
SENATE BILL 5636

State of Washington

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By Senators Hargrove, Winsley, McAuliffe, Regala, Sheahan, Stevens, Kohl-Welles, Rasmussen, Keiser and B. Sheldon

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1 AN ACT Relating to victims of family violence among applicants and
2 recipients of temporary assistance for needy families; and amending RCW
3 74.08A.010, 74.08A.260, 74.08A.270, 74.08A.275, and 74.08A.280.

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

5 **Sec. 1.** RCW 74.08A.010 and 1997 c 58 s 103 are each amended to
6 read as follows:

7 (1) A family that includes an adult who has received temporary
8 assistance for needy families for sixty months after July 27, 1997,
9 shall be ineligible for further temporary assistance for needy families
10 assistance.

11 (2) For the purposes of applying the rules of this section, the
12 department shall count any month in which an adult family member
13 received a temporary assistance for needy families cash assistance
14 grant unless the assistance was provided when the family member was a
15 minor child and not the head of the household or married to the head of
16 the household.

17 (3) The department shall refer recipients who require specialized
18 assistance to appropriate department programs, crime victims' programs
19 through the department of community, trade, and economic development,

1 community-based domestic violence or sexual assault programs, or the
2 crime victims' compensation program of the department of labor and
3 industries.

4 (4) The department may exempt a recipient and the recipient's
5 family from the application of subsection (1) of this section by reason
6 of hardship (~~((or if the recipient meets the family violence options of~~
7 ~~section 402(A)(7) of Title IVA of the federal social security act as~~
8 ~~amended by P.L. 104-193))~~). The number of recipients and their families
9 exempted (~~((from))~~) under this subsection (~~((1) of this section))~~) for a
10 fiscal year shall not exceed twenty percent of the average monthly
11 number of recipients and their families to which assistance is provided
12 under the temporary assistance for needy families program.

13 (5) The department shall exempt a recipient and the recipient's
14 family from the application of subsection (1) of this section if the
15 recipient meets the family violence options of section 402 (A)(7) of
16 Title IVA of the federal social security act as amended by P.L. 104-
17 193.

18 (6) The department shall not exempt a recipient and his or her
19 family from the application of subsection (1) of this section until
20 after the recipient has received fifty-two months of assistance under
21 this chapter.

22 **Sec. 2.** RCW 74.08A.260 and 1997 c 58 s 313 are each amended to
23 read as follows:

24 Recipients who have not obtained paid, unsubsidized employment by
25 the end of the job search (~~((component authorized in section 312 of this~~
26 ~~act))~~) shall be referred to a work activity.

27 (1) Each recipient shall be assessed immediately upon completion of
28 the job search component. Assessments shall be based upon factors that
29 are critical to obtaining employment, including but not limited to
30 education, employment strengths, (~~((and))~~) employment history, and
31 history or risk of domestic violence. Assessments may be performed by
32 the department or by a contracted entity. The assessment shall be
33 based on a uniform, consistent, transferable format that will be
34 accepted by all agencies and organizations serving the recipient.
35 Based on the assessment, an individual responsibility plan shall be
36 prepared that: (a) Sets forth an employment goal and a plan for moving
37 the recipient immediately into employment; (b) contains the obligation

1 of the recipient to become and remain employed; (c) moves the recipient
2 into whatever employment the recipient is capable of handling as
3 quickly as possible; and (d) describes the services available to the
4 recipient to enable the recipient to obtain and keep employment.

5 (2) Recipients who are not engaged in work and work activities, and
6 do not qualify for a good cause exemption under RCW 74.08A.270, shall
7 engage in self-directed service as provided in RCW 74.08A.330.

8 (3) If a recipient refuses to engage in work and work activities
9 required by the department, the family's grant shall be reduced by the
10 recipient's share, and may, if the department determines it
11 appropriate, be terminated.

12 (4) The department may waive the penalties required under
13 subsection (3) of this section, subject to a finding that the recipient
14 refused to engage in work for good cause provided in RCW 74.08A.270.

15 (5) In implementing this section, the department shall assign the
16 highest priority to the most employable clients, including adults in
17 two-parent families and parents in single-parent families that include
18 older preschool or school-age children to be engaged in work
19 activities.

20 (6) In consultation with the recipient, the department or
21 contractor shall place the recipient into a work activity that is
22 available in the local area where the recipient resides.

