

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 5244**

Chapter 401, Laws of 1995

(partial veto)

54th Legislature  
1995 Regular Session

DEPENDENT CHILDREN--AID TO FAMILIES WITH DEPENDENT CHILDREN

EFFECTIVE DATE: 7/23/95

Passed by the Senate April 23, 1995  
YEAS 43 NAYS 0

JOEL PRITCHARD

\_\_\_\_\_  
**President of the Senate**

Passed by the House April 23, 1995  
YEAS 94 NAYS 0

CLYDE BALLARD

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**Speaker of the  
House of Representatives**

Approved May 16, 1995, with the  
exception of sections 1, 4, 5, and 6,  
which are vetoed.

MIKE LOWRY

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Marty Brown, Secretary of the  
Senate of the State of Washington,  
do hereby certify that the attached  
is **ENGROSSED SUBSTITUTE SENATE BILL  
5244** as passed by the Senate and the  
House of Representatives on the  
dates hereon set forth.

MARTY BROWN

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**Secretary**

FILED

May 16, 1995 - 9:32 p.m.

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE SENATE BILL 5244

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AS RECOMMENDED BY CONFERENCE COMMITTEE

Passed Legislature - 1995 Regular Session

State of Washington                      54th Legislature                      1995 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Owen and Hargrove)

Read first time 02/22/95.

1            AN ACT Relating to the definition of "dependent child" for purposes  
2 of aid to families with dependent children; amending RCW 74.12.010;  
3 adding new sections to chapter 74.12 RCW; adding a new section to  
4 chapter 74.20A RCW; and creating a new section.

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

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

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

16            *Neither the definition of "dependent child" under this section nor*  
17 *any other provision under this chapter shall limit the requirements of*  
18 *the department to provide notification to parents under section 2 of*  
19 *this act or limit the right of a responsible parent to be excused from*

1 providing support for a dependent child under sections 4 and 5 of this  
2 act.

3       The term a "dependent child" shall, notwithstanding the foregoing,  
4 also include a child who would meet such requirements except for his  
5 removal from the home of a relative specified above as a result of a  
6 judicial determination that continuation therein would be contrary to  
7 the welfare of such child, for whose placement and care the state  
8 department of social and health services or the county office is  
9 responsible, and who has been placed in a licensed or approved child  
10 care institution or foster home as a result of such determination and  
11 who: (1) Was receiving an aid to families with dependent children  
12 grant for the month in which court proceedings leading to such  
13 determination were initiated; or (2) would have received aid to  
14 families with dependent children for such month if application had been  
15 made therefor; or (3) in the case of a child who had been living with  
16 a specified relative within six months prior to the month in which such  
17 proceedings were initiated, would have received aid to families with  
18 dependent children for such month if in such month he had been living  
19 with such a relative and application had been made therefor, as  
20 authorized by the Social Security Act: PROVIDED, That to the extent  
21 authorized by the legislature in the biennial appropriations act and to  
22 the extent that matching funds are available from the federal  
23 government, aid to families with dependent children assistance shall be  
24 available to any child in need who has been deprived of parental  
25 support or care by reason of the unemployment of a parent or stepparent  
26 liable under this chapter for support of the child.

27       "Aid to families with dependent children" means money payments,  
28 services, and remedial care with respect to a dependent child or  
29 dependent children and the needy parent or relative with whom the child  
30 lives and may include another parent or stepparent of the dependent  
31 child if living with the parent and if the child is a dependent child  
32 by reason of the physical or mental incapacity or unemployment of a  
33 parent or stepparent liable under this chapter for the support of such  
34 child.

35 \*Sec. 1 was vetoed. See message at end of chapter.

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

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

6 (2) Whenever the department approves an application for assistance  
7 on behalf of a child under this chapter, the department shall make a  
8 reasonable effort to determine whether the child is living with a  
9 parent of the child. Whenever the child is living in the home of a  
10 relative other than a parent of the child, the department shall make  
11 reasonable efforts to notify the parent with whom the child has most  
12 recently resided that an application for assistance on behalf of the  
13 child has been approved by the department and shall advise the parent  
14 of his or her rights under sections 2 through 5 of this act, unless  
15 good cause exists not to do so based on a substantiated claim that the  
16 parent has abused or neglected the child.

