

**SENATE BILL 5307**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** Senators L. Smith, Talmadge, Roach, McMullen, von Reichbauer, Stratton, West, Niemi, Wojahn and Johnson.

Read first time January 28, 1991. Referred to Committee on Children & Family Services.

1 AN ACT Relating to public assistance; amending RCW 74.04.005; and  
2 adding a new section to chapter 74.04 RCW.

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

4 **Sec. 1.** RCW 74.04.005 and 1990 c 285 s 2 are each amended to read  
5 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 are:

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

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

22 (B) Children residing in the home of a court-appointed legal  
23 guardian who are: (I) Under the age of eighteen, or (II) under twenty  
24 years of age and full-time students reasonably expected to complete a  
25 program of secondary school, or the equivalent level of vocational or  
26 technical training, before the end of the month in which they reach age  
27 twenty. Eligibility, except the requirement to live with a relative of  
28 specified degree, shall be based on the current requirements of the  
29 federal aid to families with dependent children program, and need shall  
30 be based on the current income and resource requirements of the federal

1 aid to families with dependent children program. Assistance shall be  
2 provided on behalf of the child or children only;

3 (C) Under twenty years of age and ineligible for aid to families  
4 with dependent children solely due to federal age requirements, and are  
5 full-time students reasonably expected to complete a program of  
6 secondary school or the equivalent level of vocational or technical  
7 training before the end of the month in which the person reaches  
8 twenty. For purposes of determining payment amount, the student shall  
9 be considered a member of the aid to families with dependent children  
10 household of which the student would be a member but for the federal  
11 age requirement. The financial assistance shall also include a portion  
12 to meet the needs of the student's needy caretaker relative if the  
13 needs are not otherwise considered in an aid to families with dependent  
14 children or family independence program grant provided to the  
15 household; or

16 (D) Incapacitated from gainful employment by reason of bodily or  
17 mental infirmity that will likely continue for a minimum of sixty days  
18 as determined by the department. Persons who are unemployable due to  
19 alcohol or drug addiction are not eligible for general assistance.  
20 Persons receiving general assistance on July 26, 1987, or becoming  
21 eligible for such assistance thereafter, due to an alcohol or drug-  
22 related incapacity, shall be referred to appropriate assessment,  
23 treatment, shelter, or supplemental security income referral services  
24 as authorized under chapter 74.50 RCW. Referrals shall be made at the  
25 time of application or at the time of eligibility review. Alcoholic  
26 and drug addicted clients who are receiving general assistance on July  
27 26, 1987, may remain on general assistance if they otherwise retain  
28 their eligibility until they are assessed for services under chapter  
29 74.50 RCW. This subsection (6)(a)(ii)((+B))(D) shall not be construed  
30 to prohibit the department from granting general assistance benefits to

1 alcoholics and drug addicts who are incapacitated due to other physical  
2 or mental conditions that meet the eligibility criteria for the general  
3 assistance program;

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

7 (iv) Have furnished the department their social security account  
8 number. If the social security account number cannot be furnished  
9 because it has not been issued or is not known, an application for a  
10 number shall be made prior to authorization of assistance, and the  
11 social security number shall be provided to the department upon  
12 receipt.

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

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

19 (ii) ~~((To the extent authorized by the legislature in the biennial  
20 appropriations act, to))~~ Recipients of aid to families with dependent  
21 children whose needs are not being met because of a temporary reduction  
22 in monthly income below the entitled benefit payment level caused by  
23 loss or reduction of wages or unemployment compensation benefits or  
24 some other unforeseen circumstances. The amount of general assistance  
25 authorized shall not exceed the difference between the entitled benefit  
26 payment level and the amount of income actually received.

27 (c) General assistance shall be provided only to persons who are  
28 not members of assistance units receiving federal aid assistance,  
29 except as provided in subsection (6) (a)(ii)(A) and ~~((b))~~ (D) of this  
30 section, and will accept available services which can reasonably be

1 expected to enable the person to work or reduce the need for assistance  
2 unless there is good cause to refuse. Failure to accept such services  
3 shall result in termination until the person agrees to cooperate in  
4 accepting such services and subject to the following maximum periods of  
5 ineligibility after reapplication:

6 (i) First failure: One week;

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

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

9 (d) The department shall adopt by rule medical criteria for general  
10 assistance eligibility to ensure that eligibility decisions are  
11 consistent with statutory requirements and are based on clear,  
12 objective medical information.

13 (e) The process implementing the medical criteria shall involve  
14 consideration of opinions of the treating or consulting physicians or  
15 health care professionals regarding incapacity, and any eligibility  
16 decision which rejects uncontroverted medical opinion must set forth  
17 clear and convincing reasons for doing so.

18 (f) Recipients of general assistance based upon a finding of  
19 incapacity from gainful employment who remain otherwise eligible shall  
20 not have their benefits terminated absent a clear showing of material  
21 improvement in their medical or mental condition or specific error in  
22 the prior determination that found the recipient eligible by reason of  
23 incapacitation. Recipients of general assistance based upon pregnancy  
24 who remain otherwise eligible and who are not eligible to receive  
25 benefits under the federal aid to families with dependent children  
26 program shall not have their benefits terminated until six weeks  
27 following the birth of the recipient's child.

