
SENATE BILL 5853

State of Washington

53rd Legislature

1993 Regular Session

By Senators Hochstatter, L. Smith, Barr, Anderson, Oke, Nelson, McCaslin, McDonald, Moyer and West

Read first time 02/17/93. Referred to Committee on Health & Human Services.

1 AN ACT Relating to public assistance; reenacting and amending RCW
2 74.04.005; adding new sections to chapter 74.04 RCW; adding a new
3 section to chapter 74.12 RCW; creating new sections; and declaring an
4 emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that:

7 (1) Public assistance is intended to be a temporary financial
8 relief program, recognizing that families can be confronted with a
9 financial crisis at any time in life. Successful public assistance
10 programs depend on the availability of adequate resources to assist
11 individuals deemed eligible for the benefits of such a program. In
12 this way, eligible families are given sufficient assistance to reenter
13 productive employment in a minimal time period. When eligibility for
14 public assistance is not clearly defined or enforced, resources are
15 consumed for purposes other than what the public intends and the result
16 is a shortage of resources for eligible recipients;

17 (2) The current public assistance system requires a reduction in
18 grant standards when income is received. In most cases, family income
19 is limited to levels below the standard of need. Work involvement, a

1 crucial factor in the individual's ability to return to the work force,
2 can result in the same reduction or elimination of benefits. To remove
3 this disincentive, the legislature intends to assist families by
4 incorporating work experience with private employers without an
5 immediate reduction or termination of benefits;

6 (3) Employment, job search, training, and educational services
7 provided to employable recipients of public assistance are effective
8 tools in achieving economic self-sufficiency. Support services that
9 are targeted at the specific needs of the individual offer the best
10 hope of achieving economic self-sufficiency in a cost-effective manner;

11 (4) State welfare-to-work programs, which move individuals from
12 dependence to economic independence, must be operated cooperatively and
13 collaboratively between state agencies and programs. Public assistance
14 recipients shall be active participants in the programs and will
15 benefit from the concepts of personal empowerment, responsibility,
16 self-motivation, and self-esteem;

17 (5) Many barriers to economic independence are found in federal
18 statutes and rules, and provide states with limited options for
19 restructuring existing programs in order to create incentives for
20 employment over continued dependence; and

21 (6) Public assistance should promote the formation of healthy
22 families, reward work effort, and promote personal responsibility to
23 include education, parental responsibility, job training, community
24 enhancement activity, and gainful employment.

25 **Sec. 2.** RCW 74.04.005 and 1992 c 165 s 1 and 1992 c 136 s 1 are
26 each reenacted and amended to read as follows:

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

29 (1) "Public assistance" or "assistance"«Temporary public aid to
30 persons in need thereof for any cause, including services, medical
31 care, assistance grants, disbursing orders, work relief, general
32 assistance and federal-aid assistance.

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

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

36 (4) "Director" or "secretary" means the secretary of social and
37 health services.

1 (5) "Federal-aid assistance"«The specific categories of temporary
2 assistance for which provision is made in any federal law existing or
3 hereafter passed by which payments are made from the federal government
4 to the state in aid or in respect to payment by the state for public
5 assistance rendered to any category of needy persons for which
6 provision for federal funds or aid may from time to time be made, or a
7 federally administered needs-based program.

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

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

13 (ii) Meet one of the following conditions:

14 (A) Pregnant: PROVIDED, That need is based on the current income
15 and resource requirements of the federal aid to families with dependent
16 children program(~~(:—PROVIDED FURTHER, That)~~).__During any period in
17 which an aid for dependent children employable program is not in
18 operation, only those pregnant women who are categorically eligible for
19 medicaid are eligible for general assistance; or

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

24 (C) Persons who are unemployable due to alcohol or drug addiction
25 are not eligible for general assistance. Persons receiving general
26 assistance on July 26, 1987, or becoming eligible for such assistance
27 thereafter, due to an alcohol or drug-related incapacity, shall be
28 referred to appropriate assessment, treatment, shelter, or supplemental
29 security income referral services as authorized under chapter 74.50
30 RCW. Referrals shall be made at the time of application or at the time
31 of eligibility review. Alcoholic and drug addicted clients who are
32 receiving general assistance on July 26, 1987, may remain on general
33 assistance if they otherwise retain their eligibility until they are
34 assessed for services under chapter 74.50 RCW. Subsection
35 (6)(a)(ii)(B) of this section shall not be construed to prohibit the
36 department from granting general assistance benefits to alcoholics and
37 drug addicts who are incapacitated due to other physical or mental
38 conditions that meet the eligibility criteria for the general
39 assistance program;

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

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

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

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

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

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

33 (i) First failure: One week;

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

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

36 (d) Persons found eligible for general assistance based on
37 incapacity from gainful employment may, if otherwise eligible, receive
38 general assistance pending application for federal supplemental
39 security income benefits. Any general assistance that is subsequently

1 duplicated by the person's receipt of supplemental security income for
2 the same period shall be considered a debt due the state and shall by
3 operation of law be subject to recovery through all available legal
4 remedies.