17 (3) Upon written request of the parent, the department shall notify  
18 the parent of the address and location of the child, unless there is a  
19 current investigation or pending case involving abuse or neglect by the  
20 parent under chapter 13.34 RCW.

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

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

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

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

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

33 *\*Sec. 4 was vetoed. See message at end of chapter.*

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

1       (1) For the purpose of this title or Title 26 RCW, a responsible  
2 parent shall be excused from providing support for a dependent child  
3 receiving public assistance, if the responsible parent is the legal  
4 custodian of the child and the parent meets the requirements under this  
5 section. The responsible parent shall only be excused for any period  
6 during which the parent meets the requirements. In order to be  
7 excused, the responsible parent must establish:

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

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

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

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

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

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

24 \*Sec. 5 was vetoed. See message at end of chapter.

25       \*NEW SECTION. Sec. 6. By October 1, 1995, the department shall  
26 request the governor to seek congressional action on any federal  
27 legislation that may be necessary to implement any sections of this  
28 act. By October 1, 1995, the department shall request the governor to  
29 seek federal agency action on any federal regulation that may require  
30 a federal waiver. By January 1 of each year, the department shall  
31 report to the legislature on the status of its efforts to obtain any  
32 federal statutory or regulatory waivers provided in this section. If  
33 all federal statutory or regulatory waivers necessary to fully  
34 implement this act have not been obtained, the department shall report  
35 the extent to which this act can be implemented without receipt of such  
36 waivers. The reporting requirement under this section shall terminate

1 upon a report from the department that all waivers necessary to  
2 implement this act have been obtained.

3 \*Sec. 6 was vetoed. See message at end of chapter.

4 NEW SECTION. **Sec. 7.** If any provision of this act or its  
5 application to any person or circumstance is held invalid, the  
6 remainder of the act or the application of the provision to other  
7 persons or circumstances is not affected.

Passed the Senate April 23, 1995.

Passed the House April 23, 1995.

Approved by the Governor May 16, 1995, with the exception of  
certain items which were vetoed.

Filed in Office of Secretary of State May 16, 1995.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to sections 1, 4,  
3 5, and 6, Engrossed Substitute Senate Bill No. 5244 entitled:

4 "AN ACT Relating to the definition of "dependent child" for  
5 purposes of aid to families with dependent children;"

6 The primary goal of Engrossed Substitute Senate Bill No. 5244 is to  
7 provide information and support to parents whose children have chosen  
8 to leave home. Letting parents know, in appropriate situations, that  
9 their child is safe, living with a relative, and receiving public  
10 assistance benefits is an important improvement to children's services.  
11 It is equally important to let these parents know that family  
12 reconciliation services are available. This policy is parallel to the  
13 provisions which encourage parental notification contained in Engrossed  
14 Second Substitute Senate Bill No. 5439 (the Becca Bill), previously  
15 enacted into law, and to the Runaway Hotline which facilitates family  
16 reconciliation through the provision of information about services  
17 available to families.

18 However, this bill also relieves parents, whose child has left home  
19 without their permission, from the obligation to financially support  
20 that child if the child is receiving Aid to Families with Dependent  
21 Children (AFDC). The state of Washington expects all parents to  
22 provide their children with care, support, and guidance. This  
23 obligation extends to cases where circumstances are such that a child  
24 leaves the parental home, moves in with a relative, and receives AFDC.  
25 There is no justification for requiring the taxpayer to support these  
26 children and not look to their parents for a contribution to this cost.

27 For this reason, I am vetoing sections 1, 4, 5, and 6 of Engrossed  
28 Substitute Senate Bill No. 5244.

29 With the exception of sections 1, 4, 5, and 6, Engrossed Substitute  
30 Senate Bill No. 5244 is approved."