,
23 without good cause, is not eligible for general assistance;

24 (ii) (~~Are either:~~) (A) Pregnant: PROVIDED, That need is based on
25 the current income and resource requirements of the federal aid to
26 families with dependent children program: PROVIDED FURTHER, That
27 during any period in which an aid for dependent children employable
28 program is not in operation, only those pregnant women who are
29 categorically eligible for medicaid are eligible for general
30 assistance; or

1 (B) Children attending school in Washington, residing in the home
2 of a court-appointed legal guardian who are eighteen years of age or
3 less and demonstrating progress towards completion of secondary school.
4 Eligibility, except the requirement to live with a relative of
5 specified degree, shall be based on the current requirements of the
6 federal aid to families with dependent children program, and need shall
7 be based on the current income and resource requirements of the federal
8 aid to families with dependent children program. Assistance shall be
9 provided on behalf of the child or children only;

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

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

1 (iv) Have furnished the department their social security account
2 number. If the social security account number cannot be furnished
3 because it has not been issued or is not known, an application for a
4 number shall be made prior to authorization of assistance, and the
5 social security number shall be provided to the department upon
6 receipt.

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

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

13 (ii) ~~((To the extent authorized by the legislature in the biennial
14 appropriations act, to))~~ Recipients of aid to families with dependent
15 children whose needs are not being met because of a temporary reduction
16 in monthly income below the entitled benefit payment level caused by
17 loss or reduction of wages or unemployment compensation benefits or
18 some other unforeseen circumstances. The amount of general assistance
19 authorized shall not exceed the difference between the entitled benefit
20 payment level and the amount of income actually received.

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

30 (i) First failure: One week;

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

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

3 (d) The department shall adopt by rule medical criteria for general
4 assistance eligibility to ensure that eligibility decisions are
5 consistent with statutory requirements and are based on clear,
6 objective medical information.

7 (e) The process implementing the medical criteria shall involve
8 consideration of opinions of the treating or consulting physicians or
9 health care professionals regarding incapacity, and any eligibility
10 decision which rejects uncontroverted medical opinion must set forth
11 clear and convincing reasons for doing so.

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

28 (7) "Applicant"--Any person who has made a request, or on behalf of
29 whom a request has been made, to any county or local office for
30 assistance.

1 (8) "Recipient"--Any person receiving assistance and in addition
2 those dependents whose needs are included in the recipient's
3 assistance.

4 (9) "Standards of assistance"--The level of income required by an
5 applicant or recipient to maintain a level of living specified by the
6 department.

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

13 (a) A home, which is defined as real property owned and used by an
14 applicant or recipient as a place of residence, together with a
15 reasonable amount of property surrounding and contiguous thereto, which
16 is used by and useful to the applicant. Whenever a recipient shall
17 cease to use such property for residential purposes, either for himself
18 or his dependents, the property shall be considered as a resource which
19 can be made available to meet need, and if the recipient or his
20 dependents absent themselves from the home for a period of ninety
21 consecutive days such absence, unless due to hospitalization or health
22 reasons or a natural disaster, shall raise a rebuttable presumption of
23 abandonment: PROVIDED, That if in the opinion of three physicians the
24 recipient will be unable to return to the home during his lifetime, and
25 the home is not occupied by a spouse or dependent children or disabled
26 sons or daughters, such property shall be considered as a resource
27 which can be made available to meet need.

28 (b) Household furnishings and personal effects and other personal
29 property having great sentimental value to the applicant or recipient,

1 as limited by the department consistent with limitations on resources
2 and exemptions for federal aid assistance.

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

5 (d) All other resources, including any excess of values exempted,
6 not to exceed one thousand dollars or other limit as set by the
7 department, to be consistent with limitations on resources and
8 exemptions necessary for federal aid assistance.

