
HOUSE BILL 2350

State of Washington

52nd Legislature

1992 Regular Session

By Representatives Leonard and Winsley; by request of Dept. of Social and Health Services

Read first time 01/15/92. Referred to Committee on Human Services.

1 AN ACT Relating to coordination between public assistance programs;
2 amending RCW 74.04.005 and 74.12.010; and repealing RCW 74.12.245.

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

4 **Sec. 1.** RCW 74.04.005 and 1991 sp.s. c 10 s 1 are each amended to
5 read as follows:

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

8 (1) "Public assistance" or "assistance"--Public aid to persons in
9 need thereof for any cause, including services, medical care,
10 assistance grants, disbursing orders, work relief, general assistance
11 and federal-aid assistance.

12 (2) "Department"--The department of social and health services.

13 (3) "County or local office"--The administrative office for one or
14 more counties or designated service areas.

1 (4) "Director" or "secretary" means the secretary of social and
2 health services.

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

10 (6)(a) "General assistance"--Aid to persons in need who:

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

15 (ii) (~~Are either~~) Meet one of the following conditions:

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

22 (B) Incapacitated from gainful employment by reason of bodily or
23 mental infirmity that will likely continue for a minimum of ninety days
24 as determined by the department. Persons who are unemployable due to
25 alcohol or drug addiction are not eligible for general assistance.
26 Persons receiving general assistance on July 26, 1987, or becoming
27 eligible for such assistance thereafter, due to an alcohol or drug-
28 related incapacity, shall be referred to appropriate assessment,
29 treatment, shelter, or supplemental security income referral services
30 as authorized under chapter 74.50 RCW. Referrals shall be made at the

1 time of application or at the time of eligibility review. Alcoholic
2 and drug addicted clients who are receiving general assistance on July
3 26, 1987, may remain on general assistance if they otherwise retain
4 their eligibility until they are assessed for services under chapter
5 74.50 RCW. This subsection (6)(a)(ii)(B) shall not be construed to
6 prohibit the department from granting general assistance benefits to
7 alcoholics and drug addicts who are incapacitated due to other physical
8 or mental conditions that meet the eligibility criteria for the general
9 assistance program;

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

13 (iv) Have furnished the department their social security account
14 number. If the social security account number cannot be furnished
15 because it has not been issued or is not known, an application for a
16 number shall be made prior to authorization of assistance, and the
17 social security number shall be provided to the department upon
18 receipt.

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

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

25 (ii) To the extent authorized by the legislature in the biennial
26 appropriations act, to recipients of aid to families with dependent
27 children whose needs are not being met because of a temporary reduction
28 in monthly income below the entitled benefit payment level caused by
29 loss or reduction of wages or unemployment compensation benefits or
30 some other unforeseen circumstances. The amount of general assistance

1 authorized shall not exceed the difference between the entitled benefit
2 payment level and the amount of income actually received.

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

12 (i) First failure: One week;

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

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

15 (d) Persons found eligible for general assistance based on
16 incapacity from gainful employment may, if otherwise eligible, receive
17 general assistance pending application for federal supplemental
18 security income benefits. Any general assistance that is subsequently
19 duplicated by the person's receipt of supplemental security income for
20 the same period shall be considered a debt due the state and shall by
21 operation of law be subject to recovery through all available legal
22 remedies.

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

27 ((+e)) (f) The process implementing the medical criteria shall
28 involve consideration of opinions of the treating or consulting
29 physicians or health care professionals regarding incapacity, and any

1 eligibility decision which rejects uncontroverted medical opinion must
2 set forth clear and convincing reasons for doing so.

3 (~~(f)~~) (g) Recipients of general assistance based upon a finding
4 of incapacity from gainful employment who remain otherwise eligible
5 shall not have their benefits terminated absent a clear showing of
6 material improvement in their medical or mental condition or specific
7 error in the prior determination that found the recipient eligible by
8 reason of incapacitation. Recipients of general assistance based upon
9 pregnancy who relinquish their child for adoption, remain otherwise
10 eligible, and are not eligible to receive benefits under the federal
11 aid to families with dependent children program shall not have their
12 benefits terminated until the end of the month in which the period of
13 six weeks following the birth of the recipient's child falls.
14 Recipients of the federal aid to families with dependent children
15 program who lose their eligibility solely because of the birth and
16 relinquishment of the qualifying child may receive general assistance
17 through the end of the month in which the period of six weeks following
18 the birth of the child falls.

19 (7) "Applicant"--Any person who has made a request, or on behalf of
20 whom a request has been made, to any county or local office for
21 assistance.

22 (8) "Recipient"--Any person receiving assistance and in addition
23 those dependents whose needs are included in the recipient's
24 assistance.

25 (9) "Standards of assistance"--The level of income required by an
26 applicant or recipient to maintain a level of living specified by the
27 department.

28 (10) "Resource"--Any asset, tangible or intangible, owned by or
29 available to the applicant at the time of application, which can be
30 applied toward meeting the applicant's need, either directly or by

1 conversion into money or its equivalent: PROVIDED, That an applicant
2 may retain the following described resources and not be ineligible for
3 public assistance because of such resources.

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

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

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

25 (d) All other resources, including any excess of values exempted,
26 not to exceed one thousand dollars or other limit as set by the
27 department, to be consistent with limitations on resources and
28 exemptions necessary for federal aid assistance.