23 **Sec. 3.** RCW 74.08A.270 and 2002 c 89 s 1 are each amended to read
24 as follows:

25 (1) Good cause reasons for failure to participate in WorkFirst
26 program components include:

27 (a) Situations where the recipient is a parent or other relative
28 personally providing care for a child under the age of six years, and
29 formal or informal child care, or day care for an incapacitated
30 individual living in the same home as a dependent child, is necessary
31 for an individual to participate or continue participation in the
32 program or accept employment, and such care is not available, and the
33 department fails to provide such care; (~~(e)~~)

34 (b) The recipient is a parent with a child under the age of one
35 year, except that at the time a child reaches the age of three months,
36 the recipient is required to participate in one of the following for up
37 to twenty hours per week:

1 (i) Instruction or training which has the purpose of improving
2 parenting skills or child well-being;

3 (ii) Preemployment or job readiness training;

4 (iii) Course study leading to a high school diploma or GED; or

5 (iv) Volunteering in a child care facility licensed under chapter
6 74.15 RCW so long as the child care facility agrees to accept the
7 recipient as a volunteer and the child without compensation while the
8 parent is volunteering at the facility. The volunteer recipient and
9 his or her child shall not be counted for the purposes of determining
10 licensed capacity or the staff to child ratio of the facility; or

11 (c) If the recipient is a past or present victim of family violence
12 and participation in WorkFirst program components would make it more
13 difficult for the individual to escape family violence, unfairly
14 penalize the individual for being or having been a victim of family
15 violence, or place the individual at risk of further family violence.

16 (2) Nothing in this section shall prevent a recipient from
17 participating fully in the WorkFirst program on a voluntary basis. A
18 recipient who chooses to participate fully in the WorkFirst program
19 shall be considered to be fulfilling the requirements of this section.

20 (3) For any recipient who claims a good cause reason for failure to
21 participate in the WorkFirst program based on the fact that the
22 recipient has a child under the age of one year, the department shall,
23 within existing resources, conduct an assessment of the recipient
24 within ninety days and before a job search component is initiated in
25 order to determine if the recipient has any specific service needs or
26 employment barriers. The assessment may include identifying the need
27 for substance abuse treatment, mental health treatment, or domestic
28 violence services, and shall be used in developing the recipient's
29 individual responsibility plan.

30 (4) A parent may only receive the exemption under subsection (1)(b)
31 of this section one time, for one child.

32 **Sec. 4.** RCW 74.08A.275 and 1999 c 340 s 1 are each amended to read
33 as follows:

34 Each recipient approved to receive temporary assistance for needy
35 families shall be subject to an employability screening after
36 determination of program eligibility and before referral to job search.
37 Each recipient will also be screened for family violence and notified

1 of deferrals and exemptions from WorkFirst program requirements for
2 family violence victims. If the employability screening determines the
3 recipient is not employable, or meets the criteria specified in RCW
4 74.08A.270 for a good cause exemption to work requirements, the
5 department shall defer the job search requirement under RCW 74.08A.285
6 and refer the recipient immediately to the assessment procedure
7 required under RCW 74.08A.260.

8 **Sec. 5.** RCW 74.08A.280 and 1997 c 58 s 315 are each amended to
9 read as follows:

10 (1) The legislature finds that moving those eligible for assistance
11 to self-sustaining employment is a goal of the WorkFirst program. It
12 is the intent of WorkFirst to aid a participant's progress to self-
13 sufficiency by allowing flexibility within the statewide program to
14 reflect community resources, the local characteristics of the labor
15 market, and the composition of the caseload. Program success will be
16 enhanced through effective coordination at regional and local levels,
17 involving employers, labor representatives, educators, community
18 leaders, local governments, and social service providers.

19 (2) The department, through its regional offices, shall collaborate
20 with employers, recipients, frontline workers, educational
21 institutions, labor, private industry councils, the work force training
22 and education coordinating board, community rehabilitation employment
23 programs, employment and training agencies, local governments, the
24 employment security department, (~~and~~) community action agencies, and
25 family violence programs to develop work programs that are effective
26 and work in their communities. For planning purposes, the department
27 shall collect and make accessible to regional offices successful work
28 program models from around the United States, including the employment
29 partnership program, apprenticeship programs, microcredit,
30 microenterprise, self-employment, and W-2 Wisconsin works. Work
31 programs shall incorporate local volunteer citizens in their planning
32 and implementation phases to ensure community relevance and success.

33 (3) To reduce administrative costs and to ensure equal statewide
34 access to services, the department may develop contracts for statewide
35 welfare-to-work services. These statewide contracts shall support
36 regional flexibility and ensure that resources follow local labor
37 market opportunities and recipients' needs.

1 (4) The secretary shall establish WorkFirst service areas for
2 purposes of planning WorkFirst programs and for distributing WorkFirst
3 resources. Service areas shall reflect department regions.

4 (5) By July 31st of each odd-numbered year, a plan for the
5 WorkFirst program shall be developed for each region. The plan shall
6 be prepared in consultation with local and regional sources, adapting
7 the statewide WorkFirst program to achieve maximum effect for the
8 participants and the communities within which they reside. Local
9 consultation shall include to the greatest extent possible input from
10 local and regional planning bodies for social services and work force
11 development. The regional and local administrator shall consult with
12 employers of various sizes, labor representatives, training and
13 education providers, program participants, economic development
14 organizations, community organizations, tribes, and local governments
15 in the preparation of the service area plan.

16 (6) The secretary has final authority in plan approval or
17 modification. Regional program implementation may deviate from the
18 statewide program if specified in a service area plan, as approved by
19 the secretary.

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