

WAC 110-85-0030 Definitions. The following definitions apply to this chapter:

"Administrative law judge" or "ALJ" means an impartial decision-maker who is an attorney and presides over an adjudicative proceeding resulting in an initial order, or resulting in a final order if no appeal of the initial order is properly made or if no further agency appeal is available.

"Applicant" means individuals or couples applying for GAP on behalf of a child or youth for whom the individual or couple plans to be guardians.

"Department" or "DCYF" means the Washington state department of children, youth, and families.

"Extended guardianship assistance program" or "EGAP" means the department's extended guardianship assistance program (EGAP), for eligible youth 18 through 20 years of age.

"Extenuating circumstances" means a finding by an administrative law judge or a review judge that one or more qualifying conditions or events occurred that erroneously prevented an otherwise eligible child or youth from receiving a GAP subsidy before the guardianship was established.

"GAP" means the department's guardianship assistance program (GAP), for eligible children and youth birth to their 18th birthday.

"Guardians" means the individuals or couples who have been appointed by a court as a legal guardian of the child or youth in a chapter 13.36 RCW or RCW 11.130.215 guardianship. The term includes a co-guardian, but does not include a guardian ad-litem.

"Guardianship" means a guardianship pursuant to chapter 13.36 RCW or a limited guardianship of a minor pursuant to chapter 11.130 RCW or equivalent laws of another state or a federally recognized Indian tribe.

"Guardianship assistance program agreement" or "GAP agreement" means a written contract between the guardian and the department that identifies the terms and conditions of the agreement and specific subsidy, per WAC 110-85-0040, available to the guardian.

"Guardianship assistance program cash payment" or "GAP cash payment" means the monthly cash payment paid by the department to the guardian on behalf of the child or youth pursuant to a guardianship assistance program agreement.

"Indian children" means any unmarried and unemancipated Indian person who is under age 18 and is, as determined by the Indian child's tribe or tribes, one of the following:

- (a) A member of an Indian tribe; or
- (b) Is eligible for membership in an Indian tribe.

"Medical services" means services covered by medicaid and administered by the state medical assistance administration.

"Negotiation" means the process when the department and the applicant attempt to reach an agreement on the terms of the GAP agreement.

"Nonrecurring guardianship expenses" means expenses directly related to the cost of establishing the chapter 13.36 or 11.130 RCW guardianship of a dependent child or youth.

"OAH" means the office of administrative hearings.

"Relatives" means the same as defined in RCW 13.36.020(5), described in RCW 74.15.020(2) and 11.130.010(32), or caregivers of Indian children or youth who are defined by their tribal code or custom as relatives or extended family.

"Resident state" means the state in which the child or youth physically resides for purposes of their medicaid eligibility. In some cases, this may be different from the state of the guardian's legal residence.

"Subsidy" is a benefit given to an individual by DCYF including, but not limited to, cash payments and payment for services.

"Successor guardian" means an individual who has become the child's or youth's guardian due to the death or incapacity of the original guardian and was named in the GAP agreement.

"Title IV-E administering agency" means DCYF and federally recognized tribes with federally approved Title IV-E plans pursuant to section 471 of the Social Security Act or an approved operational agreement with DCYF.

[Statutory Authority: RCW 74.13.062, 13.36.090, and 42 U.S.C. 673. WSR 24-11-074, § 110-85-0030, filed 5/15/24, effective 6/15/24.]