29 (e) Applicants for or recipients of general assistance (~~may retain~~
30 ~~the following described resources in addition to exemption for a motor~~

1 ~~vehicle or home and not be ineligible for public assistance because of~~
2 ~~such resources:~~

3 ~~(i) Household furnishings, personal effects, and other personal~~
4 ~~property having great sentimental value to the applicant or recipient;~~

5 ~~(ii) Term and burial insurance for use of the applicant or~~
6 ~~recipient;~~

7 ~~(iii) Life insurance having a cash surrender value not exceeding~~
8 ~~one thousand five hundred dollars; and~~

9 ~~(iv) Cash, marketable securities, and any excess of values above~~
10 ~~one thousand five hundred dollars equity in a vehicle and above one~~
11 ~~thousand five hundred dollars in cash surrender value of life~~
12 ~~insurance, not exceeding one thousand five hundred dollars for a single~~
13 ~~person or two thousand two hundred fifty dollars for a family unit of~~
14 ~~two or more. The one thousand dollar limit in subsection (10)(d) of~~
15 ~~this section does not apply to recipients of or applicants for general~~
16 ~~assistance)) shall have their eligibility based on resource limitations~~
17 ~~consistent with the aid to families with dependent children program~~
18 ~~rules adopted by the department.~~

19 (f) If an applicant for or recipient of public assistance possesses
20 property and belongings in excess of the ceiling value, such value
21 shall be used in determining the need of the applicant or recipient,
22 except that: (i) The department may exempt resources or income when
23 the income and resources are determined necessary to the applicant's or
24 recipient's restoration to independence, to decrease the need for
25 public assistance, or to aid in rehabilitating the applicant or
26 recipient or a dependent of the applicant or recipient; and (ii) the
27 department may provide grant assistance for a period not to exceed nine
28 months from the date the agreement is signed pursuant to this section
29 to persons who are otherwise ineligible because of excess real property

1 owned by such persons when they are making a good faith effort to
2 dispose of that property: PROVIDED, That:

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

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

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

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

15 (11) "Income"--(a) All appreciable gains in real or personal
16 property (cash or kind) or other assets, which are received by or
17 become available for use and enjoyment by an applicant or recipient
18 during the month of application or after applying for or receiving
19 public assistance. The department may by rule and regulation exempt
20 income received by an applicant for or recipient of public assistance
21 which can be used by him to decrease his need for public assistance or
22 to aid in rehabilitating him or his dependents, but such exemption
23 shall not, unless otherwise provided in this title, exceed the
24 exemptions of resources granted under this chapter to an applicant for
25 public assistance. In determining the amount of assistance to which an
26 applicant or recipient of aid to families with dependent children is
27 entitled, the department is hereby authorized to disregard as a
28 resource or income the earned income exemptions consistent with federal
29 requirements. The department may permit the above exemption of
30 earnings of a child to be retained by such child to cover the cost of

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

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

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

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

27 (14) In the construction of words and phrases used in this title,
28 the singular number shall include the plural, the masculine gender
29 shall include both the feminine and neuter genders and the present

1 tense shall include the past and future tenses, unless the context
2 thereof shall clearly indicate to the contrary.

3 **Sec. 2.** RCW 74.12.010 and 1983 1st ex.s. c 41 s 40 are each
4 amended to read as follows:

5 For the purposes of the administration of aid to families with
6 dependent children assistance, the term "dependent child" means any
7 child in need under the age of eighteen years who has been deprived of
8 parental support or care by reason of the death, continued absence from
9 the home, or physical or mental incapacity of the parent, and who is
10 living with ((his father, mother, grandmother, grandfather, brother,
11 sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt,
12 first cousin, nephew, or niece)) a relative as specified under federal
13 aid to families with dependent children program requirements, in a
14 place of residence maintained by one or more of such relatives as his
15 or their homes. The term a "dependent child" shall, notwithstanding
16 the foregoing, also include a child who would meet such requirements
17 except for his removal from the home of a relative specified above as
18 a result of a judicial determination that continuation therein would be
19 contrary to the welfare of such child, for whose placement and care the
20 state department of social and health services or the county office is
21 responsible, and who has been placed in a licensed or approved child
22 care institution or foster home as a result of such determination and
23 who: (1) Was receiving an aid to families with dependent children
24 grant for the month in which court proceedings leading to such
25 determination were initiated; or (2) would have received aid to
26 families with dependent children for such month if application had been
27 made therefor; or (3) in the case of a child who had been living with
28 a specified relative within six months prior to the month in which such
29 proceedings were initiated, would have received aid to families with

1 dependent children for such month if in such month he had been living
2 with such a relative and application had been made therefor, as
3 authorized by the Social Security Act: PROVIDED, That to the extent
4 authorized by the legislature in the biennial appropriations act and to
5 the extent that matching funds are available from the federal
6 government, aid to families with dependent children assistance shall be
7 available to any child in need who has been deprived of parental
8 support or care by reason of the unemployment of a parent or stepparent
9 liable under this chapter for support of the child.

10 "Aid to families with dependent children" means money payments,
11 services, and remedial care with respect to a dependent child or
12 dependent children and the needy parent or relative with whom the child
13 lives and may include (~~the spouse of such relative if living with him~~
14 ~~and if such relative is the child's~~) another parent or stepparent of
15 the dependent child if living with the parent and if the child is a
16 dependent child by reason of the physical or mental incapacity or
17 unemployment of a parent or stepparent liable under this chapter for
18 the support of such child.

19 NEW SECTION. Sec. 3. RCW 74.12.245 and 1988 c 170 s 2 are
20 each repealed.