

WSR 23-04-073
EXPEDITED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed January 30, 2023, 5:35 p.m.]

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-61-001 How does the Family Violence Amendment affect me if I am getting TANF/SFA?

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These housekeeping amendments update an incorrect statutory reference for the definition of "family or household member."

Reasons Supporting Proposal: These amendments meet the criteria for expedited adoption as set forth in RCW 34.05.353, specifically, subsection (1)(c): "The proposed rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect."

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.08A.250.

Statute Being Implemented: Not applicable.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Sarah Mintzer, P.O. Box 45470, Olympia, WA 98504-5470, 360-764-0050.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The amendments clarify language of a rule without changing its effect. The department is replacing an outdated RCW reference and incorporating RCW 7.105.010 definitions into WAC 388-61-001.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Katherine I. Vasquez, Department of Social and Health Services Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, phone 360-664-6097, fax 360-664-6185, email DSHSRPAURulesCoordinator@dshs.wa.gov, AND RECEIVED BY 5:00 p.m. on April 4, 2023.

January 30, 2023
Katherine I. Vasquez
Rules Coordinator

SHS-4967.1

AMENDATORY SECTION (Amending WSR 04-21-028, filed 10/13/04, effective 12/1/04)

WAC 388-61-001 How does the Family Violence Amendment affect me if I am getting TANF/SFA? The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), also known as the Welfare Reform Act, allowed every state to create a program addressing family violence for temporary assistance for needy families (TANF) recipients.

(1) For TANF/state funded assistance (SFA), family violence is when a recipient, or family member or household member has been subjected by another family member or household member as defined in RCW ((26.50.010(2))) 7.105.010 to any of the following:

(a) Physical acts that resulted in, or threatened to result in, physical injury;

(b) Sexual abuse;

(c) Sexual activity involving a dependent child;

(d) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;

(e) Threats of or attempts at, physical sexual abuse;

(f) Mental abuse;

(g) Neglect or deprivation of medical care; or

(h) Stalking.

(2) DSHS must:

(a) Screen and identify adults, minor teen parents, or emancipated teens getting TANF/SFA for a history of family violence;

(b) Notify in writing and verbally adults, minor teen parents, or emancipated teens getting TANF/SFA about the Family Violence Amendment;

(c) Maintain confidentiality as stated in RCW 74.04.060;

(d) Refer individuals needing counseling to supportive services;

(e) Waive WorkFirst requirements in cases where the requirements would make it more difficult to escape family violence, unfairly penalize victims of family violence, or place victims at further risk of family violence. This may include:

(i) Time limits for TANF/SFA recipients, for as long as necessary (after ((fifty-two)) 52 months of receiving TANF/SFA);

(ii) Cooperation with the division of child support.

(f) Develop specialized work activities for family violence clients, as defined in subsection (1) of this section if participation in work activities would place the recipients at further risk of family violence.

[Statutory Authority: RCW 74.04.050, 74.08.090, and 74.08A.010. WSR 04-21-028, § 388-61-001, filed 10/13/04, effective 12/1/04. Statutory Authority: Public Law 104-193, Section 103, Subsection 408

(a)(7)(c)(iii), HB 3901, section 103(4), RCW 74.08A.010, 74.04.050 and 74.08.090. WSR 98-07-040, § 388-61-001, filed 3/12/98, effective 4/12/98. Statutory Authority: RCW 74.04.050, 74.08.090 and 74.04.057. WSR 97-20-124, § 388-61-001, filed 10/1/97, effective 11/1/97.]