

2 **ESSB 5244** - CONF REPT  
3 By Conference Committee

4 ADOPTED 4/23/95

5 Strike everything after the enacting clause and insert the  
6 following:

7 "**Sec. 1.** RCW 74.12.010 and 1992 c 136 s 2 are each amended to read  
8 as follows:

9 For the purposes of the administration of aid to families with  
10 dependent children assistance, the term "dependent child" means any  
11 child in need under the age of eighteen years who has been deprived of  
12 parental support or care by reason of the death, continued absence from  
13 the home, or physical or mental incapacity of the parent, and who is  
14 living with a relative as specified under federal aid to families with  
15 dependent children program requirements, in a place of residence  
16 maintained by one or more of such relatives as his or their homes.

17 Neither the definition of "dependent child" under this section nor  
18 any other provision under this chapter shall limit the requirements of  
19 the department to provide notification to parents under section 2 of  
20 this act or limit the right of a responsible parent to be excused from  
21 providing support for a dependent child under sections 4 and 5 of this  
22 act.

23 The term a "dependent child" shall, notwithstanding the foregoing,  
24 also include a child who would meet such requirements except for his  
25 removal from the home of a relative specified above as a result of a  
26 judicial determination that continuation therein would be contrary to  
27 the welfare of such child, for whose placement and care the state  
28 department of social and health services or the county office is  
29 responsible, and who has been placed in a licensed or approved child  
30 care institution or foster home as a result of such determination and  
31 who: (1) Was receiving an aid to families with dependent children  
32 grant for the month in which court proceedings leading to such  
33 determination were initiated; or (2) would have received aid to  
34 families with dependent children for such month if application had been  
35 made therefor; or (3) in the case of a child who had been living with  
36 a specified relative within six months prior to the month in which such

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

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

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.12 RCW  
20 to read as follows:

21 (1) Whenever the department receives an application for assistance  
22 on behalf of a child under this chapter and an employee of the  
23 department has reason to believe that the child has suffered abuse or  
24 neglect, the employee shall cause a report to be made as provided under  
25 chapter 26.44 RCW.

26 (2) Whenever the department approves an application for assistance  
27 on behalf of a child under this chapter, the department shall make a  
28 reasonable effort to determine whether the child is living with a  
29 parent of the child. Whenever the child is living in the home of a  
30 relative other than a parent of the child, the department shall make  
31 reasonable efforts to notify the parent with whom the child has most  
32 recently resided that an application for assistance on behalf of the  
33 child has been approved by the department and shall advise the parent  
34 of his or her rights under sections 2 through 5 of this act, unless  
35 good cause exists not to do so based on a substantiated claim that the  
36 parent has abused or neglected the child.

37 (3) Upon written request of the parent, the department shall notify  
38 the parent of the address and location of the child, unless there is a

1 current investigation or pending case involving abuse or neglect by the  
2 parent under chapter 13.34 RCW.

3 (4) The department shall notify and advise the parent of the  
4 provisions of the family reconciliation act under chapter 13.32A RCW.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.12 RCW  
6 to read as follows:

7 The department shall make reasonable efforts to notify the parent  
8 under section 2(2) of this act as soon as reasonably possible, but no  
9 later than seven days after approval of the application by the  
10 department.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.12 RCW  
12 to read as follows:

13 A parent may be excused from providing support for a dependent  
14 child receiving assistance as provided under section 5 of this act.

15 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.20A RCW  
16 to read as follows:

17 (1) For the purpose of this title or Title 26 RCW, a responsible  
18 parent shall be excused from providing support for a dependent child  
19 receiving public assistance, if the responsible parent is the legal  
20 custodian of the child and the parent meets the requirements under this  
21 section. The responsible parent shall only be excused for any period  
22 during which the parent meets the requirements. In order to be  
23 excused, the responsible parent must establish:

24 (a) He or she is the legal custodian of the child;

25 (b) When there is a question or dispute regarding the parent having  
26 legal custody of the child, a court or administrative tribunal of  
27 competent jurisdiction has entered an order providing legal and  
28 physical custody of the child to the responsible parent;

29 (c) When a custody order is required under (b) of this subsection,  
30 the custody order has not been modified, superseded, or dismissed;

31 (d) The child receiving public assistance left the home of the  
32 responsible parent without that parent's consent and there is no  
33 current investigation, pending case, or court order involving abuse or  
34 neglect by the parent under chapter 13.34 RCW; and

1 (e) Within a reasonable time after the child's absence from the  
2 home, he or she has exerted reasonable efforts to regain physical  
3 custody of the child.

4 (2) The department shall adopt rules to implement the requirements  
5 of this section.

6 NEW SECTION. **Sec. 6.** By October 1, 1995, the department shall  
7 request the governor to seek congressional action on any federal  
8 legislation that may be necessary to implement any sections of this  
9 act. By October 1, 1995, the department shall request the governor to  
10 seek federal agency action on any federal regulation that may require  
11 a federal waiver. By January 1 of each year, the department shall  
12 report to the legislature on the status of its efforts to obtain any  
13 federal statutory or regulatory waivers provided in this section. If  
14 all federal statutory or regulatory waivers necessary to fully  
15 implement this act have not been obtained, the department shall report  
16 the extent to which this act can be implemented without receipt of such  
17 waivers. The reporting requirement under this section shall terminate  
18 upon a report from the department that all waivers necessary to  
19 implement this act have been obtained.

20 NEW SECTION. **Sec. 7.** If any provision of this act or its  
21 application to any person or circumstance is held invalid, the  
22 remainder of the act or the application of the provision to other  
23 persons or circumstances is not affected."

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27 On page 1, line 2 of the title, after "children;" strike the  
28 remainder of the title and insert "amending RCW 74.12.010; adding new  
29 sections to chapter 74.12 RCW; adding a new section to chapter 74.20A  
30 RCW; and creating a new section."

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