

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5244

54th Legislature
1995 Regular Session

Passed by the Senate April 23, 1995
YEAS 43 NAYS 0

President of the Senate

Passed by the House April 23, 1995
YEAS 94 NAYS 0

**Speaker of the
House of Representatives**

Approved

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5244** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5244

AS RECOMMENDED BY CONFERENCE COMMITTEE

Passed Legislature - 1995 Regular Session

State of Washington

54th Legislature

1995 Regular Session

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

Read first time 02/22/95.

1 AN ACT Relating to the definition of "dependent child" for purposes
2 of aid to families with dependent children; amending RCW 74.12.010;
3 adding new sections to chapter 74.12 RCW; adding a new section to
4 chapter 74.20A RCW; and creating a new section.

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

6 **Sec. 1.** RCW 74.12.010 and 1992 c 136 s 2 are each amended to read
7 as follows:

8 For the purposes of the administration of aid to families with
9 dependent children assistance, the term "dependent child" means any
10 child in need under the age of eighteen years who has been deprived of
11 parental support or care by reason of the death, continued absence from
12 the home, or physical or mental incapacity of the parent, and who is
13 living with a relative as specified under federal aid to families with
14 dependent children program requirements, in a place of residence
15 maintained by one or more of such relatives as his or their homes.

16 Neither the definition of "dependent child" under this section nor
17 any other provision under this chapter shall limit the requirements of
18 the department to provide notification to parents under section 2 of
19 this act or limit the right of a responsible parent to be excused from

1 providing support for a dependent child under sections 4 and 5 of this
2 act.

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

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

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

37 (1) Whenever the department receives an application for assistance
38 on behalf of a child under this chapter and an employee of the

1 department has reason to believe that the child has suffered abuse or
2 neglect, the employee shall cause a report to be made as provided under
3 chapter 26.44 RCW.

4 (2) Whenever the department approves an application for assistance
5 on behalf of a child under this chapter, the department shall make a
6 reasonable effort to determine whether the child is living with a
7 parent of the child. Whenever the child is living in the home of a
8 relative other than a parent of the child, the department shall make
9 reasonable efforts to notify the parent with whom the child has most
10 recently resided that an application for assistance on behalf of the
11 child has been approved by the department and shall advise the parent
12 of his or her rights under sections 2 through 5 of this act, unless
13 good cause exists not to do so based on a substantiated claim that the
14 parent has abused or neglected the child.

15 (3) Upon written request of the parent, the department shall notify
16 the parent of the address and location of the child, unless there is a
17 current investigation or pending case involving abuse or neglect by the
18 parent under chapter 13.34 RCW.

19 (4) The department shall notify and advise the parent of the
20 provisions of the family reconciliation act under chapter 13.32A RCW.

21 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.12 RCW
22 to read as follows:

23 The department shall make reasonable efforts to notify the parent
24 under section 2(2) of this act as soon as reasonably possible, but no
25 later than seven days after approval of the application by the
26 department.

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

29 A parent may be excused from providing support for a dependent
30 child receiving assistance as provided under section 5 of this act.

31 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.20A RCW
32 to read as follows:

33 (1) For the purpose of this title or Title 26 RCW, a responsible
34 parent shall be excused from providing support for a dependent child
35 receiving public assistance, if the responsible parent is the legal
36 custodian of the child and the parent meets the requirements under this

1 section. The responsible parent shall only be excused for any period
2 during which the parent meets the requirements. In order to be
3 excused, the responsible parent must establish:

4 (a) He or she is the legal custodian of the child;

5 (b) When there is a question or dispute regarding the parent having
6 legal custody of the child, a court or administrative tribunal of
7 competent jurisdiction has entered an order providing legal and
8 physical custody of the child to the responsible parent;

9 (c) When a custody order is required under (b) of this subsection,
10 the custody order has not been modified, superseded, or dismissed;

11 (d) The child receiving public assistance left the home of the
12 responsible parent without that parent's consent and there is no
13 current investigation, pending case, or court order involving abuse or
14 neglect by the parent under chapter 13.34 RCW; and

15 (e) Within a reasonable time after the child's absence from the
16 home, he or she has exerted reasonable efforts to regain physical
17 custody of the child.

18 (2) The department shall adopt rules to implement the requirements
19 of this section.

20 NEW SECTION. **Sec. 6.** By October 1, 1995, the department shall
21 request the governor to seek congressional action on any federal
22 legislation that may be necessary to implement any sections of this
23 act. By October 1, 1995, the department shall request the governor to
24 seek federal agency action on any federal regulation that may require
25 a federal waiver. By January 1 of each year, the department shall
26 report to the legislature on the status of its efforts to obtain any
27 federal statutory or regulatory waivers provided in this section. If
28 all federal statutory or regulatory waivers necessary to fully
29 implement this act have not been obtained, the department shall report
30 the extent to which this act can be implemented without receipt of such
31 waivers. The reporting requirement under this section shall terminate
32 upon a report from the department that all waivers necessary to
33 implement this act have been obtained.

34 NEW SECTION. **Sec. 7.** If any provision of this act or its
35 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

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