9 (e) Applicants for or recipients of general assistance may retain
10 the following described resources in addition to exemption for a motor
11 vehicle or home and not be ineligible for public assistance because of
12 such resources:

13 (i) Household furnishings, personal effects, and other personal
14 property having great sentimental value to the applicant or recipient;

15 (ii) Term and burial insurance for use of the applicant or
16 recipient;

17 (iii) Life insurance having a cash surrender value not exceeding
18 one thousand five hundred dollars; and

19 (iv) Cash, marketable securities, and any excess of values above
20 one thousand five hundred dollars equity in a vehicle and above one
21 thousand five hundred dollars in cash surrender value of life
22 insurance, not exceeding one thousand five hundred dollars for a single
23 person or two thousand two hundred fifty dollars for a family unit of
24 two or more. The one thousand dollar limit in subsection (10)(d) of
25 this section does not apply to recipients of or applicants for general
26 assistance.

27 (f) If an applicant for or recipient of public assistance possesses
28 property and belongings in excess of the ceiling value, such value
29 shall be used in determining the need of the applicant or recipient,
30 except that: (i) The department may exempt resources or income when

1 the income and resources are determined necessary to the applicant's or
2 recipient's restoration to independence, to decrease the need for
3 public assistance, or to aid in rehabilitating the applicant or
4 recipient or a dependent of the applicant or recipient; and (ii) the
5 department may provide grant assistance for a period not to exceed nine
6 months from the date the agreement is signed pursuant to this section
7 to persons who are otherwise ineligible because of excess real property
8 owned by such persons when they are making a good faith effort to
9 dispose of that property: PROVIDED, That:

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

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

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

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

22 (11) "Income"--(a) All appreciable gains in real or personal
23 property (cash or kind) or other assets, which are received by or
24 become available for use and enjoyment by an applicant or recipient
25 during the month of application or after applying for or receiving
26 public assistance. The department may by rule and regulation exempt
27 income received by an applicant for or recipient of public assistance
28 which can be used by him to decrease his need for public assistance or
29 to aid in rehabilitating him or his dependents, but such exemption
30 shall not, unless otherwise provided in this title, exceed the

1 exemptions of resources granted under this chapter to an applicant for
2 public assistance. In determining the amount of assistance to which an
3 applicant or recipient of aid to families with dependent children is
4 entitled, the department is hereby authorized to disregard as a
5 resource or income the earned income exemptions consistent with federal
6 requirements. The department may permit the above exemption of
7 earnings of a child to be retained by such child to cover the cost of
8 special future identifiable needs even though the total exceeds the
9 exemptions or resources granted to applicants and recipients of public
10 assistance, but consistent with federal requirements. In formulating
11 rules and regulations pursuant to this chapter, the department shall
12 define income and resources and the availability thereof, consistent
13 with federal requirements. All resources and income not specifically
14 exempted, and any income or other economic benefit derived from the use
15 of, or appreciation in value of, exempt resources, shall be considered
16 in determining the need of an applicant or recipient of public
17 assistance.

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

23 (12) "Need"--The difference between the applicant's or recipient's
24 standards of assistance for himself and the dependent members of his
25 family, as measured by the standards of the department, and value of
26 all nonexempt resources and nonexempt income received by or available
27 to the applicant or recipient and the dependent members of his family.

28 (13) For purposes of determining eligibility for public assistance
29 and participation levels in the cost of medical care, the department
30 shall exempt restitution payments made to people of Japanese and Aleut

1 ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian
2 and Pribilof Island Restitution Act passed by congress, P.L. 100-383,
3 including all income and resources derived therefrom.

4 (14) In the construction of words and phrases used in this title,
5 the singular number shall include the plural, the masculine gender
6 shall include both the feminine and neuter genders and the present
7 tense shall include the past and future tenses, unless the context
8 thereof shall clearly indicate to the contrary.

9 NEW SECTION. **Sec. 3.** The superintendent of public instruction
10 and the secretary of social and health services shall report to the
11 legislature by December 1, 1996, on the effectiveness of the pilot
12 program to extend public assistance benefits to students under RCW
13 74.04.005, including numbers of students who achieve secondary school
14 completion, and tracking of those students served by the pilot program
15 who do not complete secondary school.

16 NEW SECTION. **Sec. 4.** Section 2 of this act shall expire July
17 1, 1996.