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

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

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

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

33 (8) "Recipient"«Any person receiving temporary assistance and in
34 addition those dependents whose needs are included in the recipient's
35 assistance.

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

1 (10) "Resource"«Any asset, tangible or intangible, owned by or
2 available to the applicant at the time of application, which can be
3 applied toward meeting the applicant's need, either directly or by
4 conversion into money or its equivalent(~~(:—PROVIDED, That)~~). An
5 applicant may retain the following described resources and not be
6 ineligible for public assistance because of such resources.

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

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

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

28 (d) All other resources, including any excess of values exempted,
29 not to exceed one thousand dollars or other limit as set by the
30 department, to be consistent with limitations on resources and
31 exemptions necessary for federal aid assistance. The department shall
32 also allow recipients of aid to families with dependent children to
33 exempt savings accounts with balances up to an additional one thousand
34 five hundred dollars.

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

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

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

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

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

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

26 (11) "Income"«(a) All appreciable gains in real or personal
27 property (cash or kind) or other assets, which are received by or
28 become available for use and enjoyment by an applicant or recipient
29 during the month of application or after applying for or receiving
30 public assistance. The department may by rule and regulation exempt
31 income received by an applicant for or recipient of public assistance
32 which can be used by him to decrease his need for public assistance or
33 to aid in rehabilitating him or his dependents, but such exemption
34 shall not, unless otherwise provided in this title, exceed the
35 exemptions of resources granted under this chapter to an applicant for
36 public assistance. In determining the amount of assistance to which an
37 applicant or recipient of aid to families with dependent children is
38 entitled, the department is hereby authorized to disregard as a
39 resource or income the earned income exemptions consistent with federal

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

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

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

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

29 (14) In the construction of words and phrases used in this title,
30 the singular number shall include the plural, the masculine gender
31 shall include both the feminine and neuter genders and the present
32 tense shall include the past and future tenses, unless the context
33 thereof shall clearly indicate to the contrary.

34 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.04 RCW
35 to read as follows:

36 The department is directed to immediately institute the following
37 policy changes state-wide:

1 (1) In order to receive aid to families with dependent children
2 benefits, both parents of each child to be covered by the program must
3 be listed on the application for benefits.

4 (2) Minors must have a protective payee designated to receive their
5 welfare funds. Whenever possible, protective payees shall be a
6 responsible, immediate adult family member. Protective payees shall
7 have a duty to make sure housing and utility costs are paid in a timely
8 manner. Where an adequate protective payee cannot be found, the
9 department shall assume the protective payee function.

10 (3) As a condition of receiving benefits, parents are ultimately
11 responsible and shall be held accountable for their children's school
12 attendance from kindergarten through sixth grade. If a student
13 violates the state's truancy laws during a specified school quarter,
14 the financial grant shall be reduced by a minimum of ten percent for
15 sixty days. The department shall establish penalties, sanctions, or
16 termination of benefits for additional violations. The superintendent
17 of public instruction and secretary of social and health services shall
18 establish a process for the sharing of information pertaining to
19 student attendance records.

20 (4) Authorized postsecondary education shall be limited to a
21 vocational degree or certificate program only.

22 (5) Restore all FTE's to the fraud early detection unit and place
23 an emphasis on either filling or expanding, or both, all field
24 investigator positions. The department shall enter into the aid to
25 families with dependent children optional fraud program and seek the
26 maximum federal assistance for the programs.

27 (6) There shall be no additional monetary assistance for children
28 conceived after entry into the aid to families with dependent children
29 or JOBS programs. The department is directed to provide information to
30 recipients regarding all birth control or family planning that is
31 provided by the state.

32 (7) New residents of the state shall receive for the first six
33 months of residence the same level of benefits granted to them by their
34 previous state of residence or they will receive Washington's grant
35 level, whichever is lower.

36 (8) The department is directed to develop a data collection system
37 that will allow for improved data on recipients' migration and
38 recidivism. The department shall collect better information pertaining
39 to the characteristics of those who have received benefits for more

1 than five cumulative years and shall not limit data collection for
2 individuals to a five year-period.

3 (9) There shall no longer be a self-prescribed disability exemption
4 for individuals or those claiming care for a dependent spouse. Medical
5 evidence must be provided proving that a disability requiring attendant
6 care exists.