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

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

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

7 (10) "Resource"--Any asset, tangible or intangible, owned by or  
8 available to the applicant at the time of application, which can be  
9 applied toward meeting the applicant's need, either directly or by  
10 conversion into money or its equivalent: PROVIDED, That an applicant  
11 may retain the following described resources and not be ineligible for  
12 public assistance because of such resources.

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

28 (b) Household furnishings and personal effects and other personal  
29 property having great sentimental value to the applicant or recipient,

1 as limited by the department consistent with limitations on resources  
2 and exemptions for federal aid assistance.

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

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

9 (e) Applicants for or recipients of general assistance may retain  
10 the following described resources in addition to exemption for a motor  
11 vehicle or home and not be ineligible for public assistance because of  
12 such resources:

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

15 (ii) Term and burial insurance for use of the applicant or  
16 recipient;

17 (iii) Life insurance having a cash surrender value not exceeding  
18 one thousand five hundred dollars; and

19 (iv) Cash, marketable securities, and any excess of values above  
20 one thousand five hundred dollars equity in a vehicle and above one  
21 thousand five hundred dollars in cash surrender value of life  
22 insurance, not exceeding one thousand five hundred dollars for a single  
23 person or two thousand two hundred fifty dollars for a family unit of  
24 two or more. The one thousand dollar limit in subsection (10)(d) of  
25 this section does not apply to recipients of or applicants for general  
26 assistance.

27 (f) If an applicant for or recipient of public assistance possesses  
28 property and belongings in excess of the ceiling value, such value  
29 shall be used in determining the need of the applicant or recipient,  
30 except that: (i) The department may exempt resources or income when

1 the income and resources are determined necessary to the applicant's or  
2 recipient's restoration to independence, to decrease the need for  
3 public assistance, or to aid in rehabilitating the applicant or  
4 recipient or a dependent of the applicant or recipient; and (ii) the  
5 department may provide grant assistance to persons who are otherwise  
6 ineligible because of excess real property owned by such persons when  
7 they are making a good faith effort to dispose of that property, but  
8 the recipient must sign an agreement to dispose of the property and  
9 repay assistance payments made to the date of disposition of the  
10 property which would not have been made had the disposal occurred at  
11 the beginning of the period for which the payments of such assistance  
12 were made. In no event shall such amount due the state exceed the net  
13 proceeds otherwise available to the recipient from the disposition,  
14 unless after nine months from the date of the agreement the property  
15 has not been sold, or if the recipient's eligibility for financial  
16 assistance ceases for any other reason. In these two instances the  
17 entire amount of assistance paid during this period will be treated as  
18 an overpayment and a debt due the state, and may be recovered pursuant  
19 to RCW 43.20B.630.

20 (11) "Income"--(a) All appreciable gains in real or personal  
21 property (cash or kind) or other assets, which are received by or  
22 become available for use and enjoyment by an applicant or recipient  
23 during the month of application or after applying for or receiving  
24 public assistance. The department may by rule and regulation exempt  
25 income received by an applicant for or recipient of public assistance  
26 which can be used by him to decrease his need for public assistance or  
27 to aid in rehabilitating him or his dependents, but such exemption  
28 shall not, unless otherwise provided in this title, exceed the  
29 exemptions of resources granted under this chapter to an applicant for  
30 public assistance. In determining the amount of assistance to which an



1 applicant or recipient of aid to families with dependent children is  
2 entitled, the department is hereby authorized to disregard as a  
3 resource or income the earned income exemptions consistent with federal  
4 requirements. The department may permit the above exemption of  
5 earnings of a child to be retained by such child to cover the cost of  
6 special future identifiable needs even though the total exceeds the  
7 exemptions or resources granted to applicants and recipients of public  
8 assistance, but consistent with federal requirements. In formulating  
9 rules and regulations pursuant to this chapter, the department shall  
10 define income and resources and the availability thereof, consistent  
11 with federal requirements. All resources and income not specifically  
12 exempted, and any income or other economic benefit derived from the use  
13 of, or appreciation in value of, exempt resources, shall be considered  
14 in determining the need of an applicant or recipient of public  
15 assistance.

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

21 (12) "Need"--The difference between the applicant's or recipient's  
22 standards of assistance for himself and the dependent members of his  
23 family, as measured by the standards of the department, and value of  
24 all nonexempt resources and nonexempt income received by or available  
25 to the applicant or recipient and the dependent members of his family.

26 (13) For purposes of determining eligibility for public assistance  
27 and participation levels in the cost of medical care, the department  
28 shall exempt restitution payments made to people of Japanese and Aleut  
29 ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian

1 and Pribilof Island Restitution Act passed by congress, P.L. 100-383,  
2 including all income and resources derived therefrom.

3 (14) In the construction of words and phrases used in this title,  
4 the singular number shall include the plural, the masculine gender  
5 shall include both the feminine and neuter genders and the present  
6 tense shall include the past and future tenses, unless the context  
7 thereof shall clearly indicate to the contrary.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.04 RCW  
9 to read as follows:

10 The department shall amend the state plan to include an aid to  
11 families with dependent children essential persons program that would,  
12 to the extent permitted under federal law, allow eighteen to twenty  
13 year old students to be eligible for federal aid to families with  
14 dependent children matching grants.