

WSR 22-13-112

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 15, 2022, 3:45 p.m., effective July 16, 2022]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is amending WAC 388-422-0020 What if you are afraid that cooperating with the division of child support (DCS) may be dangerous for you or the child in your care?

The amendments clarify terms related to good cause for noncooperation with the division of child support under the temporary assistance for needy families program.

Citation of Rules Affected by this Order: Amending WAC 388-422-0020.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090.

Adopted under notice filed as WSR 22-10-009 on April 22, 2022.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: June 15, 2022.

Katherine I. Vasquez
Rules Coordinator

SHS-4916.1

AMENDATORY SECTION (Amending WSR 13-18-005, filed 8/22/13, effective 10/1/13)

WAC 388-422-0020 What if you are afraid that cooperating with the division of child support (DCS) may ~~((be dangerous))~~ cause physical or emotional harm for you or the child in your care? (1) You can be excused from cooperating with DCS when you have a good reason. A good reason not to cooperate is also called good cause. You have a good reason when you can prove that:

(a) Cooperating with DCS would result in serious:

(i) physical ~~((or emotional))~~ harm to you or the child in your care; or

(ii) emotional harm to you or the child in your care.

(b) Establishing paternity or getting support would be harmful to the child who:

- (i) Was conceived as a result of incest or rape; or
 - (ii) Is the subject of legal adoption proceedings pending before a superior court; or
 - (iii) Is the subject of ongoing discussions between you and a public or licensed child placement agency to decide whether you will keep the child or put the child up for adoption. The discussions cannot have gone on for more than three months.
- (2) Once you claim good cause for TANF/SFA, you have (~~twenty~~) 20 days to give us the information that proves you have good cause not to cooperate with DCS. This information can include official records, sworn statements, or other information that supports your good cause claim. If you need to, you may ask for:
- (a) More time to give proof; or
 - (b) Help in getting proof.
- (3) While we review your good cause claim, DCS does not take any action to establish or enforce support on your case.
- (4) You have the right to:
- (a) Be told of your right to claim good cause for not cooperating with DCS;
 - (b) Get benefits while we are deciding your good cause claim, as long as you have given the proof needed to make a decision;
 - (c) Get a decision within (~~thirty~~) 30 days from the date you made your good cause claim, as long as you have given the proof needed to make a decision within (~~twenty~~) 20 days; and
 - (d) Get information about how to request a fair hearing if we deny your good cause claim.
- (5) If we approve your good cause claim, we periodically review the claim depending on your circumstances.
- (6) To see what DCS does when good cause is approved see WAC 388-14A-2060.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.04.510, and 2011 1st sp.s. c 15. WSR 13-18-005, § 388-422-0020, filed 8/22/13, effective 10/1/13. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. WSR 02-19-041, § 388-422-0020, filed 9/11/02, effective 10/12/02; WSR 98-16-044, § 388-422-0020, filed 7/31/98, effective 9/1/98. Formerly WAC 388-505-0570 and 388-505-0560.]