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

9 The department of social and health services is directed to develop
10 an aid to families with dependent children-unemployable and aid to
11 families with dependent children-employable program based on these
12 parameters:

13 (1) At the point of application to receive public assistance
14 benefits an applicant shall:

15 (a) Participate in an extensive interview that will be used to
16 determine work and educational history. The level of services needed
17 will also be determined at this time;

18 (b) Participate in the development of a program that will expedite
19 the process of the applicant gaining economic self-sufficiency;

20 (c) Enter into a formal contract, that will be binding for six
21 months, that will explain all of the recipient's rights and
22 responsibilities. Compliance with this contract will be a condition
23 for the receipt of benefits;

24 (d) Provide the name of both parents of the child or children. The
25 applicant must comply with this subsection as a condition for the
26 receipt of benefits; and

27 (e) Attend an orientation where all program services as well as
28 individual responsibilities shall be explained. Attendance shall serve
29 as a prerequisite for the initial receipt of benefits.

30 (2) There shall be four levels of need that the department shall
31 build personal programs on:

32 (a) Most job-ready;

33 (b) Moderately job-ready;

34 (c) Least job-ready; and

35 (d) Exempt.

36 (3) For those individuals meeting the most job-ready criteria,
37 there shall be an initial period of sixty days in which recipients will
38 receive fifty percent of the standard grant level. Recipients shall

1 receive an additional fifty percent of the standard grant level in
2 exchange for a set number of hours per week of community service to be
3 determined by rule by the department. Individuals shall then enter
4 into a job search program that will last for ninety days. If at the
5 end of ninety days they are unable to find employment, individuals
6 shall enter into an assisted work program in cooperation with the
7 private sector modeled after federal work study programs. Once
8 benefits have been received for a cumulative of seventeen months,
9 individuals shall then perform community service for a set number of
10 hours based on a formula to be developed by rule by the department as
11 a condition for the receipt of benefits.

12 (4) For those individuals meeting the moderately job-ready
13 criteria, there shall be an initial period of sixty days in which
14 recipients shall receive fifty percent of the standard grant level.
15 Recipients shall receive an additional fifty percent of the standard
16 grant level in exchange for a set number of hours per week of community
17 service to be determined by rule by the department. Individuals shall
18 then enter into a job search program for ninety days. If at the end of
19 ninety days they are unable to find employment, individuals shall be
20 eligible for up to twenty-four months of postsecondary education
21 limited to a vocational degree or certificate. If at the end of
22 twenty-four months they are unable to find employment, individuals
23 shall enter into an assisted work program in cooperation with the
24 private sector modeled after federal work study programs. Once
25 benefits have been received for a cumulative of forty-one months,
26 individuals shall perform community service for a set number of hours
27 based on a formula to be developed by rule by the department as a
28 condition for the receipt of benefits.

29 (5) For those individuals meeting the least job-ready criteria,
30 there shall be an initial period of sixty days in which recipients
31 shall receive fifty percent of the standard grant level. Recipients
32 shall receive an additional fifty percent of the standard grant level
33 in exchange for a set number of hours per week of community service to
34 be determined by rule by the department. Individuals shall then enter
35 into a basic education program for a period that is deemed necessary to
36 provide them with the equivalent of a high school education. At the
37 end of this time, individuals shall enter into an assisted work program
38 in cooperation with the private sector modeled after federal work study
39 programs for a period up to twelve months. Should individuals remain

1 unemployed at the conclusion of the twelve-month period, they shall be
2 eligible for up to twenty-four months of postsecondary training limited
3 to a vocational degree or certificate only. At the end of the
4 vocational training, the recipient shall enter into a job-search
5 program for up to three months. Once benefits have been received for
6 a cumulative of fifty-three months, individuals shall then perform
7 community service for a set number of hours based on a formula to be
8 developed by rule by the department as a condition for the receipt of
9 benefits.

10 (6) For those individuals meeting the exempt criteria, no program
11 participation shall be required, except that individuals must perform
12 community service for a set number of hours based on a formula to be
13 developed by rule by the department, as a condition for the receipt of
14 benefits.

15 (7) A recipient with a child less than six months of age, a
16 recipient who is responsible for providing attendant care for disabled
17 family member, or a recipient who is disabled shall be exempt from the
18 participation requirements of the program created in this section.

19 NEW SECTION. **Sec. 5.** The department of social and health services
20 shall develop a plan to implement section 4 of this act as a pilot
21 project to include approximately twenty thousand participants. The
22 department shall report its recommendations to the legislature by
23 January 30, 1994, and be prepared to implement its recommendations
24 beginning January 1, 1995.

25 NEW SECTION. **Sec. 6.** A new section is added to chapter 74.04 RCW
26 to read as follows:

27 The department shall develop a pilot project to provide child care
28 for those individuals receiving education, training, or providing
29 community service as part of the program created under section 4 of
30 this act. Child care facilities should be located on or near community
31 and technical college or vocational school campuses. Care should be
32 given primarily by recipients fulfilling a community service
33 requirement and receiving the benefits of the program set up under
34 section 4 of this act.

35 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
36 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and shall take
2 effect immediately.

--- END ---